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PENNSYLVANIA BULLETIN

Volume 30

Number 23

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Pages 2753—2888

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The Courts

Commission on Crime and Delinquency

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

No. 307, June 2000

PENNSYLVANIA



BULLETIN

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Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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

Printing Format

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

Fiscal Notes

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

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

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 2000.

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THE GENERAL ASSEMBLY

Recent Actions During the 2000 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2000 Regular Session.

2000 ACTS—ACT 19 (numerical)

<i>Act No.</i>	<i>Enactment Date</i>	<i>Bill No.</i>	<i>Printer's No.</i>	<i>Effective Date</i>	<i>Subject Matter</i>
2000-19	May 17	SB1134	PN1500	Immediately	Project 70 lands—Commonwealth property in Elk County

2000 Appropriations—1A through 4A (numerical)

<i>Act No.</i>	<i>Enactment Date</i>	<i>Bill No.</i>	<i>Printer's No.</i>	<i>Effective Date</i>	<i>Subject Matter</i>
2000-01A	May 17	HB2363	PN3155	July 1, 2000	State Employees' Retirement Board—administrative expenses, etc.
2000-02A	May 17	HB2365	PN3157	July 1, 2000	Public School Employees' Retirement Board—administrative expenses, etc.
2000-03A	May 17	HB2367	PN3159	July 1, 2000	Office of Consumer Advocate—operation
2000-04A	May 17	HB2368	PN3160	July 1, 2000	Office of Small Business Advocate—operation

Effective Dates of Statutes

The effective dates specified above for laws and appropriation acts were contained in the applicable law or appropriation act. Where no date is specified or where the effective date specified is prior to the date of enactment, the effective date is 60 days after final enactment except for statutes making appropriations or affecting budgets of political subdivisions. See 1 Pa.C.S. §§ 1701—1704 (relating to effective dates of statutes).

Advance Copies of Statutes

Section 1106 of Title 1 of the Pennsylvania Consolidated Statutes provides that the prothonotaries of each county shall file advance copies of statutes in their offices for public inspection until the Laws of Pennsylvania are generally available. Section 2406(h) of The Administrative Code of 1929 provides that the Department of General Services shall distribute advance sheets of the Laws of Pennsylvania to each law judge of the courts, to every county and public library of this Commonwealth and to each member of the General Assembly. These copies shall be furnished without charge. The Department shall also mail one copy of each law enacted during any legislative session to any person who pays to it the sum of \$20.

Requests for annual subscriptions for advance copies of statutes should be sent to the State Bookstore, State Records Center Building, 1825 Stanley Drive, Harrisburg, PA 17103, accompanied by a check or money order in the sum of \$20, payable to the "Commonwealth of Pennsylvania."

CARL L. MEASE,
Director
Legislative Reference Bureau

[Pa.B. Doc. No. 00-931. Filed for public inspection June 2, 2000, 9:00 a.m.]

THE COURTS

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

Mental Health Procedures Act Designation of Hearing Site; Administrative Doc. No. 001 of 2000

Order

And Now, this 12th day of May, 2000, upon review and consideration of the request made by Friends Hospital, located at 4641 Roosevelt Boulevard, in the City and County of Philadelphia, to be designated as a Hearing Site for Mental Health Hearings conducted pursuant to the Mental Health Procedures Act of 1976, as amended, the Court is satisfied that the facilities meet the Court's criteria, and *It Is Hereby Ordered and Decreed* that Friends Hospital is designated as a Hearing Site for Mental Health Hearings.

The scheduled day(s) and time(s) of Mental Health Hearings at the site shall be as directed by the Court from time to time. Friends Hospital shall comply with rules of Court and directions issued from time to time by the Coordinator of Mental Health Program.

This Order is issued in accordance with Phila. R.Civ.P. No. 7109, as adopted May 21, 1997, Phila. R.Civ.P. No. ★51 and Pa.R.C.P. No. 239 and shall become effective immediately. As required by Pa.R.C.P. No. 239, the original Order shall be filed with the Prothonotary in an Administrative Docket maintained for Orders issued by the President Judge of the Court of Common Pleas of Philadelphia County, and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Civil Procedure Rules Committee. Copies of the Order shall also be submitted to American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Law Library, and the Law Library for the First Judicial District.

By the Court:

ALEX BONAVITACOLA,
President Judge

[Pa.B. Doc. No. 00-932. Filed for public inspection June 2, 2000, 9:00 a.m.]

Title 255—LOCAL COURT RULES

DELAWARE COUNTY

Adoption and Clarification of Local Civil Rule 1303; Misc. Doc. No. 004516

Order

And Now, this 3rd day of May, 1999, it is hereby *Ordered and Decreed* that Local Rule 1303 is clarified from our previous Order of February 9, 1999, as paragraphs (b) through (f) remain unchanged from the previous Rule, and adopted as follows:

Rule 1303. Hearing. Notice. Continuances.

(a)(1)(i) All arbitration cases will be assigned a date and time for hearing at the time of the initial filing by the plaintiff or appellant from a judgment by a District Justice. The hearing date shall be the first available date no less than two hundred seventy (270) days from the date of initial filing.

(ii) A notice prepared and attached by the Office of Judicial Support shall indicate the hearing time and date, which notice shall be attached at the time of initial filing. The aforementioned notice shall be affixed both to the original and all service copies of the complaint or praecipe for writ of summons or, in the case of appeal from District Justice judgments, the notice of appeal.

(iii) The notice attached by the Office of Judicial Support to the original filing shall also include the following statement:

"This matter will be heard by a board of arbitrators at the time, date and place specified but, if one or more of the parties is not present at the hearing, the matter may be heard at the same time and date before a judge of the court without the absent party or parties. There is no right to a trial de novo on appeal from a decision entered by a judge."

(iv) In the case of a joinder complaint, the moving party shall provide to the parties being joined a copy of the original notice setting forth the time, place and location of the arbitration hearing, as well as a copy of the notice referred to in (a)(1)(iii).

(v) In no event shall less than thirty (30) days' written notice of the date, time and place of hearing be given to the parties or their attorneys of record.

(b) Applications for continuance shall be filed with the Court Administrator on continuance forms available in the Court Administrator's office and accompanied by a self-addressed, stamped envelope. All information required on the continuance form must be supplied. It is the responsibility of the moving party to notify promptly all other parties of the result of the application. Any application for continuance not complying with the requirements of this section will not be processed.

(b)(2) Should the court decide to hear the matter pursuant to Pa.R.C.P. 1303(b)(2), the trial court may choose to

(i) enter a judgment of nonsuit if the plaintiff is not ready or fails to appear; or

(ii) enter a judgment of non pros if neither party is ready or appears; or

(iii) hear the matter and make a decision, if the defendant is not ready or fails to appear.

(b)(3) Should a nonsuit be entered under this Rule, it is subject to the filing of a motion under Rule 227.1(a)(3) for post-trial relief to remove the nonsuit.

(b)(4) Should a judgment of non pros be entered under this Rule, it is subject to the filing of a petition under Rule 3051 for relief from a judgment of non pros.

(b)(5) Should an adverse judgment be entered under this Rule against a defendant who failed to appear, that defendant may file a motion for post-trial relief which may include a request for a new trial on the ground of a satisfactory excuse for the defendant's failure to appear.

(c) When the amount in controversy, exclusive of interest, costs and delay damages, is reduced to a sum not in excess of Fifty Thousand Dollars (\$50,000.00) in accordance with the provisions of Rule *1301(b), the case shall forthwith be assigned a hearing date no less than sixty (60) days from the date on which the stipulation is filed or the date of the court's order. The plaintiff shall promptly notify all other parties of the hearing date and time assigned by the Court Administrator.

(d) The plaintiff may apply to the court to have a case originally filed as an arbitration matter certified as a non-arbitration matter. Such application shall be by motion filed in accordance with the provisions of Rule *206B1.

(e) In the event a case is settled or otherwise concluded it shall be the plaintiff's responsibility to give prompt written notification thereof to the Court Administrator in the form of an order to settle, discontinue and end or an application for continuance pending consummation of the settlement.

(f) All motions, with the exception of applications for continuance, must be filed no later than thirty (30) days before the hearing date.

By the Court:

JOSEPH F. BATTLE,
President Judge

[Pa.B. Doc. No. 00-933. Filed for public inspection June 2, 2000, 9:00 a.m.]

DELAWARE COUNTY

Adoption of Local Rule 223 Concerning Custody and Storage of Trial Exhibits in Jury Trial; Misc. Doc. No. 004516

Order

And Now, to wit, this 3rd day of May, 2000, it is hereby *Ordered and Decreed* that Civil Rule *223 is hereby *Adopted* and shall read as follows:

Rule *223—Custody and Storage of Trial Exhibits.

(a) The moving party shall keep custody of and be responsible for all non-documentary material submitted into evidence at trial. That material shall not be left in the courtroom after the conclusion of the trial of the case.

(b) All trial exhibits which are larger than 8.5 x 11 shall remain in the custody of and be the responsible of the moving party. The moving party shall submit an original or copy of the trial exhibit no larger than 8.5 x 11 to the Court Clerk, which copy shall be marked and filed of record.

(c) Notwithstanding the above-provisions, any party may petition the Court to retain custody of the Exhibit.

By the Court:

JOSEPH F. BATTLE,
President Judge

[Pa.B. Doc. No. 00-934. Filed for public inspection June 2, 2000, 9:00 a.m.]

DELAWARE COUNTY

Adoption of Local Rule 1038 Concerning Custody and Storage of Trial Exhibits in Trial Without Jury; Misc. Doc. No. 004516

Order

And Now, to wit, this 3rd day of May, 2000, it is hereby *Ordered and Decreed* that Civil Rule *1038 be and same is hereby *Adopted* and shall read as follows:

Rule *1038—Custody and Storage of Trial Exhibits.

(a) The custody and storage of trial exhibits in a trial without a jury shall be dealt with in the same manner as in a jury trial, pursuant to Local Rule *223.

By the Court:

JOSEPH F. BATTLE,
President Judge

[Pa.B. Doc. No. 00-935. Filed for public inspection June 2, 2000, 9:00 a.m.]

DELAWARE COUNTY

Amendment of Civil Rule 1531; Misc. No. 004516

Order

And Now, to wit, this 5th day of May, 2000, it is hereby *Ordered and Decreed* that Local Rule 1531 be amended to read as follows:

(a) In non-emergency cases already assigned to a judge, applications for preliminary injunctions shall be governed by the provisions of Rule *206(B)(2).

(b) In non-emergency cases not yet assigned to a judge, applications for preliminary injunctions shall be by petition, in conformity with Rule 206(B)(2), which shall be filed with the Office of Judicial Support to be time-stamped and docketed and then brought to the Court Administrator by the applicant to obtain a hearing date. Thereafter, the applicant will be notified of the scheduled hearing date by the Court. The applicant, once notified, will thereafter notify all interested parties of the scheduled hearing date and time.

(c) Where petitioner seeks a preliminary or special injunction prior to notice or hearing, his petition shall have an appropriate order attached thereto. The Court Administrator will determine the appropriate judge to whom the petitioner shall promptly present the matter.

(d) Where a party against whom a preliminary injunction has been granted prior to notice or hearing shall move to dissolve it prior to the date set by the court for hearing, either for insufficient security or for any other cause, he shall give such notice of the hearing on his application to the petitioner as the court may direct. This notice shall set forth the grounds for the application to dissolve.

By the Court:

JOSEPH F. BATTLE,
President Judge

[Pa.B. Doc. No. 00-936. Filed for public inspection June 2, 2000, 9:00 a.m.]

DELAWARE COUNTY

Media Equipment Access to Delaware County
Courtthouse; No. 004516

Order

And Now, to wit, this 17th day of May, 2000, the Order of February 8, 1996 is hereby *Amended* as follows:

Under the direction and supervision of the Sheriff of Delaware County, only one photographer and/or only one videographer will be allowed to take photographs or videotape in the tunnel in the basement of the Court-house. The location being designated by the Sheriff of Delaware County. The photographer and/or videographer will represent their respective mediums and will pool their work with other news organizations.

Media representatives are to contact the Sheriff directly for the aforementioned purpose.

JOSEPH F. BATTLE,
President Judge

[Pa.B. Doc. No. 00-937. Filed for public inspection June 2, 2000, 9:00 a.m.]

DELAWARE COUNTY

Recission and Adoption of Local Rule 241; Misc.
Doc. No. 004516

Order

And Now, to wit, this 3rd day of May, 2000, it is hereby *Ordered* and *Decreed* that Local Rule 241 is *Rescinded* as currently existing. It is to be replaced with the following new Local Rule 241:

(a) When suit is commenced, the Plaintiff shall complete and file with the Office of Judicial Support, in duplicate, a Civil Cover Sheet and Entry of Appearance form. [A copy of the Civil Cover Sheet and Entry of Appearance form is attached to this Rule as Exhibit "A".] In asbestos cases, a special case information form shall be used instead of the Civil Cover Sheet and Entry of Appearance form.

(b) The Court Administrator shall assign the case to a trial judge, who shall thereafter dispose of all further matters in connection therewith, to include scheduling of the case for trial.

(c) Assessment of damage cases may be certified as ready for trial at any time by sending a Certificate of Readiness to all other parties and filing two (2) copies of the Certificate and one (1) copy of a Certification of Service with the Court Administrator.

The aforementioned Rule shall be effective thirty (30) days from the date of this Order.

By the Court:

JOSEPH F. BATTLE,
President Judge

[Pa.B. Doc. No. 00-938. Filed for public inspection June 2, 2000, 9:00 a.m.]

PROPOSED RULEMAKING

ENVIRONMENTAL HEARING BOARD

[25 PA. CODE CH. 1021]

Practice and Procedure

The Environmental Hearing Board (Board) proposes to revise Chapter 1021 (relating to practice and procedures) by adding new procedural rules to read as set forth in Annex A.

The proposed procedural rules have several objectives:

(1) To provide the regulated community and the Department of Environmental Protection (Department) and other potential litigants with more specific guidance on how to represent their interests before the Board.

(2) To improve the rules of practice and procedure before the Board.

I. *Statutory Authority for Proposed Revisions*

The Board has the authority under section 5 of the Environmental Hearing Board Act (act) (35 P. S. § 7515) to adopt regulations pertaining to practice and procedure before the Department.

II. *Description of Proposed Revisions*

The proposed revisions are modifications to provisions of the rules to improve practice and procedure before the Board. These proposed revisions are based on the recommendations of the Board Rules Committee, a nine member advisory committee created by section 5 of the act to make recommendations to the Board on its rules of practice and procedure. For the recommendations to be promulgated as regulations, a majority of the Board members must approve the recommendations.

This summary provides a description of: (1) the existing rules of practice and procedure when relevant to proposed revisions; (2) the Board's proposed revisions; and (3) how the proposal differs from the Board Rules Committee's recommendations.

Some of the recommendations of the Board Rules Committee were not in proper legislative style and format, so they have been modified, where necessary, to conform to those requirements. Similarly, some of the recommendations did not contain proper cross references to 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), so references to those rules have been added.

The proposed rules consist of substantive amendments or additions as follows: referral of pro se parties to pro bono counsel (§ 1021.24); substitution of parties (§ 1021.54); and authority delegated to hearing examiners (§ 1021.99)

1. *Referral of Pro Se Parties to Pro Bono Counsel*

The Board's existing regulation in § 1021.22 (relating to representation) requires that parties, except individuals appearing on their own behalf, shall be represented by an attorney at all stages of the proceedings subsequent to filing the notice of appeal. While this regulation permits individuals to appear on their own behalf, it encourages them to appear through counsel and further states that they may be required to appear through counsel if the

Board determines they are acting in concert or as a representative of a group of individuals.

In 1998, the Environmental, Mineral and Natural Resources Law Section (EMNRLS) of the Pennsylvania Bar Association initiated a pro bono program for the purpose of providing pro bono representation for pro se parties appearing before the Board who demonstrated financial inability to retain an attorney. The Board requested the Rules Committee to consider a rule which would provide the Board with authority to refer these parties to the EMNRLS program or to another entity willing to provide pro bono representation.

The Committee proposed a rule: (1) authorizing the Secretary to the Board to refer pro se individuals, who claim inability to afford an attorney, to a county bar association lawyer referral service; an individual attorney, law firm or organization whose name appears on a Board register of attorneys who have volunteered to take on the representation; or the pro bono committee of the EMNRLS; and (2) authorizing the Secretary to the Board to establish a register of qualified pro bono attorneys, law firms and organizations to whom pro se parties may be referred on a rotational basis.

The Board concurred with the recommendation, but made two changes to the rule as drafted by the Rules Committee. First, it renumbered the order in which the entities willing to provide pro bono services were listed in subsection (a) of the proposed rule. Whereas under the proposed rule, the EMNRLS program had been listed third, the Board determined that it should be listed first since it was a program which had been established specifically to provide pro bono representation to financially eligible parties in Board proceedings. Second, the Board added language clarifying when the Secretary to the Board may be required to establish a register of pro bono attorneys.

2. *Substitution of Parties*

The Board's existing regulations do not provide for substitution of parties in the case of a person who has succeeded to the interests of a party to an appeal.

The Committee recommended adding § 1021.54 (relating to substitution of parties), which will allow a person who has succeeded to the interests of a party to an appeal to become a party to the pending action by filing with the Board a petition for substitution of party. The proposed section further provides that the substituted party shall have the rights and liabilities of the original party to the proceeding, and that any other party to the proceeding may move to strike the substituted party for just cause.

The Board concurred with the recommendation but made two changes. First, it required that a petition for substitution must be verified. Second, it granted a substituted appellant the right to amend his appeal if both he and the original appellant meet the conditions of amending an appeal as contained in the Board's existing rule on amending appeals in § 1021.53 (relating to amendments to appeal; nunc pro tunc appeals). The effect of this change is to permit a substituted appellant to amend his appeal at early stages of the proceeding but would prevent amendments to the appeal at very late stages of the proceeding which might require reopening of discovery.

3. *Hearing Examiners*

The Board's existing regulations do not contain a rule for the delegation of authority to hearing examiners.

The Committee recommended adopting proposed § 1021.99 (relating to authority delegated to hearing examiners). This section authorizes the Board to appoint hearing examiners to preside at hearings and to handle certain other matters as authorized by this rule. The proposed rule is patterned after the General Rules of Administrative Practice and Procedure, 1 Pa. Code § 35.187 (relating to authority delegated to presiding officers). Proposed § 1021.99 will supersede and supplant 1 Pa. Code § 35.187.

The Board concurred with this recommendation.

III. *Fiscal Impact of the Proposed Revisions*

The proposed rules will have no measurable fiscal impact on the Commonwealth, political subdivision or the private sector. The rules may have a favorable economic impact in that they may eliminate potential litigation over existing uncertainties in Board procedures, authority and requirements.

IV. *Paperwork Requirements for Proposed Revisions*

The proposed revisions will not require the Board to modify its standard orders.

V. *Public Meeting on Proposed Rules*

Under 65 Pa.C.S. § 704 (relating to open meetings), a quorum of the members of the Board voted to adopt the proposed rules at a public meeting held on March 14, 2000, at the Board's Harrisburg office, Hearing Room 2, Second Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

VI. *Government Reviews of Proposed Revisions*

On May 22, 2000, as required by section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Board submitted copies of the proposed revisions to the Independent Regulatory Review Commission (IRRC) and the Senate and House Standing Committees on Environmental Resources and Energy. The Board also provided IRRC and the Committees with copies of a Regulatory Analysis Form prepared by the Board in compliance with Executive Order 1982-2 (relating to improving government regulations). Copies of the Regulatory Analysis Form are available to the public upon request.

Under section 5(g) of the Regulatory Review Act, if IRRC has objections to any of the proposed revisions, it will notify the Board within 10 days of the close of the Committees' review period, specifying the regulatory review criteria that have not been met. The Regulatory Review Act sets forth procedures for review, prior to final publication of the proposed revisions, by the Board, the General Assembly and the Governor of objections raised.

VII. *Public Comment Regarding Proposed Revisions*

The Board invites interested persons to submit written comments, suggestions or objections regarding the proposed revisions to William T. Phillipy, IV, Secretary to the Environmental Hearing Board, 2nd Floor, Rachel Carson State Office Building, P. O. Box 8457, Harrisburg, PA 17105-8457, within 30 days of the date of this publication.

GEORGE J. MILLER,
Chairperson

Fiscal Note: 106-5. No fiscal impact; (8) recommends adoption.

Annex A

**TITLE 25. ENVIRONMENTAL PROTECTION
PART IX. ENVIRONMENTAL HEARING BOARD
CHAPTER 1021. PRACTICE AND PROCEDURES
Subchapter A. PRELIMINARY PROVISIONS
REPRESENTATION BEFORE THE BOARD**

§ 1021.24. Referral of pro se parties to pro bono counsel.

(a) The Secretary to the Board is authorized to refer parties who appear before the Board on a pro se basis, who claim not to be able to afford a lawyer, to one of the following:

(1) The pro bono committee of the Pennsylvania Bar Association's Environmental, Mineral and Natural Resources Law Section.

(2) A county bar association lawyer referral service.

(3) An individual attorney, law firm or organization whose name appears on the Board's register of attorneys who have volunteered to take on the representation.

(b) If the Secretary to the Board exercises authority under subsection (a)(3), the Secretary shall establish a register of qualified pro bono attorneys, law firms and organizations and will refer pro se parties to counsel from the register on a rotational basis. To participate on the Board's register of attorneys, an attorney shall:

(1) Be admitted to practice before the Supreme Court of Pennsylvania.

(2) Have indicated a willingness and commitment not to charge a fee for services (but may be permitted to charge the reasonable expenses of the litigation).

(3) Have registered with the Secretary.

**Subchapter C. FORMAL PROCEEDINGS
APPEALS**

§ 1021.54. Substitution of parties.

(a) A person who has succeeded to the interests of a party to an appeal by operation of law, election, appointment or transfer of interest may become a party to the pending action by filing with the Board a verified petition for substitution of party, which includes a statement of material facts upon which the right to substitute is based.

(b) The substituted party shall have all the rights and liabilities of the original party to the proceeding provided that any other party to the proceeding may move to strike the substituted party for just cause. A substituted party-appellant is limited to pursuing only those objections raised by the original appellant in its appeal, unless both the original appellant and the substituted appellant meet the conditions of § 1021.53 (relating to amendments to appeal: nunc pro tunc appeals).

HEARING EXAMINERS

§ 1021.99. Authority delegated to hearing examiners.

(a) The Board may appoint hearing examiners to preside at hearings. Subject to the approval of the Board member assigned to the case, the hearing examiner shall have the following authority:

(1) To schedule and regulate the course of the hearings.

(2) To administer oaths and affirmations.

(3) To rule on motions in limine, offers of proof and the admission or exclusion of evidence.

(4) To conduct pretrial conferences, settlement conferences and related pretrial proceedings and to dispose of procedural matters.

(5) To schedule the filing of posthearing briefs following the conclusion of the hearing.

(6) To recommend to the Board member or to the Board an opinion and order or adjudication disposing of the matters considered at the hearing.

(b) Subsection (a) supersedes 1 Pa. Code § 35.187 (relating to authority delegated to presiding officers).

[Pa.B. Doc. No. 00-939. Filed for public inspection June 2, 2000, 9:00 a.m.]

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CHS. 210 AND 211]

Licensing of Blasters and Storage, Handling and Use of Explosives

The Environmental Quality Board (Board) proposes to amend Chapters 210 (relating to blasters' licenses) to read as set forth in Annex A. The proposed amendments will rename these chapters and modernize and clarify the Department's blasting regulations. The proposed amendments to Chapter 210 will significantly improve the process and criteria for obtaining and retaining a blaster's license. The proposed amendments to Chapter 211 (relating to use, storage and handling of explosives in surface applications) are a comprehensive modernization of the standards and procedures for handling, storing and using explosives.

This proposal was adopted by the Board at its meeting of March 21, 2000.

A. Effective Date

These amendments will go into effect upon publication in the *Pennsylvania Bulletin* as final rulemaking.

B. Contact Persons

For further information contact J. Scott Roberts, Director, Bureau of Mining and Reclamation, P. O. Box 8461, Rachel Carson State Office Building, Harrisburg, PA 17105-8461, (717) 787-5103, or Marc Roda, Assistant Counsel, Bureau of Regulatory Counsel, P. O. Box 8646, Rachel Carson State Office Building, Harrisburg, PA 17105-8646, (717) 787-7060. Information regarding submitting comments on this proposal appears in Section I of this preamble. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposal is available electronically through the Department of Environmental Protection (Department) Web site (<http://www.dep.state.pa.us>).

C. Statutory Authority

The proposed rulemaking is being made under the authority of:

(1) Sections 7 and 11 of the act of July 1, 1937 (P. L. 2681, No. 537) (73 P. S. §§ 157 and 161); section 3 of the act of July 10, 1957 (P. L. 685, No. 362) (73 P. S. § 166);

and Reorganization Plan No. 8 of 1981 (71 P. S. § 751-35), which authorizes the Department to promulgate implementing regulations for the licensing of blasters and the use, storage and handling of explosives in most contexts other than mining.

(2) Section 2(f) of the act of May 18, 1937 (P. L. 654, No. 174) (43 P. S. § 25-2(f)); and Reorganization Plan No. 2 of 1975 (71 P. S. § 751-22) which authorizes the promulgation of regulations addressing, inter alia, the use, handling and storage of explosives in underground noncoal mining.

(3) Section 4(b) of the Surface Mining Conservation and Reclamation Act (52 P. S. § 1396.4(b)) and section 11(e) of the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. § 3311(e)), which direct the Department to promulgate regulations concerning the handling and use of explosives at coal and noncoal surface mine sites as well as the licensing of blasters.

(4) Sections 1917-A and 1920-A(b) of The Administrative Code of 1929 (71 P. S. §§ 510-17 and 510-20(b)) which authorize the Board to adopt regulations to prevent the occurrence of a nuisance and to formulate, adopt and promulgate regulations that are necessary for the Department to perform its work.

D. Background and Purpose

This proposed regulatory package revises the current explosive regulatory program. The regulation of explosives presents a unique blend of health, safety and environmental concerns. This proposed rulemaking ensures that only qualified individuals are authorized to use explosives. It contains provisions for the safe storage of explosives, including standards for storage containers and structures and distances from railways, buildings and highways. Public and private buildings and structures will be protected from the adverse effects of blasting by limits placed on ground vibration and air-overpressure. Finally, safety procedures are established for the benefit of the general public, those working in blast areas and the blasters themselves.

This proposed rulemaking will establish minimum standards for explosives used in all aboveground operations including coal and noncoal mining, construction and demolition. The proposed rulemaking does not apply to underground coal mining, or the use, handling or storage of explosives in underground noncoal mines. Currently, separate regulations exist for anthracite coal mining, bituminous coal mining and noncoal mining. To the extent that these separate regulations contain requirements that are comparable to, but less stringent than provisions in Chapter 211, they will be superseded by the more stringent provisions in Chapter 211. In addition to complying with Chapters 210 and 211, persons using explosives must comply with other applicable provisions of Pennsylvania law or implementing regulations. For example, persons planning to use explosives in the waters of this Commonwealth for engineering purposes must obtain a permit from the Fish Commission, 30 Pa.C.S. § 2906 (relating to permits for use of explosives).

The Federal Government regulates some aspects of explosives. The Bureau of Alcohol, Tobacco and Firearms (ATF) regulates the storage and interstate sale and purchase of explosives. The Office of Surface Mining (OSM) has the authority to regulate the use of explosives at coal mines, however, the Department has received a primary delegation of authority to regulate the use of explosives at coal mines. Finally, the Federal Highway Administration (FHA) regulates the transportation of explosives.

The Mining and Reclamation Advisory Board (MRAB) was involved during the development of the proposed rulemaking. The regulatory changes were reviewed and discussed with the MRAB's Regulation, Legislation and Technical Committee on August 10, 1999. The Board recommended that the Board approve the amendments as proposed rulemaking at its meeting on October 21, 1999. During the meeting, the MRAB asked the Department to clarify two issues. The Department discussed these issues with the MRAB at its meeting on January 6, 2000. The MRAB first asked if seismic monitoring could occur between the blast location and the closest dwelling instead of at the closest dwelling. The Department explained that it normally requires monitoring at the structure to be protected, but in unusual cases the Department will allow monitoring at other locations. The other issue concerned a possible conflict with the mining requirements for analyzing seismic records. The Department explained that it intends to make appropriate revisions to the mining regulations once the Board has taken final action on this rulemaking. Following this discussion, the MRAB unanimously approved the proposed rulemaking.

E. Summary of Regulatory Requirements

The existing text in Chapters 210 and 211 is being deleted in its entirety. The proposed revisions rename these chapters which only contain new text. The following is a description of the proposed sections along with a brief discussion of the changes. Federal counterpart regulations are identified where they exist.

Chapter 210. Blasters' Licenses

Sections 210.1—210.6 are deleted in their entirety.

§ 210.11. Definitions.

Section 210.11 defines the following terms: "blaster," "blaster learner," "blaster's license" and "person."

§ 210.12. Scope.

Section 210.12 provides that, Chapter 210 applies to persons responsible for blasting activities at surface coal mines, noncoal surface and underground mines, construction, demolition and other industrial applications.

§ 210.13. General.

Subsection (a) requires any person, which by definition is limited to natural persons, who detonates explosives to have a blaster's license. Subsection (b) gives the Department authority to waive this requirement for blasts involving extremely small amounts of explosives for industrial or research purposes. Subsection (c) requires a blaster to show his license when requested by specific authorities. Subsection (d) prohibits transfers of blaster licenses.

§ 210.14. Eligibility requirements.

Section 210.14 retains the existing qualifications for a blaster's license: The applicant must have 1 year of experience in preparing blasts; must take the Department's course on explosives; and must pass the licensing examination. In addition, the minimum age has been raised to 21 years. The United States Highway Administration requires operators who transport explosives to be at least 21 years old. The Department believes it is appropriate to adopt the Highway Administration's age requirement because the responsibilities of a blaster are more significant than those of a vehicle operator.

Section 210.14 will, for the first time, prohibit the Department from issuing or renewing a blaster's license unless the person is of good moral character. Given the

extremely dangerous capabilities of explosives, the Department believes that persons with proven violent tendencies should not be authorized to handle explosives. Further, a license will not be issued or renewed to a person who has demonstrated an unwillingness or lack of intention to comply with the Department's blasting regulations.

§ 210.15. License application.

Section 210.15 retains the current application requirements. The application must be on a form prepared by the Department, be complete, include a \$50 fee and be submitted to the Department at least 2 weeks prior to the examination. The application must also include documentation of the applicant's experience including an assessment from the applicant's supervisor as to whether the applicant has sufficient experience in the type of blasting operations for which a license is being sought.

§ 210.16. Examinations.

The Department will continue to schedule and conduct the blaster license examinations. As under the current regulations, an applicant who misses the examination without prior notice and except for good cause, such as illness, forfeits the application fee. In lieu of refunding the fee, the Department may issue a credit for a future examination.

§ 210.17. Issuance and renewal of licenses.

Section 210.17 gives the Department the authority and responsibility for specifying the different types of blaster licenses. The general license no longer applies to blasting at demolition sites or underground noncoal mines. In the Department's experience, experience gained in other types of blasting does not sufficiently prepare an individual to blast at a demolition site or at an underground noncoal mine. The proposed rulemaking still requires compliance with all of the eligibility requirements if the license is to be amended to include another category of blasting.

Under the proposed § 210.17, the blaster's license will be issued for 3 years rather than 1 year. In the Department's experience, requiring licenses to be renewed annually imposes unnecessary paperwork on blasters and the Department. The Department has adequate authority to suspend those few individuals who do not follow the applicable regulations.

To renew a blaster's license, the proposed § 210.17 requires the applicant to obtain 8 hours of continuing education during the 3-year term of the license. This provision is designed to ensure that blasters remain current with the technology and regulations affecting their industry. Industry and the public have expressed their support for this proposal. The current fee for renewing a blaster's license is \$10 per year. The fee for renewing this 3-year term license will be \$30. Finally, the proposed § 210.17 will require a person who fails to renew a license within 1 year of its expiration date to requalify for that license.

§ 210.18. Recognition of out-of-State blaster's license.

This new provision will allow the Department to recognize another state's decision to license a blaster as proof of adequate training and experience. The basis for recognizing an out-of-State license will be whether the other state's program training and examination requirements are essentially equal to those required by these regulations.

§ 210.19. Suspension, modification and revocation.

This section describes the Department's authority to issue orders suspending, modifying or revoking a blaster's license. The proposed rulemaking allows the licensee an informal meeting to discuss the facts and issues related to the order.

Chapter 211. Use, Storage and Handling of Explosives in Surface Applications

This chapter establishes standards and procedures for permitting and performing blasting activities. For clarity, §§ 211.1—211.88 are deleted in their entirety, and new regulations begin with § 211.101. The proposed chapter is divided into eight subchapters.

Subchapter A. General Provisions

§ 211.101. Definitions.

This section defines the key terms used in Chapter 211. Many of the terms have been modified from the existing regulations, several terms have been deleted and new terms have been added. The following is a summary of changes to this section:

"Airblast"

This is the airborne shock wave from an explosion. The proposed definition sets limits on airblast.

"Blast area"

This is a new term for the area which must be cleared to prevent injury or damage to persons or property. This term has been added for clarity because the proposed rulemaking imposes certain obligations on blasting activity permittees and blasters to prevent injury and damage to persons or property in the area surrounding the blast site.

"Blaster"

The term "licensed blaster" was changed to "blaster" to eliminate redundancy. By definition, a person who is a blaster is licensed by the Department to be a blaster.

"Blaster-in-charge"

The "blaster-in-charge" is a new term. It means the blaster responsible for ensuring that all aspects of a particular blast comply with the applicable standards in this chapter. Based on its experience, the Department believes it is necessary to have only one person in control of the blasting activities for the safe and proper performance of a blast.

"Blasting activity"

This new term is defined broadly to include all aspects of preparing, performing and reporting on a blast. This term is added, because the Department believes it is necessary to require a permit for all blasting activities.

"Blast site"

The blast site is the area where the blast is being set. This new term is defined for clarity because the proposed rulemaking establishes requirements for activities within the blast site.

"Building"

The definition for "building" has been broadened and simplified. Unnecessary and redundant language has been eliminated. A "building" is broadly defined to include all structures used by humans. It now includes buildings that are used in the manufacture of explosives and explosives components.

"Delay interval"

This term has been reworded for clarity.

"Demolition activity"

"Demolition activity" is the wrecking of a building or structure with explosives. The term is added because of provisions expressly addressing demolition activities.

"Detonator"

"Detonator" is broadly defined to be any device that uses an explosive to initiate an explosion. The term is added because the proposed rulemaking places unique requirements on the transportation of detonators.

"Explosive"

The proposed rulemaking continues to define "explosive" broadly. Almost any material that can cause an explosion or is used to ignite an explosion is an explosive. The definition has been modified to exempt from regulation explosive materials such as smokeless powder, commercially manufactured black powder and percussion caps used for sporting events or firearms.

"Flyrock"

"Flyrock" is defined to be any material ejected from the blast site due to the force of the explosion.

"Magazine"

This definition has been simplified to include any structure used to store explosives.

"Misfire"

A misfire is an incomplete detonation of explosives.

"Particle velocity" and "Peak particle velocity"

Particle velocity is the speed at which a particle of ground vibrates in response to a blast. Peak particle velocity is the maximum intensity of particle velocity. The terms are defined because of their use in § 211.151 (relating to prevention of damage).

"Purchase"

"Purchase" is defined as acquiring ownership of explosives. The definition is added for clarity.

"Sale or sell"

"Sale or sell" is defined simply to be a transfer of ownership to another person. The definition is added for clarity.

"Scaled distance (Ds)"

Scaled distance is a factor that relates the weight of explosives to distance, usually to the nearest protected structure. The term is defined because of its use in determining the potential for damage and the need for seismic monitoring.

"Structure"

This new term is defined broadly as everything that is built or constructed. The prevention of damage provisions of this chapter are directed at structures.

"Utility lines"

Generally, utility lines include pipelines, power lines, cables and transmission lines. This new definition is necessary for proper implementation of the provisions for protecting these facilities.

The following terms are not retained in the proposed rulemaking because they are no longer used. These terms

are: "actual distance," "approved," "barricade," "establishment," "explosive plant," "factory building," "highway," "railroad" and "vehicle."

§ 211.102. Scope.

This chapter applies to the use, storage and handling of explosives in all contexts except underground mining. Even in the underground mining context, this chapter applies to the storage of explosives on the surface at an underground noncoal mine. Finally, any provision of this chapter that is more stringent than the comparable provision in the coal or noncoal surface mining blasting regulations supersedes and preempts that regulation.

§ 211.103. Enforcement actions.

As with all regulatory programs, the Department has the authority to issue orders necessary to enforce the implementing regulations. However, before issuing an order modifying the peak particle velocity or air blast limit in a permit, the permittee will be given an opportunity to discuss the proposed modifications with the Department.

Subchapter B. Classification and Storage of Explosives

§ 211.111. Scope.

This subchapter establishes the standards and procedures for licensing and maintaining explosive storage magazines. It also specifies how explosives are to be classified.

§ 211.112. Magazine license and fees.

This section contains the existing requirements for licensing magazines as well as the fee structure. The key requirements include that no magazine may be constructed or modified until the Department has approved the license or proposed modification. The license will be valid for 1 year, will specify the types and quantities of explosives to be stored, and will contain such conditions as are necessary to ensure compliance with applicable statutes and this chapter.

§ 211.113. Application contents.

Except for a site map, the existing regulations do not specify what information is to be included in the application. Proposed § 211.113 specifies the information to be included in applications to obtain, renew or modify a magazine license. All applications must identify the applicant and contact person for the applicant as well as the types and quantities of explosives to be stored at the facility. In addition, applications to obtain or modify a license shall also include plans depicting the site and the magazine.

§ 211.114. Displaying the license.

This section contains the existing requirement that the magazine license or a legible copy of it be displayed at the magazine.

§ 211.115. Standards for classifying and storing explosives and constructing, maintaining and siting magazines.

The proposed rulemaking does not retain the existing classifications for explosives and standards for siting, constructing and maintaining explosive magazines. Instead, this section is proposed to incorporate by reference the United States Department of the Treasury's Bureau of Alcohol, Tobacco and Firearms' regulations found in 27 CFR Part 55, Subpart K (relating to commerce in explosives) (ATF regulations). The standards in the ATF regulations ensure that magazines are constructed, sited and maintained in a manner that protects the public's

health, safety and welfare. Therefore, maintaining different and possibly more stringent standards for storing explosives than contained in the ATF regulations merely imposes additional costs on industry without providing any additional protections to the public.

The ATF regulations establish five categories of explosives and specify standards for constructing a magazine to house each type of explosive. Siting criteria for each type of magazine ensures that the public is protected from harm if there is an explosion at the magazine. A variance provision allows the Department to approve magazines other than those specified in the regulations on a case-by-case basis. However, the proposed rulemaking does not incorporate by reference the variances issued by the Federal government under the ATF regulations. In the Department's experience many of the variances issued under the ATF regulations do not adequately protect the public from the hazards posed by storing explosives.

Subchapter C. Permits

§ 211.121. General requirements.

The proposed § 211.121 retains the requirement that the purchase and sale of explosives must be authorized by a permit. The purchase and sale permits are primarily used for tracking the ownership of explosives. The Department proposes to directly regulate the use of explosives through a blasting activity permit. The requirement for a blasting activity permit will only affect the use and handling of explosives in the nonmining context. Surface mining permits will continue to regulate the use of explosives at surface mine sites. Finally, the purchase, sale and use of fireworks is not subject to the requirements of this chapter.

To obtain a purchase, sale or blasting activity permit, the application must demonstrate that the proposed activity complies with this chapter. The Department will not issue a purchase, sale or blasting activity permit to a person who either is currently in violation of any provision of this chapter or a permit issued thereunder, or who has demonstrated an unwillingness or inability to properly perform the activities authorized by these permits.

§ 211.122. Permits to sell explosives.

Under the proposed § 211.122, the permit to sell is a tracking mechanism to identify who is selling what explosives in this Commonwealth. The sale permit will continue to be nontransferable, expire on April 30 of each year and be renewable. The proposed rulemaking requires the permit application to identify the applicant, the type of business, the types of explosives to be sold, whether the applicant is the manufacturer of the explosives, and if applicable, the license number of the magazine used to store the explosives.

§ 211.123. Permits to purchase explosives.

The proposed § 211.123 retains the requirement that the person who purchases explosives must have a purchase permit. Persons purchasing explosive services will no longer be required to obtain a purchase permit. In the Department's experience, the purchase permit is not an effective mechanism for tracking and controlling the use of explosives. As explained in the following, the new blasting activity permit will be the mechanism for regulating the use of explosives.

The purchase permit application will no longer be required to identify all blasters working for the permittee. This information is now irrelevant because the permit is simply a mechanism for tracking and controlling who can

purchase explosives. The application must identify the purchaser, a contact person, the location of storage magazine, the types and quantities of explosives purchased, and whether the explosives are being purchased for resale or use.

As with the existing regulations, purchase permits are not transferable. In addition, they are effective for a maximum of 12 months, terminating on April 30. The proposed rulemaking will expressly allow persons to act under an expired permit, if a complete renewal application was submitted by April 30.

§ 211.124. Blasting activity permits.

The new blasting activity permit controls where and how blasting activities occur. The requirement for a permit is only new for blasting in nonmining operations. Blasting at coal and noncoal surface mines will continue to be authorized by the surface mining permit.

At a minimum, the application for a blasting activity permit must identify the applicant, the types and quantities of explosives to be used, the purpose of the blasting activity, the location and timing of the blasts, the duration of the blasting activity, how monitoring will be conducted, and the blaster who prepared the application. The application should contain any other information necessary to demonstrate that the proposed activity will comply with the applicable requirements of this chapter. There is no fee for a blasting activity permit.

Section 211.124 also imposes on blasting activity permittees two obligations not contained in the existing regulations. First, notice of the proposed blasting activity must be given to persons who could be affected by the proposed blasting activity. This was an issue raised by the Citizens Advisory Council and discussed at the meeting of the MRAB. This requirement is a result of that discussion. This provision will ensure that, just as with blasting at surface mines, persons who could be affected by blasting at nonmining operations are provided notice of that activity. Second, the blasting activity permittee must possess general third-party liability insurance of at least \$300,000 per occurrence. Again, as in the surface mining context, this insurance requirement is necessary to ensure that damage due to blasting is corrected.

The blasting activity permit is not transferable. It identifies who can operate under the permit and the types of explosives, the duration of the permit, and limits on peak particle velocity and air blasts. The permit will contain any other conditions the Department considers necessary to ensure compliance with the law.

§ 211.125. Blasting activity permit-by-rule.

The Department recognizes that a full blasting activity permit is not needed for small blasts. Further, the Department believes it is reasonable to give permit applicants the ability to continue their operation by conducting small-scale blasting while their permit application is pending. Therefore, this proposal establishes a permit-by-rule (PBR) for small blasting activities.

To be small enough to qualify for this PBR the blast must have a scale distance of at least 90, not use more than 15 pounds (6.81 kilograms) of explosives per delay interval of less than 8 milliseconds, and must not use more than 150 pounds per blast (68.18 kilograms). The permittee must notify the Department before blasting activity can occur. Notices can be given orally, but they must be confirmed in writing. The information in the notice will identify the permittee and the activity for the Department to ensure that it does not pose a risk of

damage to people or property. Finally, the Department can revoke a PBR if the permittee fails to comply with the applicable regulations or the blasting activity proves to be sufficiently dangerous to warrant an individual permit.

Subchapter D. Records of Disposition of Explosives

The proposed rulemaking in this subchapter specifies the recordkeeping requirements applicable to sales, purchase and blasting activity permittees. This chapter no longer contains the requirement that a competent person maintain a daily inventory of all explosives used or received in the field. The existing language is unclear and creates an unnecessary and ambiguous obligation.

§ 211.131. Sales records.

Section 211.131 retains the requirement that the seller maintain a record of all sales of explosives. The retention time has been extended from 2 to 3 years to be consistent with other recordkeeping requirements of this chapter. The proposed § 211.131 simply requires the seller to identify the purchaser and the types of explosives sold. In the Department's experience, the existing requirement to identify the vehicle, the person picking up the explosives and that person's business is not relevant.

§ 211.132. Purchase records.

The proposed § 211.132 requires purchasers of explosives to keep a record of when they buy explosives and from whom. The record will assist in tracking the disposition and use of explosives.

§ 211.133. Blast report.

The proposed § 211.133 establishes a requirement to prepare a blast report to provide the Department with sufficient information to reconstruct the conditions and events surrounding a blast. This information is essential if the Department is to effectively investigate incidents at blast sites and damage complaints. To ensure the accuracy of these reports, the blaster-in-charge is responsible for the blast report. This is because the blaster-in-charge is responsible for ensuring that all aspects of the blast conform to this chapter. The time for retaining these reports is extended from 2 to 3 years. Broadly speaking, as with the existing regulations, the report must identify who did the blasting, where and when the blasting occurred, how the blast was designed and detonated, and where the monitoring was done.

The time for generating and attaching the monitoring record to the blast plan is reduced from 30 to 7 days. This reduction in time will enable the Department to respond more quickly to complaints of blast damage. The proposed § 211.133 requires the use of modern monitoring instruments that generate reports data that do not have to be analyzed by a third party. However, some permittees may need some time to acquire these monitoring instruments. Therefore, the requirement that monitoring reports be attached within 7 days does not become effective until 3 years after this proposed rulemaking goes into effect. In the Department's opinion, the cost savings from not having to analyze monitoring reports outweighs the cost of acquiring new equipment.

Subchapter E. Transportation of Explosives

§ 211.141. General requirements.

This proposed § 211.141 establishes the requirements for loading and holding explosives in vehicles. This proposal restates requirements in the current regulations. However, in the Department's experience, some of the

transportation requirements in the existing regulations are unnecessary and have not been included in this proposal.

Subchapter F. Blasting Activities

This subchapter establishes the requirements for preparing and conducting a blast.

§ 211.151. Prevention of damage.

This proposed section retains the requirement that blasting be conducted so as not to cause flyrock or damage to real property not owned by the permittee. If damage to property or flyrock occurs, the Department must now be notified within 4 hours of the occurrence. This notification is necessary if the Department is to make an effective and timely investigation of the incident.

Section 211.151(c) establishes limits on ground vibration. Currently, there are different standards for blasting at noncoal, bituminous and anthracite surface mines. The standards for bituminous surface coal mines are consistent with the comparable Federal standards for coal mining. In the Department's experience these standards do not adequately protect nearby buildings from damage by ground vibration. Consequently, the Department proposes the standard described as follows to ensure that blasting in any context will not cause damage to surrounding buildings.

Blasts shall be performed and conducted to achieve either a scaled distance of 90 or meet the ground vibration limits (peak particle velocity) established in Figure 1 of § 211.151(c). Scaled distance is derived from the amount of explosives and distance to the nearest structure. A higher scaled distance will have less effect on adjacent structures. A scaled distance of 90 is more restrictive than counterpart Federal regulations for coal mining and will require operators to conduct more monitoring. This higher scaled distance will ensure that the blast will meet the lower allowable vibration limit in Figure 1 of § 211.151(c) and will not cause damage.

Figure 1, § 211.151(c), establishes a variable ground vibration limit. This limit is based on frequency. The former United States Bureau of Mines (BOM), in Report of Investigation 8507, recommended this method to regulate blast vibration. According to the BOM, if ground vibration is below this limit, there is essentially no probability of damage to structures located near the blasts.

Section 211.151(d) establishes an airblast limit for blasts. Airblast, if high enough, can break windows. Prior to this proposal, airblast limits applied only to mining operations. This regulation uses the proven regulation of airblasts in mining operations and establishes a State-wide limit for all blasting operations.

If necessary, the Department can establish a more stringent peak particle velocity or scaled distance limit or airblast limit. This change in limits would be based upon site-specific factors such as the population density, age of structures and geology of the area.

§ 211.152. Control of noxious gases.

This new provision results from several reported occurrences of gases from construction blasting migrating through the soil and bedrock to nearby homes.

§ 211.153. General requirements for handling explosives.

This section deals with the safe handling of explosives to prevent accidental detonation. It restates the existing requirements.

§ 211.154. Preparing the blast.

This section contains many provisions from the current regulations. It also adds the requirement that the blasting activity permittee designate a blaster-in-charge.

§ 211.155. Preblast measures.

A standard warning signal is being proposed for blasting operations. Warning signals have been required for all blasting operations, but there has never been any standardization of these signals. This has been confusing for individuals who visit many different operations. A warning signal in one operation could be the all-clear signal for another operation. Standardized signals will make all operations safer.

§ 211.156. Detonating the blast.

This section adds a new requirement that allows only the blaster-in-charge to detonate a blast.

§ 211.157. Postblast measures.

A standardized all-clear signal is being proposed in this section. Standardized all-clear signals will ensure that all persons working on a blasting operation will know that a blast has been detonated and it is safe to resume other activities.

§ 211.158. Mudcapping.

This provision is a carry-over from the current regulations.

§ 211.159. Electric detonation.

This section proposes to require blasting machines, which provide the electric power for detonation, to have a sticker showing that they have been properly tested.

§ 211.160. Nonelectric detonation.

This is a new provision. It requires nonelectric initiation or detonation systems to be checked for proper installation.

§ 211.161. Detonating cords.

The requirements for the safe use of detonating cord have been rewritten to clarify the language dealing with how detonating must be used.

§ 211.162. Safety fuse.

The requirements for the safe handling of safety fuses have been rewritten to clarify the language dealing with testing the rate at which fuse burns.

Subchapter G. Requirements for Monitoring

§ 211.171. General provisions for monitoring.

This regulation proposes trigger levels for automated seismographs. The purpose of a seismograph is to ensure that vibration and airblast are below the compliance limits. Therefore, this regulation establishes a ground vibration trigger level at 50% of the compliance option.

§ 211.172. Monitoring instruments.

The standards for seismographs have been updated. The standards for calibrating instruments have been expanded.

§ 211.173. Monitoring records.

Seismographs are used to monitor and record the effects of blasts. Given the importance of this information, this proposal requires that a competent individual train those who operate seismographs.

Subsection (b) identifies the acceptable methods for determining the frequency component of a ground vibra-

tion waveform. The frequency component of a waveform is a factor in regulatory compliance. The methods most commonly used to determine frequency in blasting are called the "half-cycle zero crossing analysis" and the "single degree of freedom response spectrum." Therefore, these methods have been proposed in this rulemaking.

Because this regulation establishes a vibration limit based on frequency, a particle velocity versus frequency plot is needed to determine compliance. Therefore, subsection (b)(6) includes a plot as part of the monitoring requirements.

Subchapter H. Blasting Activities Near Utility Lines

§ 211.181. Scope.

This new subchapter contains standards for blasting near underground utility lines.

§ 211.182. General provisions.

This new section requires blasts near utility lines to be designed to minimize vibration and ground movement. The section also sets standards for the diameter and depth of blast holes and for the types of explosives.

F. Benefits, Costs and Compliance

Executive Order 1996-1 requires a cost and benefit analysis of the proposed rulemaking.

Benefits

The proposed changes are designed to modernize an outdated explosives regulatory program. The explosives industry will benefit because current products and technologies are addressed in a manner that is consistent with their current use. Citizens will benefit because this proposal establishes limits on ground vibration and airblast that are designed to prevent damage to structures. In addition, annoyance from unexpected blasts will be reduced because the public will be notified prior to the commencement of most blasting operations. Additionally, the public and blasting industry will benefit from the continuing education that is required for renewing a blaster's license.

Compliance Costs

The explosives industry will see an increase in the cost of compliance because of the requirement for continuing education for blasters. The new requirement for general liability insurance is not expected to create a significant increase in costs, since most blasting companies currently carry liability insurance. This proposed rulemaking requires more monitoring than previously required. However, because the records produced from the monitoring no longer require analysis or verification by an independent third party, cost savings will be realized. These savings can be used by the operator to purchase additional modern monitoring equipment that provides more information more quickly. There is no change to the current fee structure.

Compliance Assistance Plan

The Department will provide written notification of these changes to licensed blasters in this Commonwealth. Outreach sessions are planned with the Pennsylvania chapters of the International Society of Explosive Engineers and various mining organizations. If requested, public meetings will be scheduled to share this information with concerned citizens, industry representatives or others.

Paperwork Requirements

This proposal will result in a slight increase in paperwork. Licensed blasters will be required to document their continuing education. The new blasting activity permit will require a new application form. Additional information will be required in the postblast report.

G. Sunset Review

This proposed rulemaking will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulation effectively fulfills the goals for which it was intended.

H. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on May 17, 2000, the Department submitted a copy of the proposed amendments to Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Environmental Resources and Energy Committees. In addition to submitting the proposed amendments, 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.

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

I. Public Comments

Written Comments—Interested persons are invited to submit comments, suggestions or objections regarding the proposed rulemaking to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 15th Floor, 400 Market Street, Harrisburg, PA 17101-2301). Comments submitted by facsimile will not be accepted. Comments, suggestions or objections must be received by the Board by August 2, 2000 (within 60 days of publication in the *Pennsylvania Bulletin*). Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by August 2, 2000 (within 60 days following publication in the *Pennsylvania Bulletin*). The one page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final-form regulations will be considered.

Electronic Comments—Comments may be submitted electronically to the Board at RegComments@dep.state.pa.us and must also be received by the Board by August 2, 2000. 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.

J. Public Hearings

The Board will hold four public hearings for the purpose of accepting comments on this proposal. The hearings will be held at 1 p.m. as follows:

- July 5, 2000 Greensburg Four Points Sheraton
100 Sheraton Drive (Route 30 East)
Greensburg, PA
- July 6, 2000 Holiday Inn—Clarion
I-80 at Route 68
Clarion, PA
- July 11, 2000 Best Western—Exton Hotel
and Conference Center
815 North Pottstown Pike (at
Turnpike Exit 23)
Exton, PA
- July 12, 2000 Quality Hotel
100 South Centre Street
Pottsville, PA

Persons wishing to present testimony at a hearing are requested to contact Joan Martin at the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526, at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony is limited to 10 minutes for each witness. Witnesses are requested to submit three written copies of their oral testimony to the hearing chairperson at the hearing. Organizations are limited to designating one witness to present testimony on their behalf at each hearing.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Joan Martin directly at (717) 787-4526 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JAMES M. SEIF,
Chairperson

Fiscal Note: 7-349. No fiscal impact; (8) recommends adoption.

(Editor's Note: As part of this proposal, the Board is proposing to delete the existing text of Chapter 210, §§ 210.1—210.6, which appears at 25 Pa. Code pages 210-1—210-5, serial numbers (243459)—(243463).)

Annex A

**TITLE 25. ENVIRONMENTAL PROTECTION
PART I. DEPARTMENT OF ENVIRONMENTAL
PROTECTION**

**Subpart D. ENVIRONMENTAL HEALTH AND
SAFETY**

**ARTICLE IV. OCCUPATIONAL HEALTH AND
SAFETY**

**CHAPTER 210. BLASTERS' LICENSES
GENERAL PROVISIONS**

- 210.11. Definitions.
- 210.12. Scope.
- 210.13. General.
- 210.14. Eligibility requirements.
- 210.15. License application.
- 210.16. Examinations.
- 210.17. Issuance and renewal of licenses.
- 210.18. Recognition of out-of-State blaster's license.
- 210.19. Suspension, modification and revocation.

§ 210.11. Definitions.

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

Blaster—A person who is licensed by the Department under this chapter to detonate explosives and supervise blasting activities.

Blaster learner—An individual who is learning to be a blaster and who participates in blasting activities under the direct supervision of a blaster.

Blaster's license—A license to detonate explosives and supervise blasting activities issued by the Department under this chapter.

Person—A natural person.

§ 210.12. Scope.

This chapter applies to persons engaging in the detonation of explosives within this Commonwealth. This chapter does not apply to persons authorized to detonate explosives or to supervise blasting activities under:

- (1) The Pennsylvania Anthracite Coal Mine Act (52 P. S. §§ 70.101—70.1405).
- (2) The Pennsylvania Bituminous Coal Mine Act (52 P. S. §§ 701-101—701-706).

§ 210.13. General.

(a) A person may not detonate explosives or supervise blasting activities unless the person has obtained a blaster's license.

(b) The Department may exempt certain individuals from needing a blaster's license if the person is detonating extremely small amounts of explosives for industrial or research purposes. The Department will consider a written request for an exemption from the person seeking the exemption.

(c) A blaster upon request shall exhibit a blaster's license to the following:

- (1) An authorized representative of the Department.
- (2) The blaster's employer or an authorized representative of the employer.
- (3) A police officer acting in the line of duty.
- (d) A blaster's license is not transferable.

§ 210.14. Eligibility requirements.

- (a) To be eligible for a blaster's license, a person shall:
 - (1) Be 21 years of age or older.
 - (2) Have at least 1 year of experience as a blaster learner in preparing blasts in the classification for which a license is being sought.
 - (3) Have taken the Department's class on explosives. It is not necessary for a blaster to retake the class when adding an additional classification to a license.
 - (4) Have successfully passed the Department's examination for a blaster's license.

(b) The Department will not issue or renew a license unless the following conditions are met:

- (1) The applicant is of good moral character.
- (2) The applicant has demonstrated an inability or lack of intention to comply with the Department's regulations concerning blasting activities.

§ 210.15. License application.

(a) The license application shall be on forms prepared by the Department and be accompanied by a check for \$50 payable to the Commonwealth of Pennsylvania. The complete application shall be submitted to the Department at least 2 weeks prior to the examination.

(b) The license application shall include a signed notarized statement from the blaster who supervised the applicant, or the applicant's employer. The statement shall:

(1) Describe the applicant's experience in blasting. In particular, the statement shall describe in detail how the applicant assisted in the preparation of the blasts and for how long.

(2) State the author's opinion as to whether the applicant is competent to prepare and detonate blasts in the classification for which the license is being sought.

§ 210.16. Examinations.

(a) The Department will conduct examinations for specific types of blasting, as specified in § 210.17(a) (relating to issuance and renewal of licenses).

(b) The Department will schedule and conduct examinations as needed.

(c) An applicant failing to appear for a scheduled examination forfeits the application fee unless the applicant provides written notice to the Department prior to the examination date or submits a valid medical excuse in writing.

(d) Refund of the fee or admittance to a subsequent examination without a reapplication fee will be at the discretion of the Department.

§ 210.17. Issuance and renewal of licenses.

(a) A blaster's license is issued for a specific classification of blasting activities. The classifications will be determined by the Department and may include general blasting (which includes all classifications except demolition and underground noncoal mining), trenching and construction, seismic and pole line work, well perforation, surface mining, underground noncoal mining, industrial, limited and demolition.

(b) A person may apply to amend the blaster's license for other classifications by meeting the requirements of § 210.14 (relating to eligibility requirements) and by submitting a complete application.

(c) A blaster's license will be issued for 3 years.

(d) A blaster's license is renewable if the blaster can demonstrate that he has had 8 hours of continuing education in Department-approved courses related to blasting and safety within the 3-year period.

(e) The blaster's license may be renewed for a 3-year term by submitting a renewal application to the Department and a check for \$30, payable to the Commonwealth of Pennsylvania.

(f) A person who intends to be a blaster and whose blaster's license was not renewed within 1 year of its expiration date shall apply for a new license under §§ 210.14—210.16 (relating to eligibility requirements; license application; and examinations).

§ 210.18. Recognition of out-of-State blaster's license.

(a) The Department may license a person who holds a blaster's license or its equivalent in another state. The Department may issue the license if, in the opinion of the Department, that state's licensing program provides training on the use, storage and handling of explosives and an examination that is equivalent to the requirements of this chapter.

(b) A request for a license under this section shall be made in writing. Copies of the other state's explosives

training and examination material and proof that the applicant holds a license in the other state shall be provided to the Department so that the Department can make a proper evaluation.

§ 210.19. Suspension, modification and revocation.

The Department may issue orders suspending, modifying or revoking a blaster's license. Before an order is issued, the Department will give the blaster an opportunity for an informal meeting to discuss the facts and issues that form the basis of the Department's determination to suspend, modify or revoke the license. The Department may suspend, modify or revoke a blaster's license for violations of this chapter and Chapter 211 (relating to use, storage and handling of explosives in surface applications).

(Editor's Note: As part of this proposal, the Board is proposing to delete the existing text of Chapter 211, §§ 211.1, 211.2, 211.31—211.44, 211.51—211.56, 211.61, 211.62, 211.71—211.76 and 211.81—211.88 which appears at 25 Pa. Code pages 211-1—211-38, serial numbers (243465)—(243502).)

CHAPTER 211. USE, STORAGE AND HANDLING OF EXPLOSIVES IN SURFACE APPLICATIONS

Subch.

- A. GENERAL PROVISIONS
- B. STORAGE AND CLASSIFICATIONS OF EXPLOSIVES
- C. PERMITS
- D. RECORDS OF DISPOSITION OF EXPLOSIVES
- E. TRANSPORTATION OF EXPLOSIVES
- F. BLASTING ACTIVITIES
- G. REQUIREMENTS FOR MONITORING
- H. BLASTING ACTIVITIES NEAR UTILITY LINES

Subchapter A. GENERAL PROVISIONS

Sec.

- 211.101. Definitions.
- 211.102. Scope.
- 211.103. Enforcement.

§ 211.101. Definitions.

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

Airblast—An airborne shock wave resulting from an explosion, also known as air overpressure, which may or may not be audible.

Blast area—The area around the blast site that should be cleared to prevent injury to persons and damage to property.

Blaster—An individual who is licensed by the Department under Chapter 210 (relating to blasters' licenses) to detonate explosives and supervise blasting activities.

Blaster-in-charge—The blaster designated to have supervision and control over all blasting activities related to a blast.

Blasting activity—The actions associated with the use of explosives from the time of delivery of explosives to a worksite until all postblast measures are taken, including priming, loading, stemming, wiring or connecting, detonating, and all necessary safety, notification and monitoring measures.

Blast site—The area where the explosive charges are located.

Building—A structure that is regularly occupied where people live, work or assemble.

Charge weight—The weight in pounds of an explosive charge.

Delay interval—The designed time interval, usually in milliseconds, between successive detonations.

Demolition activity—The act of wrecking or demolishing a structure with explosives.

Detonator—A device containing an initiating or primary explosive that is used for initiating detonation of explosives. The term includes electric blasting caps of instantaneous and delay types, blasting caps for use with safety fuses, detonating cord, delay connectors and nonelectric instantaneous and delay blasting caps.

Explosive—A chemical compound, mixture or device that contains oxidizing and combustible materials or other ingredients in such proportions or quantities that an ignition by fire, friction, concussion, percussion or detonation may result in an explosion.

(i) The term includes safety fuse, squibs, detonating cord and igniters.

(ii) The term does not include the following:

(A) Commercially manufactured black powder, percussion caps, safety and pyrotechnic fuses, matches and friction primers, intended to be used solely for sporting, recreational or cultural purposes in antique firearms or antique devices, as defined in 18 U.S.C.A. § 921 (relating to definitions).

(B) Smokeless powder, primers used for reloading rifle or pistol cartridges, shot shells, percussion caps and smokeless propellants intended for personal use.

Flyrock—Overburden, stone, clay or other material ejected from the blast site by the force of a blast.

Magazine—A building or structure used for the storage of explosives.

Misfire—Incomplete detonation of explosives.

Particle velocity—A measure of the intensity of ground vibration, specifically the time rate of change of the amplitude of ground vibration.

Peak particle velocity—The maximum intensity of particle velocity.

Person—A natural person, partnership, association, or corporation or an agency, instrumentality or entity of state government. Whenever used in any clause prescribing and imposing a penalty, or imposing a fine or imprisonment, or both, the term includes the members of an association and the directors, officers or agents of a corporation.

Primer—A cartridge or package of high explosives into which a detonator has been inserted or attached.

Purchase—To obtain ownership of explosives from another person.

Sale or sell—To transfer ownership of explosives to another person.

Scaled distance (Ds)—A value calculated by using the actual distance (D) in feet, measured in a horizontal line from the blast site to the nearest building, neither owned nor leased by the blasting activity permittee or its customer, divided by the square root of the maximum weight of explosives (W) in pounds, that is detonated per delay period of less than 8 milliseconds.

$$Ds = D \div \sqrt{W}$$

Stemming—Inert material placed in a blast hole after an explosive charge for the purpose of confining the

explosion gases to the blast hole, and inert material used to separate explosive charges in decked holes.

Structure—A combination of materials or piece of work built or composed of parts joined together in some definite manner for occupancy, use or ornamentation. The term includes everything that is built or constructed, including bridges, offices, water towers, silos and dwellings.

Utility lines—An electric cable, fiber optic line, pipeline or other type of conduit used to transport or transmit electricity, gases, liquids and other media including information.

§ 211.102. Scope.

(a) This chapter applies to persons using, storing, purchasing and selling explosives and engaging in blasting activities within this Commonwealth. Persons using and storing explosives at underground mines are exempt from this chapter. The storage of explosives in magazines on the surface at an underground noncoal mine is subject to the applicable requirements of this chapter. The provisions of this chapter that are more stringent than the blasting provisions in Chapters 77, 87 and 88 (relating to noncoal mining; surface mining of coal; and anthracite coal) apply to blasting activities at coal or noncoal surface mines.

(b) Compliance with this chapter does not relieve a person who is engaged in the purchase or sale of explosives, or blasting activities, from compliance with other applicable laws or regulations of the Commonwealth.

§ 211.103. Enforcement.

(a) The Department may issue orders necessary to implement this chapter including an order to suspend, modify or revoke a license or permit authorized by this chapter.

(b) Before issuing an order modifying peak particle velocity or airblast limits in a blasting activity permit, the Department will first provide the permittee with an opportunity to meet and discuss modifications.

Subchapter B. STORAGE AND CLASSIFICATION OF EXPLOSIVES

Sec.

- 211.111. Scope.
- 211.112. Magazine license and fees.
- 211.113. Application contents.
- 211.114. Displaying the license.
- 211.115. Standards for classifying and storing explosives and constructing, maintaining and siting magazines.

§ 211.111. Scope.

This subchapter applies to the classification and storage of explosives. It establishes the requirements, procedures and standards for licensing, constructing, siting and maintaining magazines.

§ 211.112. Magazine license and fees.

(a) A person storing explosives shall do so in a magazine licensed by the Department. A person may not construct, install or modify a magazine until the Department has issued or amended the license in writing. The licensee shall store explosives in accordance with the approved application, the license and this chapter.

(b) The license specifies the types and quantities of explosives to be stored in the magazine and any other condition necessary to ensure that the proposed activity complies with applicable statutes and this chapter.

(c) Licenses expire annually on December 31 of each year. If the Department receives a complete renewal

application by December 31, the licensee may continue to operate under the current license until the Department acts on the renewal application.

(d) License fees are as follows:

(1) License:

(i) Application—\$50

(ii) Site inspection—\$50

(2) License modifications—\$50

(3) License renewals—\$50

(4) License transfers—no fee

§ 211.113. Application contents.

(a) An application to obtain, renew, modify or transfer a magazine license shall be on forms approved by the Department. Before the Department issues, renews, transfers or modifies a license, the application must demonstrate that the applicant has complied with the applicable requirements of this chapter.

(b) A license application shall include:

(1) The applicant's identity, including name, address and telephone number.

(2) A contact person, including name, title and telephone number.

(3) The types and quantities of explosives to be stored at the magazine.

(4) A map, plan or a sketch of the site location showing the nearest buildings, nearest railways, nearest highways, and existing barricades, if any, and proposed barricades.

(5) A plan showing the design and specifications of the magazine to be licensed.

(c) A license renewal application shall include:

(1) The applicant's identity, including name, address and telephone number.

(2) A contact person, including name, title and telephone number.

(3) The maximum amount and type of explosives for which the magazine is currently licensed.

§ 211.114. Displaying the license.

The magazine license, or a legible copy of the license, shall be conspicuously displayed. If possible, the license shall be displayed inside the magazine. In all other cases, the license shall be displayed at the site and adjacent to the magazine to which it applies.

§ 211.115. Standards for classifying and storing explosives and constructing, maintaining and siting magazines.

(a) The provisions of 27 CFR Part 55, Subpart K (relating to storage), are incorporated herein by reference. These provisions shall be used to:

(1) Classify explosives.

(2) Determine which class of explosives may be stored in each type of magazine.

(3) Determine the quantity of explosives that may be stored.

(4) Determine the applicable construction standards for each type of magazine.

(5) Site the magazine.

(6) Specify maintenance and housekeeping standards for a magazine.

(7) Grant variances.

(b) For purposes of incorporation by reference of 27 CFR Part 55 Subpart K, the term "Department" is substituted for the term "director," and the term "representatives of the Department" is substituted for the term "ATF Official."

Subchapter C. Permits

Sec.

211.121. General requirements.

211.122. Permits to sell explosives.

211.123. Permits to purchase explosives.

211.124. Blasting activity permits.

211.125. Blasting activity permit by rule.

§ 211.121. General requirements.

(a) Except as otherwise provided in this subchapter, a person may not engage in blasting activities, or sell or purchase explosives in this Commonwealth without first obtaining the appropriate permit from the Department issued under this chapter.

(b) Permits under this chapter are not required for the sale, purchase or use of fireworks governed by the act of May 15, 1939 (35 P. S. §§ 1271—1277).

(c) A permit issued under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.18), or the Noncoal Surface Mining and Conservation and Reclamation Act (52 P. S. §§ 3301—3326), and the regulations promulgated thereunder, authorizing blasting activity shall act as a blasting activity permit issued under this chapter.

(d) An application for a permit for the sale or purchase of explosives or to conduct blasting activities shall be on a form provided by the Department. A permit will not be issued unless the application is complete and demonstrates that the proposed activities comply with the applicable requirements of this chapter. The permittee shall comply with the approved application, the permit and this chapter.

(e) The Department will not issue a permit to any person who has either:

(1) Failed and continues to fail to comply with this chapter or a condition of a permit issued under this chapter or an order issued to enforce this chapter.

(2) Demonstrated an inability or lack of intention to comply with this chapter as indicated by past or continuing violations.

§ 211.122. Permits to sell explosives.

(a) An application for a permit to sell explosives shall:

(1) Identify the applicant's name, address, telephone number and type of business.

(2) Identify a contact person, including name, title and telephone.

(3) Specify the type of explosives to be sold.

(4) State whether the applicant will purchase or manufacture the explosives to be sold.

(5) For in-State sellers, include the applicant's magazine license number, if applicable.

(b) Permits to sell explosives are not transferable.

(c) Permits to sell explosives expire on April 30 of each year. If the Department receives a complete renewal application by April 30, the permittee may continue to

operate under the current permit until the Department acts on the renewal application.

(d) A permit to sell explosives shall:

- (1) Identify the permittee.
- (2) Specify the type of explosives that the permittee may sell.
- (3) Contain conditions, as necessary, to ensure that the proposed activity complies with applicable statutes and this chapter.

§ 211.123. Permits to purchase explosives.

(a) An application for a permit to purchase explosives shall:

- (1) Identify the applicant's name, address, telephone number and type of business.
- (2) Identify a contact person, including name, title and telephone number.
- (3) Identify the location and license number of the magazine to be used for storing the explosives, if applicable.
- (4) Specify the type of explosives that will be purchased.
- (5) Specify whether the explosives are being purchased for sale or use by the permittee.

(b) Permits to purchase explosives are not transferable.

(c) Permits to purchase explosives expire on April 30 of each year. If the Department receives a complete renewal application by April 30, the permittee may continue to operate under the current permit until the Department acts on the renewal.

§ 211.124. Blasting activity permits.

(a) An application for a blasting activity permit shall be prepared by a blaster and shall include:

- (1) The applicant's name, address, telephone number and type of business.
- (2) A contact person's name, title and telephone number.
- (3) The identity of independent subcontractors who will be performing the blasting activities.
- (4) The type of explosives to be used.
- (5) The maximum amount of explosives that will be detonated per delay interval of less than 8 milliseconds.
- (6) The maximum amount of explosives that will be detonated in any one blast.
- (7) A map indicating the location where the explosives will be used.
- (8) The purpose for which the explosives will be used.
- (9) The location and license number of the magazine that will be used to store the explosives, if applicable.
- (10) A description of how the monitoring requirements of Subchapter G (relating to requirements for monitoring) will be satisfied.

(11) Proof of third party general liability insurance in the amount of \$300,000 or greater per occurrence. This requirement is not applicable if the permittee is a noncoal surface mine operator who produces no more than 2,000 tons (1,814 metric tons) of marketable minerals per year from all its noncoal surface mining operations.

(12) The anticipated duration of the blasting activity for which the permit is needed.

(13) The anticipated days of the week and times when blasting may occur.

(14) The distance and direction to the closest building not owned by the permittee or its customer.

(15) Other information needed by the Department to determine compliance with applicable laws and regulations.

(16) The printed name, signature and license number of the blaster who prepared the application.

(17) Proof that residents within 200 feet (65.61 meters) of the blast site were informed of the proposed blasting operation. This notification could be a personal notification, written material left at each residence or first class mail. The notification will provide general information about the blasting operation including the duration of the operation.

(b) Blasting activity permits are not transferable.

(c) The blasting activity permit shall specify:

- (1) The blasting activity permittee.
- (2) Any independent subcontractors performing work under this permit.
- (3) Limits on particle velocity and airblast.
- (4) The types of explosives that may be used.
- (5) The duration of the permit.
- (6) Other conditions necessary to ensure that the proposed blasting activity complies with the applicable statutes and this chapter.

(d) The permittee may request extensions and modifications by submitting an amended application.

§ 211.125. Blasting activity permit by rule.

(a) A person shall be deemed to have a permit for a blasting activity if:

- (1) The blasts are designed and performed for a scaled distance of 90 or greater.
- (2) No more than 15 pounds (6.81 kilograms) of explosives are detonated per delay interval of less than 8 milliseconds.
- (3) The total charge weight per blast does not exceed 150 pounds (68.18 kilograms).
- (4) The person notifies the Department either verbally, in writing, or by other means approved by the Department prior to the initial blast. If the person gives verbal notification, a written notice shall be received by the Department within 5 working days. The notification shall indicate the following information for all blasts that will occur under this permit:
 - (i) The identity of the person.
 - (ii) The location where the blasting will occur.
 - (iii) The purpose of the blasting.
 - (iv) The distance to the nearest building not owned or leased by the person or its customer.
 - (v) The days of the week and times when blasting may occur.
 - (vi) The duration of blasting activities under this permit by rule.
 - (vii) The minimum scaled distance.
 - (viii) The maximum weight of explosives detonated per delay period of less than 8 milliseconds.

- (ix) The maximum total weight of explosives per blast.
 - (x) A contact person and telephone number.
- (5) Blast reports are completed in accordance with § 211.133 (relating to blast report).
- (6) The other monitoring and performance standards of this chapter are met.
- (b) The Department may revoke a blasting activity permit by rule under one of the following:
- (1) The permittee has demonstrated an unwillingness or inability to comply with the applicable regulations.
 - (2) The blasting activity possesses a sufficient risk of harm to the public or the environment to warrant an individual blasting activity permit.

Subchapter D. RECORDS OF DISPOSITION OF EXPLOSIVES

Sec.

- 211.131. Sales records.
- 211.132. Purchase records.
- 211.133. Blast report.

§ 211.131. Sales records.

The seller shall keep an accurate record of every sale of explosives for 3 years. The record shall identify the purchaser's name and address, the Department purchase permit number, the date of the sale and the amount and types of explosives.

§ 211.132. Purchase records.

The purchaser shall keep a record of all purchases of explosives for 3 years. The record shall identify the date, types and amounts of explosives purchased and the name and address of the seller.

§ 211.133. Blast report.

(a) The blaster-in-charge shall prepare a report of each blast report to provide the Department with sufficient information to reconstruct the conditions and events surrounding a blast. The Department may develop and require a blast report form to be used. The blasting activity permittee shall retain the blast report for at least 3 years and shall make the blast report available to the Department upon request. Blast reports shall contain, at a minimum, the following:

- (1) The locations of the blast and monitoring readings.
- (2) The name of the blasting activity permittee.
- (3) The permit number.
- (4) The date and time of the blast.
- (5) The printed name, signature and license number of the blaster-in-charge.
- (6) The type of material blasted.
- (7) A sketch showing the number of blast holes, burden, spacing, pattern dimensions and point of initiation.
- (8) The diameter and depth of blast holes.
- (9) The height or length of stemming and deck separation.
- (10) The types of explosives used and arrangement in blast holes.
- (11) The total weight in pounds of explosives and primer cartridges used.
- (12) The maximum weight in pounds of explosives detonated per delay period of less than 8 milliseconds.
- (13) The type of circuit, if electric detonation was used.

(14) The direction and distance in feet from the blast site to the nearest building not owned by the blasting activity permittee or its customer.

(15) A description of the nearest building location based upon local landmarks.

(16) The scaled distance.

(17) The weather conditions.

(18) The direction from which the wind was coming.

(19) The measures taken to control flyrock, including whether or not mats were used.

(20) The total quantity and type of detonators used and delays used.

(21) The number of individuals in the blasting crew.

(22) The maximum number of blast holes or portions of blast holes detonated per delay period less than 8 milliseconds.

(23) The monitoring records required by § 211.173 (relating to monitoring records). Monitoring records shall be made part of the blast report within 30 days of the blast. Beginning _____ (*Editor's Note: The blank refers to a date 3 years from the effective date of adoption of this proposal.*), monitoring records shall be made part of the blast report within 7 days of the blast.

(24) If a misfire occurred, the actions taken to make the site safe.

(b) The Department may require monthly summaries of these reports. The summaries shall include the date and time of the blasts, scaled distance, peak particle velocity, airblast, monitoring location, amount and types of explosives used and other information the Department deems necessary to ensure compliance with this chapter.

Subchapter E. TRANSPORTATION OF EXPLOSIVES

§ 211.141. General requirements.

The blasting activity, purchase or sale permittee shall:

(1) Immediately unload a vehicle carrying explosives upon reaching a magazine location. The unloaded vehicle shall be removed from the site. The only exception to this requirement is if the vehicle is a licensed magazine under Subchapter B (relating to the storage and classification of explosives).

(2) Load or unload explosives from a vehicle only after the engine is turned off, unless power is needed for the loading or unloading operation. The permittee shall take all precautions necessary, such as blocking the wheels, to prevent the movement of the vehicle while it is being loaded or unloaded.

(3) Load explosives only into a vehicle that is marked in accordance with the Department of Transportation standards for placarding vehicles transporting explosives.

(4) Prohibit smoking within 100 feet of a vehicle used for transporting explosives. "NO SMOKING" signs shall be posted when a vehicle containing explosives is parked at a blast site or magazine.

(5) Load no more than 2,000 pounds (908 kilograms) of explosives into an open body vehicle for transporting. The ends and sides shall be high enough to prevent explosives from falling off, and the load shall be covered with a fire-resistant tarpaulin, unless the explosives are transported in a magazine securely attached to the vehicle.

(6) Only load explosives into a closed body vehicle if the load is 2,000 pounds (908 kilograms) or more of explosives.

(7) Only load explosives into a vehicle with a bed made of wood or other nonsparking material.

(8) Load explosives into a vehicle which is also transporting metal, metal tools, blasting machines or other articles or materials likely to damage the explosives, only if these items are separated from the explosives by substantial nonsparking bulkheads constructed to prevent damage to the explosives.

(9) Load detonators and other explosives into the same vehicle only if the detonators are in containers that conform to the current version of the Institute of Makers of Explosives Safety Library Publication # 22 available from the Institute of Makers of Explosives, 1120 Nineteenth Street, N. W., Suite 310, Washington, DC 20036-3605.

(10) Not load explosives into the same vehicle with materials such as matches, firearms, electric storage batteries, corrosive compounds, flammable substances, acids, oxidizing agents and ammonium nitrate not in the original containers.

(11) Only load explosives into vehicles equipped with at least two fire extinguishers approved and coded by the National Board of Underwriters. The fire extinguishers shall be easily accessible and ready for immediate use. If the vehicle has:

(i) A gross weight of 14,000 pounds (6,356 kilograms) or less, the extinguishers shall have a combined capacity of 4-A:20-B,C, or equivalent.

(ii) A gross weight of greater than 14,000 pounds (6,356 kilograms) and for tractor/semitrailers, the extinguishers shall have a combined capacity of 4-A:70-B,C, or equivalent.

(12) Load explosives into a vehicle so that explosives containers are not exposed to sparks or hot gases from the exhaust tailpipe. Exhaust systems that discharge upwards are recommended to avoid possible exposure of sparks or hot gases to explosives.

(13) Only load explosives into vehicles that have passed the State safety inspection or certification.

Subchapter F. BLASTING ACTIVITIES

Sec.

- 211.151. Prevention of damage.
- 211.152. Control of noxious gases.
- 211.153. General requirements for handling explosives.
- 211.154. Preparing the blast.
- 211.155. Preblast measures.
- 211.156. Detonating the blast.
- 211.157. Postblast measures.
- 211.158. Mudcapping.
- 211.159. Electric detonation.
- 211.160. Nonelectric detonation.
- 211.161. Detonating cords.
- 211.162. Safety fuse.

§ 211.151. Prevention of damage.

(a) Blasting may not damage real property except for real property under the control of the permittee. If damage occurs, the blaster-in-charge shall notify the Department within 4 hours of learning of the damage.

(b) Blasting may not cause flyrock. If flyrock occurs, the blaster-in-charge shall notify the Department within 4 hours of learning of the flyrock.

(c) Blasts shall be designed and conducted in a manner that achieves either a scaled distance of 90 or meets the

maximum allowable peak particle velocity as indicated by Figure 1. However, blasting activities authorized prior to _____ (*Editor's Note:* The blank refers to the effective date of the adoption of this proposal. Figure 1 appears on page 2782.) may continue as authorized unless the authorization is modified, suspended or revoked by the Department. The scaled distance and maximum allowable peak particle velocity does not apply at a building or other structure owned or leased by the permittee or its customer.

(d) Blasts shall be designed and conducted to control airblast so that it does not exceed the noise levels specified in Table 1 at a building or other structure designated by the Department unless the building is owned or based by the permittee or its customer.

Table 1	
Lower frequency limits of measuring System in Hz(+3dB)	Maximum allowable levels in dBL
0.1 Hz or lower—flat response*	134 peak
2.0 Hz or lower—flat response	133 peak
6.0 Hz or lower—flat response	129 peak
C—weighted—slow response*	105 peak
*only when approved by the Department	

(e) The Department may reduce the maximum peak particle velocity or airblast level if it determines that a lower standard is appropriate because of density of population, land use, age or type of structure, geology or hydrology of the area, frequency of blasts or other factors.

§ 211.152. Control of noxious gases.

A blast shall be conducted so that the gases generated by the blast do not affect the health and safety of individuals. Effects from gases may be prevented by taking measures such as venting the gases to the atmosphere, interrupting the path along which gases may flow, and evacuating people from areas that may contain gases.

§ 211.153. General requirements for handling explosives.

(a) Only a nonferrous, nonsparking tool shall be used to open containers of explosives.

(b) Matches, lighters and smoking are prohibited within 100 feet (30.84 meters) of the blast site and areas where explosives are used or stored.

(c) If it becomes necessary to destroy damaged or deteriorated explosives, the permittee shall immediately contact the manufacturer for technical advice and assistance.

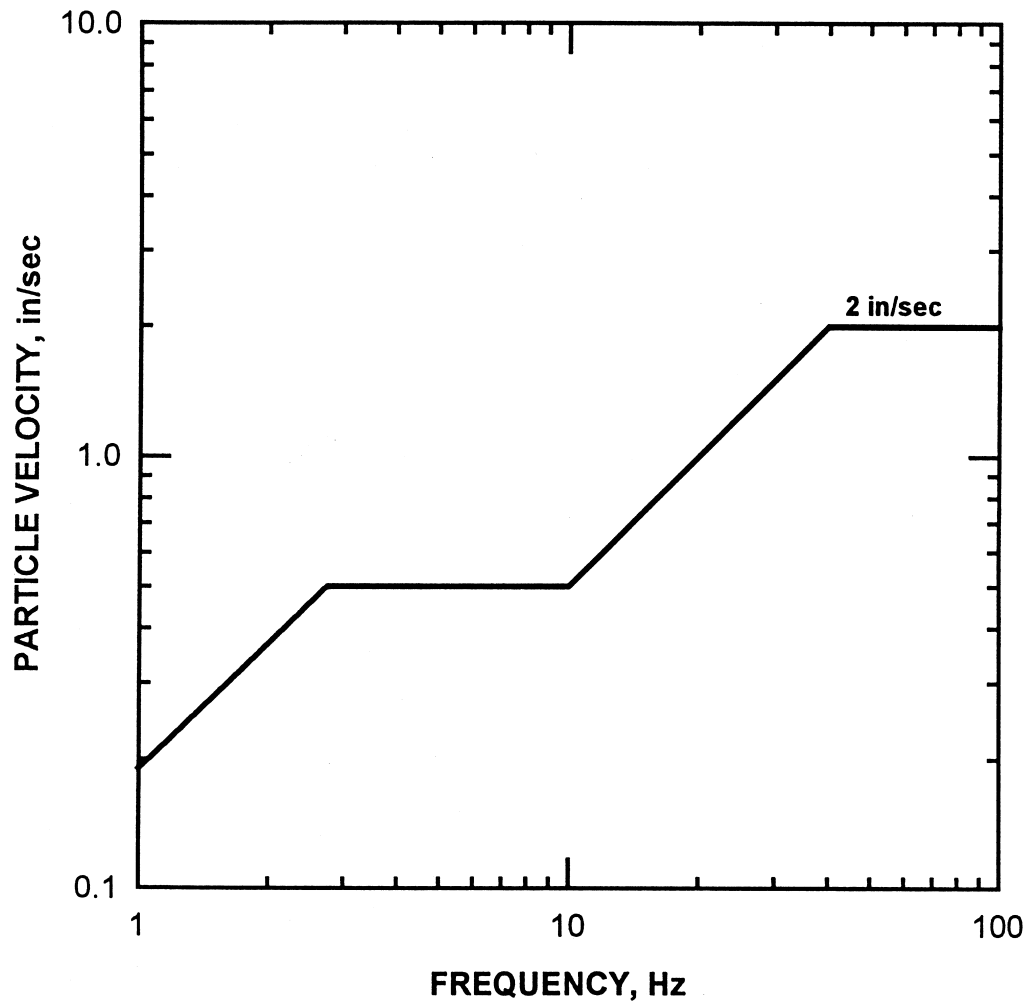
(d) Detonators may not be forced into cartridges of explosive or cast boosters. Detonators shall be completely inserted into a hole in an explosive cartridge made with an approved powder punch or into the detonator well of a cast booster.

(e) Explosives may not be left unattended. They are to be stored in a licensed magazine or kept under the permittee's supervision and control.

(f) A loaded blast shall always be under the continuous observation of the blaster-in-charge or a designee.

(g) Shooting or carrying ammunition or firearms on a blast site and in areas where explosives are used or stored is prohibited, except for material needed to initiate the blast.

Figure 1.



(h) If blasting activities are conducted in the vicinity of electric lines such as transmission lines or electrified railways, a test shall be made for presence of stray electric currents. Electric blasting caps may not be used if stray electric currents in excess of 50 milliamperes are present.

(i) A package of explosives may not be thrown, slid along floors or over other packages of explosives, or handled roughly.

(j) If an electrical storm approaches an area where there is an activity involving explosives, the area shall be cleared by the permittee or licensee, who shall post guards at all approaches to prevent trespass of unauthorized persons.

(k) Explosives and equipment that are obviously damaged or deteriorated may not be used.

(l) Explosives may not be abandoned.

§ 211.154. Preparing the blast.

(a) The blasting activity permittee shall designate a blaster-in-charge for each blast. The blaster-in-charge shall control and supervise the blasting activity. The blaster-in-charge is responsible for all effects of the blast.

(b) Only equipment necessary for loading blast holes may be allowed to operate within 50 feet (15.24 meters) of the blast site. The Department may establish in writing a different distance limitation.

(c) A person may not prepare or detonate a blast unless another person is present, able and ready to render assistance in the event of accident or injury.

(d) The blaster-in-charge shall make every effort to determine the condition of the material to be blasted from the individual who drilled the blast holes or from the drill log.

(e) Only the blaster-in-charge, other blasters, and up to six assistants per blaster may be at a blast site once loading of blast holes begins.

(f) While loading a blast hole, the following measures shall be followed:

(1) Ferrous material may not be used in the blast hole unless the use is approved by the Department in writing. This includes the use of steel casings, ferrous tools and retrieving equipment.

(2) Only nonferrous, nonsparking tamping sticks may be used in loading a blast hole. Sectional poles connected

by brass fittings are permitted, if only the wooden end of the pole is used for tamping. Retrieving hooks shall be made from nonsparking metal such as brass or bronze.

(3) When using a pneumatic loading device, every precaution shall be taken to prevent an accumulation of static electricity. A loading operation shall be stopped immediately if static electricity or stray electrical currents are detected. The condition shall be remedied before loading may be resumed.

(4) The blast hole shall be carefully checked for obstructions with a wooden tamping pole, a tape, a light or a mirror before it is loaded. The use of magnifying mirrors is prohibited. Explosives may not be forced past an obstruction in a blast hole.

(5) The blast hole shall be logged to measure the amount and location of explosives placed in the blast hole. The information is to be recorded on the blast report required by § 211.133 (relating to blast report).

(6) A blast hole containing loose dynamite shall be stemmed but not tamped.

(7) The Department may specify the type and amount of stemming.

(g) Before connecting one loaded blast hole to another, all activity within the blast area shall cease, and all nonessential persons shall retreat to a safe place. The blaster-in-charge shall determine the blast area.

(h) Primers shall be prepared only at the hole to be loaded, immediately prior to loading. The components of the primer are to be kept separated at the collar of the blast hole. The primer may not be slit, dropped, deformed or carelessly handled and may not be tamped or forced into the blast hole.

(i) Immediately upon completing the loading of a blast hole, any wood, paper or other materials used to pack explosives shall be inspected for the presence of explosives and removed to an isolated area. These materials may be burned after the blast has been fired. Persons may not be within 100 feet (30.48 meters) of these burning materials.

(j) Measures shall be taken to reduce the chance of flyrock including:

(1) The use of blasting mats or other protective devices, if, in the opinion of the blaster-in-charge, the measures are necessary to prevent injuries to persons or damage to property.

(2) When blasting to an open, vertical face, checking the face for loose, hanging material or other faults prior to loading the blast holes.

(k) Explosives may not be brought to a blast site in greater quantities than that needed for that blast. Surplus explosives may not be stored at the blast site.

(l) Before a blast hole is loaded, it shall be checked to ensure that it is cool and does not contain any hot metal or smoldering material remaining from drilling the hole.

(m) The use of abrasive or sharp-edged constituents in stemming material shall be avoided if tamping is necessary and the tamping may sever blasting cap leg wires, shock tubes or detonating cords.

(n) Blasting activities may not be conducted within 800 feet (243.84 meters) of a public roadway unless precautionary measures are taken to safeguard the public. Precautionary measures include stopping or slowing of traffic and posting signs.

§ 211.155. Preblast measures.

Prior to detonating a blast, the blaster-in-charge shall:

(1) Ensure that all excess explosives have been removed from the blast area and are located in a safe area.

(2) Inspect the blast site to ensure that connections are proper and adequate.

(3) Ensure that the blast area is cleared and safeguarded.

(4) In addition to the warning signal, notify all persons who may be in danger.

(5) Ensure that the necessary precautions are in place to protect the public on public roads.

(6) At least 1 minute but no more than 2 minutes prior to detonation, sound a warning signal of three blasts, each lasting approximately 5 seconds. The warning signal shall be of sufficient power to be heard 1,000 feet (304.80 meters) from the blast site.

§ 211.156. Detonating the blast.

(a) A blast may be detonated only between sunrise and sunset unless the Department authorizes a blast at another time of day.

(b) Only the blaster-in-charge may detonate a blast.

§ 211.157. Postblast measures.

(a) After a blast has been detonated, no one may return to the blast area until all smoke and fumes have dissipated.

(b) After the smoke and fumes have cleared, the blaster-in-charge shall return to the blast site and closely inspect the blast site to ensure that it is safe with respect to the blasting activity.

(c) After the blaster-in-charge has determined the blast area is safe, the blaster-in-charge shall sound an all-clear signal, consisting of one long blast, lasting approximately 10 seconds. This all-clear signal shall be of sufficient power to be heard 1,000 feet (304.80 meters) from the blast site.

(d) The blaster-in-charge shall determine if a misfire occurred and shall take all actions necessary to render the blast site safe. The blast site shall be made safe before drilling or muck removal begins.

(e) If the blaster-in-charge suspects that undetonated ammonium nitrate/fuel mixture remains in the muck pile, the muck pile shall be thoroughly wetted down with water before any digging is attempted. Special attention shall be given to determine if primers, other explosives or detonators are present in the muck pile.

(f) The blaster-in-charge shall immediately complete the blast report as required by § 211.133 (relating to blast report).

(g) The blaster-in-charge shall notify the Department within 24 hours of the occurrence of a misfire. A copy of the blast report shall be forwarded to the Department.

§ 211.158. Mudcapping.

Mudcapping in blasting activities is allowed only if the blaster-in-charge determines that drilling the material to be blasted would endanger the safety of the workmen. If mudcapping is necessary, no more than 10 pounds (4.53 kilograms) of explosives shall be used for a blast.

§ 211.159. Electric detonation.

(a) Electric blasting caps shall be tested for continuity with a blaster's galvanometer or blaster's multimeter specifically designed for testing blasting circuits. Testing shall be done:

- (1) Before the primers are made up.
 - (2) After the blast hole has been loaded but prior to stemming.
 - (3) As the final connecting of the circuit progresses.
- (b) When a shunt is removed from electric blasting cap leg wires, the exposed wires shall be reshunted.

(c) Electric blasting caps may not be employed in a blast if there is any possibility of wires from the circuit being thrown against overhead or nearby electric lines.

(d) An effort may not be made to reclaim or reuse electric blasting caps if the leg wires have been broken off near the top of the cap.

(e) Leg wires on electric blasting caps shall extend above the top of the blast hole. Wire connections and splices are not allowed in the blast hole.

(f) Only solid wire shall be used in a blasting circuit. The use of stranded wire is prohibited.

(g) When electric detonation is used near public roads, signs shall be erected at least 500 feet (152.40 meters) from the blast areas reading: "BLAST AREA—SHUT OFF ALL TWO-WAY RADIOS."

(h) A blasting machine is the only permissible source of electrical power for a detonation.

(i) The blasting circuit shall remain shunted until the time for detonation unless the circuit is being tested or connections are being made.

(j) A sticker shall be displayed on blasting machines that shows they have been tested within the last 30 days by procedures recommended by the manufacturer or supplier to ensure performance at rated capacity. If blasting caps are used in the test, they shall be covered with earth or sand.

(k) When electronic detonation is used, the blaster-in-charge shall determine that adequate current, as specified by the manufacturer of the detonators, is available to properly energize the detonators in the circuit.

§ 211.160. Nonelectric detonation.

Nonelectric initiation systems shall be checked and tested for secure connections in accordance with recommendations of the manufacturer of the system in use.

§ 211.161. Detonating cords.

(a) Detonating cord shall be cut from the supply roll immediately after placement in the blast hole. A sufficient length of downlines shall be left at the top of the blast hole for connections to trunk lines. The supply roll shall be immediately removed from the site. Scrap pieces of detonating cord shall be destroyed after connections are made.

(b) A trunk line shall be covered with at least 12 inches (0.30 meter) of earth or sand, unless otherwise authorized by the Department.

(c) Detonating cord may not be spliced if the resulting gap will fall within a blast hole.

§ 211.162. Safety fuse.

(a) When safety fuse is used in blasting, it shall be long enough to provide a burn time of 120 seconds or longer.

(b) Prior to using safety fuse, the blaster-in-charge shall conduct a test burn. The test burn will utilize at least a 12-inch (0.30-meter) section of fuse which is lit, then timed to determine actual burn time.

(c) A blasting cap shall only be crimped to a safety fuse with a proper crimping tool. A blasting cap may not be attached to safety fuse in or within 10 feet (3.05 meters) of a magazine.

Subchapter G. REQUIREMENTS FOR MONITORING**Sec.**

211.171. General provisions for monitoring.

211.172. Monitoring instruments.

211.173. Monitoring records.

§ 211.171. General provisions for monitoring.

(a) If the scaled distance of a blast is 90 or numerically less at the closest building not owned or leased by the blasting activity permittee or its customer, ground vibration and airblast monitoring shall be conducted. The Department may require the permittee to conduct ground vibration and airblast monitoring at other buildings or structures even if the scaled distance is greater than 90.

(b) Blasting activities without monitoring may be considered in compliance with this chapter if at a specified location, on at least five blasts, monitoring has demonstrated that the maximum peak particle velocity at the specified location represents more than a 50% reduction from the limit in the permit and this chapter. Future blasts shall maintain a scaled distance equal to or greater than the scaled distance for the monitored blasts.

(c) If monitoring is required, a ground vibration and airblast record of each blast shall be made part of the blast report.

(d) If monitoring is performed with instruments that have variable "trigger levels," the trigger for ground vibration shall be set at a particle velocity of no more than 50% of the compliance limit unless otherwise directed by the Department.

(e) If the peak particle velocity and airblast from a blast are below the set trigger level of the instrument, a printout from the instrument shall be attached to the blast report. This printout shall provide the date and time when the instrument was turned on and off, the set trigger levels and information concerning the status of the instrument during the activation period.

§ 211.172. Monitoring instruments.

If monitoring is required, the monitoring instrument shall provide a permanent record of each blast.

(1) A monitoring instrument for recording ground vibration, at a minimum, shall have:

- (i) A frequency range of 2 Hz to 100 Hz.
- (ii) Particle velocity range of .02 to 4.0 inches (5.08 x 10⁻⁴ to 0.10 meters) per second or greater.
- (iii) An internal dynamic calibration system.

(2) A monitoring instrument used to record airblast shall have:

- (i) A lower frequency limit of 0.1, 2.0 or 6.0 Hz.

(ii) An upper end flat-frequency response of at least 200 Hz.

(iii) A dynamic range that, at a minimum, extends from 106 to 142 dBL.

(3) A monitoring instrument shall be calibrated annually and when an instrument is repaired and the repair may effect the response of the instrument. Calibration shall be done by the manufacturer of the equipment, or by an organization approved by the manufacturer, or by an organization having verifiable knowledge of the calibration procedures developed by the manufacturer. The calibration procedure shall include testing the response of the entire system to externally-generated dynamic inputs. These inputs shall test the entire monitoring system at a sufficient number of discrete frequency intervals to assure flat response throughout the frequency ranges specified by this chapter. Dynamic reference standards used for calibration shall be traceable to the National Institute of Standards and Technology (NIST). Calibration procedures and documentation of calibration shall be made available for review by the Department.

(4) A nonalterable sticker that is clearly visible shall be firmly affixed to the instrument. The sticker shall indicate the name of the calibration facility, the calibration technician, the date of calibration and frequency range of the airblast monitor.

§ 211.173. Monitoring records.

(a) Anyone using a monitoring instrument shall be trained on the proper use of that instrument by a representative of the manufacturer or distributor, or other competent individual. A record of that training is to be maintained and available for review by the Department.

(b) Monitoring records, at a minimum, shall contain:

(1) The calibration pulse.

(2) The calibration signal of the gain setting, for instruments with variable gain settings.

(3) The time history of particle velocities for three mutually perpendicular ground vibration traces and one air-overpressure trace, including time base, amplitude scales and peak values for all traces.

(4) The results of a field calibration test for each channel.

(5) The frequency content of all vibration signals using either single degree of freedom (SDF) response spectrum or half-cycle zero-crossing analysis methods.

(6) Frequency versus particle velocity plots as indicated in § 211.151(c), Figure 1 (relating to prevention of damage).

(7) The name and signature of the individual taking the recording.

(8) The location of the monitoring instrument, date and time of the recording.

(9) The last calibration date of the monitoring instrument.

(c) The Department may require a ground vibration or airblast recording to be analyzed or certified by an independent, qualified consultant who is not related to the blasting activity permittee or its customer. When the Department requires that a recording be analyzed or certified, it shall be performed and included with the blast report within 30 days.

Subchapter H. BLASTING ACTIVITIES NEAR UTILITY LINES

Sec.

211.181. Scope.

211.182. General provisions.

§ 211.181. Scope.

This subchapter applies to buried or underground utility lines and utility lines making contact with the surface of the ground.

§ 211.182. General provisions.

(a) Blasts shall be designed and conducted so that they provide the greatest relief possible in a direction away from the utility line and to keep the resulting vibration and actual ground movement to the lowest possible level.

(b) Blasting shall use a type of explosive specifically designed to minimize the likelihood of propagation between explosive charges.

(c) When blasting within 200 feet (60.96 meters) of a utility line, blast holes may not exceed 3 inches (7.62 x 10⁻² meters) in diameter.

(d) Blasting in the vicinity of a utility line shall be conducted as follows:

(1) Excavation from the ground surface to a depth corresponding to the elevation of the top of the buried utility line may proceed at the discretion of the blaster-in-charge, using safe, accepted techniques.

(2) Once the excavation has attained a depth equal to the elevation of the top of the buried utility line or if the line is exposed, or makes solid contact with the surface, the vertical depth of subsequent blast holes shall be restricted to one half the horizontal distance from the closest portion of the utility line.

(e) If one or more of the requirements listed in this section are not feasible or creates a potential safety problem, the permittee may apply to the Department for a waiver of the provision or provisions in question. This waiver will be granted if, in the judgment of the Department, the alternate procedure does not endanger the utility line.

[Pa.B. Doc. No. 00-940. Filed for public inspection June 2, 2000, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

[55 PA. CODE CHS. 4225 AND 4226]

Early Intervention Services

Statutory Authority

The Department of Public Welfare (Department), under the authority of the Early Intervention Services System Act (act) (11 P. S. §§ 875-102—875-503), proposes to adopt amendments to read set forth in Annex A.

Background

The Department is proposing regulations under the authority of the act that directs the Department to develop regulations for early intervention services for infants and toddlers under 3 years of age.

Community Early Intervention was initiated in 1971 with Federal P. L. No. 89-313 money going directly from the Department of Education to early intervention provider agencies.

Early Intervention categorical funding was initiated during fiscal year 1975-76. The Education Amendments Act of 1974, P. L. No. 93-380, defined the intent of Federal P. L. 89-313 moneys. The Education Amendments Act of 1974, contained a provision that the Federal P. L. No. 89-313 money earned must be given directly to that child who generated the funds, for the provision of supplemental educational services only.

As a result of this, the Department was directed to cease targeting of funds to specific agencies. A program revision request was developed for \$1.5 million to replace, with State money, the amount of excess targeted Federal money so that programs could remain operational once the Federal funds were distributed equally. Legislative approval of this request allowed the Department to continue participation in the Federal P. L. No. 89-313 program. By receipt of State dollars, all eligible agencies serving eligible children were able to apply for Federal and State money to supplement the early intervention program. All eligible agencies (those who were serving children and submitting child counts) were offered the opportunity to receive Federal P. L. No. 89-313 funds.

The Federal Rights to Education Act 94-142 required all states having responsibility for the education of children with disabilities to have requirements for procedural safeguards. The Federal Department of Education Program Review of 1979 cited the Commonwealth, specifically the Department, for not having a system of procedural safeguards and surrogate parent provisions as required.

The Department established Chapter 4225 (relating to procedural safeguards for children in early intervention) to specify procedures for providing procedural safeguards for notice and consent; confidentiality; placement in least restrictive environment; development, implementation and review of individual program plans; and protection in evaluation for children in early intervention services; and established the rights the families were required to receive.

In 1986, the Individuals with Disabilities Education Act (IDEA) went into effect. Federal Part H of IDEA required the Department to provide procedural safeguards for children enrolled in the early intervention program and include the child's family in the family assessment.

Federal Part H of IDEA required that states designate a lead agency to be responsible for the Early Intervention Program. The act designates the Department to be responsible for the early intervention program for infants and toddlers under 3 years of age. The act also requires early intervention funding to be distributed through the county Mental Health/Mental Retardation Program (HM/HR) Offices. The legal entity may meet this requirement to assure appropriate early intervention services by contracting with public or private agencies that meet all the requirements and program standards of the act. The act further directed the Department to define and address all the issues concerning early intervention services by promulgating program regulations.

Since the act directed the Department to promulgate program regulations, policy bulletins were issued to clarify early intervention services requirements. Office of Mental Retardation Bulletins 4225-91-01; 4225-91-02; 4225-91-03; 4225-91-04; and 4225-91-05 were issued and

the Department monitored the effect of the policy bulletins. Along with policy bulletins, intense involvement began for stakeholders to work in conjunction with the Department to draft early intervention program regulations.

Effective in 1997, IDEA was amended by Congress to update the law and the 1997 Amendment replaced Part H with Part C.

The purpose of this chapter is to assure that quality early intervention supports and services are consistently managed. These regulations address the needs of the child and the family's concerns, priorities and resources related to enhancing the development of the child with an individualized family service plan (IFSP). The chapter also establishes criteria for eligibility, contracting guidelines, standards for service delivery, staff qualifications and parental rights established in Part C of IDEA.

These proposed draft regulations are deleting Chapter 4225, 21 Pa.B. 2953 (June 29, 1991). The procedural safeguards are incorporated into the draft program regulations that will be in Chapter 4226.

Regulatory Development Process

A work plan describing the process and time frames that would be followed leading to final promulgation of Chapter 4226 was completed in July 1997. The plan provided for regular consultation with the State Interagency Coordinating Council, parents, early intervention consultants, early intervention provider organizations, legislative staff members and representatives from the county mental health and mental retardation program offices.

On September 22 and 23, 1997, December 11, 1997, and March 3, 1998, group meetings were held with Statewide representatives from the State Interagency Coordinating Council, parents, early intervention consultant organizations, provider organizations, legislative staff and the county mental health and mental retardation program offices. The meetings were convened to give briefings on the scope of the new chapter and to obtain input on major issues of particular concern to the different individuals and organizations represented. These meetings were referred to as stakeholder meetings.

The first in the series of meetings with stakeholders was convened on September 22 and 23, 1997. Prior to this meeting, invited participants were sent a preliminary draft of the proposed amendments. They were asked to review the document, submit written comments and attend the meeting prepared to make suggestions to improve the proposed amendments. Approximately 55 people were invited to attend the meeting.

Based on group recommendations, the proposed amendments were revised and sent back to the stakeholder group for written comments. Written comments were considered and further regulatory revisions were drafted prior to the December 11, 1997, meeting. Based on group recommendations again, all parties at the stakeholder meeting held on December 11, 1997, agreed to parallel Federal language from Federal Part C of IDEA where possible in drafting the proposed amendments to early intervention.

Written comments were again considered, and further revisions were drafted prior to the stakeholder meeting held on March 3, 1998, and prior to submission of this document as proposed rulemaking.

Scope

These proposed amendments are intended to apply to the legal entities administering early intervention services. The proposed amendments will direct legal entities to develop and implement a Statewide family-centered, comprehensive, coordinated, multidisciplinary, inter-agency system that provides early intervention services for infants and toddlers with disabilities and their families. The legal entities will administer approximately 260 early intervention service providers to provide consistent early intervention services.

Format

Chapter 4226 regulations are written to be applied to the legal entities that administer early intervention services. In addition to the general provisions and the Definition sections, the proposed chapter is divided into sections that fall under six additional headings.

The Financial Administration heading contains §§ 4226.11—4226.15 that explain how the money is allocated and how the financial obligations are mandated. The General Requirements heading contains §§ 4226.21—4226.43 that detail the eligibility process, screening process and the training process. The Personnel heading contains §§ 4226.51—4226.57 that explains staffing requirements and qualifications.

The Evaluation and Assessment heading contains §§ 4226.61—4226.63 that details how the initial evaluation should be coordinated with the child's family. The Individualized Family Service Plans (IFSPs) heading contains §§ 4226.71—4226.75 that details procedures for the IFSP development, review and evaluation. The last heading, Procedural Safeguards, contains §§ 4226.91—4226.105 that explain hearings, appeals, mediations and parental rights. The Procedural Safeguards were in effect since 1983 and the Department is proposing to incorporate the safeguards into the proposed rulemaking.

Need for Proposal

The General Assembly directed, in section 302(a) of the act, that the Department develop regulations to comply with the act and the Individuals with Disabilities Education Act, as amended by the Individuals with Disabilities Education Act Amendments of 1997, 20 U.S.C.A. §§ 1431—1445. Specifically, the Department was authorized to develop regulations to govern the methods for locating and identifying eligible children; criteria for eligible programs; contracting guidelines; personnel qualifications and a system of preservice and inservice training; early intervention services; procedural safeguards; appropriate placement, including the least restrictive environment; a system of quality assurance, including evaluation of the developmental appropriateness; quality and effectiveness of programs; assurance of compliance with the program standards; and provisions of assistance to assure compliance; data collection and confidentiality; interagency cooperation at the State and local level through the State interagency agreement and local interagency agreements; content and development of IFSPs; and any other issues which are required under the act and Part H and Part C.

In addition, the Legislative Budget and Finance Committee (LBFC) under the authority of House Resolution 354 recommended the Department should promulgate program regulations as required by the act. The LBFC determined the early intervention program would benefit from the structure that program regulations provide and would also promote standardization of practices and procedures among counties.

*Financial Management**§§ 4226.11—4226.15 (relating to financial management)*

The proposed financial management section on financial administration of early intervention services applies Chapter 4300 (relating to county mental health and mental retardation fiscal manual), to the legal entities to identify allowable costs and the responsibility to access all private and public funding sources.

The section explains why legal entities are responsible for administering all early intervention services, whether or not the services are eligible under Medicaid waiver.

*General Requirements**§ 4226.21 (relating to delegation of responsibilities)*

This section allows a legal entity to contract with another agency to execute necessary requirements of this chapter. Although a legal entity possibly will contract with another agency to deliver early intervention services, the legal entity retains responsibility for assuring compliance with the program.

§ 4226.22 (relating to eligibility for early intervention services)

The criteria and standards by which legal entities shall measure early intervention services eligibility for all eligible children are defined in this section.

§ 4226.23 (relating to waiver eligibility)

This section of the regulations relate to the Medicaid waiver for the infants, toddlers and families reflects responsibilities for administration of services funded under this waiver.

The Medicaid waiver is established under section 1915(c) of the Social Security Act. Waiver funded services have been available to provide services for individuals with mental retardation, since 1983. The Medicaid waiver for infants, toddlers and families is approved for a 3 year period from July 1, 1998, to June 30, 2001, and may be renewed for additional 5 year periods based on the approval of the Secretary of the Department of Health and Human Services.

Proposed waiver regulatory provisions mirror county responsibilities that have already been established by a Department under Mental Retardation Bulletin 00-98-05, titled: Supplemental Grant Agreement for the infants, toddlers and families waiver, issued May 7, 1998. County MH/MR Program offices are required to sign this agreement as agents of the Commonwealth to assure Federal requirements are being met.

Regulations for administration of the waiver include provisions dealing with fiscal administration, eligibility, provider enrollment, freedom of choice safeguards, service management, and maintenance of state assurances required by the Federal Health Care Financing Administration. The regulations will establish requirements for independent multidisciplinary team evaluations; implementation of family-centered principles, and monitoring of cost and utilization of services. The legal entities would be responsible to administer services funded under this waiver in accordance with these proposed amendments.

§ 4226.24 (relating to comprehensive child find system)

Available services are directed to be coordinated by the legal entity to allow eligible children within a defined geographical location the opportunity to receive all eligible early intervention services and supports. This pro-

posed section requires a legal entity to develop an effective method to locate all eligible infants and toddlers and deliver the needed early intervention services. Legal entities must coordinate this child find system with the local interagency coordinating council and all other appropriate programs.

§§ 4226.25—4226.32 (relating to screening and tracking)

These sections detail the processes of initial screening of children who may be eligible for early intervention services. They describe and provide information concerning how eligibility is determined and when the multidisciplinary evaluations (MDE) team makes recommendations for further evaluations.

These sections define procedures to perform the screening as well as providing how information shall be shared in writing with the families. This information concerns the developmental status of their infants or toddlers and the supports and services that will be available to address the individualized needs of each child and family, based on the priorities and resources identified by the family.

The criteria for an at-risk child is defined here as stated in the act, and the legal entity is directed to develop a tracking system for at-risk children.

§ 4226.33 (relating to legal entity monitoring responsibilities)

This section requires a legal entity to monitor its early intervention service providers. The legal entity is required to monitor all early intervention services that occur within a defined geographical location, or any services that are contracted to an agency outside its defined geographical location. The legal entity is required to monitor each early intervention service provider at least once every 12 months.

§ 4226.34 (relating to community evaluations)

The regulations will require at least once in every 3 years, the legal entity to conduct an early intervention self-assessment review to ensure that all early intervention services are accomplishing their desired program goals and to ensure family satisfaction is occurring.

The Department will continue to develop the assessment process and provide training to the legal entities. During the past 5 years, the Department was paying an outside entity to develop and pilot an assessment instrument, based on Federal and State statute and Department policy bulletins. The Department has been using a formalized monitoring instrument for 3 years. The assessment process and the instrument for self-assessment are based on family-centered principles and other best practices.

§§ 4226.35—4226.37 (relating to training; preservice training; and annual training)

All professional and para-professional personnel providing early intervention services will be required to have preservice training as outlined in the regulations prior to working with family and children.

The Department will determine how many hours of training early intervention staff will receive on an annual basis. At least 24 hours of training on an annual basis seems to be the most appropriate. This training is required to be in early childhood developmental and health areas.

§ 4226.38 (relating to criminal history record check)

This section is proposed to ensure that the legal entities comply with, and monitor the Child Protective

Services Law, 23 Pa.C.S. §§ 6301—6384 (Act 33). Although all legal entities and all early intervention service agencies must already comply with Act 33, a section in the proposed Early Intervention regulations will reinforce to all staff persons what is required in Act 33.

§ 4226.41 (relating to traditionally underserved groups)

To ensure that all proposed populations within a defined geographical location are equally involved in the planning and implementation of early intervention services, this section is intended to allow families access to culturally competent services.

§§ 4226.42 (relating to local interagency coordinating council)

When the act was enacted, the Department was directed to establish and maintain local interagency coordinating councils for defined geographic areas. This council is required by the Education of the Handicapped Act Amendments of 1986 (P. L. No. 99-457, 100 Stat. 1145).

This section directs the legal entity to ensure the local interagency coordinating councils are established, and to whom membership is to be limited. This section clarifies the powers and duties of the local council and establishes its authorization in the advisement and comments on the development of local interagency agreements. This section directs the local interagency coordinating council with whom it shall communicate regarding local interagency agreements.

Personnel

§§ 4226.51—4226.57 (relating to personnel)

The personnel sections define and outline specific qualifications and activities required of services coordinators and the early interventionists who perform early intervention services within each legal entity. A grandfather clause is included in the personnel qualifications for hiring and promoting before the effective date of these regulations.

The Department reviewed the literature regarding personnel qualifications and considered other regulations that are being applied to similar services. The Department determined that early interventionists and service coordinators do not have state-required certification, licensure or registration. The qualifications and activities outlined in these regulations are comparable with similar services in other regulations.

Evaluation and Assessment

§§ 4226.61—4226.63 (relating to evaluation and assessment)

These proposed sections require evaluation and assessment to determine initial and ongoing eligibility for early intervention services. Evaluation and assessment provides information for IFSP. These sections propose to mandate parental consent and nondiscriminatory practices.

IFSP

§§ 4226.71—4226.75 (relating to IFSP)

The outcome of evaluation and assessment is a written plan using information obtained during the evaluation and assessment process. The IFSP is a detailed description of services and supports, which will be provided to an infant or toddler and family, for a maximum period of 12 months with a review process every 6 months or less.

Federal Part C of IDEA specifies that the family is required to be involved in the planning, development, review and evaluation of the IFSP.

These sections detail the IFSP, which must be completed for each eligible child. Guidelines for the development, review, evaluation and content of the IFSP are detailed; when and where an IFSP meeting will be conducted is detailed; participants to be included in IFSP meetings and reviews are listed; and the steps for transition from early intervention are explained.

Procedural Safeguards

§§ 4226.91—4226.105 (relating to conflict resolution procedures and parental rights)

In these sections of the proposed amendments, the Department outlines procedures, parental rights and child status within a program during review and resolution of individual complaints.

These sections define the provisions of the procedural safeguards system for infants, toddlers and their families. The sections specify the legal entities' responsibilities relative to the actual processing of requests from families and the requirements that must be met to assist the families in understanding their rights regarding consent, native language, personally identifiable information and the parent's rights to examine records or to decline services.

Federal Part C of the 1997 amendments to IDEA specify that mediation between the legal entity and families is required for all issues concerning the early intervention services each child is receiving. This section requires the legal entity to ensure that procedures are adopted to allow the mediation process to occur.

This section outlines policies and procedures available to families, on a voluntary basis, for resolution of disputes through an independent mediation process.

§ 4226.105 (relating to surrogate parents)

This section will establish the procedures a legal entity must adopt to ensure the rights of eligible children when appointing surrogate parents.

Also in this section, the qualifications and rights of surrogate parents and foster parents will be established.

Summary of Fiscal Note

In drafting proposed Chapter 4226, consideration was given to the effect the regulations will have on the cost of providing early intervention services. These regulations incorporate requirements already imposed under the act, Part C of the IDEA, and accompanying regulations, and the infants, toddlers and families Medicaid waiver approved by the Health Care Financing Administration, all of which are currently in place. Therefore, no additional cost or savings is anticipated.

Paper Requirements

There are no additional paperwork requirements for these proposed amendments.

Effective Date

The final-form regulations will take effect upon publication as final rulemaking in the *Pennsylvania Bulletin*.

Sunset Date

No sunset date has been established for these proposed amendments.

Public Hearings

The Department will hold public hearings as follows:

Western Region
July 17, 2000
Western Instructional Support Center
5347 William Flynn Highway, Route 8
Gibsonia, PA 15044
10 a.m.—1 p.m.

Central Region
July 24, 2000
Central Instructional Support Center
6340 Flank Drive, Suite 600
Harrisburg, PA 17112
10 a.m.—1 p.m.

Southeast Region
July 25, 2000
Eastern Instructional Support Center
200 Anderson Road
King of Prussia, PA 19406
10 a.m.—1 p.m.

Requests to provide verbal comments are to be addressed to:

Mary Puskarich
Western Region OMR
1403 State Office Building
300 Liberty Avenue
Pittsburgh, PA 15222
(412) 565-5144

Tom Harfman
Northeast Region OMR
315 State Office Building
100 Lackawanna Avenue
Scranton, PA 18503
(570) 963-4391

Vicki Stillman-Toomey
Southeast Region OMR
306 State Office Building
1400 Spring Garden Street
Philadelphia, PA 19130
(215) 560-2247

Paul Hindman
Central Region OMR
Room 430 Willow Oak Building
P. O. Box 2675
Harrisburg, PA 17105-2675
(717) 772-6507

Individuals wishing to comment at the public forums are requested to limit their comments to 5 minutes. Three copies of written comments are also requested to be provided.

Public Comment Period

Interested parties are invited to submit written comments, suggestions or objections regarding the proposed amendments to the Department of Public Welfare, Mel Knowlton, P. O. Box 2675, Harrisburg, PA 17105-2675, (717) 783-5764, fax (717) 787-6583 within 60-calendar days after the date of publication in the *Pennsylvania Bulletin*. All comments received within 60-calendar days will be reviewed and considered in the preparation of the final-form regulations. Comments received after the 60-day comment period will be considered for subsequent revisions of these proposed amendments.

Regulatory Review Act

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)) on May 23, 2000, the Department submitted a copy of these proposed amendments to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Aging and Youth and the Senate Committee on Public Health and Welfare. In addition to submitting the proposed amendments, 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.

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

FEATHER O. HOUSTON,
Secretary

Fiscal Note: 14-452. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 55. PUBLIC WELFARE

PART VI. MENTAL HEALTH AND MENTAL RETARDATION MANUAL

Subpart C. ADMINISTRATION AND FISCAL MANAGEMENT

(*Editor's Note:* As part of this rulemaking, the Department is proposing to delete the text of Chapter 4225, which appears at 55 Pa. Code pages 4225-1—4225-27, serial pages (247755)—(247786). The following Chapter 4226 is new. It has been printed in regular type to enhance readability.)

§§ 4225.1—4225.4. (Reserved).

§§ 4225.11—4225.15. (Reserved).

§§ 4225.21—4225.50. (Reserved).

§§ 4225.61—4225.64. (Reserved).

§§ 4225.71—4225.82. (Reserved).

§§ 4225.91—4225.99. (Reserved).

§§ 4225.101—4225.106. (Reserved).

CHAPTER 4226. EARLY INTERVENTION SERVICES

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GENERAL PROVISIONS

§ 4226.1. Introduction.

(a) Early intervention services and supports are provided to families and eligible children under 3 years of age maximize the child's developmental potential. Early intervention services for an infant and toddler are provided in conformity with an IFSP.

(b) Early intervention services are founded on a partnership between families and early intervention personnel which is focused on the unique needs of the child and the concerns and priorities of each family and builds on family and community resources.

§ 4226.2. Purpose.

This chapter establishes required procedures and standards for the early intervention program.

§ 4226.3. Applicability.

This chapter applies to a legal entity providing early intervention services.

§ 4226.4. Noncompliance.

The failure of a public legal entity to comply with this chapter so that needs of children eligible under this chapter are not being adequately met, shall subject the public legal entity to penalties consistent with section 512 of the Mental Health and Mental Retardation Act of 1966 (50 P. S. § 4512).

§ 4226.5. Definitions.

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

Appropriate professional requirements—Entry level requirements that:

(i) Are based on the highest requirements in the profession or discipline in which a person is providing early intervention services to enable the individual to obtain licensure, certification or registration in the profession.

(ii) Establish suitable qualifications for personnel providing early intervention services under this part to eligible children and their families who are served by public and private agencies.

Assessment—The ongoing procedures used throughout the period of a child's eligibility under this part to identify the following:

(i) The child's unique strengths and needs and the services appropriate to meet those needs.

(ii) The resources, priorities and concerns of the family and the identification of supports and services necessary to enhance the family's capacity to meet the developmental needs of its infant or toddler with a disability.

Assistive technology device—An item, piece of equipment or product system, whether acquired commercially off the shelf, modified or customized, that is used to increase, maintain or improve the functional capabilities of children with disabilities.

Assistive technology service—A service that directly assists a child with a disability in the selection, acquisition or use of an assistive technology device. The term includes:

(i) The evaluation of the needs of a child with a disability, including a functional evaluation of the child in the child's customary environment.

(ii) Purchasing, leasing or otherwise providing for the acquisition of assistive technology devices by children with disabilities.

(iii) Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing or replacing assistive technology devices.

(iv) Coordinating and using other therapies, interventions or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs.

(v) Training or technical assistance for a child with disabilities or, if appropriate, that child's family.

(vi) Training or technical assistance for professionals (including individuals providing early intervention services) or other individuals who provide services to or are otherwise substantially involved in the major life functions of individuals with disabilities.

At risk infant or toddler—An individual under 3 years of age eligible for screening and tracking as defined by the Early Intervention Systems Services Act (11 P. S. §§ 875-101—875-503).

Audiology services—Includes the following:

(i) Identification of children with auditory impairment, using audiologic screening techniques.

(ii) Determination of the range, nature and degree of hearing loss and communication functions, by use of audiological evaluation procedures.

(iii) Referral for medical and other services necessary for the habilitation or rehabilitation of children with auditory impairment.

(iv) Provision of auditory training, aural rehabilitation, speech reading and listening device orientation and training, and other services.

(v) Provision of services for prevention of hearing loss.

(vi) Determination of the child's need for individual amplification, including selecting, fitting, and dispensing appropriate listening and vibrotactile devices, and evaluating the effectiveness of those devices.

Child—An individual under 3 years of age who has been determined eligible for services under this chapter.

County MH/MR program (legal entity)—A MH/MR program established by a county or two or more counties acting in concert and includes a complex of services providing a continuum of care in the community for the mentally disabled.

Department—The Department of Public Welfare of the Commonwealth.

Developmental delay—The extent or type of developmental delay that a child demonstrates to be eligible for early intervention services.

Early intervention program—The development, management and administration of the delivery of services in a geographic location that is directed toward meeting the developmental needs of children and their families eligible under this chapter.

Early intervention services—Developmental services that are:

(i) Provided under public supervision.

(ii) Provided at no cost to families.

(iii) Designed to meet the developmental needs of an infant or toddler with a disability in any one or more of the following areas:

(A) Physical development.

(B) Cognitive development.

(C) Communication development.

(D) Social or emotional development.

(E) Adaptive development.

(iv) Meeting the requirements of this chapter.

(v) Including the following:

(A) Family training, counseling and home visits.

(B) Special instruction.

(C) Speech-language pathology and audiology services.

(D) Occupational therapy.

(E) Physical therapy.

(F) Psychological services.

(G) Service coordination services.

(H) Medical services only for diagnostic or evaluation purposes.

(I) Early identification, screening and assessment services.

(J) Health services necessary to enable the infant or toddler to benefit from the other early intervention services.

(K) Social work services.

(L) Vision services.

(M) Assistive technology devices and assistive technology services.

(N) Transportation and related costs that are necessary to enable an infant or toddler and the infant's or toddler's family to receive another service described in this paragraph.

(vi) Provided by qualified personnel, including at a minimum, the following:

(A) Special educators.

(B) Speech-language pathologists and audiologists.

(C) Occupational therapists.

(D) Physical therapists.

(E) Psychologists.

(F) Social workers.

(G) Nurses.

(H) Nutritionists.

(I) Family therapists.

(J) Orientation and mobility specialists.

(K) Pediatricians and other physicians.

(L) Early interventionists.

(M) Service coordinators.

Evaluation—Procedures used to determine a child's initial and continuing eligibility under this chapter, consistent with the definition of "infants and toddlers with disabilities" including determining the status of the child in each of the developmental areas.

Family training, counseling and home visits—Services provided by social workers, psychologists and other qualified personnel to assist the family of a child eligible under this chapter in understanding the special needs of the child and enhancing the child's development.

Health services—

(i) Services necessary to enable a child to benefit from the other early intervention services during a time that the child is receiving medical intervention. The term includes the following:

(A) Clean intermittent catheterization, tracheostomy care, tube feeding, the changing of dressings or colostomy collection bags.

(B) Consultation by physicians with other service providers concerning the special health care needs of an eligible child that will need to be addressed in the course of providing other early intervention services.

(ii) The term does not include the services that are:

(A) Surgical in nature (such as cleft palate surgery, surgery for club foot or the shunting of hydrocephalus).

(B) Purely medical in nature (such as hospitalization for management of congenital heart ailments, or the prescribing of medicine or drugs for any purpose).

(C) Devices necessary to control or treat a medical condition.

(D) Medical-health services (such as immunizations and regular "well-baby" care) that are routinely recommended for all children.

IFSP—Individualized family service plan—A written plan for providing early intervention services to a child eligible under this chapter and the child's family.

Infant and toddler with disabilities—An individual under 3 years of age who needs early intervention because the individual meets one of the following conditions:

(i) Is experiencing developmental delays in one or more of the areas of cognitive development, physical development, communication development, social or emotional development, and adaptive development.

(ii) Has a diagnosed physical or mental condition which has a high probability of resulting in developmental delay.

Legal entity—A public or private entity responsible for administering the early intervention program in a defined geographical location.

Location—The actual place where a service will be provided.

MDE—Multidisciplinary evaluation.

Method—How a service is provided including whether the service is given directly to the child with family/child care participation or without family/child care participation, or if the service is provided as instruction to the family or caregiver.

Multidisciplinary—The involvement of two or more disciplines or professions in the provision of integrated and coordinated services, including evaluation and assessment activities and development of the IFSP.

Native language—The language or mode of communication normally used by the parent of an eligible child. If the parent is deaf or blind, or has no written language, the mode of communication shall be that normally used by the parent (such as sign language, braille or oral communication). The written information is translated orally or by other means to the parent in the parent's native language or other mode of communication.

Natural environments—Settings that are natural or normal for the child's age peers who have no disabilities.

Nursing services—Include:

(i) The assessment of health status for the purpose of providing nursing care, including the identification of patterns of human response to actual or potential health problems.

(ii) Provision of nursing care to prevent health problems, restore or improve functioning, and promote optimal health and development.

(iii) Administration of medications, treatments and regimens prescribed by a licensed physician.

Nutrition services—Include:

(i) Conducting individual assessments in the following:

(A) Nutritional history and dietary intake.

(B) Anthropometric, biochemical and clinical variables.

(C) Feeding skills and feeding problems.

(D) Food habits and food preferences.

(ii) Developing and monitoring appropriate plans to address the nutritional needs of children eligible under this chapter, based on the findings in subparagraph (i).

(iii) Making referrals to appropriate community resources to carry out nutrition goal.

Occupational therapy—An array of services to address the functional needs of a child related to adaptive development, adaptive behavior and play, and sensory, motor and postural development, which are designed to improve the child's functional ability to perform tasks in home, school and community settings, and includes the following:

- (i) Identification, assessment and intervention.
- (ii) Adaptation of the environment, and selection, design, and fabrication of assistive and orthotic devices to facilitate development and promote the acquisition of functional skills.
- (iii) Prevention or minimization of the impact of initial or future impairment, delay in development or loss of functional ability.

Parent—A natural or adoptive parent, a guardian, a person acting as a parent of a child or a surrogate parent who has been appointed under § 4226.105 (relating to surrogate parents). The term does not include the county agency.

Personally identifiable information—Information that would make it possible to identify a particular child or family including one or more of the following:

- (i) The name of the child, the child's parent or other family member.
- (ii) The address of the child or family.
- (iii) A personal identifier, such as the child's or parent's Social Security number.
- (iv) A list of personal characteristics or other information that would make it possible to identify the child with reasonable certainty.

Physical therapy—An array of services to address the promotion of sensory/motor function through enhancement of musculoskeletal status, neurobehavioral organization, perceptual and motor development, cardiopulmonary status, and effective environmental adaptation, and includes:

- (i) Screening, evaluation and assessment of infants and toddlers to identify movement dysfunction.
- (ii) Obtaining, interpreting and integrating information appropriate to program planning to prevent, alleviate or compensate for movement dysfunction and related functional problems.
- (iii) Providing individual and group services or treatment to prevent, alleviate or compensate for movement dysfunction and related functional problems.

Psychological services—Includes:

- (i) Administering psychological and developmental tests and other assessment procedures.
- (ii) Interpreting assessment results.
- (iii) Obtaining, integrating and interpreting information about child behavior, and child and family conditions related to learning, mental health, and development.

(iv) Planning and managing a program of psychological services, including psychological counseling for children and parents, family counseling, consultation on child development, parent training and education programs.

Qualified—Meeting State-approved or recognized certification, licensing, registration or other comparable re-

quirements that apply to the area in which the person is providing early intervention services.

Service coordination (case management)—The activities carried out by a service coordinator to assist and enable an eligible child and the child's family to receive the rights, procedural safeguards and services that are authorized to be provided under the early intervention program.

Special instruction—Includes:

- (i) The design of learning environments and activities that promote the child's acquisition of skills in a variety of developmental areas, including cognitive processes and social interaction.
- (ii) Curriculum planning, including the planned interaction of personnel, materials and time and space, that leads to achieving the outcomes in the child's individualized family service plan.
- (iii) Providing families with information, skills and support related to enhancing the skill development of the child.

(iv) Working with the child to enhance the child's development.

Speech-language pathology—Includes:

- (i) Identification of children with communicative or oropharyngeal disorders and delays in development of communication skills, including the diagnosis and appraisal of specific disorders and delays in those skills.
- (ii) Referral for medical or other professional services necessary for the habilitation or rehabilitation of children with communicative or oropharyngeal disorders and delays in development of communication skills.

(iii) Provision of services for the habilitation, rehabilitation or prevention of communicative or oropharyngeal disorders and delays in development of communication skills.

Transportation and related costs—Includes the cost of travel (for example—mileage, or travel by taxi, common carrier, or other means) and other costs (for example—tolls and parking expenses) that are necessary to enable a child eligible under this part and the child's family to receive early intervention services.

Vision services—Includes:

- (i) Evaluation and assessment of visual functioning, including the diagnosis and appraisal of specific visual disorders, delays and abilities.
- (ii) Referral for medical or other professional services necessary for the habilitation or rehabilitation of visual functioning disorders, or both.
- (iii) Communication skills training, orientation and mobility training for all environments, visual training, independent living skills training and additional training necessary to activate visual motor abilities.

FINANCIAL MANAGEMENT

§ 4226.11. Financial administration.

Chapter 4300 (relating to county mental health and mental retardation fiscal manual) applies to the County Mental Health and Mental Retardation Program legal entity for purposes of identifying allowable costs and for the general financial administration of early intervention services.

§ 4226.12. Waiver funds.

The legal entity shall allocate and expend supplemental grant funds for the provision of services for infants, toddlers and families under the home and community waiver known as the Infant, Toddlers and Families Medicaid Waiver approved by the Department of Health and Human Services under section 1915(c) of the Social Security Act (42 U.S.C.A. § 1396n(c)).

§ 4226.13. Nonsubstitution of funds.

(a) Early intervention State funds may not be used to satisfy a financial commitment for services that would have been paid for from another public or private funding sources. A legal entity is responsible for providing all of the early intervention services in the child's IFSP whether or not those services are eligible under the Medicaid program.

(b) Parents who have private insurance are not required to use their insurance. The parents may volunteer to use their insurance. Parents will not suffer financial losses, which include one or more of the following:

- (1) A decrease in available lifetime coverage or any other benefit under an insurance policy.
- (2) An increase in premiums or the discontinuation of the policy.
- (3) An out-of-pocket expense such as the payment of a deductible amount in filing a claim.

§ 4226.14. Documentation of other funding sources.

(a) Written documentation that all other private and public funding sources available to the child and family have been accessed and exhausted shall be kept with the child and family's permanent legal entity's file.

(b) Written procedures used by the legal entity, and approved by the Department, to identify and access all other private and public funding sources shall be kept.

§ 4226.15. Interim payments.

(a) When necessary to prevent a delay in the receipt of early intervention services by an infant, toddler or family in a timely fashion, early intervention State funds shall be used to pay the provider of services pending reimbursement from the agency or funding source that has ultimate responsibility for the payment.

(b) The legal entity shall seek reimbursement from the appropriate funding source to cover the interim payments incurred for early intervention services.

GENERAL REQUIREMENTS**§ 4226.21. Delegation of responsibilities.**

The legal entity shall comply with this chapter. The legal entity may contract with another agency for delivery of services that are required in this chapter. The legal entity shall ensure compliance by all agencies providing services under the requirements of this chapter.

§ 4226.22. Eligibility for early intervention services.

(a) The legal entity shall ensure that early intervention services are provided to all eligible children who meet one or more of the following eligibility criteria:

(1) The child is experiencing a developmental delay, as measured by appropriate diagnostic instruments and procedures indicating that the child is delayed by 25% of the child's chronological age in one or more developmental areas:

- (i) Cognitive development.

- (ii) Physical development, including vision and hearing.
- (iii) Communication development.
- (iv) Social or emotional development.
- (v) Adaptive development.

(2) The child is delayed in one or more of the developmental areas: cognitive development; physical development, including vision and hearing; communication development; social or emotional development; or adaptive development. Delay in developmental areas shall be documented by the test performance of 1.5 standard deviations below the mean on accepted or recognized standard tests for infants and toddlers.

(3) The child has a diagnosed physical or mental condition which has a high probability of resulting in a developmental delay as specified in paragraph (1). A child who is determined by a multidisciplinary team as having an identifiable physical or mental condition, but who is not exhibiting delays in a developmental area at the time of diagnosis, is included as a child with a high probability of resulting in developmental delay.

(b) Informed clinical opinion may be used when there are no standardized measures or the standardized procedures are not appropriate for a child's chronological age or developmental area. Informed clinical opinion makes use of qualitative and quantitative information to assist in forming a determination regarding difficult-to-measure aspects of current developmental status and the potential need for early intervention.

§ 4226.23. Waiver eligibility.

(a) The legal entity shall ensure that infants and toddlers until the age of 3 are eligible for level of care in accordance with the criteria for an ICF/MR or ICF/ORC as follows:

(1) A licensed psychologist, certified school psychologist or a licensed physician shall certify that the applicant or recipient has significantly subaverage intellectual functioning which is documented by one of the following:

(i) Performance that is more than two standard deviations below the mean as measurable on a standardized general intelligence test.

(ii) Performance that is slightly higher than two standard deviations below the mean of a standardized general intelligence test during a period when the person manifests serious impairments or adaptive behavior.

(2) A professional shall certify that the applicant or recipient has other related conditions that include cerebral palsy and epilepsy, as well as other conditions—such as autism—other than mental illness—that result in impairments of general intellectual functioning or adaptive behavior, and require early intervention services and treatment.

(3) A professional certifies that the applicant or recipient has impairments in adaptive behavior as provided by an assessment of adaptive functioning which shows that the applicant or recipient has one of the following:

(i) Significant limitations in meeting the standards of maturation, learning, personal independence or social responsibility of the applicant's or recipient's age and cultural group evidenced by a minimum of a 50% delay in one or 33% delay in two of the following developmental areas:

- (A) Cognitive development.

(B) Physical development, including vision and hearing.

(C) Communication development.

(D) Social and emotional development.

(E) Adaptive development.

(ii) Substantial functional limitation in three or more of the following areas of major life activities:

(A) Self-care.

(B) Receptive and expressive language.

(C) Learning.

(D) Mobility.

(E) Self-direction.

(F) Capacity for independent living.

(G) Economic self-sufficiency.

(iii) The applicant's or recipient's conditions are likely to continue indefinitely for at least 12 months.

(b) The legal entity shall cooperate with the county assistance office in determining an infant, toddler and family's initial and continuing financial eligibility for waiver services.

§ 4226.24. Comprehensive child find system.

(a) The legal entity shall develop a child find system that will ensure that:

(1) All infants and toddlers in the geographical area of the legal entity who are eligible for services under this chapter are identified, located and evaluated.

(2) An effective method is developed and implemented to determine which children are receiving needed early intervention services, and which children are not receiving those services.

(b) The legal entity, with the assistance of the local interagency coordinating council, shall ensure that the child find system is coordinated with all other major efforts to locate and identify children which includes the following:

(1) The local preschool program authorized under Part B of the Individuals with Disabilities Education Act (IDEA) (20 U.S.C.A. §§ 1400—1485).

(2) The Maternal and Child Health Programs under Title V of the Social Security Act (42 U.S.C.A. §§ 601—701).

(3) The Early Periodic Screening, Diagnosis and Treatment (EPSDT) Programs under Title XIX of the Social Security Act (42 U.S.C.A. §§ 1396—1396v).

(4) The Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C.A. §§ 6000—6083).

(5) The Head Start Act (42 U.S.C.A. §§ 9831—9852).

(6) The Supplemental Security Income Programs under Title XVI of the Social Security Act (42 U.S.C.A. §§ 1381—1383f).

(c) The legal entity, with the assistance of the local interagency coordinating council, shall take steps to ensure that under the child find system:

(1) There will not be unnecessary duplication of effort by the various agencies involved in the local child find system.

(2) The legal entity will coordinate and make use of resources available through the local public agencies to implement the child find system in an effective manner.

(d) The child find system shall include procedures for use by primary referral sources for referring a child to the legal entity as follows:

(1) Evaluation and assessment, in accordance with §§ 4226.62 and 4226.63 (relating to MDE; and nondiscriminatory procedures).

(2) As appropriate, the provision of services, in accordance with § 4226.72(a) or § 4226.75 (relating to procedures for IFSP development, review and evaluation; and provision of services before evaluation and assessment are completed).

(e) The procedures required in subsection (b):

(1) Provide for an effective method of making referrals by primary referral sources.

(2) Ensure that referrals are made no more than 2 working days after a child has been identified.

(3) Provide referral sources under subsection (d), which includes the following:

(i) Hospitals, including prenatal and postnatal care facilities.

(ii) Physicians.

(iii) Parents.

(iv) Day care programs.

(v) Local educational agencies.

(vi) Public health facilities.

(vii) Other social service agencies.

(viii) Other health care providers.

(f) Timelines to act on referrals are as follows:

(1) Once the legal entity receives a referral, it shall appoint a service coordinator as soon as possible.

(2) Within 45 days after it receives a referral, the legal entity shall do one of the following:

(i) Complete the evaluation activities in § 4226.62.

(ii) Hold an IFSP meeting, in accordance with § 4226.72.

(iii) Develop a plan for further assessment and tracking.

§ 4226.25. Initial screening.

(a) An initial screening shall be completed with written parental consent on each child referred to the legal entity to assist the child and family to access early intervention, to determine the existence of previous evaluations and to recommend the need for referral for an MDE to determine eligibility for early intervention.

(b) The initial screening, and the evaluation specified in § 4226.62 (relating to MDE) may be conducted simultaneously.

§ 4226.26. Purpose of initial screening.

The purpose of the initial screening shall be to determine the need for referral for an MDE to determine eligibility for early intervention services or tracking.

§ 4226.27. Content of screening.

The initial screening shall include a review of at least one of the following completed within 6 months prior to the child's referral to the legal entity and family reports of identified concerns:

(1) A review of written professional reports that are based upon systematic observation or informed clinical

opinion, including reports from referring physicians, neonatal intensive care units, health care workers, a community-wide screening program or well baby clinic, early periodic screening diagnosis and treatment examination, social service departments, child protection programs, early intervention programs or any other source.

(2) Information about a child's developmental status obtained through a formalized screening process developed and conducted by the legal entity or an agency under contract with the legal entity.

§ 4226.28. Recommendations to parents.

As a result of the initial screening, the legal entity shall make one of the following recommendations to the child's parent.

(1) The child is recommended for referral to the MDE to confirm eligibility determination for early intervention, based on information contained in medical records, clinical opinion or recorded documentation and for providing information for the development of the IFSP.

(2) The child is recommended for referral to the MDE for further evaluation to determine eligibility for early intervention.

(3) The child is recommended for referral to the tracking system.

(4) The child is not eligible for early intervention or tracking services currently and the parents have been informed of their options for continued contact with the legal entity if the needs change.

§ 4226.29. Notice to parent.

The legal entity shall provide a written notice, in the native language of the parent or other mode of communication of the family, to the child's parent of the screening results as specified in § 4226.27 (relating to content of screening). If the parent is deaf or blind, or has no written language, the mode of communication shall be that normally used by the parent (such as sign language, braille or oral communication). The written information is translated orally or by other means to the parent in the parent's native language or other mode of communication.

§ 4226.30. At-risk children.

A child identified through the initial multidisciplinary evaluation is eligible for tracking if the child is identified in one of the population groups which include:

- (1) Children whose birth weight is under 1,500 grams.
- (2) Children cared for in neonatal intensive care units of hospitals.
- (3) Children born to chemically dependent mothers and referred by a physician, health care provider or parent.
- (4) Children who are seriously abused or neglected, as substantiated and referred by the county children and youth agency under 23 Pa.C.S. Chapter 63 (relating to Child Protective Services Law).
- (5) Children with confirmed dangerous levels of lead poisoning as set by the Department of Health.

§ 4226.31. Tracking system.

The legal entity shall develop a tracking system to conduct or arrange for reevaluations for children identified in § 4226.30 (relating to at-risk children).

§ 4226.32. Contacting families.

(a) The legal entity shall contact families by telephone, in writing, or through a face-to-face meeting at least

every 4 months after a child is referred to the tracking system, or until a parent requests no further contact by the legal entity.

(b) The contact shall offer reevaluation to determine the need and eligibility for early intervention services.

§ 4226.33. Monitoring responsibilities.

(a) The legal entity shall be responsible for monitoring early intervention services, including service coordination, for which the legal entity contracts. This includes monitoring of services provided in another county or state.

(b) Legal entity monitoring shall include the measurement and assurance of compliance with applicable sections of this chapter and of the quality of services provided.

(c) The legal entity shall complete monitoring of each early intervention service provider at least once every 12 months.

§ 4226.34. Community evaluations.

The legal entity, in consultation with the local interagency coordinating council and the legal entity advisory board, shall conduct an early intervention self-assessment review at least once in every 3 years. Family satisfaction with the program shall include:

(1) The legal entity advisory board and the local interagency coordinating council shall participate in the development and application of the community evaluation system.

(2) At least half of the persons who participate in the development and application of the community evaluation system shall be family members of children who are receiving, or have received, early intervention services.

§ 4226.35. Training.

Professional and paraprofessional personnel who serve on the interdisciplinary team or who provide direct care or service to a child shall be certified, licensed or registered, as approved by the Department of State, for the discipline that they are providing.

§ 4226.36. Preservice training.

The service coordinator, early interventionist and other early intervention personnel who work directly with the child, including personnel hired through contract, shall be trained before working with children or families in the following areas:

- (1) Orientation to early intervention service system of the Commonwealth and family centered approaches, including the purpose and operation of the State and local interagency coordinating councils.
- (2) The requirements of this chapter.
- (3) The duties and responsibilities of their position.
- (4) The methods for working with families (family centered approaches) to encourage and support family preference and involvement.
- (5) The interrelated social, emotional, health, developmental and educational needs of children.
- (6) The knowledge and use of available local and State community resources.
- (7) The principles and methods applied in the provision of services in the natural environment.
- (8) The fiscal operations of the early intervention service system, and its relationship to each individual involved and the specific funding systems.

(9) Training in fire safety, emergency evacuation, first aid techniques and child cardiopulmonary resuscitation (for all staff), as well as for the early interventionist and other personnel who work directly with the child. The date of the completion of training shall be documented by the signature of a representative of the training entity. Documentation shall be retained in the agency's personnel file. Recertification will be required on or before expiration of specific certification.

§ 4226.37. Annual training.

(a) The service coordinator, early interventionist and other personnel who work directly with the child, including personnel hired through contract, shall have at least 24 hours of training annually, relevant to early intervention services, child development, community resources or services for children with disabilities. Specific areas shall include cultural competence, mediation, procedural safeguards and universal health procedures.

(b) The training specified in § 4226.36(9) (relating to preservice training) shall be renewed annually, unless there is a formal certification for first aid or cardiopulmonary resuscitation by a recognized health source valid for more than 1 year. If there is a formal certification by a recognized health source valid for more than 1 year, the time period specified on the certification applies.

(c) Records of all training shall be kept in the agency's personnel files.

§ 4226.38. Criminal history records check.

Under 23 Pa.C.S. Chapter 63 (relating to the Child Protective Services Law) each legal entity shall ensure that all staff persons who will have direct contact with children comply with 23 Pa.C.S. Chapter 63. Compliance includes the following:

(1) The staff persons who will have direct contact with children, including part-time and temporary staff persons who will have direct contact with children, shall submit, along with their employment application, a Pennsylvania criminal history record check.

(2) The staff persons who reside outside of this Commonwealth and who will have direct contact with children, including part-time and temporary staff persons who will have direct contact with children, shall submit, along with their employment application, a Pennsylvania criminal history check and a Federal Bureau of Investigation (FBI) criminal history record check.

(3) The Pennsylvania and FBI criminal history record checks shall have been completed no more than 1 year prior to the staff person's date of hire

§ 4226.39. Penalties for noncompliance.

(a) Noncompliance with this chapter, either as a result of legal entity action or inaction, or an early intervention service provider action or inaction, shall result in loss or delay of early intervention funding to the legal entity.

(b) Appeals related to loss of early intervention funding shall be made by the legal entity in accordance with 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law).

§ 4226.40. Reporting.

(a) The legal entity shall submit reports in a form and contain information as the Department may require.

(b) The legal entity is responsible for keeping records and affording access to those records as the Department may find necessary to assure compliance with the re-

quirements of this part, the correctness and verification of reports and the proper disbursement of funds provided under this chapter.

§ 4226.41. Traditionally underserved groups.

The legal entity shall ensure that:

(1) Traditionally underserved groups, including minority, low-income and rural families, are provided the opportunity to be active participants involved in local interagency coordinating councils and parent advisory groups. Traditionally underserved groups will also be provided the opportunity to participate in the planning, development of a plan of services for their eligible child and implementation of the services.

(2) Families have access to culturally competent services within their local geographical areas.

§ 4226.42. Local interagency coordinating council.

The legal entity shall ensure that the following conditions are met:

(1) The local interagency coordinating councils are established and maintained, which shall include parents and private providers.

(2) The local interagency coordinating councils are authorized to advise and comment on the development of local interagency agreements.

(3) The local interagency coordinating councils communicate directly with the Department of Education, the Department of Health, the Department of Public Welfare and the State Interagency Coordinating Council regarding the local interagency agreement and any other matters pertaining to this part.

§ 4226.43. Confidentiality of information.

Each legal entity shall ensure the protection of a personally identifiable information collected, used or maintained under this chapter, including the right of parents to written notice of and written consent to the exchange of this information among agencies consistent with Federal and State law.

PERSONNEL

§ 4226.51. Service coordination.

Service coordination shall include activities carried out by a service coordinator to meet the developmental needs of the child and the family's concerns, priorities and resources relating to enhancing the child's development.

§ 4226.52. Provision of service coordination.

(a) At the point of referral of the child and family to early intervention, the legal entity, either directly or through subcontract, shall immediately provide the services of a service coordinator to the family.

(b) Each eligible child and the child's family shall be provided with one service coordinator who is responsible for coordinating all services across agency lines, and serving as the single point of contact in helping parents to obtain the services and assistance they need.

§ 4226.53. Activities.

Service coordination is an active, ongoing process that involves the following:

(1) Coordinating the completion of initial screenings, evaluations, tracking, IFSP development and IFSP implementation.

(2) Assisting parents of eligible children in gaining access to the early intervention services and other services identified in the IFSP.

(3) Coordinating, facilitating and monitoring the timely delivery of early intervention services.

(4) Facilitating communication with and between the family and the early intervention service provider.

(5) Informing the family of the availability of advocacy services.

(6) Assisting the family in arranging for the child to receive medical and health services, if the services are necessary. Coordinating the provision of early intervention services and other services (such as medical services for other than diagnostic and evaluation purposes) that the child needs or is being provided.

(7) Offering the family opportunities and support for the child to participate in community activities with other children.

(8) Informing the family of appropriate community resources.

(9) Facilitating the development of a transition plan as part of the IFSP.

§ 4226.54. Requirements and qualifications.

(a) A minimum of one service coordinator intervention service shall be employed directly or through subcontract by the legal entity.

(b) A service coordinator is responsible for the activities specified in § 4226.53 (relating to activities).

(c) A service coordinator shall have one of the following groups of qualifications:

(1) A bachelor's degree or above from an accredited college or university and 1 years' work or volunteer experience working directly with children, families or people with disabilities, or in counseling, management or supervision.

(2) An associate's degree, or 60 credit hours, from an accredited college or university and 3 years' work or volunteer experience working directly with children, families or people with disabilities, or in counseling, management or supervision.

(3) Certification by the Civil Service Commission as meeting the qualifications of a Caseworker 2 or 3 classification.

§ 4226.55. Early interventionist.

An early interventionist is responsible for the following:

(1) Participating in the development of the child's IFSP.

(2) Implementing the child's IFSP directly or by supervising the implementation of services provided by other early intervention personnel.

(3) Working with the family to assure that the needs of the child and family are met.

(4) Completing written communication reviews and 6-month IFSP reviews in accordance with this chapter.

§ 4226.56. Requirements and qualifications.

(a) An early interventionist shall have one of the following groups of qualifications:

(1) A bachelor's degree or above from an accredited college or university and 1 year work or volunteer experience working directly with children, families or people with disabilities or in counseling.

(2) An associate's degree, or 60 credit hours, from an accredited college or university and 3 years work or volunteer experience working directly with children, families or people with disabilities or in counseling.

(b) An early interventionist shall obtain a minimum of 6 credit hours annually in the field of infant and toddler developmental services, early childhood services, or any specific areas that relate to infant and child disabilities.

§ 4226.57. Effective date of personnel qualifications.

Sections 4226.54(c) and 4226.56(a) (relating to requirements and qualifications) apply to service coordinators and early interventionist hired or promoted after _____ (*Editor's Note: The blank refers to the effective date or adoption of this proposal.*)

EVALUATION AND ASSESSMENT

§ 4226.61. Parental consent.

(a) Written consent from the child's parent shall be obtained prior to:

(1) Conducting the initial evaluation and assessment of a child under § 4226.62 (relating to MDE).

(2) Initiating the provision of early intervention services. See § 4226.72(e) (relating to procedures for IFSP development, review and evaluation).

(b) If consent is not given, the legal entity shall make reasonable efforts to ensure that the parent:

(1) Is fully aware of the nature of the evaluation and services that would be available.

(2) Understands that the child will not be able to receive the evaluation and assessment or services unless consent is given.

§ 4226.62. MDE.

(a) *Requirements for MDE.* The legal entity shall ensure that the following conditions are met:

(1) The performance of a timely, comprehensive, MDE of each child under 3 years of age, referred for evaluation, including assessment activities related to the child and the child's family.

(2) The initial MDE is conducted by personnel independent of service provision.

(3) The requirements of this section are implemented by all affected contracted agencies and service providers.

(b) *Evaluation and assessment of the child.*

(1) The evaluation and assessment of each child shall:

(i) Be conducted by personnel trained to utilize evaluation and assessment methods and procedures.

(ii) Be based on informed clinical opinion.

(iii) Include the following:

(A) A review of pertinent records related to the child's current health status and medical history.

(B) An evaluation of the child's level of functioning in each of the following developmental areas:

(I) Cognitive development.

(II) Physical development, including vision and hearing.

(III) Communication development.

(IV) Social and emotional development.

(V) Adaptive development.

(C) An assessment of the unique needs of the child in terms of each of the developmental areas in subparagraph (ii), including the identification of services appropriate to meet those needs.

(2) The annual MDE will be composed of the family, service coordinator, anyone whom the parent would like to invite and at least one other professional who meets State approved or recognized certification, licensing, registration or other comparable requirements, if applicable, in which the person is providing services.

(c) *Family assessment.*

(1) Family assessment shall be a family-directed assessment of the resources, priorities and concerns of the family and the identification of the supports and services necessary to enhance the family's capacity to meet the developmental needs of the infant and toddler.

(2) An assessment shall be voluntary on the part of the family.

(3) If an assessment of the family is carried out, the assessment shall:

(i) Be conducted by personnel trained to utilize assessment methods and procedures.

(ii) Be based on information provided by the family through a personal interview.

(iii) Incorporate the family's description of its resources, priorities and concerns related to enhancing the child's development.

(d) *Timelines.*

(1) Except as provided in paragraph (2), the evaluation and initial assessment of each child (including the family assessment) shall be completed within the 45-day time period.

(2) The legal entity shall develop procedures to ensure that in the event of exceptional circumstances that make it impossible to complete the evaluation and assessment within 45 days (for example, if a child is ill), the county will do the following:

(i) Document those circumstances.

(ii) Develop and implement an interim IFSP consistent with § 4226.75 (relating to provision of services before evaluation and assessment are completed).

§ 4226.63. Nondiscriminatory procedures.

Each legal entity shall adopt nondiscriminatory evaluation and assessment procedures. The procedures for the evaluation and assessment of children and families under this chapter shall ensure, at a minimum, that the following conditions are met:

(1) Tests and other evaluation materials and procedures are administered in the native language of the parents or other mode of communication, unless it is clearly not feasible to do so.

(2) Assessment and evaluation procedures and materials that are used are selected and administered so as not to be racially or culturally discriminatory.

(3) No single procedure is used as the sole criterion for determining a child's eligibility under this chapter.

(4) Evaluations and assessments are conducted by qualified personnel.

IFSPs

§ 4226.71. General.

(a) Each legal entity shall adopt policies and procedures regarding IFSPs.

(b) As used in this chapter, the term "IFSP" means a written plan for providing early intervention services to a child eligible under this chapter and the child's family. The plan shall:

(1) Be developed in accordance with §§ 4226.72 and 4226.73 (relating to procedures for IFSP development, review and evaluation; and participants in IFSP meetings and periodic reviews).

(2) Be based on the evaluation and assessment described in § 4226.62 (relating to MDE).

(3) Include the matters specified in § 4226.62.

(4) Be developed prior to funding option decisions.

(c) The legal entity shall ensure that an IFSP is developed and implemented for each eligible child.

§ 4226.72. Procedures for IFSP development, review and evaluation.

(a) For a child who has been evaluated for the first time and determined to be eligible, a meeting to develop the initial IFSP shall be conducted within the 45-day time period in § 4226.24(f) (relating to comprehensive child find system).

(b) The IFSP shall be evaluated once a year and the family shall be provided a review of the plan at 6-month intervals, or more often based on infant or toddler and family needs. The review may be carried out by a meeting or by another means that is acceptable to the parents and other participants. The review shall include:

(1) The degree to which progress toward achieving the outcomes is being made.

(2) Whether modification or revision of the outcomes or services is necessary.

(c) A meeting shall be conducted on at least an annual basis to evaluate the IFSP for a child and the child's family, and, as appropriate, to revise its provisions. The results of current evaluations conducted under § 4226.62(c) (relating to MDE), and other information available from the ongoing assessment of the child and family, shall be used in determining what services are needed and will be provided.

(d) IFSP meetings shall be conducted as follows:

(1) In settings and at times that are convenient to families.

(2) In the native language of the family or other mode of communication used by the family, unless it is clearly not feasible to do so. If the parent is deaf or blind, or has no written language, the mode of communication shall be that normally used by the parent (sign language, braille or oral communication).

(3) Meeting arrangements shall be made with, and written notice provided to, the family and other participants early enough before the meeting date to ensure that they will be able to attend.

(e) The contents of the IFSP shall be fully explained to the parents and informed written consent from the parents shall be obtained prior to the provision of early intervention services described in the plan. If the parents do not provide consent with respect to a particular early intervention service or withdraw consent after first pro-

viding it, that service may not be provided. The early intervention services to which parental consent is obtained shall be provided.

§ 4226.73. Participants in IFSP meetings and periodic reviews.

(a) Each initial meeting and each annual meeting to evaluate the IFSP shall include the following participants:

- (1) The parents of the child.
- (2) Other family members, as requested by the parent, if feasible to do so.
- (3) An advocate or person outside of the family, if the parent requests that the person participate.
- (4) The service coordinator who has been working with the family since the initial referral of the child for evaluation, or who has been designated by the legal entity to be responsible for implementation of the IFSP.
- (5) Persons directly involved in conducting the evaluations and assessments in § 4226.62 (relating to MDE).
- (6) Persons who will be providing services to the child or family, as appropriate.

(b) If a person listed in subsection (a)(5) is unable to attend a meeting, arrangements shall be made for the person's involvement through other means, including one or more of the following:

- (1) Participating in a telephone conference call.
- (2) Having a knowledgeable authorized representative attend the meeting.
- (3) Making pertinent records available at the meeting.
- (c) Each periodic review shall provide for the participation of persons in subsection (a)(1)—(5). If conditions warrant, provisions shall be made for the participation of other representatives identified in subsection (a).

§ 4226.74. Content of IFSP

The IFSP shall be in writing and the standardized formats will contain:

- (1) *Information about the child's status.*
- (i) A statement of the child's present levels of physical development (including vision, hearing and health status), cognitive development, communication development, social or emotional development, and adaptive development, based on objective criteria.
- (ii) The statement in subparagraph (i) shall be based on professionally acceptable objective criteria.
- (2) *Family information.* A statement of the family's resources, priorities and concerns related to enhancing the development of the family's infant or toddler with a disability.
- (3) *Outcomes.* A statement of the major outcomes expected to be achieved for the infant or toddler and the family, and the criteria, procedures, and timeliness used to determine:
 - (i) The degree to which progress toward achieving the outcomes is being made.
 - (ii) Whether modifications or revisions of the outcomes or services are necessary.
- (4) *Early intervention services.*
 - (i) A statement of the specific early intervention services necessary to meet the unique needs of the infant or

toddler and the family, including the frequency, intensity and method of delivering the services.

(ii) Early intervention services shall be provided by qualified personnel, including the following:

- (A) Audiologists.
- (B) Early interventionist.
- (C) Family therapists.
- (D) Nurses.
- (E) Nutritionists.
- (F) Occupational therapists.
- (G) Orientation and mobility specialists.
- (H) Pediatricians and other physicians.
- (I) Physical therapists.
- (J) Psychologists.
- (K) Service coordinator.
- (L) Social workers.
- (M) Special educators.
- (N) Speech and language pathologists.

(iii) As used in this section the following apply:

(A) "Frequency" and "intensity" are the number of days or sessions that a service will be provided, the length of time the service is provided during each session, and whether the service is provided on an individual or group basis.

(B) "Method" is how a service is provided.

(iv) "Location" is the actual place where a service will be provided.

(5) *Natural environments.* A statement of the natural environments in which early intervention services shall appropriately be provided, including a justification of the extent, if any, to which the services will not be provided in a natural environment.

(6) *Other services.*

(i) The IFSP shall include:

(A) Medical and other services that the child needs, but that are not required under this chapter.

(B) The funding sources to be used in paying for those services or the steps that will be taken to secure those services through public or private sources.

(ii) The requirement in subparagraph (i) does not apply to routine medical services (for example, immunizations and "well-baby" care), unless a child needs those services and the services are not otherwise available or being provided.

(7) *Dates; duration of services.* The IFSP shall include the following:

(i) The projected dates for initiation of the services in paragraph (4) as soon as possible after the IFSP meetings described in § 4226.72 (relating to procedures for IFSP development, review and evaluation).

(ii) The anticipated duration of those services.

(8) *Service coordinator.* The identification of the service coordinator from the profession most immediately relevant to the infant's or toddler's or family's needs (or who is otherwise qualified to carry out all applicable responsibilities under this chapter), who will be responsible for the implementation of the IFSP and coordination with other agencies and persons.

(9) *Transition from early intervention services.*

(i) The following steps shall be taken to support the transition of the child to meet the following requirements:

(A) Ensure a smooth transition for toddlers receiving early intervention services under this chapter to preschool or other appropriate services, including a description of how the following conditions will be met:

(I) The families of toddlers will be included in the transition plans required by clause (C).

(II) The legal entity shall:

(-a-) Notify the local educational agency for the area in which the child resides that the child will shortly reach the age of eligibility for preschool services under Part B, of IDEA as determined in accordance with State law.

(-b-) In the case of a child who may be eligible for preschool services, with the approval of the family of the child, convene a conference among the legal entity, the family, and the local educational agency at least 90 days (and at the discretion of all of the parties, up to 6 months) before the child is eligible for the preschool services, to discuss services that the child may receive.

(-c-) In the case of a child who may not be eligible for preschool services, with the approval of the family, make reasonable efforts to convene a conference among the legal entity, the family, and providers of other appropriate services for children who are not eligible for preschool services to discuss the services the child may receive.

(B) Review the child's program options for the period from the child's 23rd birthday through the remainder of the school year.

(C) Establish a transition plan.

(ii) The local educational agency, which is responsible for providing preschool programs under the Early Intervention Services System Act (11 P. S. §§ 875-101—875-502), and the legal entity providing early intervention programs for infants and toddlers will develop inter-agency agreements between the two agencies to ensure coordination on transition matters.

§ 4226.75. Provision of services before evaluation and assessment are completed.

Early intervention services for an eligible child and the child's family may commence before the completion of the evaluation and assessment in § 4226.62 (relating to MDE), if the following conditions are met:

(1) Parental consent is obtained.

(2) An interim IFSP is developed that includes the following:

(i) The name of the service coordinator who will be responsible, consistent with § 4226.74(7) (relating to content of IFSP), for implementation of the interim IFSP and coordination with other agencies and persons.

(ii) The early intervention services that have been determined to be needed immediately by the child and the child's family.

(3) The evaluation and assessment are completed within the time period required in § 4226.62(d).

PROCEDURAL SAFEGUARDS

§ 4226.91. General responsibility of legal entity for procedural safeguards.

A legal entity is responsible for the following:

(1) Adopting procedural safeguards that shall include, at a minimum, conflict resolution, mediation and administrative hearings as set forth in this chapter.

(2) Ensuring effective implementation of the safeguards by providers of early intervention services.

§ 4226.92. Notice of rights.

The legal entity shall inform parents of their right to request conflict resolution, mediation or an administrative hearing as described in this chapter.

§ 4226.93. Conflict resolution.

The legal entity shall establish an internal system of conflict resolution to facilitate the prompt, amicable resolution of disagreements and conflicts among parents, legal entities, agencies or other parties. Conflict resolution shall be a process whereby parents, legal entity staff and providers, as appropriate, or other representatives, may request a meeting to discuss and resolve issues relating to the provision of services to an infant or toddler eligible for services under this chapter. The conflict resolution process shall ensure that the following are met:

(1) Parents can request conflict resolution either orally or in writing.

(2) When a parental request for mediation under § 4226.94 (relating to mediation) or a request for an impartial administrative hearing under § 4226.100 (relating to administrative resolution of individual child complaints by an impartial decisionmaker) is received, a meeting with the parents and the legal entity administrator or designee shall be held, unless the parents do not agree to participate, within 7-calendar days following a parental request. This meeting may not delay the processing of parental requests for mediation or an impartial hearing.

(3) When a resolution or agreement is reached at the meeting, the IFSP or other appropriate documents shall be revised.

(4) If the conflict resolution meeting is unsuccessful, all other due process rights and procedures continue to be available.

(5) The conflict resolution process will not impede or deny other child and family rights under this chapter.

§ 4226.94. Mediation.

(a) The legal entity shall adopt procedures that afford a party who presents a complaint with respect to any matter relating to the identification, evaluation, or the placement of the child, or the provision of appropriate early intervention services, the opportunity to resolve disputes through a mediation process, which, at a minimum, shall be available whenever a hearing is requested under § 4226.100 (relating to administrative resolution of individual child complaints by an impartial decisionmaker).

(b) The procedures shall ensure that the mediation process is:

(1) Voluntary on the part of the parents.

(2) Not used to deny or delay a parent's right to a due process hearing under §§ 4226.100—4226.104, or to deny other rights afforded under this chapter.

(3) Conducted by a qualified and impartial mediator who is trained in effective mediation techniques.

(c) The legal entity shall establish procedures whereby parents who choose not to use the mediation process may request a meeting, at a time and location convenient to

the parents, unless the parents do not agree to participate, with a disinterested party who is under contract with one of the following:

(1) A parent training and information center or community parent resource center.

(2) An alternative dispute resolution entity to encourage the use, and explain the benefits, of the mediation process to the parents.

(d) Each session in the mediation process shall be scheduled in a timely manner and shall be held in a location that is convenient to the parties to the dispute.

(e) An agreement reached by the parties to the dispute in the mediation process shall be set forth in a written mediation agreement.

(f) Discussions that occur during the mediation process shall be confidential and may not be used as evidence in any subsequent due process hearings or civil proceedings and the parties to the mediation process may be required to sign a confidentiality pledge prior to the commencement of this process.

§ 4226.95. Consent and native language information.

(a) The following requirements apply for consent from parents:

(1) The parent shall be fully informed of all information relevant to the activity for which consent is sought, in the parent's native language or other mode of communication.

(2) The parent shall be informed and agree in writing to the carrying out of the activity for which consent is sought, and the consent shall describe that activity and list the records (if any) that will be released and to whom.

(3) The parent shall be informed that the granting of consent is voluntary on the part of the parent and may be revoked at any time.

(b) Native language, when used with reference to persons of limited English proficiency, is the language or mode of communication normally used by the parent of an eligible child.

§ 4226.96. Opportunity to examine records.

In accordance with the confidentiality procedures in Federal regulations at 34 CFR 300.560—300.576 (relating to Family Educational Rights and Privacy Act—FERPA), the parents of a child eligible under this chapter shall be afforded the opportunity to inspect and review records relating to evaluations and assessments, eligibility determinations, development and implementation of IFSPs, individual complaints dealing with the child, and any other records about the child and the child's family.

§ 4226.97. Prior notice; native language.

(a) Written prior notice shall be given to the parents of a child eligible under this chapter before a legal entity proposes, or refuses, to initiate or change the identification, evaluation or placement of the child, or the provision of appropriate early intervention services to the child and the child's family.

(b) The notice shall be in sufficient detail to inform the parents about the following:

(1) The action that is being proposed or refused.

(2) The reasons for taking the action.

(3) The procedural safeguards that are available under this chapter.

(c) The notice shall be:

(1) Written in language understandable to the general public.

(2) Provided in the native language of the parents, unless it is not feasible to do so.

(d) If the native language or other mode of communication of the parent is not a written language, the legal entity shall take steps to ensure that:

(1) The notice is translated orally or by other means to the parent in the parent's native language or other mode of communication.

(2) The parent understands the notice.

(3) There is written evidence that the requirements of this subsection have been met.

(e) If a parent is deaf or blind, or has no written language, the mode of communication shall be that normally used by the parent (such as sign language, braille or oral communication).

§ 4226.98. Parent consent.

(a) Written parental consent shall be obtained on the standardized parents right agreement before:

(1) Conducting the initial evaluation and assessment of a child under § 4226.62 (relating to MDE).

(2) Initiating the provision of early intervention services under § 4226.72(e) (relating to procedures for IFSP development, review and evaluation).

(b) If consent is not given, the legal entity shall make reasonable efforts to ensure that the parent:

(1) Is fully aware of the nature of the evaluation and assessment or the services that would be available.

(2) Understands that the child will not be able to receive the evaluation and assessment or services unless consent is given.

§ 4226.99. Parental right to decline service.

The parents of a child eligible under this chapter may determine whether they, their child, or other family members will accept or decline an early intervention service and may decline a service after first accepting it, without jeopardizing other early intervention services provided under this chapter.

§ 4226.100. Administrative resolution of individual child complaints by an impartial decisionmaker.

Each legal entity shall implement procedures for the timely administrative resolution of individual child complaints by parents concerning any of the matters in § 4226.97(a) (relating to prior notice; native language).

§ 4226.101. Parent rights in administrative proceedings.

(a) Each legal entity shall ensure that the parents of children eligible under this chapter are afforded the rights in subsection (b) in administrative proceedings carried out under § 4226.100 (relating to administrative resolution of individual child complaints by an impartial decisionmaker).

(b) A parent involved in an administrative proceeding has the following rights:

(1) To be accompanied and advised by counsel and by individuals with special knowledge or training with respect to early intervention services for children eligible under this chapter.

(2) To present evidence and confront, cross-examine and compel the attendance of witnesses.

(3) To prohibit the introduction of any evidence at the proceeding that has not been disclosed to the parent at least 5 days before the proceeding.

(4) To obtain a written or electronic verbatim transcription of the proceeding.

(5) To obtain written findings of fact and decisions.

§ 4226.102. Impartial hearing officer.

(a) The legal entity shall ensure that the person appointed to implement the administrative resolution process meets the following:

(1) Is not an employe of an agency or other entity involved in the provision of early intervention services or care of the child.

(2) Does not have a personal or professional interest that would conflict with the person's objectivity in conducting the hearing and rendering a decision.

(b) A person who otherwise qualifies under this section is not an employe of an agency solely because the person is paid by the agency to implement the administrative resolution process.

§ 4226.103. Convenience of proceedings; timelines.

A proceeding for implementing the administrative resolution process shall be carried out at a time and place that is reasonably convenient to the parents.

§ 4226.104. Status of a child during proceedings.

(a) During the pendency of a proceeding involving a complaint under this chapter, unless the legal entity and parents of a child otherwise agree, the child shall continue to receive the early intervention services currently being provided.

(b) If the complaint involves an application for initial services under this chapter, the child shall receive those services that are not in dispute.

(c) Parents have the right to accept or decline services. The rejection of one service does not jeopardize other early intervention services or activities. During a child/family resolution process the services or activities not in dispute will be initiated or continued.

§ 4226.105. Surrogate parents.

(a) Each legal entity shall ensure that the rights of children eligible under this chapter are protected if one of the following apply:

(1) A parent, as defined in § 4226.5 (relating to definitions), cannot be identified.

(2) The legal entity, after reasonable efforts, cannot discover the whereabouts of a parent.

(3) The child is in the legal custody of the county children and youth agency and the birth parents are

“unknown or unavailable,” which includes situations when the birth parents are deceased or parental rights have been terminated.

(b) The duty of the legal entity under subsection (a) includes the assignment of an individual to act as a surrogate for the parent. This shall include a method for:

(1) Determining whether a child needs a surrogate parent.

(2) Assigning a surrogate parent to the child.

(c) The legal entity shall select a surrogate parent.

(d) The legal entity shall ensure that a person selected as a surrogate parent:

(1) Has no interest that conflicts with the interests of the child the surrogate represents.

(2) Has knowledge and skills that ensure adequate representation of the child.

(3) Is not an employe of an agency involved in the provision of early intervention or other services to the child.

(e) A person who otherwise qualifies to be a surrogate parent under subsection (d) is not an employe solely because the surrogate is paid by a public agency to serve as a surrogate parent.

(f) A foster parent qualifies under this part if the following apply:

(1) The natural parents' authority to make early intervention or educational decisions on the child's behalf has been relinquished under State law.

(2) The county children and youth agency has been given the custody of the child and approves the recommendation that the foster parent would be the most appropriate surrogate parent.

(3) The foster parent has an ongoing, long-term parental relationship with the child.

(4) The foster parent is willing to participate in making early intervention or educational decisions on the child's behalf.

(5) The foster parent has no interest that would conflict with the interests of the child.

(g) A surrogate parent may represent a child in all matters related to the following:

(1) The evaluation and assessment of the child.

(2) Development and implementation of the child's IFSPs, including annual evaluations and periodic reviews.

(3) The ongoing provision of early intervention services to the child.

(4) Other rights established under this chapter.

[Pa.B. Doc. No. 00-941. Filed for public inspection June 2, 2000, 9:00 a.m.]

NOTICES

COMMISSION ON CRIME AND DELINQUENCY

Drug Control and System Improvement Strategy

The Commission on Crime and Delinquency (Commission) submitted an FFY-2000 State application for \$19.724 million provided through the Federal Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program. It is this program which totally supports Pennsylvania's Drug Control and System Improvement (DCSI) Program.

The application, entitled "Pennsylvania's Multi-Year Statewide Drug Control and System Improvement Strategy, March 2000," identifies the priority program areas that the Commission has designated and the allocation of FFY-2000 DCSI funds anticipated to be available to support these initiatives.

Persons desiring to review and comment on the strategy may submit their requests to the following address: Commission on Crime and Delinquency, Attention: Drug Control and System Improvement Program, P. O. Box 1167, Harrisburg, PA 17108-1167.

JAMES THOMAS,
Executive Director

[Pa.B. Doc. No. 00-942. Filed for public inspection June 2, 2000, 9:00 a.m.]

DEPARTMENT OF AGRICULTURE

Land Trust Reimbursement Grant Program

The Department of Agriculture (Department) hereby gives notice of a revision to the Land Trust Reimbursement Grant Program described in an earlier notice published in 29 Pa.B. 6342 (December 18, 1999).

Paragraph No. 11 of that earlier notice had stated that the \$500,000 allocation of funds for grants under the Land Trust Reimbursement Grant Program would remain available through June 30, 2000. This notice revises that date to June 30, 2001.

Further information may be obtained by contacting the Department of Agriculture, Attn: Raymond C. Pickering, Director, Bureau of Farmland Protection, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 783-3167.

SAMUEL E. HAYES, Jr.,
Secretary

[Pa.B. Doc. No. 00-943. Filed for public inspection June 2, 2000, 9:00 a.m.]

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending May 23, 2000.

BANKING INSTITUTIONS

Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
5-18-00	Sterling Financial Corporation, Lancaster, to acquire 100% of the Voting Shares of Hanover Bancorp, Inc., Hanover	Lancaster	Filed

New Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-19-00	Mauch Chunk Interim Trust Company Jim Thorpe Carbon County	Jim Thorpe	Filed

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-19-00	Wayne Bank Honesdale Wayne County	Lords Valley Plaza Route 739 Blooming Grove Twp. Pike County	Filed

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-19-00	Main Street Bank Reading Berks County	Simpson Meadows Retirement Community 101 Plaza Drive Downingtown Chester County	Filed

Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-15-00	The Drovers & Mechanics Bank York York County	<i>To:</i> 185 Memory Lane York York County <i>From:</i> 200 Memory Lane York York County	Effective
5-18-00	Harris Savings Bank Harrisburg Dauphin County	<i>To:</i> Oakhurst Blvd. and Linglestown Road Harrisburg Lower Paxton Twp. Dauphin County <i>From:</i> 2017 Linglestown Road Harrisburg Lower Paxton Twp. Dauphin County	Filed

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

DAVID E. ZUERN,
Secretary

[Pa.B. Doc. No. 00-944. Filed for public inspection June 2, 2000, 9:00 a.m.]

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

The following parties have applied for an NPDES permit to discharge controlled wastewaters into the surface waters of this Commonwealth. Unless otherwise indicated on the basis of preliminary review and application of lawful 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 accommodations to participate in the proceeding should contact the Secretary to the Board at (717) 787-3483. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

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

PA 0026018, Amendment No. 3, Sewage, Borough of West Chester, 401 East Gay Street, West Chester, PA 19380.

This application is for amendment of an NPDES permit to discharge treated sewage from Taylor Run Sewage Treatment Plant in East Bradford Township, **Chester County**. This is an existing discharge to Taylor Run.

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

The proposed effluent limits for Total Copper for Outfall 001, based on an average flow of 1.5 million gallons per day and site specific water effect ratio of 5.7 are as follows:

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

Other Conditions:

The EPA waiver is not in effect.

PA 0020290. Sewage, Borough of Quakertown, 15-35 North 2nd Street, Box 727, Quakertown, PA 18951-1378.

This application is for renewal of an NPDES permit to discharge treated sewage from wastewater treatment plant in Richland Township, **Bucks County**. This is an existing discharge to Tohickon Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 4.0 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>
CBOD ₅			
(5-1 to 10-31)	8	12	16
(11-1 to 4-30)	15	23	30
Suspended Solids	30	45	60
Ammonia (as N)			
(5-1 to 10-31)	2.0		4.0
(11-1 to 4-30)	6.0		12.0
Hardness Measured as CaCO ₃	monitor/report		
Phosphorus (as P)	0.5		1.0
Total Residual Chlorine			
(0—2 years)	0.5		1.2
(3—5 years)	0.056		0.102
Fecal Coliform	200 colonies/100 ml as a geometric average		
Dissolved Oxygen	minimum of 6.0 mg/l at all times		
pH	within limits of 6.0—9.0 standard units at all times		
Total Copper	monitor/report		
Free Cyanide	monitor/report		
Total Phenols		max. daily	
	0.021	0.042	0.052
Total Aluminum		max. daily	
	0.46	0.92	1.2
Whole Effluent Toxicity		max. daily	
		1.048 TUC	

The EPA waiver is not in effect.

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

PA 0037150, Sewage, SIC Code: 4952, **Penn Township Board of Commissioners**, 20 Wayne Avenue, Hanover, PA 17331.

This application is for renewal of an NPDES permit for an existing discharge of treated sewage to Oil Creek, in Penn Township, **York 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 Wrightsville Water Company located in Wrightsville Borough, York County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 4.2 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			
(5-1 to 10-31)	15	22.5	30
(11-1 to 4-30)	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	1.5	—	3.0
(11-1 to 4-30)	4.5	—	9.0
Total Phosphorus	2.0	—	4.0
Total Residual Chlorine	<0.1	—	<0.2
Dissolved Oxygen	minimum of 5.0 at all times		
pH	from 6.0 to 9.0 inclusive		
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	2,000/100 ml as a geometric average		

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

The EPA waiver is not in effect.

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

PA 0003255. Industrial waste, SIC, **Timken Latrobe Steel**, 2626 South Ligonier Street, Latrobe, PA 15650-0031.

This application is for renewal of an NPDES permit to discharge cooling water and stormwater from steel mill in Latrobe Borough, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, Sulfur Run and Loyalhanna Creek, classified as cold water fisheries with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is Buffalo Township Municipal Authority, located at Freeport, 35 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.0071 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	monitor and report				
Temperature (°F)					
TRC	0.5			110	
pH	not less than 6.0 nor greater than 9.0				

Outfall 002: existing discharge

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	monitor and report				
TSS	monitor and report				
CBOD ₅	monitor and report				
Zinc	monitor and report				
Aluminum	monitor and report				
Molybdenum	monitor and report				
pH	monitor and report				

Outfall 004: existing discharge, design flow of 0.0504 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	monitor and report				
Temperature (°F)					110
Oil and Grease			15		30
TRC			0.5		1.0
pH	not less than 6.0 nor greater than 9.0				

Outfalls 003 and 006: existing discharges

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
	These outfalls shall consist of stormwater runoff.				

The EPA waiver is in effect.

PA 0030406. Sewage, **Department of Corrections**, 2520 Lisburn Road, P. O. Box 598, Camp Hill, PA 17001.

This application is for renewal of an NPDES permit to discharge treated sewage from the State Correctional Institution at Laurel Highlands STP in Somerset Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an unnamed tributary East Branch Coxes 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 Ohioople Municipal Water Authority.

Outfall 001: existing discharge, design flow of 0.5 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)	3.0	4.5		6.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2000/100 ml as a geometric mean			
Total Residual Chlorine	.02			.05
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

Other Conditions: None

The EPA waiver is in effect.

PA 0090573. Sewage, **Zigmund Barton**, R. D. 11, Box 157, Greensburg, PA 15601.

This application is for renewal of an NPDES permit to discharge treated sewage from the Suburban Acres Mobile Home Park STP in Hempfield Township, **Westmoreland County**.

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

Outfall 001: existing discharge, design flow of .0125 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
Ammonia Nitrogen				
(5-1 to 10-31)	2.3			4.6
(11-1 to 4-30)	4.8			9.6

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2000/100 ml as a geometric mean			
Total Residual Chlorine (1st month—36th month)	monitor and report			
(37th month—expiration)	.2			.47
Dissolved Oxygen	not less than 6.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA 0096105. Sewage, **Aleppo Township Authority**, P. O. Box 81, Sewickley, PA 15143-0081.

This application is for renewal of an NPDES permit to discharge treated sewage from the Sewickley Heights Manor STP in Aleppo Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an unnamed tributary to Ohio River, 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 Arco Chemical BU Plant.

Outfall 001: existing discharge, design flow of 0.084 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	37.5		50
Suspended Solids	30	45		60
Ammonia Nitrogen (5-1 to 10-31)	1.9	2.9		3.8
(11-1 to 4-30)	2.5	3.8		5
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2000/100 ml as a geometric mean			
Total Residual Chlorine	0.02			0.04
Dissolved Oxygen	not less than 5 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA 0096431. Sewage, **Zigmund Barton**, R. D. 11, Box 157, Greensburg, PA 15601.

This application is for renewal of an NPDES permit to discharge treated sewage from the Hempfield Highlands MHP STP in Hempfield Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an unnamed tributary of Little Sewickley Creek, which are classified as a trout stocked 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 .02 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅ (11-1 to 4-30)	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	2.1			4.2
(11-1 to 4-30)	3.5			7.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2000/100 ml as a geometric mean			
Total Residual Chlorine (1st month—36th month)	monitor and report			
(37th month—expiration)	.10			.22

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Dissolved Oxygen	not less than 6.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

Other Conditions: None

The EPA waiver is in effect.

PA 0096890. Sewage, **G&G Mobile Home Sales**, 23 Oakridge Heights Drive, Oakdale, PA 15071-3914.

This application is for renewal of an NPDES permit to discharge treated sewage from the Oakridge Heights Mobile Home Park 2 Sewage Treatment Plant in North Fayette Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an unnamed tributary of North Branch Robinson 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 West View Municipal Authority on the Ohio River.

Outfall 001: existing discharge, design flow of 0.02 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	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)	2000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA 0097691. Sewage, **Lawrence Watson Jr. and Brian J. Watson**, 7 KOA Road, Washington, PA 15301.

This application is for renewal of an NPDES permit to discharge treated sewage from the Washington KOA Campgrounds Sewage Treatment Plant in South Strabane Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Unnamed Tributary of Little Chartiers Creek, which are classified as a high-quality 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 Western PA Water Company on Little Chartiers Creek.

Outfall 001: existing discharge, design flow of 0.01 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	10			20
Suspended Solids	25			50
Ammonia Nitrogen				
(5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2000/100 ml as a geometric mean			
Total Residual Chlorine	1.3			3
Dissolved Oxygen	not less than 5 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA 0205460. Sewage, **Loretta Schermock**, Georgetown Heights Mobile Estates, 20215 Sunny Shores Drive, Humble, TX 77346.

This application is for renewal of an NPDES permit to discharge treated sewage from the Georgetown Heights Mobile Estates Sewage Treatment Plant in Greene Township, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Smiths 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 City of East Liverpool located on the Ohio River at RM 40.2.

Outfall 001: existing discharge, design flow of 0.0185 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
Ammonia Nitrogen				
(5-1 to 10-31)	2			4
(11-1 to 4-30)	6			12
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2000/100 ml as a geometric mean			
Total Residual Chlorine	0.2			0.5
Dissolved Oxygen	not less than 5 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA 0217115. Sewage, **Indiana County Municipal Services Authority**, 827 Water Street, Indiana, PA 15701.

This application is for renewal of an NPDES permit to discharge treated sewage from the Jacksonville Sewage Treatment Plant in Blacklick Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Reeds Run, which are classified as a trout stocked 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 Authority.

Outfall 001: existing discharge, design flow of .077 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	30		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	4.4	6.6		8.8
(11-1 to 4-30)	13.2	19.8		26.4
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	5000/100 ml as a geometric mean			
Dissolved Oxygen	not less than 6.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA 0217123. Sewage, **Indiana County Municipal Services Authority**, 827 Water Street, Indiana, PA 15701.

This application is for renewal of an NPDES permit to discharge treated sewage from the Plumville STP in South Mahoning Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as North Branch Plum Creek, 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 Cadogen Water Works.

Outfall 001: existing discharge, design flow of .072 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)	6.3	9.5		12.6
(11-1 to 4-30)	18.9	28.5		37.8
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2000/100 ml as a geometric mean			
Dissolved Oxygen	not less than 4.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA 0218448. Sewage, **Kim and Dianne Miller**, Route 2, Box 181, Wolflake Road, New Alexandria, PA 15670.

This application is for renewal of an NPDES permit to discharge treated sewage from Whitethorn Sewage Treatment Plant, Whitethorn Subdivision, Phase II in Salem Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an unnamed tributary of Whitethorn 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 Buffalo Township Municipal Authority, Freeport.

Outfall 001: new discharge, design flow of 0.011 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)	7.5			15
(11-1 to 4-30)	22.5			45
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	5000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
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 0035556. Sewage, **Commonwealth of Pennsylvania, Pennsylvania Department of Transportation**, Bureau of Design, P. O. Box 3060, Harrisburg, PA 17105-3060.

This application is for a renewal of an NPDES Permit, to discharge treated sewage to Unnamed Tributary to Jamison Run in Plain Grove Township, **Lawrence County**. This is an existing discharge.

The receiving water is classified for the following uses: cold water fish, 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 Salvation Army Camp Allegheny on Slippery Rock Creek located at River Mile 3.2, approximately 22 miles below point of discharge.

The proposed discharge limits for Outfall No. 001 based on a design flow of 0.008 mgd, are:

Parameter	Average Monthly (mg/l)	Instantaneous Maximum (mg/l)
CBOD ₅	25	50
TSS	30	60
Ammonia-Nitrogen		
(5-1 to 10-31)	17.5	35
(11-1 to 4-30)	52.5	105
Fecal Coliform		
(5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	2,000/100 ml as a geometric average	
Total Residual Chlorine	1	2.3
pH	6.0—9.0 at all times	

The EPA waiver is in effect.

PA 0033839. Sewage, **Blair's Green Acres Mobile Home Court**, R. D. 2, Box 301, Franklin, PA 16323.

This application is for renewal of an NPDES Permit, to discharge treated sewage to Unnamed Tributary to Burford Run in Cranberry Township, **Venango County**. This is an existing discharge.

The receiving water is classified for the following uses: cold water fish, 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 Emlenton Water Company on Allegheny River located at river mile 90.0, approximately 30 miles below point of discharge.

The proposed discharge limits for Outfall No. 001 based on a design flow of 0.013 mgd, are:

Parameter	Average Monthly (mg/l)	Instantaneous Maximum (mg/l)
CBOD ₅	25	50
TSS	30	60

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Ammonia-Nitrogen (5-1 to 10-31)	6	12
(11-1 to 4-30)	18.0	36
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	2,000/100 ml as a geometric average	
Total Residual Chlorine	0.5	1.2
Dissolved Oxygen	minimum of 3 mg/l at all times	
pH	6.0—9.0 at all times	

The EPA waiver is in effect.

PA 0101516. Sewage, **Oil City School District (Oakland Elementary)**, R. D. 1, Box 324, Cooperstown, PA 16317-9313.

This application is for renewal of an NPDES Permit to discharge treated sewage to the Two Mile Run in Oakland Township, **Venango County**. This is an existing discharge.

The receiving water is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Emlenton Municipal Water Authority on the Allegheny River located at Emlenton, approximately 41 miles below point of discharge.

The proposed effluent limits for Outfall No. 001, based on a design flow of 0.012 mgd, are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Weekly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25		50
Total Suspended Solids	30		60
Ammonia-Nitrogen (5-1 to 10-31)	14		28
Fecal Coliform (5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		2,000/100 as a geometric average	
Total Residual Chlorine	0.5		1.2
Dissolved Oxygen		minimum of 3 mg/l at all times	
pH		6.0—9.0 at all times	

The EPA waiver is in effect.

PA 0035548. Sewage, **Commonwealth of Pennsylvania, Pennsylvania Department of Transportation**, Bureau of Design, P. O. Box 3060, Harrisburg, PA 17105-3060.

This application is for a renewal of an NPDES Permit, to discharge treated sewage to Unnamed Tributary to Jamison Run in Plain Grove Township, **Lawrence County**. This is an existing discharge.

The receiving water is classified for the following uses: cold water fish, 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 Salvation Army Camp Allegheny on Slippery Rock Creek located at River Mile 3.2, approximately 18 miles below point of discharge.

The proposed discharge limits for Outfall No. 001, based on a design flow of 0.008 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
TSS	30	60
Ammonia-Nitrogen (5-1 to 10-31)	18	36
(11-1 to 4-30)	54.0	108
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	2,000/100 ml as a geometric average	
Total Residual Chlorine	1	2.3
pH		6.0—9.0 at all times

The EPA waiver is in effect.

Proposed NPDES Permit Renewal Actions for Minor Sewage Discharges

The following parties have applied to renew their current NPDES permits to allow the continued discharge of controlled 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). Any major change to or deviations from the terms of the existing permit will be documented and published with the final Department actions.

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

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

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

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

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

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Requirements</i>
PA0086525	Centre Township Municipal Authority 449 Bucks Hill Road Mohrsville, PA 19541	Berks County Centre Township	UNT to Irish Creek	TRC
PA0083984	Ranch House Rest. R. R. 4, Box 4876 Duncannon, PA 17020	Perry County Watts Township	Susquehanna River	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 or protests. Each commentator will be notified in writing of the time and place if a hearing or conference concerning the plan or 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. 4600417. Sewerage. **Eva Dietrich**, 25 College Avenue, Collegeville, PA 19426. Applicant is requesting approval for the construction and operation of a new single family treatment facility with stream discharge to serve the Dietrich residence located in Upper Salford 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. 5000402. Sewage, submitted by **Liverpool Municipal Authority**, P. O. Box 357, Liverpool, PA 17045, Liverpool Borough, **Perry County** to expand the existing wastewater treatment plant and construct a new pump station was received in the Southcentral Region on May 10, 2000.

A. 0700402. Sewage, submitted by **David L. Miller**, R. D. 3, Box 236, Tyrone, PA 16686 in Snyder Township, **Blair County** to construct a small flow sewage treatment plant to serve their residence on Cook Hollow Road was received in the Southcentral Region on May 9, 2000.

A. 0690411. Sewage, amendment 00-1 submitted by **Joint Municipal Authority of Wyomissing Valley**, 701 Old Wyomissing Road, Reading, PA 19611-1513 in Reading City, **Berks County** to replace their existing chlorine gas disinfection system with a new liquid sodium hypochlorite system for disinfection and liquid sodium bisulfite feed system for dechlorination was received in the Southcentral Region on May 12, 2000.

A. 0600404. Sewage, submitted by **Maidencreek Township Authority**, P. O. Box 289, Blandon, PA 19510 in Ontelaunee Township, **Berks County** to re-rate their sewage treatment plant was received in the Southcentral Region on May 16, 2000.

A. 3600201. Concentrated Animal Feeding Operations, submitted by **Star Rock Farms, LLC**, 37 Chestnut Grove Road, Conestoga, PA 17516 in Manor Township, **Lancaster County** to add one new temporary concrete manure storage along with one new permanent HDPE-lined manure storage facility; this manure storage will not replace any existing manure storage at their existing facility was received in the Southcentral Region on May 12, 2000.

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

A. 0400406. Sewerage, **Economy Borough Municipal Authority**, 2860 Conway-Wallrose Road, Baden, PA 15005. Application for the construction and operation of a sewage treatment plant, sewers and appurtenances, pump station, outfall and headwall and stream crossing to serve the Big Sewickley Creek WWTP located in Economy Borough, **Beaver County**.

The Pennsylvania Infrastructure Investment Authority (Pennvest) which administers Pennsylvania's State Revolving Fund has been identified as a possible funding source. The Department's review of the sewage facilities plan revision has not identified any significant environmental impacts resulting from this proposal.

A. 3200402. Sewerage, **Green Township Municipal Authority**, Box 129, Commodore, PA 15729. Application for the construction and operation of a pump station and a collection system to serve the Dixon Run located in Green Township, **Indiana County**.

A. 6572405-A3. Sewerage, **City of New Kensington Municipal Sanitary Authority**, 120 Logans Ferry Road, New Kensington, PA 15086-2046. Application for the construction and operation of an Anaerobic Digestion Renovations and Ancillary System Project to serve the New Kensington STP located in the City of New Kensington, **Westmoreland County**.

The Pennsylvania Infrastructure Investment Authority (Pennvest) which administers Pennsylvania's State Revolving Fund has been identified as a possible funding source. The Department's review of the sewage facilities plan revision has not identified any significant environmental impacts resulting from this proposal.

A. 6586418-A4. Sewerage, **Franklin Township Municipal Sanitary Authority**, 3001 Meadowbrook Road, Murrysville, PA 15668-1698. Application for the construction and operation of an Egg-shaped Digester and Ancillary System Project to the sewage treatment plant to serve the Meadowbrook STP located in Murrysville Borough, **Westmoreland County**.

The Pennsylvania Infrastructure Investment Authority (Pennvest) which administers Pennsylvania's State Revolving Fund has been identified as a possible funding

source. The Department's review of the sewage facilities plan revision has not identified any significant environmental impacts resulting from this proposal.

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

WQM Permit No. 4200201. **Pittsburgh Corning Corp.**, P. O. Box 39, Port Allegany, PA 16743. This project is for the installation of two oil/water separators at the Port Allegany facility in Port Allegany, **McKean County**.

WQM Permit No. 6200406. Sewage. **Torpedo Specialty Wire, Inc.**, R. D. 2, Route 27, Pittsfield, PA 16340. This project is for the construction and operation of a small flow treatment system in Pittsfield Township, **Warren County**.

WQM Permit No. 4300403. Sewage, **Brian Kytchak**, 23 East Stewart Avenue, Greenville, PA 16125. This project is for the construction of a Single Residence Sewage Treatment Plant in Hempfield Township, **Mercer County**.

INDIVIDUAL PERMITS (PAS)

Stormwater 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. The proposed determinations are tentative. Limitations are provided in the permit as erosion and sedimentation control measures and facilities which restrict the rate and quantity of sediment discharged.

Where indicated, the EPA, Region III, Regional Administrator has waived the right to review or object to this proposed permit action under the waiver provision 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 permit will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the 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 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, (717) 826-2511.

Monroe County Conservation District, District Manager; 8050 Running Valley Road, Stroudsburg, PA 18360, (570) 629-3060.

NPDES Permit PAS10S088. Stormwater. **Arsha Vidya Gurukulam** at Faulstick Rd., Arsha Vidya Pitham, P. O. Box 1059, Saylorsburg, PA 18353-1059, has applied to discharge stormwater from a construction activity located in Ross Township, **Monroe County**, to Aquashicola Creek, McMichaels Creek, HQ-CWF, MF.

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

NPDES Permit PAS10E045-R. Stormwater. **Concordia Lutheran Ministries**, 134 Marwood Road, Cabot, PA 16023, has applied to discharge stormwater from a construction activity located in Winfield Township, **Butler County**, to Unnamed Tributary to Buffalo Creek. (HQ-TSF)

SAFE DRINKING WATER

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

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

A. 0900504. Public water supply. **DeLuca Enterprises, Inc.**, 842 Durham Road, Newtown, PA 18940. This proposal involves the construction of a new public water supply system to serve the Fox Run Preserve development. The project consists of a new well, a storage tank, disinfection and distribution system in Solebury Township, **Bucks County**.

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

4599504. Public water supply. **Pinecrest Development Corp.**, P. O. Box 760, Pocono Pines, PA 18350. This proposal involves the construction of a new well, disinfection facilities, iron and manganese treatment facilities, finished water storage tank construction, control building, PRV vault, transmission and distribution piping and related appurtenances. This project also includes nine minor road crossings with underground utilities, two minor cart path crossings for golf course access and four underground utility crossings for water and sewer lines. It is located in Tobyhanna Township, **Monroe County**.

Engineer: Russell Scott, P.E., RKR Hess Assoc., Inc.

4500502. Public water supply. **Camelback Ski Corporation**, Samuel Newman, President, P. O. Box 168, Tannersville, PA 18372. This proposal involves the addition of Well No. 2 storage tank, booster pump station and distribution system improvements. It is located in Jackson Twp., **Monroe County**.

Engineer: RKR Hess Inc.

Minor Amendment. Public water supply. **South Whitehall Township Authority**, Daniel G. D. Imerio, Ch., 4444 Walbert Avenue, Allentown, PA 18104-1699. This proposal involves construction of a 12 in/20 in DIP water line extension between the township reservoir on Brickyard Road to interconnect with an existing line along Limekiln Rd. It is located in South Whitehall Township, **Lehigh County**.

Engineer: Steven R. Henning, G. Edwin Pidcock Co.

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

A. Minor Amendment. The Department has received a permit application from **Spring Lake Village**, 100 Albatross Drive, Watsonstown, PA 17777, Delaware Township, **Northumberland County**. The application is to replace media in two pressure filters utilized to remove iron manganese and sulfur from the well supply.

A. Minor Amendment. The Department received a permit application from **Catawissa Municipal Authority**, P. O. Box 54, Catawissa, PA 17820, Catawissa Township, **Columbia County**. The application is for general maintenance of the existing water treatment plant and converting the system from semi-automatic operated to fully automated through the use of a programmable logic controller, variable frequency drives and motorized valves.

A. 1400504. The Department has received a permit application from the **Pennsylvania American Water Company**, 800 Hersheypark Drive, Hershey, PA 17033, Rush Township, **Centre County**. The application is for interconnection of the Sandy Ridge and West Decatur Water Systems to the PAWC-Philipsburg System and construct facilities needed to pump and treat water from Trout Run Wells No. 1 and No. 2.

A. Minor Amendment. The Department has received a permit application from the **Pennsylvania American Water Company**, 800 Hersheypark Drive, Hershey, PA 17033, White Deer Township, **Union County**. The application is for construction of a new welded steel clearwell water storage tank and replacement of high service pumps.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 1

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

Sections 302—304 and 305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the background standard, Statewide health standard, the site-specific standard, or who intend to remediate a site as a special industrial area, must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a

list of known suspected contaminants at the site, the proposed remediation measures for the site, and a description of the intended future use of the site. A person who demonstrates attainment of one, or a combination of the cleanup standards, or who receives approval of a special industrial area remediation identified under the act, will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

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

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

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

Edward Blosinski Property, Edgemont Township, **Delaware County**. Susan Ahern, Evans Mill Environmental, Inc., 101 Fellowship Road, Uwchland, PA 19480-0735, has submitted a Notice of Intent to Remediate site soil contaminated with BTEX and petroleum hydrocarbons. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reported to have been published in *The Daily Local News* on April 16, 2000.

Metroplex Corporate Center, (8067-Soils) Plymouth Township, **Montgomery County**. Darryl D. Borrelli, Manko, Gold & Katcher, LLP, 401 City Avenue, Suite 500, Bala Cynwyd, PA 19004 has submitted a Notice of Intent to Remediate site soil contaminated with asbestos. The applicant proposes to remediate the site to meet the site-specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in *The Times Herald* on April 19, 2000.

Metroplex Corporate Center, (8068-Groundwater) Plymouth Township, **Montgomery County**. Darryl D. Borrelli, Manko, Gold & Katcher, LLP, 401 City Avenue, Suite 500, Bala Cynwyd, PA 19004 has submitted a Notice of Intent to Remediate site groundwater contami-

nated with asbestos. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reported to have been published in *The Times Herald* on April 19, 2000.

Avery Dennison-Fasson Roll Division, Richland Township, **Bucks County**. James N. Miller, ENSR, 2005 Cabot Blvd., West, Langhorne, PA 19047, has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with solvents, BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reported to have been published in *The Intelligencer Record* on April 24, 2000.

K Mart Corp., Morrisville Distribution Center, Falls Township, **Bucks County**. Steven F. Coe, 42 Sequoia Drive, Newtown, PA 18940 has submitted a Notice of Intent to Remediate site soil 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 Courier Times* on April 26, 2000.

Heating Oil Partners, L. P.—Gill Brothers Oil Company, Northampton Township, **Bucks County**. Sean Grexa, The Tyree Organization, Ltd., 1350 S. US Highway 130, Burlington, NJ 08016, has submitted a revised Notice of Intent to Remediate site soil contaminated with petroleum hydrocarbons and groundwater contaminated with BTEX. The applicant proposes to remediate the site to meet site-specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in *The Philadelphia Daily News* on April 28, 2000.

Former Synthane Taylor Facility, West Norriton Township, **Montgomery County**. James F. Mattern, P.G., HydroScience, Inc., 607 Washington Street, Reading, PA 19601, has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with lead, heavy metals, solvents, BTEX and polycyclic aromatic hydrocarbons. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reported to have been published in *The Norristown Times Herald* on May 2, 2000.

Charles Stephens Property, West Whiteland Township, **Chester County**. James H. Mulry, Mulry and Cresswell Environmental, Inc., 1691 Horseshoe Pike, Suite 1, Glenmoore, PA 19343, has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reported to have been published in *Chester County Daily Local News* on May 7, 2000.

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

Chicago Pneumatic Tool, Howard Street, Franklin, **Venango County**, Franklin Township, has submitted a Notice of Intent to Remediate soil. The site has been found to be contaminated with PAHs. The applicant proposes to remediate the site to meet the Special Industrial Area Standard in a Special Industrial Area. The Notice of Intent to Remediate was published in the *News Herald* on May 15, 2000.

**SOLID AND HAZARDOUS WASTE
HAZARDOUS WASTE, TREATMENT, STORAGE
AND DISPOSAL FACILITIES**

Applications received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate a hazardous waste treatment, storage or disposal facility.

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

PAD 003001070. Air Products and Chemicals, Inc., 7201 Hamilton Boulevard, Allentown, PA 18195-1501. An application for the renewal of the hazardous waste storage permit for this hazardous waste facility located in Upper Macungie Township, **Lehigh County**. The application was received in the Regional Office on March 27, 2000; and as of May 12, 2000, the application was found to be administratively complete.

**OPERATE WASTE PROCESSING OR DISPOSAL
AREA OR SITE**

Applications submitted under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and 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.

Southeast Regional Office: Regional Solid Waste Manager, Suite 6010, 555 North Lane, Lee Park, Conshohocken, PA 19428.

A. 101549. Safety Disposal System of PA, 1 Penn Avenue, Marcus Hook, PA 19061. Application submitted for a renewal of their Solid Waste Permit. Facility located in the Borough of Marcus Hook, **Delaware County**. Application received in the Southeast Regional Office on May 12, 2000.

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

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

OPERATING PERMITS

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

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

07-03035: Pennfield Corp. (P. O. Box 4366, 711 Rohrerstown Road, Lancaster, PA 17604) for six mineral storage bins, controlled by two fabric collectors along with eight grain storage bins at the animal feed mill in Martinsburg Borough, **Blair County**.

28-310-002E: Valley Quarries, Inc. (P. O. Box J, Chambersburg, PA 17201) for a Limestone Crushing Plant in Guilford Township, **Franklin County**. This source is subject to 40 CFR Part 60, Subpart 000, Standards of Performance for New Stationary Sources.

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) for operation of a chemical process facility (Process 514) in College Township, **Centre County**.

Notice of Intent to Issue Title V Operating Permits

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

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

Interested persons may submit written comments, suggestions or objections concerning the proposed Title V permit to the regional office within 30 days of publication of this notice. Written comments submitted to the Department during the 30-day public comment period shall include the name, address and telephone number of the persons submitting the comments, along with the refer-

ence number of the proposed permit. The commentator should also include a concise statement of any objections to the permit issuance and the relevant facts upon which the objections are based.

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

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

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

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

46-00036: Ford Electronics & Refrigeration LLC (2750 Morris Road, Lansdale, PA 19446) located in Worcester Township, **Montgomery County**. The facility's major emission points include six wave Soldering machines, five Selective Soldering machines, a Coil Soldering—Servo and an In-line Package machine which emit major levels of volatile organic compounds (VOCs) and Nitrogen Oxides (NOx).

46-00041: Jefferson Smurfit Corp. (U. S.) (1035 Longford Road, Phoenixville, PA 19460) located in Upper Providence Township, **Montgomery County**. The facility's major emission points include six sheetfed, nonheatset, offset lithographic presses, two boilers, an emergency generator and a finishing department which emit major levels of VOCs.

46-00089: SPRA-FIN, Inc. (177 Wissahickon Avenue, North Wales Borough) located in Upper Gwynedd Township, **Montgomery County**. The facility's major emission points include three spray booths which emit major levels of volatile organic compounds (VOCs).

46-00010: Montenay Montgomery, L. P. (1155 Conshohocken Road, Conshohocken, PA 19428) located in Plymouth Township, **Montgomery County**. The facility's major emission points include municipal waste combustors which emit major levels of Nitrogen Oxides (NOx) and Carbon Monoxide (CO).

23-00017: PECO Energy Co. (One Industrial Highway, Eddystone, PA 19022-1585) located in Eddystone Borough, **Delaware County**. The facility's major emission points include fossil fuel fired boilers and auxiliary electrical generating equipment which emit major levels of Nitrogen Oxides (NOx), carbon monoxide (CO), Particulate matter (PM), and Sulfur oxides (SOx).

46-00005: Merck & Co. (770 Sumneytown Pike, West Point, PA 19486-0004) located in Upper Gwynedd Township, **Montgomery County**. The facility is primarily used for the research, development and manufacturing of pharmaceutical preparations. The facility's major air emission points include boilers, incinerators, power generation equipment and support equipment for R & D and manufacturing processes which emit major levels of nitro-

gen oxides (NOx), sulfur oxides (SOx), volatile organic compounds (VOCs), and particulate matter (PM-10).

23-00038: Delaware County Regional Water Auth. (100 East Fifth Street, Chester, PA 19016) located in the City of Chester, **Delaware County**. The facility's major emission points include two Multiple-Hearth Incinerators and various wastewater treatment processes, which emit major levels of Volatile Organic Compounds (VOCs) and Hazardous Air Pollutants (HAPs).

09-00076: Cartex Corp. (200 Rock Run Road, Fairless Hills, PA 19030) located in Falls Township, **Bucks County**. The facility's major emission points include polyurethane foam production line, natural gas-fired boiler and make-up air units and storage tanks which emit major levels of Volatile Organic Compounds (VOC).

46-00016: Handy & Harman Tube Co., Inc. (701 West Township Line Road, Norristown, PA 19403) located in East Norriton Township, **Montgomery County**. The facility's major emission points include three boilers, commercial mill, pump and acid house degreasers, annealing furnaces and pickling tanks which emit major levels of Volatile Organic Compounds (VOCs).

15-00004: Reynolds Metals Co. (520 Lincoln Ave., Downingtown, PA 19335) located in Downingtown Borough, **Chester County**. The facility's major emission points include rotogravure and flexographic presses which emit major levels of Volatile Organic Compounds (VOCs).

15-00027: Johnson Matthey, Inc. (436/456 Devon Park Drive, Wayne, PA 19087-1816) located in Tredyffrin Township, **Chester County**. The facility's major emission points include OC Lab, Selective Catalytic Reduction (SCR) Process, four Catalytic Drying Ovens, Centerless Grinder, Chip Removing Machine, three Powder Handling Machines, a Pilot Plant Process, and Production Lines 1, 2, 3 and 4 which emit major levels of volatile organic compounds (VOC) and nitrogen oxides (NOx).

15-00030: NVF Co. (400 West Mulberry Street, Kennett Square, PA 19348) located in Kennett Square Borough, **Chester County**. The facility's major emission points include nine coaters and one incinerator which emit major levels of Volatile Organic Compounds (VOCs) and Hazardous Air Pollutants (HAPs).

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

48-00027: IESI PA Bethlehem Landfill Corp. (2335 Applebutter Road, Bethlehem, PA 18015) located in Lower Saucon Township, **Northampton County**. The facility's major source of emissions include the landfill operation which primarily emit Volatile Organic Compounds (VOCs).

35-00047: Gentex Optics Inc. (324 Main Street, Route 171, Carbondale, PA 18407) located in Fell Township, **Lackawanna County**. The facility's major source of emissions include optical manufacturing which primarily emit Volatile Organic Compounds (VOCs).

PLAN APPROVALS

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

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

38-313-013C: Geon Engineered Films, Inc. (1507 Willow Street, Lebanon, PA 17042) formerly the

O'Sullivan Corp., for modification to the existing PVC Conveying Operations in the City of Lebanon, **Lebanon County**.

67-05052A: Susquehanna Capital (P. O. Box 0866, Mt. Wolf, PA 17347-0866) for modification of the Main Paint Tower's minimum required catalytic incinerator inlet temperature at the Weaving Division in York City, **York County**.

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

Written comments or objections should contain the name, address and telephone number of persons submit-

ting 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:

32950105. Permit Renewal for reclamation only, **KMP Associates** (R. D. 2, Box 194, Avonmore, PA 15618-9512) for continued restoration of a bituminous surface mine in Young Township, **Indiana County**, affecting 25.2 acres, receiving stream unnamed tributaries to Harpers Run and unnamed tributaries to Nesbit Run, application received May 11, 2000.

11960109. Permit Revision, **Paul F. Becker Coal Company** (1593 Old Route 22, Duncansville, PA 16635), to add auger mining to the operation in Elder Township, **Cambria County**, affecting 27.0 acres, receiving stream unnamed tributary to Brubaker Run, application received May 12, 2000.

56970101. Permit Transfer, from **Marquise Mining Corporation to PBS Coals, Inc.** (P. O. Box 260, Friedens, PA 15541) for continued operation of a bituminous surface mine in Somerset Township, **Somerset County**, affecting 88.0 acres, receiving stream unnamed tributaries to the East Branch Coxes Creek, application received May 15, 2000.

56663125. Permit Renewal for reclamation only, **Hilltop Mining, Inc.** (126 Bronco Drive, Berlin, PA 15530), for continued restoration of a bituminous surface and auger mine in Brothersvalley Township, **Somerset County**, affecting 310.8 acres, receiving stream unnamed tributaries of Buffalo Creek and to Buffalo Creek, application received May 17, 2000.

56773136. Permit Renewal for reclamation only, **Bituminous Coals, Inc.** (227 New Centerville Road, Somerset, PA 15501), for continued restoration of a bituminous surface mine in Addison Township, **Somerset County**, affecting 301.7 acres, receiving stream to unnamed tributaries to Whites Creek and to Cucumber Run, application received May 18, 2000.

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

40830202T2. **Mammoth Anthracite, LLC** (160 Quality Center Road, Homer City, PA 15748), transfer of an existing coal refuse reprocessing operation from Diamond Coal Co., Inc. in Hazle Township, **Luzerne County**, affecting 141.2 acres, receiving stream—none. Application received May 15, 2000.

40910201T. **Mammoth Anthracite, LLC** (160 Quality Center Road, Homer City, PA 15748), transfer of an existing coal refuse reprocessing operation from Diamond Coal Co., Inc. in Hazle Township, **Luzerne County**, affecting 11.8 acres, receiving stream—none. Application received May 15, 2000.

40940202T. **Mammoth Anthracite, LLC** (160 Quality Center Road, Homer City, PA 15748), transfer of an existing coal refuse reprocessing operation from Diamond

Coal Co., Inc. in Hazle Township, **Luzerne County**, affecting 22.0 acres, receiving stream—none. Application received May 15, 2000.

40930102T2. Mammoth Anthracite, LLC (160 Quality Center Road, Homer City, PA 15748), transfer of an existing anthracite surface mine operation in Hazle Township, **Luzerne County**, affecting 405.0 acres, receiving stream—none. Application received May 15, 2000.

54763207R3. Gilberton Coal Company (P. O. Box 423, Gilberton, PA 17934), renewal of an existing anthracite surface mine, coal refuse reprocessing and disposal operation in Mahanoy Township, **Schuylkill County**, affecting 25.9 acres, receiving stream—none. Application received May 16, 2000.

54950202R. Gilberton Coal Company (P. O. Box 423, Gilberton, PA 17934), renewal of an existing anthracite surface mine, coal refuse reprocessing and disposal operation in Mahanoy Township, **Schuylkill County**, affecting 148.0 acres, receiving stream—none. Application received May 16, 2000.

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

32841303. Helvetia Coal Company (Box 219, Shelocta, PA 15774), to revise the permit for the Lucerne No. 6 Mine in Center Township, **Indiana County** to revise the existing permit in order to install one 20" discharge borehole, no additional discharges. Application received May 15, 2000.

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

33940109. MSM Coal Company, Inc. (P. O. Box 243, DuBois, PA 15801). Renewal of an existing bituminous surface strip operation in Oliver Township, **Jefferson County** affecting 27.3 acres. Receiving streams: Unnamed tributary B to Little Sandy Creek. Application for reclamation only. Application received May 15, 2000.

33970102. Waroquier Coal Company (P. O. Box 128, Clearfield, PA 16830). Revision to an existing bituminous surface strip operation in Washington Township, **Jefferson County**, affecting 52.0 acres. Receiving streams: Unnamed tributaries to Kyle Run and Kyle Run. Revision to add blasting. Application received May 17, 2000.

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

65000101. V. P. Smith Co., Inc. (P. O. Box 242, Ligonier, PA 15658). Application received for commencement, operation and reclamation of a bituminous surface mine located in Fairfield Township, **Westmoreland County**, proposed to affect 23.0 acres. Receiving streams: unnamed tributaries of Hypocrite Creek to Hypocrite Creek to Hendricks Creek to Tubmill Run to the Conemaugh River. Application received: May 10, 2000.

63940102. Reichard Contracting, Inc. (212 Olean Trail, New Bethlehem, PA 16242). Renewal application received for continued operation and reclamation of a coal refuse reprocessing site located in Fallowfield Township, **Washington County**, affecting 25.7 acres. Receiving streams: unnamed tributary to Pigeon Creek to the Monongahela River. Renewal application received: May 16, 2000.

03950107. Rosebud Mining Company (R. D. 2, Box 379A, Kittanning, PA 16201). Renewal application received for continued reclamation of a bituminous surface auger mine located in South Bend Township, **Armstrong County**, affecting 248.0 acres. Receiving streams: un-

named tributaries to Crooked Creek, Crooked Creek to the Allegheny River. Renewal application received: May 17, 2000.

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

Noncoal Applications Received

4873SM5C. Global Stone Penroc, LP (P. O. Box 1967, York, PA 17405), renewal of NPDES Permit PA0009695 in West Manchester Township, **York County**, receiving stream—unnamed tributary to Codorus Creek. Application received May 16, 2000.

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

Coal Applications Returned

54001301. M & M Anthracite Co. (245 Second Street, Joliett-Tremont, PA 17981), return of an anthracite underground mine application in Frailey Township, **Schuylkill County**, affecting 3.0 acres, receiving stream—Middle Creek. Application received December 27, 1999. Application returned May 15, 2000.

APPLICATIONS RECEIVED UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT ENCROACHMENTS

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

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

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

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

E09-801. Encroachment. Bucks County Water & Sewer Authority, 1275 Almshouse Road, Warrington, PA 18976. To expand and maintain the existing Green Street Wastewater Treatment Facility located in the 100-year floodplain of the Central tributary to the Neshaminy Creek (TSF) and to relocate approximately 160 linear feet of stream channel of an unnamed tributary to the

Neshaminy Creek (TSF) which will impact a de minimis area, 0.05 acre of wetlands (PEM). The proposed channel will be stabilized with R-6 riprap. This work also includes demolition of existing facilities which are no longer in use, and improvement of the existing entrance road. The site is located approximately 1,400 feet southwest of the intersection of Doylestown Road (S. R. 0202) and Pebble Hill Road (Buckingham, PA USGS Quadrangle N: 9.15 inches; W: 17.15 inches) in Doylestown Township and Doylestown Borough, **Bucks County**.

E23-398. Encroachment. **Pulte Home Corp.**, 1210 Northbrook Drive, Trevoise, PA 19053, and **Newtown Township**, 209 Bishop Hollow Rd., P. O. Box 393, Newtown, PA 19073. To construct and maintain a collector road consisting of three roadway crossings which will connect Newtown Street (S. R. 0252) to Bishop Hollow Road and tie into the existing Stoney Brook Boulevard. The crossings are as follows:

1. To install and maintain 130 linear feet of open bottom pre-cast box culvert with a 33-foot clear span and an underclearance minimum of 4 feet 6 inches spanning Hunter Run (CWF) and impacting 0.6 acre of adjacent wetlands (PFO)

2. To install and maintain 90 linear feet of open bottom, pre-cast box culvert with an 18-foot clear span and an underclearance minimum of 3 feet 7 inches spanning an unnamed tributary to Hunter Run and impacting 0.58 acre of adjacent wetlands (PFO)

3. To install and maintain 115 linear feet of a pre-cast arch bridge with a clear span of 35 feet 4 inches and a rise of 10 feet 2 inches spanning an unnamed tributary to Hunter Run and impacting 0.81 acre of adjacent wetlands (PFO)

Construction will also impact 0.05 acre of wetlands (PFO) associated with the widening of S. R. 0252. The site is located approximately 3,300 feet southeast of the intersection of S. R. 0252 and S. R. 0003 (Media, PA Quadrangle N: 18.7 inches; W: 3.3 inches) in Newtown Township, **Delaware County**.

E15-644. Encroachment. **Chester Valley Golf Club**, 430 Swedesford Road, Malvern, PA 19355. To construct and maintain facilities associated with the stream bank rehabilitation plan for the Chester Valley Golf Club. The activities are listed below. The work will occur along two unnamed tributaries to Valley Creek (EV) which traverse the golf club located along Swedesford Road between the PA Route 202 overpass and Church Road (Malvern, PA Quadrangle N: 7.8 inches; W: 8.8 inches) in East Whiteland Township, **Chester County**. This application includes a request for an environmental assessment to construct an on-stream non-jurisdictional dam for stormwater management.

Activities List:

1. To regrade the stream banks and to place and maintain approximately 100 feet of riprap at two locations;

2. To relocate a stream through a stone pond (Non-jurisdictional dam) near the pump house;

3. To replace an existing culvert with a 12-foot by 4-foot 6-inch corrugated metal arch bridge;

4. To install and maintain bulkhead along the main pond to stabilize its banks;

5. To stabilize and maintain approximately 560 linear feet of stream bank in various locations with biologs and vegetation;

6. To modify and maintain an existing pedestrian path stream crossing by installing a macadam curb along its length;

7. To install 200 linear feet of gabion stream bank stabilization at three locations;

8. To construct and maintain a pond bypass structure at the 7th Fairway;

9. To install a sluice gate at a pond inflow pipe and to construct a diversion berm to redirect stream flow beneath an existing golf cart bridge along the 1st Fairway.

E23-399. Encroachment. **City of Philadelphia Division of Aviation, Terminal E**, Philadelphia International Airport, Philadelphia, PA 19153. To construct and maintain a fire fighting training facility consisting of a paved open burn-pit, gravel vehicle maneuvering area, control building, access roadways, parking facilities, ancillary public utilities, drainage pipe, and a domestic wastewater holding tank within the 100-year floodplain of the Delaware River (WWF-MF) at the Philadelphia International Airport (Bridgeport, PA-NJ Quadrangle N: 20.5 inches; W: 1.8 inches) in Tinicum Township, **Delaware County**.

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

E35-318. Encroachment. **Suburban Realty**, 515 South State Street, Clarks Summit, PA 18411. To place fill in 1.0 acre of PFO wetlands for the construction of Fairview Plaza. The project includes the construction of two buildings, approximately 10,000 square feet and 4,284 square feet, for use as management facilities. The project is located immediately southwest of the intersection of S. R. 4028 (Fairview Road) and Edella Road. Wetland replacement is proposed for the Coxpit wetland mitigation bank (proposed) (Dalton, PA Quadrangle N: 2.2 inches; W: 6.0 inches), South Abington Township, **Lackawanna County** (Baltimore District, U. S. Army Corps of Engineers).

E35-324. Encroachment. **Master Halco**, 1275 North Keyser Avenue, Scranton, PA 18504. To maintain the existing building and to construct and maintain a 40-foot x 40-foot addition to the existing facility within the floodway of a tributary to Keyser Creek (CWF). The project is located at an existing manufacturing facility, formerly known as Allied Fence Company, on the north side of Keyser Avenue approximately 0.6 mile south of S. R. 0307 (Scranton, PA Quadrangle N: 11.5 inches; W: 7.8 inches), City of Scranton, **Lackawanna County** (Baltimore District, U. S. Army Corps of Engineers).

E35-325. Encroachment. **Grambo Realty**, 129 South Lakeview Avenue, Scranton, PA 18505. To place fill in a total of 0.4 acre of PEM/SS/FO wetlands for the construction of road crossings and stormwater management facilities associated with the Mountain Lake Estates residential subdivision. The project is located on the south side of Mountain Lake (Scranton, PA Quadrangle N: 1.7 inches; W: 2.6 inches), City of Scranton, **Lackawanna County** (Baltimore District, U. S. Army Corps of Engineers).

E39-384. Encroachment. **Liberty Properties Trust**, 1510 Valley Center Parkway, Suite 240, Bethlehem, PA 18017. To place fill in 0.11 acre of PEM wetlands for the construction of a 3-story office building and associated parking. The project is located north of the intersection of Saucon Valley Road and Executive Valley Parkway. Wetland mitigation is proposed through the Pennsylvania Wetland Replacement Fund (Allentown East, PA Quad-

rangle N: 9.2 inches; W: 6.3 inches), Upper Saucon Township, **Lehigh County** (Philadelphia District, U. S. Army Corps of Engineers).

E40-547. Encroachment. **Department of Conservation and Natural Resources, Bureau of State Parks**, P. O. Box 8451, Harrisburg, PA 17105-8451. To construct and maintain a heat rejection/adsorption system in Lake Jean (CWF) consisting of 15 5-foot diameter bundles of piping enclosed in a 7-foot by 7-foot square mesh protective cage. The project is associated with a proposed geo-thermal heat pump system for a new park office building at the entrance to Lake Jean in Ricketts Glen State Park and the piping system will be located in Lake Jean just upstream from Lake Jean Dam (Redrock, PA Quadrangle N: 15.5 inches; W: 6.9 inches), Fairmont Township, **Luzerne County** (Baltimore District, U. S. Army Corps of Engineers).

E40-552. Encroachment. **Preferred Development Corporation**, 232 Division Street, Kingston, PA 18704-0587. To place fill in 0.14 acre of PEM wetlands for the purpose of expanding an existing warehouse/distribution facility. The project is located at the existing Biscontinini Distribution Center on the east side of S. R. 2022 (South Main Street) adjacent to the intersection of South Main Street and Ann Street (Pittston, PA Quadrangle N: 3.4 inches; W: 13.8 inches), City of Wilkes-Barre, **Luzerne County** (Baltimore District, U. S. Army Corps of Engineers).

E48-292. Encroachment. **City of Bethlehem**, 10 East Church Street, Bethlehem, PA 18018. To remove the existing deteriorated retaining wall and to construct and maintain a 100-foot long reinforced concrete retaining wall having a maximum height of 7 feet along the western streambank of Monocacy Creek (HQ-CWF) and a 70-foot long reinforced concrete retaining wall, having a maximum height of 10 feet along the eastern streambank of Monocacy Creek. The project is located in Johnson Park, between West Broad Street and West Union Boulevard (Allentown East, PA Quadrangle N: 22.4 inches; W: 1.2 inches), City of Bethlehem, **Lehigh and Northampton Counties** (Philadelphia District, U. S. Army Corps of Engineers).

E58-233. Encroachment. **Richard L. Bartlett, Sr., President, Bart-Rich Enterprises, Inc.**, One Technology Place, East Syracuse, NY 13057. To place fill in 0.25 acre of PFO wetlands to construct parking facilities for a proposed Burger King restaurant. This project is located at the intersection of S. R. 0171 and S. R. 0011 (Great Bend, PA/NY Quadrangle N: 16.7 inches; W: 5.6 inches), Great Bend Township, **Susquehanna County** (Baltimore District, U. S. Army Corps of Engineers).

E58-234. Encroachment. **Pennsylvania Department of Transportation, District 4-0**, Attention: Robert Doble, P. O. Box 111, Scranton, PA 18501. To remove the existing structure and to construct and maintain a 2-span, prestressed spread box beam bridge, having a total span of approximately 44.24 meters and an underclearance of approximately 3.87 meters across the east branch of Wyalusing Creek (CWF). The project is located along S. R. 0267, approximately 0.5 kilometers east of the intersection of S. R. 0267 and S. R. 0706 (Lawton, PA Quadrangle N: 6.9 inches; W: 9.7 inches), Rush Township, **Susquehanna County** (Baltimore District, U. S. Army Corps of Engineers).

E66-122. Encroachment. **Wyoming County, Wyoming County Courthouse**, One Courthouse Square, Tunkhannock, PA 18657. To remove the existing structure and to

construct and maintain a single-span pre-stressed, concrete adjacent box beam bridge, having a normal span of approximately 57.7 feet and an underclearance of approximately 7.5 feet on a 70° skew across Bowman Creek (HQ-CWF). The bridge, also known as County Bridge No. 1, is located along Township Road T-310, just east of S. R. 3002 (Noxen, PA Quadrangle N: 7.3 inches; W: 12.5 inches), Noxen Township, **Wyoming County** (Baltimore 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.

E05-286. Encroachment. **Richard Goodman, Brusters Ice Cream USA**, 2102 Egolf Road, Bedford, PA 15522. To fill 0.08 acre of wetland (After-The-Fact) in order to construct a business called Brusters Ice Cream USA located on the east side of US 30 about 1,900 feet east of the I-76 and US 30 overpass (Everett West, PA Quadrangle N: 3.2 inches; W: 12.7 inches) in Snake Spring Township, **Bedford County**.

E36-689. Encroachment. **Newport Square Associates**, Mike Glass, 600 Olde Hickory Rd., Lancaster, PA 17601. To construct and maintain a 17.5-foot reinforced concrete extension onto the downstream end of the existing 46 linear feet reinforced concrete box culvert having a 12-foot span × 4.5-foot rise across Moores Run (WWF) on Newport Road to widen the roadway for public safety (Lititz, PA Quadrangle N: 7.0 inches; W: 5.5 inches) in Warwick Township, **Lancaster County**.

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

E59-391. Encroachment. **Larry L. Fromm**, 530 Blue Lake Rd., Denver, PA 17517. The applicant is applying for a Standard Joint Permit to maintain a driveway and culvert crossing. The culvert crossing is constructed of three 32-inch culverts and the driveway impacts 0.4 acre of wetlands (Asaph, PA Quadrangle N: 20.9 inches; W: 9.1 inches) in Chatham Township, **Tioga County**. This project proposes to impact 80 linear feet of Hornsby Hollow Creek, which is designated as a Warm Water Fishery and impacted .04 acre of wetlands.

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

E65-757. Encroachment. **Municipality of Murrysville**, 4100 Sardis Road, Murrysville, PA 15668. To construct and maintain a pedestrian/bicycle bridge having a clear span of 69 feet and an underclearance of 9 feet across Turtle Creek (TSF) located in Duff Park approximately 300 feet southeast of Norbatrol Avenue (Murrysville, PA Quadrangle N: 8.8 inches; W: 9.6 inches) in Murrysville Borough, **Westmoreland County**.

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

E18-298. Encroachment. **Eastern States Exploration Company**, P. O. Box 178, Snowshoe, PA 16874. To maintain a four foot diameter corrugated plastic culvert installed, under General Permit No. 8, in Twin Run (Cold Water Fish) on the access road for General Refractories Well Site No. 7. This project is located approximately 1,400 feet west of Beech Creek Road (Howard NW, PA Quadrangle N: 2.7 inches; W: 9.15 inches) in Beech Creek Township, **Clinton County**.

E25-607. Encroachment. **Gregory C. Coyle**, Edinboro Properties, LP, 609 Alexander Street Suite 100, Pittsburgh, PA 15220. To place fill in a total of 0.37 acre of two separate wetland areas for the commercial development of Washington Towne Center retail facility located directly southeast of the I-79 and SR 6N interchange (Edinboro Exit). This project proposes to replace 0.37 acre of wetland impact through the contribution to the Pennsylvania Wetland Replacement Fund (Edinboro North, PA Quadrangle N: 0.6 inch; W: 6.5 inches) in Washington Township, **Erie County**.

E25-612. Encroachment. **Pa. Dept. of Transportation, Engineering District 1-0**, 225 Elm Street, Oil City, PA 16301. To remove the existing structure and to construct and maintain a pre-stressed concrete spread box beam bridge having a single clear normal span of 70.9 feet and an underclearance of 12 feet with a 75-degree skew on S. R. 430 across West Branch French Creek (WWF, Nominated 1-A Scenic River). This project is located on S. R. 430 across West Branch French Creek approximately 0.2 mile east of the intersection of S. R. 430 and S. R. 89 (Wattsburg, PA Quadrangle North 21.9 inches; W: 3.8 inches) in Greenfield Township, **Erie County**.

E43-285. Encroachment. **Pa. Dept. of Transportation, Engineering District 1-0**, 225 Elm Street, P. O. Box 398, Oil City, PA 16301. To excavate the stream bottom through the existing concrete slab bridge having a single span of 9 feet and an underclearance of 4.0 feet and to pave the stream bottom with concrete to a depth of 1.0 feet with rock riprap placed at the inlet and outlet on SR 62 across a tributary to Magargee Run (WWF). The project is located on SR 62 across a tributary to Magargee Run approximately 1600 feet east of the intersection of SR 62 and Charlestown Road in the village of Charlestown (Greenfield, PA Quadrangle N: 20.4 inches; W: 14.6 inches) in Jefferson Township, **Mercer County**.

E62-366. Encroachment. **Pa. Dept. of Transportation, Engineering District 1-0**, 225 Elm Street, Oil City, PA 16301. To remove the existing structure and to construct and maintain a pre-stressed concrete adjacent box beam bridge having a single clear normal span of 58 feet and an underclearance of 6 feet with a 60-degree skew on S. R. 3009 across Tidioute Creek (CWF, Trout Stocked, Wild Trout). This project is located on S. R. 3009 across Tidioute Creek approximately 3,200 feet southeast of the intersection of S. R. 3009 and Youngsville Road in the village of Hemlock. This project will also utilize a temporary roadway around the bridge that will be constructed of six 4-foot-diameter corrugated metal pipe culverts and associated fill in Tidioute Creek approximately 60 feet downstream of the existing bridge (Tidioute, PA Quadrangle N: 15.0 inches; W: 9.2 inches) in Deerfield and Triumph Townships, **Warren County**.

E62-367. Encroachment. **Pa. Game Commission**, R. D. 2, Box 140, Corry, PA 16407-9119. To remove the existing wooden bridge and to place and maintain a pre-fabricated steel bridge having a clear span of 25 feet and a minimum underclearance of 4.5 feet on the existing abutments on State Game Land Administrative Road across Wildcat Run (EV, Wild Trout) for private use within State Game Land No. 29. This project is located on State Game Land Administrative Road across Wildcat Run within State Game Land No. 29 approximately 1000 feet northeast of the confluence of Wildcat Run and the West Branch Tionesta Creek (Cherry Grove, PA Quadrangle N: 21.0 inches; W: 9.3 inches) in Watson Township, **Warren County**.

DAM SAFETY

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

Central Office: Bureau of Waterways Engineering, 400 Market Street, 3rd Floor; P. O. Box 8554, Harrisburg, PA 17105-8554, (717) 787-8568.

D15-381. Dam. **East Marlborough Township** (721 Unionville Road, Kennett Square, PA 19348). To construct, operate and maintain Walker Farm Lagoon Dam adjacent to a tributary of West Branch Red Clay Creek (TSF), for the purpose of upgrading the Wollaston Road Wastewater Treatment Plant by providing a new storage lagoon (Coatesville, PA Quadrangle N: 0.2 inch; W: 0.1 inch) in East Marlborough Township, **Chester County**.

ENVIRONMENTAL ASSESSMENT

Requests for Environmental Assessment approval under 25 Pa. Code § 105.15 and requests for certification under section 401 of the Federal Water Pollution Control Act.

Central Office: Bureau of Waterways Engineering, 400 Market Street, 3rd Floor; P. O. Box 8554, Harrisburg, PA 17105-8554, (717) 787-8568.

EA02-005CO. Environmental Assessment. **Walter Gregg** (Camp Meeting Road, Sewickley, PA 15143). To construct a non-jurisdictional dam for aesthetics at the proposed Snuggery Farm subdivision impacting approximately 475 linear feet of stream channel and four existing ponds having a total surface acreage of 0.38 acre. The proposed dam will be located across a tributary to Little Sewickley Creek (HQ-TSF) approximately 2,600 feet west of the intersection of Camp Meeting Road and Fern Hollow Road (Ambridge, PA Quadrangle N: 16.45 inches; W: 4.70 inches) in Bell Acres Borough, **Allegheny 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, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylva-

nia 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.

NPDES Permit No. PA0057983. Sewerage. **Paul and Carole Sabatine**, 1344 Old Route 17, Windsor, NY 13865, is authorized to discharge from a facility located at 210 Schwenk Road, Perkiomenville, PA in Lower Frederick Township, **Montgomery County**, to a Dry Swale Tributary to Goshenhoppen Creek.

NPDES Permit No. PA0057991. Sewerage. **Bucks County Water and Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976, is authorized to discharge from a facility located at Rothstein Sewage Treatment Plant in Doylestown Township, **Bucks County**, into Neshaminy Creek.

NPDES Permit No. PA0012629. Industrial waste. **Sunoco Inc., (R&M)**, 3144 Passyunk Avenue, Philadelphia, PA 19145-5299, is authorized to discharge from a facility located at Point Breeze processing area located in the City of Philadelphia, **Philadelphia County**, into the Schuylkill River Zone 4 of Delaware River Estuary.

WQM Permit No. 4600405. Sewerage. **Paul and Carole Sabatine**, 1344 Old Route 17, Windsor, NY 13865. Applicant is granted approval for the construction and operation of a single residential STP located in Lower Frederick Township, **Montgomery County**.

WQM Permit No. 2300406. Sewerage. **Wolfson-Verrichia Group, Inc.**, 1250 Germantown Pike, Plymouth Meeting, PA 19462. Applicant is granted approval for the construction and operation of a pump station and force main to serve the proposed Eddystone Crossing, a proposed commercial development located in Eddystone Borough, **Delaware County**.

WQM Permit No. 0999429. Sewerage. **Warminster Municipal Authority**, P. O. Box 2279, Warminster, PA 18974. Applicant is granted approval for the modification of the Municipal's WWTP which will include the installation of a third clarifier, return sludge pumping station, and a new ultraviolet (UV) disinfection system located in Warminster Township, **Bucks County**.

WQM Permit No. 4600408. Sewerage. **Naval Air Station Joint Reserve Base, Willow Grove**, Department of the Navy Joint Reserve Base, P. O. Box 21, Willow Grove, PA 19090-5021. Applicant is granted approval for the replacement of the existing chlorine disinfection system with an ultraviolet disinfection for the wastewater treatment plant located in Horsham Township, **Montgomery County**.

WQM Permit No. 2300402. Sewerage. **Thornbury Township**, 6 Township Drive, Cheyney, PA 19319. Applicant is granted approval for the construction and operation of a sewage pump station to serve Thornbury AME Church located in Thornbury Township, **Delaware County**.

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

NPDES Permit No. PA0093947. Industrial waste. **Fisher Scientific Company**, 2000 Park Lane, Pittsburgh, PA 15275-1126 is authorized to discharge from a facility located at the Indiana Plant, White Township, **Indiana County**, to receiving waters named Stoney Run.

NPDES Permit No. PA0033456. Sewerage. **Sunny Acres Associates, L. P.**, 215 West Church Road, Suite 105, King of Prussia, PA 19406, is authorized to discharge from a facility located at Sunny Acres Mobile Home Park STP, Somerset Township, **Somerset County** to receiving waters named Unnamed Tributary East Branch Coxes Creek.

NPDES Permit No. PA0038806. Sewerage. **Forest Hills Municipal Authority**, P. O. Box 111, 401 Grant Street, South Fork, PA 15956-0111 is authorized to discharge from a facility located at the Beautyline Park Sewage Treatment Plant, Adams Township, **Cambria County** to receiving waters named Otto Run.

NPDES Permit No. PA0091600. Sewerage. **Rimco Properties, Inc.**, 772 Pine Valley Drive, Pittsburgh, PA 15239-2841 is authorized to discharge from a facility located at Mt. Pleasant Village Mobile Home Park STP, East Huntingdon Township, **Westmoreland County**, to receiving waters named unnamed tributary and Jacobs Creek.

NPDES Permit No. PA0094111. Sewerage. **Rimco Properties, Inc.**, 772 Pine Valley Drive, Pittsburgh, PA 15239-2841 is authorized to discharge from a facility located at Wellington Estates Mobile Home Park STP, Washington Township, **Westmoreland County**, to receiving waters named Tributary of Thorn Run.

NPDES Permit No. PA0203661. Sewerage and Industrial Waste. **Michael A. Stout**, Manager of Quality Assurance, Goldschmidt Industrial Chemical Corporation, 941 Robinson Highway, McDonald, PA 15057-0279 is authorized to discharge from a facility located at the McDonald Plant, Robinson Township, **Washington County**, to receiving waters named Robinson Run.

NPDES Permit No. PA0216071. Sewerage. **Chemply, Division of Ellis and Everard (U. S.), Inc.**, 700 Galleria Parkway, Suite 350, Atlanta, GA 30339 is authorized to discharge from a facility located at the Chemply Division Plant, Forward Township, **Allegheny County**, to receiving waters named Ohio River.

NPDES Permit No. PA0216224. Sewerage. **Richard Prostejovsky**, 1083 Manor Drive, Ebensburg, PA 15931 is authorized to discharge from a facility located at Prostejovsky Single Residence Sewage Treatment Plant, Cambria Township, **Cambria County**, to receiving waters named an unnamed tributary of North Branch Little Conemaugh River.

Permit No. 6500403. Sewerage. **Franklin Township Municipal Sanitary Authority**, 3001 Meadowbrook Road, Murrysburg, PA 15668-1698. Construction of Pump

Station and Force Main located in Penn Township, **Westmoreland County**, to serve Walton Estates.

Permit No. 6569411-A1. Sewerage. **Wen-Dell Mobile Home Park**, R. D. 3, Box 58, Ruffsedale, PA 15679. Construction of Sewage Treatment Plant Modifications located in East Huntingdon Township, **Westmoreland County**, to serve Wen-Dell Mobile Home Park STP.

INDIVIDUAL PERMITS

(PAS)

The following approvals for coverage under NPDES Individual Permit for discharges of stormwater from construction activities have been issued.

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS102306	ACI Development Corp. P. O. Box 6 Conneaut Lake, PA 16316 and Hayden and Lillian Smallenberger 12821 Conneaut Lake Road Connneaut Lake, PA 16316	Crawford County Sadsbury Township	Conneaut Lake and Conneaut Marsh (HQ-WWF)

INDIVIDUAL PERMITS

(PAR)

Approvals to Use NPDES and Other General Permits

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

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

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

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

The Department has acted on the following requests for coverage under the specified General Permit as follows:

*List of
General Permit Type*

PAG-1	General Permit For Discharges From Stripper Oil Well Facilities
PAG-2	General Permit For Discharges of Stormwater From Construction Activities
PAG-3	General Permit For Discharges of Stormwater From Industrial Activities
PAG-4	General Permit For Discharges From Single Residence Sewage Treatment Plant
PAG-5	General Permit For Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit For Wet Weather Overflow Discharges From Combined Sewer Systems
PAG-7	General Permit For Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit For Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-9	General Permit For Beneficial Use of Residential Septage By Land Application to Agricultural Land, Forest or a Land Reclamation Site
PAG-10	General Permit For Discharges Resulting From Hydrostatic Testing of Tanks and Pipelines

General Permit Type—PAG-2

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Clearfield County Sandy Township	PAR101755	John Mignot Christ the King Manor 1100 W. Long Ave. Dubois, PA 15801	Unt. Sandy Lick Creek	Dept. of Environmental Protection Water Management 201 W. 3rd St. Suite 101 Williamsport, PA 17701 (570) 327-3574
Clearfield County Clearfield Borough	PAR101758	Clearfield Muni. Authority P. O. Box 868 Clearfield, PA 16830	W. Br. Susquehanna River	Dept. of Environmental Protection Water Management 201 W. 3rd St. Suite 101 Williamsport, PA 17701 (570) 327-3574
Columbia County Town of Bloomsburg	PAR102140	Kressler Estates Phase 2 Christian Foust 132 Arbutus Park Rd. Bloomsburg, PA 17815	Fishing Creek	Columbia County CD 702 Sawmill Rd. Suite 105 Bloomsburg, PA 17815
Butler County Slippery Rock Borough	PAR10E083-R	Poplar Forest Plans 5-8 110 Parklane Drive Slippery Rock, PA 16057	Wolf Creek (CWF)	Butler Conservation District 122 McCune Drive Butler, PA 16001-6501 (724) 284-5270
Mercer County Pine Township	PAR104348	CBF Contracting P. O. Box 186 Sligo, PA 16255	UNT Barmore Run (CWF)	Mercer Conservation 747 Greenville Road Mercer, PA 16137

General Permit Type—PAG-3

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Bedford County West Providence Township	PAR223524	Blue Triangle Hardwoods, Inc. P. O. Box 249 Everett, PA 15537	John Branch	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Neshannock Township Lawrence County	PAR408302	Pennsylvania-American Water Co.—New Castle Disposal Site 800 West Hersheypark Drive P. O. Box 888 Hershey, PA 17033-0888	Shenango River and Unnamed Tributary to the Shenango River	DEP Northwest Region Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-4

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Westmoreland County Ligonier Township	PAG046207	Van Rex Ashbrook 645 Mill Road Ligonier, PA 15658	Mill Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

**SEWAGE FACILITIES ACT
PLAN APPROVAL**

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

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

Borough of Orwigsburg, **Schuylkill County**.

The Department has completed its review of the Act 537 Sewage Facilities Plan for the Borough of Orwigsburg. The Department has found that the plan is now acceptable and hereby grants planning approval.

The plan includes the following: Continuation of the Borough's Onlot Sewage Disposal Systems Educational Program; Continuation of the Borough's Infiltration/Inflow Removal Program; and Expansion of the Orwigsburg Municipal Authority's Wastewater Treatment Plant from 0.6 mgd to 0.9 mgd (as an average annual design flow) and 1.3 mgd (as a maximum monthly average design flow).

The Department's review of the Plan has not identified any significant environmental impacts resulting from the proposals. In accordance with the provisions of the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1 and 750.2) (Act 537), and Chapter 71 of the Department's regulations, 25 Pa. Code Chapter 71, the Department will hold the borough responsible for the complete and timely implementation of the chosen alternative, as stated in § 8.1, Implementation Schedule (Page 8-1 of the Plan).

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

Location: Harold Henning Single Residence STP. East side of T-480 approximately 0.6 mile south of T-519 Black Township, **Somerset County**.

Approval of a revision to the Official Sewage Plan of Black Township, Somerset County. Project involves the construction of a small flow sewage treatment facility to serve a proposed dwelling located on T-480. Treated sewage effluent to be discharged to Dempsey Run.

Location: Quecreek Mining Inc. STP. West side of SR 4015 approximately .9 mile N of Rt. 985 Lincoln Township, **Somerset County**.

Approval of a revision to the Official Sewage Plan of Lincoln Township, Somerset County. Project involves the construction of a sewage treatment facility to service a bath house for Quecreek No. 1 Deep Mine Portal, located off the Westside of SR 4015. Treated effluent is to be discharged to an unnamed tributary to Quemahoning Creek.

SAFE DRINKING WATER

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

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

Permit No. 2300501. Public water supply. **Philadelphia Suburban Water Company**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010. A permit has been issued to Philadelphia Suburban Water Company granting permission to construct a booster pumping station in

Edgemont Township, **Delaware County**. *Type of Facility:* Public Water Supply System. *Consulting Engineer:* Philadelphia Suburban Water Company, 762 West Lancaster Avenue, Bryn Mawr, PA 19010. *Permit to Construct Issued:* May 9, 2000.

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

3546481. Bottled water. **Sweet Arrow Springs (Harrisburg Dairies, 5499505)** Matthew B. Zehring, Sr., P. O. Box 2001, Harrisburg, PA 17105. This proposal involves upgrading the existing facilities at the source to provide spring encasement, added filtration, ozonation, and two new storage tanks. It is located in Pine Grove Township, **Schuylkill County**. Permit issued on April 20, 2000.

Operations Permit No. 2520046 issued to the **Municipal Authority of the Borough of Milford**, on May 1, 2000, located in Milford Township, **Pike County**.

Operations Permit No. 2580021 issued to **Weida's Mobile Home Park** on May 5, 2000, located in Lenox Township, **Susquehanna County**.

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

Permit No. Minor Amendment Construction. The Department issued a minor amendment construction permit to **Borough of Troy**, 110 Elmira Street, Troy, PA, Troy Borough, **Bradford County**. This permit is for replacement of the existing vertical turbine pump installed in Well No. 2 with a submersible type well pump.

Permit No. Minor Amendment No. 3. Bulk water hauling. The Department issued an operation permit to **Bruce Shoch Spring Water**, R. D. 5, Box 1040, Sunbury, PA 17801, Upper Augusta Township, **Northumberland County**. This permit covers only the vehicles listed on the application, a 1984 Walker, VIN 1W9P82122E1026977 and a 1974 Polar, VIN 1790.

Permit No. 4496449. Special permit by rule. The Department issued a special permit by rule to **Augusta Spring Water**, R. D. 1, Box 132A, Sunbury, PA 17801, to operate two water vending machines within the Northcentral Region.

Permit No. Minor Amendment. The Department issued an operation permit to **Sandy Ridge Water Authority**, P. O. Box 200, Sandy Ridge, PA 16677, Rush Township, **Centre County** authorizing installation of a pH adjustment system to be used in conjunction with a preexisting sequestration/corrosion inhibitor feed system to achieve compliance with the lead and copper rule. The installation was completed and an inspection was conducted on March 27, 2000.

Permit No. Minor Amendment. The Department issued an operation permit to **Sandy Ridge Water Authority**, P. O. Box 200, Sandy Ridge, PA 16677, Rush Township, **Centre County** for the operation of the recently constructed corrosion control facilities and of the finished water storage tank which was constructed in 1993.

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

Permit No. 6399501. Public water supply. Authority of the **Borough of Charleroi**, 3 McKean Avenue, P. O. Box 211, Charleroi, PA 15022. *Type of Facility:* Somerset

Township water line extension and miscellaneous improvements. *Permit issued for Operation: May 11, 2000.*

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 2

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

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

For further information concerning the final report, please contact the Environmental Cleanup Program Manager in the Department's Regional Office under which the notice of receipt of a final report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following final reports:

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

411 Carmichael Drive Property, Upper Gwynedd Township, **Montgomery County**. Michael Williams, Clayton Services Corp., 111 N. 2nd Street, North Wales, PA 19454, has submitted a final report concerning remediation of site soil contaminated with BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The report is intended to document remediation of the site to meet the Statewide health standard.

Former Earl's Amoco Service Station, West Chester Borough, **Chester County**. Christopher Orzechowski, RT Environmental Services, Inc., 215 W. Church Road, King of Prussia, PA 19406, has submitted a remedial investigation/final report concerning remediation of site soil and groundwater contaminated with lead, BTEX and polycyclic aromatic hydrocarbons. The report is intended to document remediation of the site to meet Statewide health and site-specific standards.

Edward Blosinski Property, Edgemont Township, **Delaaware County**. Susan Ahern, Evans Mill Environmental, Inc., 101 Fellowship Road, Uwchland, PA 19480-0735, has submitted a final report concerning remediation of site soil contaminated with BTEX and petroleum hydrocarbons. The report is intended to document reme-

diation of the site to meet the Statewide health standard.

Former Synthane Taylor Facility, West Norriton Township, **Montgomery County**. James F. Mattern, P.G., HydroScience, Inc., 607 Washington Street, Reading, PA 19601, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with lead, heavy metals, solvents, BTEX and polycyclic aromatic hydrocarbons. The report is intended to document remediation of the site to meet the Statewide health standard.

Southwest Field Office: John J. Matviya, Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-5217.

Whitehall Tire, Inc., Whitehall Borough, **Allegheny County**. Richard J. DeLuca, Jr., P.G., Aurora Environmental, Inc., 1031 Third Avenue, New Brighton, PA 15066 and William Coleman, Vanderbilt Surf Colony, 11 Bluebill Avenue, No. 905, Naples, FL 34108 have submitted a final report concerning remediation of site soil contaminated with solvents. The report is intended to document remediation of the site to meet the Statewide health standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 3

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

Provisions of 25 Pa. Code § 250.8 Administration of Land Recycling Program requires the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the Land Recycling and Environmental Remediation Standards Act (act). Plans and reports required by provisions of the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the property, and in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. A cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed, and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the content of the plans and reports, please contact the Environmental Cleanup Program Manager in the Department's Regional

Office under which the notice of the plan and report appears. If information concerning the plan and 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 plans and reports.

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

PECO Energy Co., Retired Southwark Generating Station, City of Philadelphia, Philadelphia County. A final report concerning remediation of site soil and groundwater contaminated with PCBs, lead, heavy metals, BTEX and polycyclic aromatic hydrocarbons was submitted to the Department. The report demonstrated attainment of the Statewide health standard and was approved by the Department on December 18, 1997.

McDonald Residence, East Coventry Township, Chester County. A final report concerning remediation of site soil contaminated with petroleum hydrocarbons and polycyclic aromatic hydrocarbons was submitted to the Department. The report demonstrated attainment of the Statewide health standard and was approved by the Department on December 3, 1997.

Exton Properties, L. P., West Whiteland Township, Chester County. A final report concerning remediation of site soil contaminated with lead, BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons was submitted to the Department. The report demonstrated attainment of the Statewide health standard and was approved by the Department on September 29, 1997. This is an amended publication. The initial listing of this notice in the April 29, 2000 *Pennsylvania Bulletin* had the company name misspelled. The correct name is Exton Properties, L. P. as shown above.

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)—Distribution Pole No. 51701N39518 (North Empire Street), City of Wilkes-Barre, **Luzerne County.** PP&L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101 has 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 health standard, and was approved on December 29, 1997.

Pennsylvania Power & Light Company (PP&L)—Former Madison Avenue Substation, City of Bethlehem, Northampton County. PP&L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101 has 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 health standard, and was approved on December 26, 1997.

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

Pennsylvania Power & Light Company (PP&L)—Distribution Pole No. 26870S36596, Lower Paxton Township, Dauphin County. A final report has been

submitted concerning the remediation of site soil contaminated with PCBs (polychlorinated biphenyls). The final report demonstrated attainment of the Statewide health standard, and was approved by the Department on December 19, 1997.

Pennsylvania Power & Light Company (PP&L)—Distribution Pole No. 38452S31833, Penn Township, Lancaster County. A final report has been submitted concerning the remediation of site soils contaminated with PCBs (polychlorinated biphenyls). The final report demonstrated attainment of the Statewide health standard, and was approved by the Department on December 19, 1997.

Pennsylvania Power & Light Company (PP&L)—Distribution Pole No. 27029S33657, Swatara Township, Dauphin County. A final report has been submitted concerning the remediation of site soils contaminated with PCBs (polychlorinated biphenyls). The final report demonstrated attainment of the Statewide health standard, and was approved by the Department on December 30, 1997.

UGI Utilities, Steelton Borough and Swatara Township, Dauphin County. A final report has been submitted concerning the remediation of site groundwater contaminated with BTEX. The final report demonstrated attainment of the Statewide health standard, and was approved by the Department on December 15, 1997.

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

Port Matilda Borough Authority—WWTP, Worth Township, Centre County. Hydrotech, Inc., on behalf of their client, Port Matilda Borough Authority, P. O. Box 143, Port Matilda, PA 16870, has submitted a final report concerning the remediation of site soil contaminated with BTEX and PHCs. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 8, 2000.

Sludge Lagoons, Benner Township, Centre County. A final report has been submitted addressing soil and groundwater contaminated with lead and heavy metals. The report documented remediation to meet the background standard for soils and the Statewide health standard for groundwater and was approved by the Department on December 15, 1997.

Abramson Auto Wrecking and Fresh Water Drainage Ditch, College Township, Centre County. Final reports have been submitted addressing soil contaminated with BTEX, PHCs and PAHs; groundwater contaminated with BTEX, PHCs, PAHs, Mirex and Kepone; and sediment contaminated with Mirex, Photomirex and Kepone. The reports documented remediation to meet the background and/or Statewide health standards and were approved by the Department on December 15, 1997.

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

Saxonburg Sinter Plant, Clinton Township, Butler County. A final report concerning remediation of site soils and groundwater contaminated with BTEX, petroleum hydrocarbons, heavy metals and lead was submitted to the Department. The report demonstrated attainment of Statewide health standards and was approved on December 22, 1997.

Garnon Truck Equipment, 1617 Peninsula Drive, Erie, Millcreek Township, **Erie County**. A Final Report concerning remediation of site soils and groundwater contaminated with BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons was submitted to the Department. The report demonstrated attainment of Statewide health standards and was approved on December 23, 1997.

Chicago Pneumatic Tool, Howard Street, Franklin, PA, **Venango County**, Franklin Township, has submitted a baseline remedial investigation work plan concerning the remediation of site soil. The site has been found to be contaminated with PAHs. The report was approved and did demonstrate attainment of the Special Industrial Area Standard and was approved by the Department on January 18, 2000.

Duferco Farrell, 15 Roemer Boulevard, Farrell, PA, City of Farrell, **Mercer County**, has submitted a baseline environmental assessment report concerning the remediation of groundwater and site soils. The site has been found to be contaminated with PCBs, lead, heavy metals, solvents, BTEX, PHCs and PAHs. The report was approved and did demonstrate attainment of the Statewide Health and Site Specific Standard and was approved by the Department on May 21, 1999.

Duferco Farrell, 15 Roemer Boulevard, Farrell, PA, City of Farrell, **Mercer County**, has submitted a baseline environmental report concerning the remediation of groundwater and site soils. The site had been found to be contaminated with PCBs, lead, heavy metals, solvents, BTEX, PHCs and PAHs. The report was approved and did demonstrate attainment of the Statewide Health and Site Specific Standard and was approved by the Department on April 28, 2000.

Crawford County Properties, Inc., 345 Rogers Ferry Road, Meadville, PA 16335, former Spaulding's Property, **Crawford County**, City of Meadville, has submitted a baseline environmental report concerning the remediation of groundwater and site soils. The site has been found to be contaminated with lead, heavy metals and solvents. The report was approved and did demonstrate attainment of the Statewide Health Standard and was approved by the Department on May 15, 2000.

SOLID AND HAZARDOUS WASTE LICENSE TO TRANSPORT HAZARDOUS WASTE

Renewal licenses issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations for license to transport hazardous waste.

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

Maumee Express, Inc., P. O. Box 278, Somerville, NJ 08876; License No. PA-AH 0420; renewal license issued May 17, 2000.

Tonawanda Tank Transport Service Inc., 1140 Military Road, P. O. Box H, Buffalo, NY 14217; License No. PA-AH 0429; renewal license issued May 16, 2000.

Hazardous waste transporter license voluntarily terminated under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and the Infectious and Chemotherapeutic Waste Law (35 P. S. §§ 6019.1—6019.6) and regulations for license to transport hazardous waste.

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

Matlack, Inc., P. O. Box 8789, Wilmington, DE 19899; License No. PA-AH 0143; license terminated May 17, 2000.

RESIDUAL WASTE PROCESSING FACILITIES

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. 301225. Thermal-Clean Services Corp., 896 East National Pike, Washington, PA 15301-7175. Operation of a residual waste processing facility in Amwell Township, **Washington County**. Permit was issued in the Regional Office on May 9, 2000 following the appeal of the permit originally issued on September 30, 1998 filed by Thermal-Clean Services Corp. Environmental Hearing Board Document No. 98-216-R.

HAZARDOUS WASTE, TREATMENT, STORAGE AND DISPOSAL FACILITIES

Draft permit modification issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate a hazardous waste treatment, storage or disposal facility.

Northcentral Regional Office: Regional Solid Waste Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3653.

Permit No. PAD003043353. Cherokee Plant, Merck & Company, Inc. (P. O. Box 600, Danville, PA 17821). Draft permit modification to the RCRA Part B Permit located in Riverside Borough, **Northumberland County** issued in the regional office on May 30, 2000.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

Southcentral Regional Office: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4706.

Permit No. 603331. Moser Farm. Borough of Bally (P. O. Box 217, Bally, PA 19503-0217). This permit has been revoked at the request of the permittee for the land application of sewage sludge in Washington Township, **Berks County**. Permit revoked in the Regional Office May 10, 2000.

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. 101016. Loyalhanna Landfill, Municipal Authority of **Westmoreland County**, P. O. Box

730, Greensburg, PA 15601. Closure of a municipal waste landfill located in Loyalhanna Township, Westmoreland County. Closure Plan approval was issued by the Regional Office on May 10, 2000.

AIR QUALITY

OPERATING PERMITS

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-46-0015: Occidental Chemical (Armand Hammer Boulevard, Pottstown, PA 19464) on March 29, 2000, for Facility VOCs/NO_x in Lower Pottsgrove Township, **Montgomery County**.

OP-09-0022: Cleveland Steel Container Corp. (350 Mill Street, Quakertown, PA 18951) on March 31, 2000, for fountain solution in Quakertown Borough, **Bucks County**.

OP-09-0001A: Avery Dennison Corp. (35 Penn Am Drive, Quakertown, PA 18951) on April 13, 2000, for Facility VOC/NO_x RACT in Richland Township, **Bucks County**.

OP-09-0013: Wheelabrator Falls, Inc. (1201 New Ford Mill Road, Morrisville, PA 19067) on April 13, 2000, for Facility VOC in Falls Township, **Bucks County**.

OP-09-0021: MRI Flexible Packaging (122 Penns Trail, Newtown, PA 18940) on April 17, 2000, for Facility VOCs/NO_x RACT in Newtown Township, **Bucks County**.

OP-46-0024: McNeil Consumer Healthcare (7050 Camp Hill Road, Fort Washington, PA 19428) on April 21, 2000, for Facility VOCs/NO_x RACT in Whitemarsh Township, **Montgomery County**.

TVOP-09-00025: Delbar Products, Inc. (7th and Spruce Streets, Perkasio, PA 18944) on May 8, 2000, for Facility Title V Operating Permit in Perkasio Borough, **Bucks County**.

OP-23-0084: FPL Energy MH50, L.P. (Delaware Avenue and Green Street, Marcus Hook, PA 19061) on May 15, 2000, for a Cogeneration Unit—50 MW in Marcus Hook Borough, **Delaware County**.

OP-46-0023: Transcontinental Printing USA, Inc. (2250 Easton Road, Willow Grove, PA 19090) on May 17, 2000, for Facility VOC RACT in Upper Moreland Township, **Montgomery County**.

OP-09-0022: Cleveland Steel Container Corp. (350 Mill Street, Quakertown, PA 18951) on March 24, 2000, for fountain solution in Quakertown Borough, **Bucks County**.

OP-46-0035: SmithKline Beecham Pharmaceuticals (709 Swedeland Road, King of Prussia, PA 19406) on March 24, 2000, for two emergency generators in Upper Merion Township, **Montgomery County**.

OP-46-0050: Rohm & Haas DVI (727 Norristown Road, Spring House, PA 19477) on February 23, 2000, for Synthetic Minor NO_x Facility in Lower Gwynedd Township, **Montgomery County**.

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

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

OP-46-0012: Philadelphia Newspaper, Inc. (800 River Road, Conshohocken, PA 19428) on March 15, 2000, for operation of a backup generator and fuel pump in Upper Merion Township, **Montgomery County**.

OP-15-0074: R. A. Ferris & Co., Inc. (899 Fern Hill Road, West Chester, PA 19380) on April 27, 2000, for operation of a crematory incinerator in West Goshen Township, **Chester County**.

OP-09-0063: New Hope Crushed Stone (6970 Phillips Mill Road, New Hope, PA 18938) on April 28, 2000, for operation of two diesel generators in Solebury Township, **Bucks County**.

OP-09-0046: RJM Manufacturing, Inc. (250 Canal Road, Fairless Hills, PA 19030) on April 28, 2000, for operation of a flexographic press in Falls Township, **Bucks County**.

OP-46-0018A: Brown Printing Co. (668 Gravel Pike, East Greenville, PA 18041) on May 17, 2000, for operation of a Facility VOC/NO_x RACT in Upper Hanover Township, **Montgomery County**.

TVOP-46-00019: Lockheed Martin Corp. (935 First Avenue, King of Prussia, PA 19406) on March 31, 2000, for operation of a Facility Title V Operating Permit in Upper Merion Township, **Montgomery County**.

TVOP-09-00012: Klearfold, Inc. (364 Valley Road, Warrington, PA 18976) on April 6, 2000, for operation of a Facility Title V Operating Permit in Warrington Township, **Bucks County**.

TVOP-15-00013: Graphic Packaging Corp. (240 Continental Boulevard, Malvern, PA 19355) on April 12, 2000, for operation of a Facility Title V Operating Permit in Tredyffrin Township, **Chester County**.

TVOP-23-00043: Sunoco, Inc. (R&M) (Hog Island Road, Tincum, PA 19153) on April 12, 2000, for operation of a Facility Title V Operating Permit in Tincum Township, **Delaware County**.

TVOP-23-00045: Sunoco, Inc. (R&M) (4041 Market Street, Aston, PA 19014) on May 8, 2000, for operation of a Facility Title V Operating Permit in Upper Chichester Township, **Delaware County**.

TVOP-15-00033: Embreeville Center DPW (1822 W. Strasburg Road, Coatesville, PA 19320) on May 16, 2000, for operation of a Facility Title V Operating Permit in West Bradford Township, **Chester County**.

PLAN APPROVALS

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

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

PA-09-0087A: Air Products & Chemicals, Inc. (351 Philadelphia Avenue, Morrisville, PA 19067) on April 27, 2000, for an ammonia scrubber in Falls Township, **Bucks County**.

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

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

PA-15-0055: Highway Materials, Inc. (850 Quarry Road, Downingtown, PA 19335) on March 6, 2000, for operation of a baghouse in East Caln Township, **Chester County**.

PA-09-0063A: New Hope Crushed Stone Co. (6970 Phillips Mill Road, New Hope, PA 18938) on March 10, 2000, for operation of a stone crushing plant in Solebury Township, **Bucks County**.

PA-23-0001N: Sunoco, Inc. (R&M) (Delaware Avenue and Green Street, Marcus Hook, PA 19061) on March 15, 2000, for operation of Boiler 9 in Marcus Hook Borough, **Delaware County**.

PA-23-0006C: Foamex L.P. (1500 East Second Street, Eddystone, PA 19022) on March 15, 2000, for operation of a thermal reticulation unit in Eddystone Borough, **Delaware County**.

PA-46-0081B: Markel Corp. (416 School Lane, Norristown, PA 19404) on March 15, 2000, for operation of two horizontal extruders in Plymouth Township, **Montgomery County**.

PA-46-0041: Jefferson Smurfit Corp. (US) (1035 Longford Road, Phoenixville, PA 19460) on March 15, 2000, for operation of a nonheatset lithographic press in Upper Providence Township, **Montgomery County**.

PA-15-0101: Kendal-Crosslands Communities (4109 East Baltimore Pike, Kennett Square, PA 19348) on March 15, 2000, for operation of a diesel generator in Kennett Township, **Chester County**.

PA-15-0100: Kendal-Crosslands Communities (1660 East Street Road, Kennett Square, PA 19348) on March 15, 2000, for operation of a diesel generator in Pennsbury Township, **Chester County**.

PA-46-0015A: Occidental Chemical Corp. (375 Armand Hammer Boulevard, Pottstown, PA 19464) on March 29, 2000, for operation of Process Line 6 in Lower Pottsgrove Township, **Montgomery County**.

PA-09-0087A: Air Products & Chemicals, Inc. (351 Philadelphia Avenue, Morrisville, PA 19067) on March 29, 2000, for operation of an ammonia scrubber in Falls Township, **Bucks County**.

PA-46-0123: Wesco Industrial Products, Inc. (1250 Welsh Road, Lansdale, PA 19446) on March 29, 2000, for operation of spray paint booths in Montgomery Township, **Montgomery County**.

PA-23-0001L: Sunoco, Inc. (Delaware Avenue and Green Street, Marcus Hook, PA 19061) on April 5, 2000, for operation of two racing fuel storage tanks in Marcus Hook Borough, **Delaware County**.

PA-23-0001M: Sunoco, Inc. (Delaware Avenue and Green Street, Marcus Hook, PA 19061) on April 7, 2000, for operation of a CO Boiler in Marcus Hook Borough, **Delaware County**.

PA-15-0029B: Dopaco, Inc. (241 Woodbine Road, Downingtown, PA 19335) on April 12, 2000, for operation of a packaging rotogravure printing press in Downingtown Borough, **Chester County**.

PA-09-0112A: Superior Woodcraft, Inc. (160 North Hamilton Street, Doylestown, PA 18901) on April 12, 2000, for operation of floor type spray booths in Doylestown Borough, **Bucks County**.

PA-46-0036B: Ford Electronics & Refrigeration, LLC (2750 Morris Road, Lansdale, PA 19446) on April 14, 2000, for operation of a selective soldering machine in Worcester Township, **Montgomery County**.

PA-09-0105A: Naceville Materials (Springfield Street and Route 309, Coopersburg, PA 19474) on April 19, 2000, for operation of an asphalt batch plant in Springfield Township, **Bucks County**.

PA-09-0037C: CMS Gilbreth Packaging Systems (3001 State Road, Croydon, PA 19021) on April 27, 2000, for operation of five graphic art presses in Bristol Township, **Bucks County**.

PA-15-0095: Longwood Gardens, Inc. (401 East Street Road, Kennett Square, PA 19348) on April 27, 2000, for operation of two 800 KW Diesel Generators in East Marlborough Township, **Chester County**.

PA-09-0090: Messer Griesheim Industries, Inc. (One Steel Road East, Morrisville, PA 19067) on May 1, 2000, for operation of residual cylinder gases in Bristol Township, **Bucks County**.

PA-46-0198B: Blommer Chocolate Co. (1101 Blommer Drive, East Greenville, PA 18041) on May 3, 2000, for operation of a Jetzone Grinding Unit Mist Eliminator in Upper Hanover Township, **Montgomery County**.

PA-23-0082: Liberty Electric Power, LLC (Route 291 and Amtrak/Septa, Eddystone, PA 19022) on May 3, 2000, for operation of a 500 MW Power Plant in Eddystone Borough, **Delaware County**.

PA-46-0198: Blommer Chocolate Co. (1101 Blommer Drive, East Greenville, PA 18041) on May 8, 2000, for operation of an alkalization reactor in Upper Hanover Township, **Montgomery County**.

PA-15-0099: Heckett MultiServ (South First Avenue, Coatesville, PA 19320) on May 9, 2000, for operation of a scrap cutting torch with baghouses in South Coatesville Borough, **Chester County**.

PA-46-0005L: Merck & Co., Inc. (770 Sumneytown Pike, West Point, PA 19486) on May 9, 2000, for operation of fluid bed grabulation dry columns in upper Gwynedd Township, **Montgomery County**.

PA-46-0198A: Blommer Chocolate Co. (1101 Blommer Drive, East Greenville, PA 18041) on May 9, 2000, for operation of a cocoa bean deshelling operation in Upper Hanover Township, **Montgomery County**.

PA-46-0202: NanoSystems Elan Pharmaceuticals Tech (3000 Horizon Drive, King of Prussia, PA 19406) on May 10, 2000, for operation of an emergency electric generator in Upper Merion Township, **Montgomery County**.

PA-09-0057A: Ametek, Inc., U.S. Gauge Division (900 Clymer Avenue, Sellersville, PA 18960) on May 15, 2000, for operation of a degreaser in Sellersville Borough, **Bucks County**.

PA-09-0126: Air Liquide America Corp. (19 Steel Road West, Morrisville, PA 19067) on May 17, 2000, for operation of Wet Scrubber S-7 in Falls Township, **Bucks County**.

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

54-305-014A: Gilberton Power Co. (50 Eleanor Avenue, Frackville, PA 17931) on May 16, 2000 for reactivation of a thermal coal dryer and associated air cleaning devices at the Main Street facility in Mahanoy Township, **Schuylkill County**.

39-317-027: Doane Pet Care Co. (6821 Ruppssville Road, Allentown, PA 18106) on May 18, 2000 for installation of an air cleaning device in Upper Macungie Township, **Lehigh County**.

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

36-03104: Lancaster Container, Inc. (P. O. Box 18, Washington Boro, PA 17582) on May 18, 2000, for construction and operation of a surface coating operation controlled by a Binks Water Wash System at the Washington Boro Plant in Manor Township, **Lancaster County**.

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

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

PA-46-0020: Superior Tube Co. (3900 Germantown Pike, Collegeville, PA 19426) on March 7, 2000, for operation of three fabric filters and one rotoclove in Lower Providence Township, **Montgomery County**.

46-327-018: Superior Tube Co. (3900 Germantown Pike, Collegeville, PA 19426) on March 7, 2000, for operation of a new vapor degreaser in Lower Providence Township, **Montgomery County**.

PA-46-0176: A. Talone, Inc. (318 West Lancaster Avenue, Ardmore, PA 19003) on March 10, 2000, for operation of a solvent recovery dryer in Lower Merion Township, **Montgomery County**.

PA-23-0067: Alloy Surfaces Co., Inc. (121 North Commerce Drive, Aston, PA 19014) on March 10, 2000, for operation of a caustic metal treatment process in Chester Township, **Delaware County**.

PA-09-0024A: Waste Management of PA, Inc. (200 Bordentown Road, Tullytown, PA 19007) on March 10, 2000, for operation of a permitted landfill in Tullytown Borough, **Bucks County**.

09-313-074B: Air Products & Chemicals, Inc. (351 Philadelphia Avenue, Morrisville, PA 19067) on March 15, 2000, for operation of a specialty gas plant in Falls Township, **Bucks County**.

PA-15-0015A: Sartomer Co., Inc. (610 South Bolmar Street, West Chester, PA 19382) on March 16, 2000, for operation of an emergency generator in West Chester Borough, **Chester County**.

09-399-032: Liquid Transporters, Inc. (2910 River Road, Croydon, PA 19021) on March 17, 2000, for operation of a cargo tank washing process in Bristol Township, **Bucks County**.

PA-09-0057: Ametek Inc., U.S. Gauge Division (900 Clymer Avenue, Sellersville, PA 18960) on March 21, 2000, for operation of a degreaser in Sellersville Borough, **Bucks County**.

PA-09-0019: Miller & Son Paving (887 Mill Creek Road, Rushland, PA 18956) on March 21, 2000, for operation of a batch asphalt plant in Wrightstown Township, **Bucks County**.

PA-09-0046A: RJM Manufacturing, Inc. (250 Canal Road, Fairless Hills, PA 19030) on March 23, 2000, for operation of Surface Coater Line 3 in Falls Township, **Bucks County**.

PA-09-0046: RJM Manufacturing, Inc. (250 Canal Road, Fairless Hills, PA 19030) on March 27, 2000, for operation of a rotogravure and flexographic operations in Falls Township, **Bucks County**.

PA-15-0016B: Worthington Steel Co. (45 North Morehall Road, Malvern, PA 19355) on March 31, 2000, for operation of a coil coating line in East Whiteland Township, **Chester County**.

23-312-172C: Epsilon Products Co. (Post Road & Blueball Avenue, Marcus Hook, PA 19061) on April 5, 2000, for operation of storage bin vents in Marcus Hook Borough, **Delaware County**.

PA-15-0021: Glasgow, Inc. (660 Morehall Road, Frazer, PA 19335) on April 5, 2000, for operation of an asphalt plant and quarry in East Whiteland Township, **Chester County**.

PA-46-0043: Glasgow, Inc. (Conshohocken Road, Conshohocken, PA 19428) on April 5, 2000, for operation of an asphalt plant and quarry in Plymouth Township, **Montgomery County**.

09-320-049: Fres-Co Systems USA, Inc. (3005 State Road, Telford, PA 18969) on April 13, 2000, for operation of a flexographic press in West Rockhill Township, **Bucks County**.

09-313-074B: Air Products & Chemicals, Inc. (351 Philadelphia Avenue, Morrisville, PA 19067) on April 27, 2000, for operation of a specialty gas plant in Falls Township, **Bucks County**.

PA-46-0025E: Lonza, Inc. (900 River Road, Conshohocken, PA 19428) on April 27, 2000, for operation of additional process equipment in Upper Merion Township, **Montgomery County**.

PA-09-0013: Wheelabrator Falls, Inc. (1201 New Ford Mill Road, Morrisville, PA 19067) on April 27, 2000, for operation of a municipal waste incinerator in Falls Township, **Bucks County**.

PA-46-0018: Brown Printing Co. (668 Gravel Pike, East Greenville, PA 18041) on May 4, 2000, for operation of a web offset/heat set printing press in Upper Hanover Township, **Montgomery County**.

46-313-115: SmithKline Beecham Pharmaceuticals (709 Swedeland Road, King of Prussia, PA 19406) on May 9, 2000, for operation of a centrifuge and reactor exhausts in Merion Township, **Montgomery County**.

23-318-001E: Congoleum Corp. (Ridge Road & Yates Avenue, Marcus Hook, PA 19061) on May 10, 2000, for operation of a surface coating operation in Trainer Borough, **Delaware County**.

46-322-007: Waste Management Disposal Serv of PA (1425 Sell Road, Pottstown, PA 19464) on May 11, 2000, for operation of a municipal solid waste landfill in West Pottsgrove Township, **Montgomery County**.

PA-46-0078: BKL, Inc. (421 Feheley Drive, King of Prussia, PA 19406) on May 22, 2000, for operation of two screen printing presses/two coating in Upper Merion Township, **Montgomery County**.

46-399-104: MM SKB Energy LLC (709 Swedeland Road, Upper Merion, PA 19406) on May 22, 2000, for operation of five I.C. Diesel Engines in Upper Merion Township, **Montgomery County**.

PA-46-0124: Montgomery Chemical (901 Conshohocken Road, Conshohocken, PA 19428) on May 22, 2000, for operation of a chemical manufacturing process in Plymouth Township, **Montgomery County**.

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

OP-59-0008A: Westfield Tanning Co. (360 Church Street, Westfield, PA 16950) on May 12, 2000, to extend authorization to operate a leather finishing operation on a temporary basis until September 9, 2000, in Westfield Borough, **Tioga County**.

08-318-024A: Masonite Corp. (P. O. Box 311, Towanda, PA 18848) on May 17, 2000, to extend authorization to operate a hardboard products surface coating operation (Coating II) on a temporary basis until September 14, 2000, in Wysox Township, **Bradford County**.

08-316-013A: Masonite Corp. (P. O. Box 311, Towanda, PA 18848) on May 17, 2000, to extend authorization to operate a hardboard press (Line 2/Trimboard) and associated air cleaning device (a scrubber) on a temporary basis until September 14, 2000, in Wysox Township, **Bradford County**.

OP-41-0007A: Coastal Aluminum Rolling Mills, Inc. (2475 Trenton Avenue, Williamsport, PA 17701) on May 17, 2000, to extend deadline for completion of construction of a cold aluminum rolling mill (Mill 3) to November 30, 2000, in the City of Williamsport, **Lycoming 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 applications will also address the applicable permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

*Knox District Office, P. O. Box 669, Knox, PA 16232.
Coal Permits Issued:*

33713016. Fred A. Deemer, Jr. (R. D. 1, Reynoldsville, PA 15851). Renewal of an existing bituminous strip and auger operation in Winslow Township, **Jefferson County**, affecting 24.5 acres. This renewal is issued for reclamation only. Receiving streams: an unnamed tributary to Soldier Run to Sandy Lick Creek. Application received: March 28, 2000. Permit issued: May 12, 2000.

16793005. Terry Reddinger (Box 59, Distant, PA 16223). Renewal of an existing bituminous strip and auger operation in Redbank and Porter Townships, **Clarion County** affecting 624.1 acres. This renewal is issued for reclamation only. Receiving streams: unnamed tributary to Middle Run, unnamed tributary to Leisure Run. Application received: October 7, 1999. Permit issued: May 15, 2000.

24703004. Tamburlin Brothers Coal Co., Inc. (P. O. Box 1419, Clearfield, PA 16830). Renewal of an existing bituminous surface and auger operation in Fox Township, **Elk County** affecting 107.0 acres. This renewal is issued for reclamation only. Receiving streams: Beaver Run to Daguscahonda Run. Application received: April 21, 2000. Permit issued: May 18, 2000.

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

02851601. Aloe Coal Company (200 Neville Road, Pittsburgh, PA 15225), to operate the Aloe Preparation Plant in Findlay Township, **Allegheny County**, new prep plant, tributary to Potato Garden Run. Permit issued May 17, 2000.

30841320. Dana Mining Company of PA (P. O. Box 1209, Morgantown, WV 26507), to transfer the Target No. 1 Mine in Dunkard Township, **Greene County** to transfer an existing permit from Target Industries to Dana Mining Co. of PA, no additional discharges. Permit issued May 18, 2000.

02941601. Allegheny River Dock Co., Inc. (P. O. Box 89, 151 West Fourth Ave., Tarentum, PA 15084), to renew the permit for the Allegheny River Dock Prep Plant in Tarentum Borough, **Allegheny County** to renew the existing permit, no additional discharges. Permit issued May 19, 2000.

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

40930202R2. Diamond Coal Company, Inc. (Route 309 North, Box Q, Milnesville, PA 18239-0185), renewal of an existing coal refuse reprocessing operation in Hazle Township, **Luzerne County** affecting 141.2 acres, receiving stream—none. Renewal issued May 15, 2000.

54773214R3. B-D Mining Co. (P. O. Box 423, Gilberton, PA 17934), commencement, operation and restoration of a coal refuse reprocessing operation in Mahanoy Township, **Schuylkill County** affecting 50 acres, receiving stream—none. Renewal issued May 18, 2000.

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

32990110. K.M.P. Associates (R. R. 2, Box 194, Avonmore, PA 15618), commencement, operation and restoration of a bituminous surface-auger-refuse removal mine in Young Township, **Indiana County**, affecting 46 acres, receiving stream unnamed tributaries to Harpers Run and Harpers Run to Black Legs Creek to the Kiskiminetas River, application received August 2, 1999. Permit issued May 15, 2000.

32950105. Permit renewal for reclamation only, **KMP Associates** (R. D. 2, Box 194, Avonmore, PA 15618-9512), for continued restoration of a bituminous surface mine in Young Township, **Indiana County**, affecting 25.2 acres, receiving stream unnamed tributaries to Harpers Run and unnamed tributaries to Nesbit Run, application received May 11, 2000. Issued May 18, 2000.

*Knox District Office, P. O. Box 669, Knox, PA 16232.
Noncoal Permits Issued:*

10990302. Quality Aggregates, Inc. (200 Neville Road, Pittsburgh, PA 15225). Commencement, operation and restoration of a limestone operation in Marion Township, **Butler County** affecting 127.5 acres. Receiving streams: Unnamed tributary to North Branch Slippery Rock Creek and unnamed tributary to Blacks Creek. Application received September 30, 1999. Application issued: May 15, 2000.

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

0179301A1C2. Wilson C. Clapsaddle (1790 Baltimore Pike, Gettysburg, PA 17325), renewal of NPDES Permit PA0122297 in Mt. Joy Township, **Adams County**, receiving stream—unnamed tributary to Rock Creek. Renewal issued: May 15, 2000.

ACTIONS TAKEN UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT ENCROACHMENTS

The Department of Environmental Protection (Department) has taken the following actions on previously received 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 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) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and sections 5 and 402 of The Clean Streams Law (35 P. S. §§ 691.5 and 691.402) and notice of final action for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)). (Note: Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description.)

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

Permit No. E13-122. Encroachment. **Bear Creek Lakes Civic Association**, 6 Pool Drive, Jim Thorpe, PA 18229. To construct and maintain two 20-foot long, 6-foot wide rock riprap jetties in Bear Creek Lake (Beaver Lake). The project is located at Bear Creek Lake immediately west of the intersection of S.R. 0903 and Penn Forest Road (Christmans, PA Quadrangle N: 10.2 inches; W: 6.0 inches) in Penn Forest Township, **Carbon County**.

Permit No. E40-544. Encroachment. **Pennsylvania Department of Transportation**, District 4-0, P. O. Box 111, Scranton, PA 18501. To maintain the existing structure and to construct and maintain a 20-foot long, 6-foot x 6-foot precast concrete box extension on the upstream side of the existing 60-foot long, 6-foot x 6-foot concrete box culvert in a tributary to Warrior Creek. The project is associated with the S.R. 2008 (Middle Road) extension

and is located approximately 0.5 mile northeast of the intersection of S.R. 0029 and S.R. 2008 (Wilkes-Barre West, PA Quadrangle N: 14.9 inches; W: 9.0 inches), in Hanover Township, **Luzerne County**.

Permit No. E45-387. Encroachment. **Stroud Township**, 1211 North 5th Street, Stroudsburg, PA 18360-2546. To remove the existing structure and to construct and maintain a single span bridge having a normal span of 20 feet and an underclearance of approximately 5.2 feet across a tributary to Cherry Creek. The project is located along Township Road T385 (Middle Road), between S.R. 0191 and T410 (Stroudsburg, PA-NJ Quadrangle N: 15.2 inches; W: 10.2 inches) in Stroud Township, **Monroe County**.

WL5800401, EA58-001ME. Encroachment. **Susquehanna County Conservation District**, Montrose, PA 18801. To restore a 1,700 L.F. section of Martins Creek. The purpose of the project is to restore and stabilize the stream to its original pattern profile and dimension through design using a fluvial geomorphology approach. The project begins at the Main Street Bridge and extends upstream approximately 1,700 feet from the (Hop Bottom PA Quadrangle N: 14.7 inches; W: 2.5 inches) Hop Bottom Borough, **Susquehanna County** (Baltimore District U.S. Army Corps of Engineers).

Permit No. E45-386. Encroachment. **Stroud Township**, 1211 North Fifth Street, Stroudsburg, PA 18360. To construct and maintain a 6-inch diameter water intake structure in an onstream pond along a tributary to Brodhead Creek to be used as a dry hydrant for fire protection. The project is located 250 feet southeast of the intersection of Township Roads T504 and T808 (East Stroudsburg, PA Quadrangle N: 3.6 inches; W: 13.9 inches) in Stroud Township, **Monroe County**.

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

E05-281. Encroachment. **Columbia Gas**, 1700 MacCorkle Ave., SE, Charleston, WV 25325. To operate and maintain utility line crossings constructed under Emergency Permit EP-05-99-102 at three unnamed tributaries to Piney Creek, Blackberry Lick Run and its three unnamed tributaries, Johnson Branch and its unnamed tributary and Crooked Run and its three unnamed tributaries. These crossings are 24-inch diameter natural gas pipeline, and an adjacent 1-inch diameter methanol pipeline. These pipeline crossings start at a point about 1 mile southeast of Millers Corner Village immediately downstream of PA Route 26 (Chaneyville, PA Quadrangle N: 10.5 inches; W: 6.0 inches), thence south at a point about 1.6 miles southeast of Artemas Village (Artemas, MD-PA Quadrangle N: 18.45 inches; W: 6.75 inches) in Mann Township, **Bedford County**. This permit also includes 401 Water Quality Certification.

E28-276. Encroachment. Mark Burkhead, **PA Department of Transportation**, Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103. To extend the length and maintain an existing dual bridge across Mountain Run and to rehabilitate three other existing bridges over Phillaman Run, Furnace Run and Mains Run to improve the traffic condition along I-81. Mountain and Phillaman Run are located near Interchange 8 (Scotland, PA Quadrangle N: 17.8 inches; W: 10.3 inches) in Greene Township, **Franklin County**. Furnace Run and Mains Run are located near Interchange 9 (Shippensburg, PA Quadrangle N: 3.7 inches; W: 3.3 inches and N: 5.2 inches;

W: 1.1 inches respectively) in Southampton Township, Franklin County. Mains Run is also the County Line of Franklin and Cumberland Counties. This permit was issued under § 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.

E41-463. Encroachment. **Clinton Township**, 2106 SR 0054, Montgomery, PA 17752. To operate and maintain an existing twin cell public road crossing that carries Middle Road across an unnamed tributary to the West Branch, Susquehanna River. The public road crossing consists of two reinforced concrete pipes. Each pipe has a diameter of 48-inches and a length of 20-feet. The existing crossing is located along the northern right-of-way of SR 0054 approximately 2,000-feet east of Brouse Road and Middle Road intersection (Muncy, PA Quadrangle N: 14.2 inches; W: 16.2 inches) in Clinton Township, **Lycoming County**. This permit solely authorizes operation and maintenance of the existing twin cell public road crossing, which shall be maintained in accordance with the Department's "Standard for Channel Cleaning at Bridges and Culverts." Maintenance efforts that result in a change to the hydraulic capacity of the public road crossing must be authorized by the permittee applying for and receiving a permit of the Department of Environmental Protection. This permit was issued under § 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E41-464. Encroachment. **Antonio A. Bersani**, 390 Keebler Farm Road, Montoursville, PA 17754. To construct and maintain an elevated steel platform for the operation of an emergency diesel generator in the floodway of Loyalsock Creek. The steel platform shall be constructed above a mean sea elevation of 580.13-feet with four concrete piers. The project is located along the western right-of-way of S.R. 0087 approximately 0.95-mile north of S.R. 0864 and S.R. 0087 intersection (Montoursville-North PA Quadrangle N: 10.3 inches; W: 5.7 inches) in Upper Fairfield Township, **Lycoming County**. This permit was issued under § 105.13(e) "Small Projects."

E53-341. Encroachment. **Timothy Rigas, VP**, Adelphia Communication, Main at Water Street, Coudersport, PA 16915-1141. To construct and maintain an 18 inch storm sewer outfall to the Allegheny River approximately 240 feet northeast of the intersection of West Street with Oak Street (Coudersport, PA Quadrangle N: 3.9 inches; W: 2.95 inches) in Coudersport Borough, **Potter County**. The project will not impact on wetlands, while impacting 10 feet of waterway. The Allegheny River is a cold water fisheries stream. This permit was issued under § 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

Permit No. E59-397. Encroachment. Paul E. Heise, District Engineer, **PA Department of Transportation**, P. O. Box 218, Montoursville, PA 17754. To construct and maintain single span concrete box beam bridge with a 45 foot span and an underclearance of 6.5 feet over Alder Run on SR 328, Section 019. The proposed structure will be constructed 55 feet downstream of the existing structure. This permit also authorizes the removal of the existing concrete T-beam bridge located on Alder Run (Jackson Summit, PA Quadrangle N: 16.6 inches; W: 11.75 inches) in Jackson Township, **Tioga County**.

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

E02-1302. Encroachment. **City of Pittsburgh**, Department of Engineering and Construction, City-County Building, Room 301, 414 Grant Street, Pittsburgh, PA 15219-2245. To construct and maintain a Stream Improvement Project (No. S2:213-101.1) consisting of constructing a grouted rip-rap wall approximately 60 feet in length along the right bank of an unnamed tributary to Sawmill Run (WWF) to prevent stream bank erosion located approximately 100 feet south from the intersection of McNeilly Road and Rockford Avenue (Pittsburgh West, PA Quadrangle N: 1.4 inches; W: 1.75 inches) in the City of Pittsburgh, **Allegheny County**. This permit was issued under § 105.13(e) "small projects." This permit also includes 401 Water Quality Certification.

Permits Issued and Actions on 401 Certification:

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

E16-115. Encroachment. **Farmington Township Supervisors**, P. O. Box 148, Leeper, PA 16233. To remove the existing structure and to construct and maintain a precast concrete box culvert having a 6.3-meter-wide-by-2-meter-high waterway opening in Walley Run on T-620 approximately 1 kilometer west of T-622 (Tytersburg, PA Quadrangle N: 6.0 inches; W: 4.8 inches) in Farmington Township, **Clarion County**.

E43-276. Encroachment. **Gary T. Gorski**, 1048 Perry Highway, Mercer, PA 16137-3628. To construct and maintain a steel beam bridge having three spans of 109.06 feet, 72.63 feet and 68.26 feet (center to center of bearing) and a maximum underclearance of 19 feet across Neshannock Creek for a private driveway extending east from Creek Road approximately 0.7 mile south of Leesburg Station Road (Mercer, PA Quadrangle N: 0.7 inches; W: 16.3 inches) in Springfield Township, **Mercer County**.

ENVIRONMENTAL ASSESSMENT

Bureau of Waterways Engineering: 400 Market Street, 3rd Floor, P. O. Box 8554, Harrisburg, PA 17105-8554, (717) 787-8568.

D36-138EA. Environmental assessment. **Henry Eby** (Star Route, Terre Hill, PA 17581) To breach and remove the Henry Eby Dam across the Conestoga River (WWF) for the purpose of restoring the stream to a free flowing condition. The dam is located approximately 7 meters upstream from the existing (S.R. 322) bridge over the Conestoga River in Hinkletown (Ephrata, PA Quadrangle N: 5.1 inches; W: 0.4 inch) in Ephrata and Earl Township, **Lancaster County**.

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

EA25-002NW. Environmental assessment. **William Staph, Atlantic Environmental Group, Inc.** 10560 Walnut Street, Albion, PA 16401, (814) 456-3700. Restoration plan provided under § 105.12(a)(16) for the filling of a manmade pond located on property owned by Randy R. and Renee C. Nyberg along the east side of Colonial Avenue south of Sierra Drive (Swanville, PA Quadrangle N: 12.1 inches; W: 4.1 inches) in Millcreek Township, **Erie County**.

WATER QUALITY CERTIFICATION

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

Certification request initiated by: Richard H. Hogg, P.E., District Engineer, Engineering District 10-0, Pennsylvania Department of Transportation, P. O. Box 429, Indiana, PA 15701. *Location:* Burrell and Center Townships. *Project Description:* To reconstruct and widen approximately 8.3 miles of the existing State Route 0119, Section 480 starting at its interchange with State Route 0022 in Burrell Township, **Indiana County** and continuing northward to its intersection with State Route 0056 in the Borough of Homer City, Indiana County. The project will impact the following streams: Weirs Run (CWF), an unnamed tributary to Weirs Run (CWF), Blacklick Creek (TSF), an unnamed tributary to Blacklick Creek (CWF), three unnamed tributaries to Two Lick Creek (CWF), and Tearing Run (CWF). In addition, a total of 5.08 acres of wetlands are proposed to be permanently impacted (2.13 acres PEM, 0.584 acre PSS, 1.46 acres PFO, 0.06 acre POW) and a total of 0.32 acre of wetland are proposed to be temporarily impacted (0.28 acre PEM, 0.04 acre PSS). Stream and wetland mitigation will be required.

Final Action on Request: The certification granted, is subject to the following conditions:

Water Obstruction and Encroachment Permits must be secured from the Department of Environmental Protection, Soils and Waterways Section, Water Management, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

The proposed activity must comply with Chapters 93, 95, 102 and 105 of the Department's Rules and Regulations and all other applicable State regulations and other State requirements.

[Pa.B. Doc. No. 00-945. Filed for public inspection June 2, 2000, 9:00 a.m.]

Mining and Reclamation Advisory Board

The Mining and Reclamation Advisory Board's Regulation, Legislation and Technical Committee will meet on Wednesday, June 7, 2000, at 9 a.m., in the 14th Floor Conference Room of the Rachel Carson State Office Building, Harrisburg. The full Mining and Reclamation Advisory Board will meet at 12 p.m., in the 2nd Floor Training Room of the Rachel Carson State Office Building, Harrisburg. These are in addition to the regularly scheduled meetings for the year 2000.

Questions concerning the agenda can be directed to Robert Dolence at (717) 783-5338 or E-mail to dolence.robert@dep.state.pa.us. The agenda for this meeting will be available through the Public Participation Center on DEP's World Wide Web site at <http://www.dep.state.pa.us>.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Robert Dolence directly at (717) 783-5338 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how DEP may accommodate their needs.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 00-946. Filed for public inspection June 2, 2000, 9:00 a.m.]

Small Water Systems Technical Assistance Center Advisory Board; Special Committee Meeting

The Legislation/Regulation Committee will hold a special meeting on Wednesday, June 21, 2000, from 9:30 a.m. to 3 p.m. in the 8th Floor Conference Room of the Rachel Carson State Office Building, Harrisburg, PA. The purpose of the meeting will be to discuss concept papers currently being drafted for the Operator Certification Program.

Questions concerning this schedule or agenda items can be directed to Donna Green at (717) 787-0122 or E-mail at Green.Donna@dep.state.pa.us. This schedule, an agenda for the meeting and notices of meeting changes will be available through the Public Participation Center on DEP's World Wide Web site at <http://www.dep.state.pa.us>.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Donna Green directly at (717) 787-0122 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 00-947. Filed for public inspection June 2, 2000, 9:00 a.m.]

Small Water Systems Technical Assistance Center Board August Meeting Change

The August 8, 2000, meeting of the Small Water Systems Technical Assistance Center Board has been rescheduled to August 1, 2000. The meeting will be held at 9:30 a.m., in Room 105 of the Rachel Carson State Office Building, 400 Market Street in Harrisburg.

Questions concerning this meeting can be directed to Donna Green at (717) 787-0122 or E-mail at Green.Donna@dep.state.pa.us. The agenda and meeting materials will be available through the Public Participation Center on DEP's World Wide Web site at <http://www.dep.state.pa.us>.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Donna Green directly at (717) 787-0122 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate your needs.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 00-948. Filed for public inspection June 2, 2000, 9:00 a.m.]

Water Resources Advisory Committee Cancellation of Meeting

Because of a lack of agenda items, the Water Resources Advisory Committee's June 2000, meeting has been cancelled. The Committee's next meeting will be held on July 13, 2000, at 9 a.m. in room 105 of the Rachel Carson

State Office Building in Harrisburg. For further information, contact Carol Young at (717) 787-9637.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 00-949. Filed for public inspection June 2, 2000, 9:00 a.m.]

DEPARTMENT OF HEALTH

Public Meeting for Parties Interested in the Sickle Cell Disease Program

The Division of Maternal and Child Health will hold a public meeting on Tuesday June 13, 2000. The meeting will begin at 10 a.m. in conference room A, 12th floor, Labor and Industry Building, 7th and Forster Streets, Harrisburg, PA.

The purpose of the meeting is to solicit input from parties interested in sickle cell disease on the future direction of the sickle cell disease program. Persons who need additional information should contact Milo Woodward, Division of Maternal and Child Health, Room 725, Health and Welfare Building, Harrisburg, PA, (717) 787-7440. Persons who plan attending the meeting should register by contacting Milo Woodward 3 days prior to the meeting.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, should also contact Milo Woodward at the previous number or at V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Services at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 00-950. Filed for public inspection June 2, 2000, 9:00 a.m.]

Requests for Exceptions

Under 28 Pa. Code § 51.33 (relating to exceptions), the Department of Health (Department), gives notice that Blair Nursing Home, Inc, 1031 Mercer Road, Beaver Falls, PA 15010 has requested exceptions to specific requirements of the regulations for long-term care facilities, 28 Pa. Code Part IV, Subpart C.

The long-term care nursing facility is seeking exceptions to:

28 Pa. Code § 205.10(a) (relating to doors)

28 Pa. Code § 205.67(k) (relating to electric requirements for existing and new construction)

28 Pa. Code § 205.33 (relating to utility room)

28 Pa. Code § 205.36(d) and (h) (relating to bathing facilities)

28 Pa. Code § 205.37(b) (relating to equipment for bathrooms)

28 Pa. Code § 205.38(a) and (b) (relating to toilet facilities)

28 Pa. Code § 205.28(c)(1) (relating to nurses' station)

The request is on file with the Department. Persons may receive a copy of the request for exception by

requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, Fax: (717) 772-2163, E-mail address: PAEXCEPT@HEALTH.STATE.PA.US.

Those persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address listed.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exceptions.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aide service or other accommodation to do so, should contact V/TT: (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 00-951. Filed for public inspection June 2, 2000, 9:00 a.m.]

WIC Vendor Advisory Workgroup Meeting

The Department of Health (Department), Supplemental Food Program for Women, Infants and Children (WIC Program), will hold the first meeting of the WIC Vendor Advisory Workgroup on June 16, 2000, from 9 a.m. to 3 p.m. in Room 812 of the Health and Welfare Building, Commonwealth and Forster Streets, Harrisburg, PA 17120.

The purpose of the meeting is to solicit comments and recommendations from workgroup members regarding program operation and State regulations as they relate to the delivery of food benefits to WIC participants.

Members of the advisory workgroup have been appointed by the Secretary of Health. The meeting is open to the public. In order to ensure appropriate accommodations, the Department requests that persons other than appointed workgroup members wishing to attend the meeting advise the Department's WIC Program Office by calling Linda Welsh at (717) 783-1289.

Persons with a disability who wish to attend the meeting and require an auxiliary aide service or other accommodation to do so, should contact Linda Welsh at (717) 783-1289; V/TT: (717) 783-6514 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 00-952. Filed for public inspection June 2, 2000, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Inpatient Hospital Services

The purpose of this announcement is to provide advance public notice of the Department of Public Welfare's

(Department) intent to revise its payment method for inpatient hospital services effective July 1, 2000. These revisions will affect acute care general hospitals, private psychiatric hospitals, psychiatric units of general hospitals, rehabilitation hospitals and rehabilitation units of general hospitals.

The Department proposes to continue the basic rate setting and payment methodology in effect since July 1, 1998, with the following modifications:

I. *Base Payment Rates*

A. Effective January 1, 2001, each hospital's inpatient base payment rate in effect as of December 31, 2000, will be increased by 2.8%.

B. Effective January 1, 2002, each hospital's inpatient base payment rate in effect as of December 31, 2001, will be increased by 2.8%.

II. *Inpatient Disproportionate Share; Outpatient Disproportionate Share; and Direct Medical Education Payments*

A. Effective July 1, 2000, the aggregate maximum amount of inpatient and outpatient disproportionate share payments and direct medical education payments is \$182.07 million total funds. This amount reflects a 2% increase from the prior fiscal year.

B. Effective July 1, 2001, the aggregate maximum amount of inpatient and outpatient disproportionate share payments and direct medical education payments is \$185.7 million total funds. This amount represents a 2% increase from the aggregate amount for Fiscal Year 2000-01.

III. *Additional Provisions*

A. Effective July 1, 2000, and July 1, 2001, the Department will redetermine eligibility for inpatient disproportionate share payments. The Department intends to use the same methodology for determining eligibility for inpatient disproportionate shares as used for Fiscal Years 1997-98 and 1998-89. Outpatient disproportionate share and direct medical education payments will be made to hospitals which have entered into grant agreements with the Department.

B. Effective July 1, 2000, the Department will prospectively change the calculation of rates when two or more acute care hospitals merge. The calculation will be weighted by the hospital's Medical Assistance cases and case mix index.

C. The Department plans to continue making capital and cost outlier payments as done in Fiscal Years 1997-98 and 1998-99. Further, the Department intends to continue its augmented payment policy for certain high volume Medical Assistance hospitals.

Fiscal Impact

This change will result in a cost of \$7.384 million in total funds (\$3.421 million in State funds and \$3.963 million in Federal funds) for Fiscal Year 2000-01. This change will result in a cost of \$25.126 million in total funds (\$11.644 million in State funds and \$13.832 million in Federal funds) for Fiscal Year 2001-02.

Contact Person

A copy of this notice is available for review at local county assistance offices. Interested persons are invited to submit written comments within 30 days of this publication. These comments should be sent to the Department of Public Welfare, Office of Medical Assistance Programs,

c/o Deputy Secretary's Office, Attention: Suzanne Love, Room 515 Health and Welfare Building, Harrisburg, PA 17120.

Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD Users) or (800) 654-5988 (Voice Users). Persons requiring an alternate format should contact Thomas Vracarich at (717) 783-2209.

FEATHER O. HOUSTOUN,
Secretary

[Pa.B. Doc. No. 00-953. Filed for public inspection June 2, 2000, 9:00 a.m.]

Payments to Nursing Facilities April 1, 2000 Final Rates

The purpose of this notice is to announce final payment rates for nursing facilities beginning April 1, 2000, in accordance with section 1902(a)(13)(A) of the Social Security Act (42 U.S.C.A. § 1902(a)(13)(A)), as amended by section 4711 of the Balanced Budget Act of 1997 (P. L. 105-33). An April 1, 2000, Proposed Rates Notice was published at 30 Pa.B. 1698 (March 25, 2000) and provided for a 30-day comment period. The Department did not receive any comments on the proposed April 1, 2000 rate notice.

Rates

The final April 1, 2000, rates are available through the Bulletin Board System (BBS) at (800) 833-5091, at the local County Assistance Offices throughout this Commonwealth, or by contacting Tom Jayson in the Policy Section of the Bureau of Long Term Care Programs at (717) 772-2570.

Methodology

The methodology that the Department used to set the final rates is contained in 55 Pa. Code Chapter 1187, Subchapter G (relating to rate setting) and the Commonwealth's approved Title XIX State Plan.

Justification

The justification for establishing the final rates is that the regulations in 55 Pa. Code Chapter 1187 and the Commonwealth's approved Title XIX State Plan require that rates be set on a quarterly basis.

The estimated increase in annual aggregate expenditures for Medical Assistance nursing facility services for FY 1999-2000 based on these final rates is \$0.777 million (\$0.359 million in State funds).

Interested persons are invited to submit written comments about the final rates to the Department within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Comments should be addressed to: Department of Public Welfare, Office of Medical Assistance Programs, Attention: Suzanne Love, P. O. Box 2675, Harrisburg, PA 17105.

Persons with a disability may use the AT&T Relay Services by calling (800) 654-5984 (TDD Users) or (800) 654-5988 (Voice Users). Persons who require another alternative should contact Thomas Vracarich in the Office of Legal Counsel at (717) 783-2209.

FEATHER O. HOUSTOUN,
Secretary

Fiscal Note: 14-NOT-242. (1) General Fund; (2) Implementing Year 1999-00 is \$359,000; (3) 1st Succeeding Year 2000-01 is \$2.152 Million; 2nd Succeeding Year 2001-02 is \$2.152 Million; 3rd Succeeding Year 2002-03 is \$2.152 Million; 4th Succeeding Year 2003-04 is \$2.152 Million; 5th Succeeding Year 2004-05 is \$2.152 Million; (4) 1998-99 Program—\$721.631 Million; 1997-98 Program—\$617.252 Million; 1996-97 Program—\$591.910 Million; (7) Medical Assistance Long Term Care; (8) recommends adoption. The fiscal note of the final rates differ from the fiscal note for the proposed rates due to a recalculation of the cost of the rate increase that was done to correct an error in the original calculation. There are funds available in the Department's budget to cover the increased cause associated with the final rates.

[Pa.B. Doc. No. 00-954. Filed for public inspection June 2, 2000, 9:00 a.m.]

DEPARTMENT OF REVENUE

Taxable and Exempt Property

The Department of Revenue (Department) is hereby giving notice to the public, in accordance with the provisions of 61 Pa. Code §§ 52.1 and 58.1 (relating to purchases of medicines, medical supplies, medical equipment and prosthetic or therapeutic devices; and taxable and exempt tangible personal property) of additions, deletions and revisions to the list of taxable and exempt property under the sales and use tax provisions of the TRC published at 28 Pa.B. 2730 (June 13, 1998) (corrected at 28 Pa.B. 3118 (July 4, 1998)) and amended at 29 Pa.B. 5672 (October 30, 1999). Under §§ 52.1 and 58.1, this list is required to be published by notice at least once every 3 years. In addition, quarterly the Department will publish notice of any additions, deletions or revisions to the list.

Copies of the Retailers' Information Booklet may be obtained by calling the 24-hour answering service numbers for forms ordering: Nationwide (800) 362-2050; within Harrisburg area (717) 787-8094; and TT only (800) 447-3020.

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Listing of Taxable and Exempt Property

T—TAXABLE
NT—NONTAXABLE

(1) Books and Stationery

Tax is imposed on books, stationery and stationery supplies, including Bibles and religious publications sold by religious groups.

- T—Bibles
- T—Comic books
- T—Crossword, game books
- T—Dictionaries
- T—Greeting Cards
- T—Instruction books, for needle-craft, embroidery, knitting, etc.
- NT—Mail order catalogues
- NT—Newspapers of general circulation qualified to carry a legal advertisement
- T—Periodicals and magazines not purchased by subscription
- NT—Periodicals and magazines purchased by subscription
- T—School supplies, except when sold directly to a school district or nonprofit educational institution
- NT—Textbooks, when sold by a school or an authorized book store

(2) Business Supplies and Equipment

Generally, sales of business supplies and equipment used in construction, repair, etc., of real estate are taxable.

- T—Amusement and record playing devices
- T—Building materials, supplies, and equipment used in construction, repair, etc., of real estate
- T—Business forms such as invoices, order books, etc.
- T—Cash register receipt paper
- T—Computer software, canned
- NT—Direct mail advertising materials, including calendars, matchbooks, etc.
- T—Display cases and merchandising equipment
- NT—Dry ice, when sold for internal packaging with the sale of property to others
- T—Fans
- T—Signs, circulars, show cards and posters
- T—Vending machines and equipment
- NT—Wrapping supplies used in connection with the sale of products

(3) Clothing and Accessories

Generally, clothing is nontaxable except the following: (1) Formal day or evening apparel; (2) Articles made of real, imitation, or synthetic fur where the fur is more than three times the value of the next most valuable component material; and (3) Sporting goods and clothing normally worn or used when engaged in sports (See Category 23).

- T—Accessories and ornamental wear
- NT—Aprons
- NT—Belts and suspenders
- NT—Boots
 - T—Bridal apparel and accessories
 - T—Corsages and boutonnieres
 - T—Costumes—Halloween, Christmas, etc.
- NT—Dress shields
 - T—Formal clothing
 - T—Fur, articles made of fur on hide or pelt, or any material imitative of fur, and articles of which fur, real, imitation, or synthetic, is the component material of chief value; and fur trimmed articles, if the value of fur is more than three times the value of the next most valuable component material. Felt, wool, or fabric is not taxable unless it resembles fur on the hide.
- NT—Garters and garter belts
- NT—Girdles
 - T—Gloves, baseball, golf, racquet, etc.
- NT—Gloves, cloth, leather, kid
 - T—Gloves, sheepskin, fur, rubber
- NT—Gym suits
- NT—Handkerchiefs
- NT—Headwear and millinery, all types
- NT—Hosiery, pantyhose, and peds
- NT—Leotards and tights
- NT—Leather wearing apparel
- NT—Lingerie
- NT—Neckwear, ties
- NT—Nightgowns
 - T—Prom dress
- NT—Rainwear
- NT—Receiving blankets
- NT—Repairing of wearing apparel
 - T—Safety clothing—(See Category 17)
- NT—Scarves, for headwear and neckwear
- NT—Scout uniforms and camp clothes
 - T—Sheepskin coats
- NT—Stockings, including support-hose
- NT—Suspenders
 - T—Tuxedos
 - T—Umbrellas
- NT—Underclothing
- NT—Work clothes, work uniforms
- NT—Yard goods (to make clothing)

(4) Cosmetics and Toilet Goods

- T—Aftershave creams, lotions, powders
- T—Antiperspirants
- T—Aromatherapy products (Candles, oils, washes, etc.)
- T—Atomizers containing perfume and other liquids
- T—Bath milks, oils, powders, salts, tablets, crystals, etc.
- T—Bath and shower gels, and body shampoos
- T—Bleach creams and lotions
- T—Blush, rouges
- T—Body lotion and creams
- T—Breath fresheners and breath sprays
- T—Bubble bath preparations

- T—Cocoa butter, if advertised or labeled for toilet purposes
- T—Colognes
- T—Compacts containing blush or powder, compact refills
- T—Cosmetics
- T—Creams, protective (having cosmetic claims or use as skin creams, antiperspirants)
- T—Creams, cleansing, beauty or cold
- T—Cuticle softeners and removers
- T—Deodorants (even though having a medicinal or curative value, if advertised or labeled for use as a body deodorant)
- T—Deodorants (for use in closets, bureau drawers, etc., for imparting fragrance to clothing)
- NT—Deodorants, colostomy
- T—Dusting powders
- T—Essences and extracts, perfume
- T—Eyebrow pencils
- T—Eyelash mascara and eyelash and brow dyes
- T—Eye shadows, eyeliner
- T—Face lotions, facial oils, face creams
- T—Face packs
- T—Face powders, in loose or cake and liquid form
- T—Floral essences
- T—Foundation makeup
- T—Freckle removers, vanishing creams
- T—Hair conditioners and rinses
- T—Hairdressings, lotions, tonics, and pomades (regardless of whether they are colored or scented)
- T—Hair dyes, colorings, tints, rinses, and bleaches
- T—Hair gels and mousse
- T—Hair oils
- T—Hair removers
- NT—Hair restorative medications
- T—Hairsprays
- T—Hair straighteners
- T—Hand lotions and creams
- T—Lip balm and ointments
- T—Lipsticks, lipstick refills, liquid lip color, lip liner, and lip gloss
- T—Lotions, cleansing and beauty
- T—Manicure preparations and kits
- T—Mask preparations
- T—Massage creams
- T—Makeup remover
- T—Mouthwashes
- T—Mustache wax
- T—Nail bleaches
- T—Nail polish removers
- T—Nail polishes, nail lacquers, nail enamel
- T—Perfumes and perfume ingredient kits
- T—Perfume novelties, containing perfume
- T—Permanent waving creams, lotions, neutralizer, and kits
- T—Powder bases (liquid, cream, and pressed)
- T—Sachets containing powder or aroma producing materials
- T—Scalp lotions, which are used or intended for use as a treatment for dry or oily hair
- T—Shampoos
- T—Shaving preparations, creams, lotions, powders, including medicated preparations
- T—Skin balms, bleaches, creams, fresheners, lotions, oils tonics, or whiteners
- T—Sun allergy cream
- T—Sunburn preventives—suntan creams, lotions, oils, sunblock, etc.
- NT—Sunburn treatment, lotions or creams

- T—Talcum powder
- T—Toothbrush, electric
- NT—Toothbrush, toothpaste, tooth cleaners, dental floss, and replacement brushes for electric toothbrush
- T—Water Piks
- T—Wave set, paste, powder, or lotion
- T—Wrinkle removing and concealing preparations

(5) Farming Supplies and Equipment

The tax is not imposed upon the sale of property to a farmer to be used or consumed directly in the business of producing agricultural products. Home gardening is not considered farming. See REV-1729, Farming Information, for additional information.

- NT—Artificial breeding equipment and supplies
 - T—Building supplies and materials used to build and repair barns, sheds, coops, etc.
- NT—Cleaners and disinfectants used in cleaning milking equipment and to sterilize milk cans to prevent spoilage. (Property used for general farm cleaning and maintenance is taxable)
- NT—Equipment used to extract a product from productive animals or from the soil, such as harvesters, combines, binders, forage blowers, milking equipment, egg collecting equipment, corn shuckers, threshers, manure handling equipment
- NT—Equipment such as barn shovels, ensilage forks, wheelbarrows and feed carts
- NT—Feed and feed additives for productive animals
- NT—Fencing—portable when used directly for farm use
 - T—Fencing, including gates, which become a permanent part of realty
- NT—Fertilizer and chemical additives to be added to soil
 - T—Fire prevention and safety equipment
- NT—Fuel for use in heating poultry brooder and greenhouses
- NT—Fumigation services upon agricultural commodities or containers used for agricultural commodities
 - T—Greenhouses and mushroom houses (if permanently installed to the real estate)
- NT—Grooming materials, equipment, and supplies when necessary for the health of productive animals
- NT—Harnesses used to control productive animals on the farm
- NT—Ice
- NT—Livestock equipment to dispense chemicals, medicines, and feed additives
- NT—Livestock feeding equipment such as tubs, buckets, cans, etc., feed scoops, and portable watering devices
 - T—Maintenance facilities including tools, machinery and equipment to maintain machinery, equipment or building property, such as chain hoists, tire spreaders, drills, sanders, lumber, nails, wrenches, brooms, welding equipment, paint brushes and sprayers
- NT—Milk strainers and strainer discs and towels (dispensers to store and dispense the discs are taxable)
 - T—Motor vehicles, if required to be licensed by the Dept. of Transportation
- NT—Pest control services for agricultural purposes
- NT—Property which becomes an ingredient or constituent of a farm product or is consumed by productive animals or plant growth, such as seeds, fertilizer, chemical additives, etc., and property such as seeders, planters, plows, harrows, cultivators, sprayers, and similar equipment used to till soil, plant, seed, and care for productive plants.

- NT—Property used to handle, store, or preserve farm products or productive animals on farm premises such as chemicals, grooming equipment (dehomers, debeakers, hoof trimmers, calf weaners, etc.)
 - T—Property used to transport or convey the farm product after the final farming operation
 - T—Refrigeration or cooling equipment used to store farm products
- NT—Replacement parts such as tires, motors, belts, cutting edges, air filters, gears, and similar replacement parts installed on exempt equipment. Motor fuels, lubricants, compressed air, distilled water, abrasives, and similar supplies when used in operating exempt machinery are not taxable. Tools and equipment to apply parts and supplies are taxable.
- NT—Seeds
- NT—Silos
 - T—Water heater for cleaning dairy equipment and supplies
- NT—Water pump for farm use
- NT—Wrapping supplies and containers which are non-returnable to deliver self-produced farm products.

(6) Flowers, Seeds, Fertilizers, etc.

The tax is imposed upon the sale of property which is purchased by persons not engaged in the business of farming.

- T—Fertilizer, sprays, insecticides
- T—Gardening supplies
- T—Seeds and bulbs
- T—Vegetable plants, flowers, and trees
- NT—Vegetable seeds, vegetable plants, and fruit trees purchased with food stamps

(7) Food and Beverages Sold From a Caterer or Establishment Serving Ready-to-Eat Food

Generally, tax is imposed on food and beverages, for consumption on or off the premises, or on a take-out or to go basis, or delivered to the purchaser or consumer, when purchased from a caterer or an eating establishment from which ready-to-eat foods and beverages are sold, such as a restaurant, cafe, lunch counter, private or social club, tavern, dining car, hotel, night club, fast food operation, pizzeria, fair, carnival, lunch cart, ice cream stand, snack bar, lunch truck, cafeteria, employee cafeteria, theatre, stadium, arena, amusement park, juice stand, carryout shop, coffee shop, popcorn stand, and other establishments, whether mobile or immobile.

- NT—Alcohol, malt or brewed beverages and wines. Tax is paid at time of purchase from a Liquor Control Board store or licensed malt beverage distributor.
- NT—Candy and gum
 - T—All food and beverages, in any quantity, including both food and beverages prepared on the premises, and prepackaged food and beverages.
 - T—Food supplements and substitutes
- NT—Ice
 - T—Nonalcoholic beverages

(8) Food and Beverages Sold From Other Than a Caterer or Establishment Selling Ready-to-Eat Food

- NT—Bitters, grenadine, and noncarbonated cocktail mixes
- NT—Candy and gum
- NT—Deli items such as meats and cheeses, potato salad, macaroni salad, etc.
- NT—Food, fruit drinks, soft drinks, and sandwiches purchased with food stamps

- NT—Food supplements and substitutes such as vitamins, nutritional supplements, and herbals
- NT—Fruit drinks, noncarbonated or reconstituted, containing at least 25% natural fruit juice
 - T—Fruit drinks, noncarbonated or reconstituted, containing less than 25% natural fruit juice
- NT—Ice
 - T—Nonalcoholic beverages
 - T—Soft drinks, bottled and nonbottled (including soft drink mixes and powder, liquid or tablet form)
- NT—Tea, all forms including liquid and powdered tea
- NT—Sweeteners, artificial
- NT—Water, including nonflavored mineral water
 - T—Water, flavored mineral

A vending machine (EFF. 7-1-98), delicatessen, grocery store, supermarket, farmers market, bakery, donut shop, pastry shop, or convenience store selling the following items, whether sold for consumption on or off the premises or on a take out or to go basis or delivered is considered to be an eating establishment with respect to the sale of the following items:

- T—Brewed coffee
- T—Hot beverages
- T—Hot food items
- T—Hot soup
- T—Hot pizza
- T—Ice cream, yogurt, and other ice based products when hand dipped or hand served
- T—Meals—not including prepackaged frozen meals
- T—Salad bars, self-service
- T—Sandwiches
- T—Soft drinks

(9) Hair Goods and Notions

Generally, hair goods are taxable unless the item qualifies as clothing.

- T—Hair goods and notions, such as barrettes, hair pins, hair nets, curlers, clips, hair bow holders, combs, brushes, chignons, bandeaux
- T—Shower caps
- T—Wigs and toupees (the service of cleaning, styling, etc., also is taxable)

(10) Hobby Supplies, Toys, Games, Radios, Recorders, etc.

- T—Baseball, football cards, etc.
- T—Bicycles and parts
- T—Boats and equipment
- T—Computer games and equipment
- T—Games
- T—Hobby supplies
- T—Musical instruments and sheet music
- T—Photographic and projection equipment and supplies
- T—Photographic services, film developing, printing, processing, mounting, coloring, etc.
- T—Pocket knives
- T—Radios, TV sets, receiving equipment
- T—Sound players, recorders, components and accessories, records, compact discs
- T—Tape recorders and tapes
- T—Toys
- T—Video cassettes, recorders, and cameras

(11) Home Sewing, Millinery and Craft Supplies

Goods and items which are to become a component part of clothing are not taxable. Goods and items which become a component of articles other than clothing, such as formal wear and crafts are taxable. Equipment and

supplies used in sewing are taxable. Clothing is defined as articles designed for everyday wear.

- T—Artificial flowers
- NT—Buckles for clothing
 - T—Buckles for articles other than clothing
- NT—Buttons for clothing
 - T—Buttons for articles other than clothing
 - T—Dress forms and patterns
- NT—Fabrics for clothing
 - T—Fabrics for articles other than clothing
- NT—Dye, clothing fabric
- NT—Elastics for clothing
 - T—Elastics for articles other than clothing
- T—Embroidery hoops
- NT—Hooks and eyes for clothing
 - T—Hooks and eyes for articles other than clothing
- NT—Knitting yarn for clothing
 - T—Knitting yarn for articles other than clothing
- NT—Laces, ribbons, edgings, trimmings
 - T—Laces, ribbons, edgings, trimmings for articles other than clothing
- T—Needle-craft instruction books
- T—Needles
- T—Rug yarns
- T—Scissors
- T—Sewing kits
- NT—Shoulder pads
 - T—Tape measures
 - T—Thimbles
- NT—Thread for clothing
 - T—Thread for articles other than clothing
- NT—Yard goods for clothing
 - T—Yard goods for articles other than clothing
 - T—Yarn holders
- NT—Zippers for clothing
 - T—Zippers for articles other than clothing

(12) Household Goods and Supplies

- T—Air fresheners
- T—Ant traps
- T—Basin stoppers
- T—Batteries
- T—Bedding
- T—Books
- T—Boot caddy
- T—Brooms
- T—Buckets
- T—Candles
- T—Charcoal
- T—Cloth dish towels
- T—Cloth hand and bath towels
- T—Cloth laundry bags
- T—Clothesline
- T—Clothespins
- T—Coat hangers
- T—Cookware, pots and pans
- T—Cutlery
- T—Decorations
- T—Dinnerware
- T—Dishpans
- T—Dispensers
- T—Door mat
- T—Drinking glasses
- T—Easter egg color/paint
- T—Extension cords
- T—Filters, disposable air
- T—Fire extinguishers
- T—Fly swatters
- T—Fly tapes

T—Furnishings, appliances, fittings, ornaments, furniture, equipment and accessories. Furnishings including bedding, rugs, lamps, hardware, electrical goods, mirrors, pillows, scarves for furniture, bookends, clocks, glassware, crockery, silverware, flatware and other household wares.

T—Fuses
 T—Glue
 T—Greeting cards
 T—Grill utensils, scrapers
 T—Grill replacement parts
 T—Hardware and tools
 T—Household linens, blankets
 T—Insecticide sprays
 T—Ironing board and covers
 T—Jars for canning and jar lids
 T—Light bulbs
 T—Lubricating oils
 T—Matches
 T—Metal and plastic cooking utensils and flatware
 T—Mops
 T—Moth balls
 T—Moth flakes
 T—Mouse traps
 T—Needles
 T—Notebooks
 T—Oilcloth
 T—Paints, brushes, and painting equipment
 T—Paint removers
 T—Plants, vegetable and flower (see Category 6)
 T—Playing cards
 T—Polishing cloths
 T—Refrigerator deodorants
 T—Rubber gloves
 T—Rug shampoo applicator
 T—Salt, water softeners
 T—Sandpaper
 T—Scrub brushes
 T—Seeds, vegetable and flower (see Category 6)
 T—Shoe brushes
 T—Sponges
 T—Squeegee scraper
 T—Stationery
 T—Static control spray, sheets
 T—Thermometer
 T—Thimbles
 T—Tie racks
 T—Toothpicks
 T—Turpentine and paint thinner
 T—Vacuum bottles
 T—Vacuum cleaner bags, disposable
 T—Vacuum cleaner parts
 T—Ventilating fans and equipment
 T—Water filters, replacement
 T—Wax applicator
 T—Wax paraffin

A. Soaps and Detergents

T—Bleaches
 T—Bluing
 T—Borax
 T—Cleaner, septic tank, hand, oven, toilet bowl, or tile
 T—Cleansers
 T—Detergents
 T—Drain opener
 T—Dry cleaning kits
 T—Pre-soaks
 T—Rug shampoo
 T—Soaps, scented and unscented
 T—Softeners (fabric)

T—Spot removers
 T—Starch
 T—Whiteners

B. Cleaning and Polishing Preparations

T—Car cleaners and waxes
 T—Glass cleaner
 T—Polishes, floor, furniture, silver and similar items
 T—Removers, rust or wax
 T—Scouring pads
 T—Steel wool

C. Paper Goods

T—Cups; paper, plastic or styrene
 NT—Disposable diapers and incontinence products
 T—Drop cloths, paper and plastic
 T—Facial tissue
 T—Filters, coffee
 T—Napkins
 T—Place mats
 T—Plates; paper, plastic or styrofoam
 NT—Sanitary napkins, tampons or similar items used for feminine hygiene
 T—Shelf paper, liners
 T—Straws
 T—Tablecloths
 NT—Toilet tissue
 T—Towels
 NT—Wet-wipes

D. Wrapping Supplies

T—Aluminum foil
 T—Food bags
 T—Plastic wraps
 T—Tape, masking, scotch, plastic, freezer, duct
 T—Trash bags, paper and plastic
 T—Twine
 T—Wax paper
 T—Wrapping paper, including gift wrapping, ribbons, etc.

(13) Infant Supplies

T—Accessories, nursing bottles, nipples, teething beads, teethingers
 NT—Bibs
 T—Car seat, infant
 T—Crib blankets
 T—Diaper bags
 NT—Diaper pins
 NT—Diapers, cloth and disposable
 NT—Diaper Service
 T—Liners, (nursing bottles)
 NT—Receiving blankets for infants
 NT—Rubber pants

(14) Jewelry

T—Earring backs
 T—Jewelry, although a religious symbol is incorporated
 T—Ornaments and pins for hats and dresses

(15) Luggage, Handbags, Carrying Bags, Wallets, etc.

T—Bags, carrying, athletic, book, etc.
 T—Handbags, pocketbooks and purses
 T—Knitting bags
 T—Leather goods, except clothing
 T—Luggage, briefcases
 T—Wallets and billfolds

(16) Medicine, Drugs and Medical Supplies: Prosthetic and Therapeutic Devices

The tax is not imposed on prescription or nonprescription medicines and drugs or medical supplies, crutches and wheelchairs for the use of people with disabilities, artificial limbs, artificial eyes and artificial hearing devices when designed to be worn on the person of the purchaser or user, false teeth and materials used by a dentist in dental treatment, eyeglasses when especially designed or prescribed by an ophthalmologist, oculist or optometrist for the personal use of the owner or purchaser, and artificial braces and supports designed solely for the use of people with disabilities, or any other therapeutic, prosthetic or artificial device designed for the use of a particular individual to correct or alleviate a physical incapacity, including, but not limited to, hospital beds, iron lungs, and kidney machines.

- T—Acne cleaners and acne pads
- NT—Acne treatments, lotions, creams
 - T—Adhesive removers
- NT—Adhesives used for medical treatment
 - T—Air cleaners and electrostatic machines
- NT—Alcohol, rubbing
- NT—Analgesics
- NT—Antacids
- NT—Antiseptics, for external use only
- NT—Applicators (See “Cotton applicators”)
- NT—Arch supports
- NT—Arm slings
- NT—Artificial eyes
- NT—Artificial limbs
- NT—Aspirin
 - T—Autoclave
- NT—Automobile accessories, when noted by the Department of Transportation upon the motor vehicle operator’s license of the purchaser that such accessories are necessary, and when charges for accessories are stated separately by the vendor on the sales invoice.
- NT—Automobile wheelchair lift
 - T—Baby powder
- NT—Bandages, dressings, gauze, and cotton
 - T—Bath tub and bathroom safety devices
 - T—Batteries, unless purchased from a medical supply house
 - T—Bed boards
- NT—Bed drain bags
- NT—Bed pans
- NT—Bed trapeze bars
- NT—Benzoin
 - T—Bicycle ergometer
 - T—Bidet toilet seat
 - T—Blankets
 - T—Blood agar plates
- NT—Blood glucose monitors used to treat diabetes (therapeutic devices)
- NT—Blood pack units
 - T—Blood pressure testing apparatus
- NT—Bone pins
- NT—Braces and supports worn on the body to correct or alleviate a physical incapacity
- NT—Braille teaching texts
 - T—Breast pumps
- NT—Breathing units, intermittent positive pressure
- NT—Burn ointment and lotion
- NT—Calamine lotion
- NT—Canes
- NT—Cardiac emergency kit
- NT—Cardiac pacemakers and electrodes

- NT—Castor oil
- NT—Catheters and accessories
 - T—Chemical agents and related supplies for analysis of patients’ specimens
- NT—Cod liver oil
- NT—Colostomy appliances
- NT—Colostomy deodorants
- NT—Commode, chair bedside
- NT—Commode seats, elevated for use by incapacitated persons
- NT—Contact lens, solutions, and kits
- NT—Corn pads and plasters for the removal of corns
- NT—Cotton applicators, cotton rolls, cotton balls and cotton swabs
- NT—Cough and cold items, cough drops, cough syrups
- NT—Crutches
 - NT—Crutch pads
 - T—Dehumidifiers
- NT—Dental floss
- NT—Dental materials used in dental treatment, including x-ray film, cotton, impression and materials
 - T—Dentist chair
- NT—Dentist drills, disposable
- NT—Dentist materials which are transferred to the patient, including dentures, fillings, crowns, inlays, bridges and lingual or palatal bars
 - T—Dentist replacement burs, drills, reusable
- NT—Denture products, including denture cleaners and adhesives
 - T—Deodorants, personal and room
 - T—Diagnostic equipment
 - T—Diagnostic glassware and diagnostic testing materials
- NT—Dialysis machines
- NT—Diathermy machines
- NT—Dietary supplements and substitutes
- NT—Diet pills
 - T—Disinfectants
- NT—Drapes, paper
 - T—Ear plugs
 - T—EKG mounts and EKG paper
- NT—Elastic bandages and braces
 - T—Electrocardiocorder
 - T—Elevators
- NT—Emesis basins or pans
- NT—Epsom salts
 - T—Esophageal dilator
 - T—Eucalyptus oil
- NT—Examining table paper
 - T—Exercise equipment, including exercise bikes and treadmill exercisers
- NT—Eye ointment
- NT—Eye pads
- NT—Eye washes
- NT—Eyeglasses, prescription
- NT—False teeth
- NT—First aid kits
- NT—Fluidic breathing assistor
- NT—Food substitutes
- NT—Foot pads, insoles, all types
- NT—Foot products for treatment of infections
- NT—Gauze
- NT—Gloves, surgical, disposable
- NT—Glycerine
- NT—Gowns, medical
- NT—Hearing aids
 - T—Heaters, portable, room
- NT—Heating pads
- NT—Hospital beds, having side rails, electric and non-electric with attachments

- NT—Hot water bottles
 T—Humidifiers
 NT—Hygienic needs, douche powder, vaginal preparations
 NT—Hydrogen peroxide
 NT—Ice bags
 NT—Ileostomy bags
 NT—Incontinence pants
 NT—Infusion pumps
 NT—Inhalation therapy equipment and equipment used to provide emergency breathing assistance
 NT—Insulin
 T—Intravenous stand
 NT—Iron lungs
 NT—IUD devices
 T—Laboratory testing and analysis equipment and supplies
 NT—Lactose intolerance medication
 NT—Lamps, ultraviolet and infrared
 NT—Laxatives and cathartics
 NT—Lifters, patient
 NT—Lubricating jelly
 NT—Lymphedema pumps
 T—Mattresses, air
 NT—Mattresses, alternating positive pressure
 NT—Mattresses and covers for hospital beds
 T—Medical alert cards
 T—Medical alert systems
 NT—Medicine cups, disposable
 NT—Mercurochrome
 T—Microscopes
 NT—Milk of magnesia
 T—Mouthwashes
 NT—Muscle stimulator, electronic, for physical therapy
 NT—Nasal cannula
 T—Nasal speculum
 T—Needle holder
 NT—Needles, disposable
 T—Needles and syringes, reusable
 NT—Orthodontic brackets
 T—Orthodontic trays
 NT—Orthopedic splints
 T—Overbed tables
 NT—Oxygen and oxygen equipment, when used for medical treatment
 NT—Pads, moist heat pad, alternating positive pressure pad, flotation pad, lambs wool pad
 NT—Paraffin bath units, standard or portable
 T—Percussors
 NT—Pet medicines
 NT—Petroleum jelly
 NT—Physical therapy equipment, when designed exclusively for use in correcting or alleviating a physical incapacity
 T—Placque remover
 T—Pore cleaners, medicated, pore strips
 NT—Postural drainage board
 T—Postural support chairs
 NT—Prophylactics
 NT—Prostheses (mammary, malar, chin, urinary, incontinence, etc.)
 T—Pumice powder
 NT—Pump, diaphragm, pressure vacuum
 T—Razor blades
 NT—Rectal preparations
 T—Safety grab bars
 NT—Sanitary napkins, tampons and similar items
 T—Sanitizer, air
 T—Sauna baths
 T—Scissors
 T—Shaving products
 T—Sheets, cloth
 NT—Sheets, disposable
 NT—Shoe insoles, orthopedically designed
 NT—Sitz bath
 NT—Smoking deterrents, gum and patch
 T—Soaps
 NT—Specimen containers, disposable
 T—Sphygmomanometer
 T—Sphygmostat
 NT—Stair gliders for persons having a physical disability. (EFF 7-1-98)
 T—Stethoscope
 NT—Styptic pencils
 T—Suction machines and pumps
 NT—Sunburn treatment lotions or creams
 T—Sunglasses (unless prescription)
 T—Suntan lotion, sunblock
 NT—Suppositories
 T—Surgical instruments
 NT—Surgical instruments and supplies, single use disposable
 NT—Sutures
 NT—Syringes, disposable
 T—Syringes, reusable
 T—Table, bedside
 T—Table, examining
 T—Talcum powder
 T—Telecaption equipment
 NT—Test strips used in treatment of diabetes
 T—Testing kits, pregnancy, UTI
 T—Thermometer, medical
 NT—Thermometer covers, disposable
 NT—Tongue depressor, disposable
 NT—Toothache drops
 NT—Tourniquets
 NT—Trachea tubes
 NT—Traction units, including bed stand, ankle, extension, pelvic or cervical units, head holder, fracture unit with trapeze bar set, weights, weight bags, pelvic lacing belt, and over door traction equipment
 NT—Tubing, intravenous
 NT—Urine drain bag
 T—Vacutainers
 NT—Vaginal diaphragms
 T—Vapona strips
 T—Vaporizers
 NT—Vitamins
 NT—Walking bars and walkers
 NT—Wheel chairs
 T—Whirlpool baths and whirlpool pumps
 T—X-ray equipment and machines
 T—X-ray film and chemicals not used by dentists
- (17) Miscellaneous
- T—Antiques
 T—Bullion (gold, silver)
 NT—Caskets, burial vaults, markers, cremation urns and tombstones for human graves, including foundations
 T—Coin banks and coin holders
 T—Coins and paper money, which are not legal tender in U.S.A., are taxable on full purchase price
 T—Coins and paper money, which are legal tender in U.S.A., are taxable on amount in excess of face value
 T—Dry ice, except when sold as an internal packaging material to retailer, manufacturer or processor

- NT—Safety equipment and devices designed and worn by production personnel employed in manufacturing, processing, mining, public utility, farming and dairying. Examples: asbestos suits, gloves, aprons, boots, masks, helmets, goggles and similar items
- T—Equipment and devices worn by nonproduction personnel
- T—Fencing materials
- NT—Flags of the U.S. and Commonwealth. Bunting and others are taxable.
- T—Fuel for motor vehicles, except when subject to Liquid Fuel or Fuel Use Tax
- T—Lunch kits, vacuum bottles, and replacement parts
- T—Motor vehicle repair services (including labor), accessories, parts, supplies, lubricants, and equipment
- T—Party favors
- T—Religious articles
- T—Scout supplies and training manuals, except when sold to a scout troop
- T—Souvenirs
- T—Stamps, uncancelled U.S.A. stamps are taxable on amount in excess of face value
- T—Stamps, cancelled U.S.A. stamps and all foreign stamps are taxable on the full purchase price
- T—Trading stamp redemption for taxable property
- NT—Coupon books sold to individual consumers

(18) Optical Goods

- NT—Contact lens, solutions, and kits
- NT—Eyeglasses and contact lenses, prescription
- T—Magnifying glasses
- T—Opera glasses and field glasses
- T—Sunglasses (prescription sunglasses are exempt)

(19) Pets

- NT—Boarding or sitting
- T—Clippers and clipper lubricants
- T—Equipment (collars, leashes, etc.)
- NT—Flea collars, flea powder, flea and tick soap, and tick sprays
- T—Food, including dietary food
- T—Grooming
- NT—Medicines and medical supplies
- T—Sale or rental of pets
- T—Shampoo

(20) Religious Articles

Effective October 12, 1999, bibles, religious publications, and religious articles are subject to tax unless purchased by organizations qualifying as institutions of purely public charities which hold an exemption number prefixed by the number 75, and government entities.

- T—Bibles (printed, audio or electronic data)
- T—Candles used in religious worship
- T—Holy water bottles
- T—Clergy vestments and choir and altar server clothing
- T—Nativity scenes
- T—Religious statues, medals and symbols used in religious worship
- T—Religious publications sold by religious groups
- T—Rosaries
- T—Wines used in religious services

(21) Restaurant Equipment and Supplies

Equipment, implements and similar property for use in the preparation and service of food is taxable.

- T—Carbonator for soda fountain operation

- NT—Carbon dioxide for soda fountain
- T—Equipment used to prepare and serve food and beverages
- T—Ice making equipment
- T—Napkins, wooden or plastic spoons, forks, straws, and similar articles for use in restaurants, vending machines and other eating places
- T—Vending machines and equipment
- NT—Wrapping supplies, paper or plastic plates, cups and similar articles for the delivery of food, used by restaurants or in vending machines

(22) Shoes and Shoe Accessories

Generally shoes designed for everyday wear are exempt. However, shoes designed for formal wear or sporting activities are taxable.

- T—Bathing (swimming) shoes
- NT—Overshoes
- NT—Safety shoes
- T—Shoe brushes, applicators and shoe trees
- T—Shoeclips
- NT—Shoe dye
- NT—Shoe laces
- NT—Shoe polish
- NT—Shoe repairs
- T—Shoes for baseball, bowling, football, golf, soccer, hockey, dance, etc.
- T—Shoes for formal wear, such as metallic cloth, brocade, satin, or silver leather, primarily for formal wear.
- NT—Slippers
- NT—Shoe soles and heels for shoe repair
- NT—Shower clogs
- NT—Sneakers, jogging, tennis and aerobic shoes

(23) Sporting Equipment, Clothing, Supplies and Recreational Equipment

Tax is imposed on sporting and recreational equipment and clothing and supplies which are designed to be worn and are normally worn only when engaged in sports.

- T—Accessories such as ammunition belts, hip waders and fly vests
- NT—Baseball caps and tee shirts
- T—Bathing caps
- T—Bathing suits
- T—Beach coats
- T—Bicycles, parts, accessories and supplies
- T—Boats, pleasure boats and equipment and parts
- NT—Bowling shirts
- T—Equipment and supplies for baseball, football, hockey, basketball, and other sports
- T—Guns and ammunition
- NT—Gym suits, outfits
- T—Helmets
- NT—Hunting coats, pants, and coveralls
- T—Hunting wear, reflecting orange
- NT—Jogging outfits, running shoes
- T—Mats, floor
- T—Protective equipment, knee pads, elbow pads, forearm pads, etc.
- T—Sleeping bags
- NT—Sneakers, jogging, tennis and aerobic shoes, etc.
- NT—Snowmobile suits
- T—Uniforms, baseball, football, soccer, basketball, hockey etc.
- NT—Warm-up suits, cloth sweat suits
- T—Weights
- T—Skates, ice, roller, in-line

(24) Tobacco Products

- T—Chewing tobacco, snuff
- T—Cigarettes
- T—Smoking accessories
- T—Tobacco, cigars

(25) Utilities and Fuel

- NT—Coal
- NT—Coin-operated telephone charges
 - T—Firelogs, processed
- NT—Firewood and kindling for residential use
- NT—Fuel oil, gas, steam, or electricity purchased for residential use
 - T—Fuel oil, gas, steam, or electricity purchased for commercial use
- T—Interstate and intrastate telephone services for residential or commercial use
- NT—Basic telephone service and subscriber line charges for residential use
 - T—Basic telephone service and subscriber line charges for commercial use
- T—Utilities for office or business within home

(26) Tires and Motor Vehicle Leases and Rentals Subject to Public Transportation Assistance Fund Taxes and Fees (PTA) (61 Pa. Code § 47.19).

The following items are subject to a Public Transportation Assistance Fund Taxes or Fees as indicated. The tax or fee is in addition to any sales or use tax which may be due. However, the sales, use, PTA taxes or PTA fees shall not be included within the tax base when imposing taxes or fees.

<i>Item</i>	<i>PTA Tax/Fee</i>	<i>Exemption</i>
Tires, new tires for highway use (used tires and tires for off highway use are not subject to the fee.)	\$1 fee upon the sale of each new tire.	Exempt only if purchased by government entity.
Rentals of Motor Vehicles (the term rental shall mean the transfer of the possession of a motor vehicle for a period of less than 30 days.)	\$2 fee upon each rental day.	Exempt, if lessee qualifies for sales tax exemption.
Leases of Motor Vehicles (the term lease shall mean the transfer of possession of a motor vehicle for a period of 30 or more days.)	3% tax upon the total lease payment including down payment and accelerated lease payments.	Exempt, if lessee qualifies for Sales Tax exemption.

(27) Vehicle Rental Tax (VRT) (61 Pa. Code § 47.20)

Rental companies that have available for rental five or more motor vehicles designed to carry 15 or less passengers, or a truck, trailer, or semi-trailer used in the transportation of property other than commercial freight that is rented without a driver are responsible for collecting an additional 2% tax. This tax is imposed on the purchase price, as calculated for sales tax purposes, of

each rental contract for a period of 29 consecutive days or less. The VRT is separate from, and in addition to, any applicable state or local sales tax or the \$2 daily PTA fees.

Rental companies may claim a refund up to the amount of tax remitted for licensing and titling fees paid to the Commonwealth during a previous calendar year.

ROBERT A. JUDGE, Sr.,
Secretary

[Pa.B. Doc. No. 00-955. Filed for public inspection June 2, 2000, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Application for Lease of Right-of-Way; District 11-0

The Department of Transportation, pursuant to the authority contained in Section 2002 © of the Administrative Code (71 P. S. § 5129 (c)) and in 67 Pa. Code § 495.4, gives notice that an application to lease highway right-of-way has been submitted to the Department by Cardello Associates of 701 North Point Drive, Pittsburgh, Pennsylvania seeking to lease highway right-of-way located beneath the West End Bridge between Ridge Avenue and relocated Reedsdale Street, 21st Ward, City of Pittsburgh, Allegheny County containing 15,395± square feet, adjacent to S. R. 8045 (L. R. 1039, Section B04) for purposes of vehicle parking. Interested persons are invited to submit, within thirty (30) days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions and/or objections regarding the approval of this application to Raymond S. Hack, P.E., District Engineer, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, Pennsylvania 15017.

Questions regarding this application or the proposed use may be directed to: Michael Sudar, District Property Manager, 45 Thoms Run Road, Bridgeville, PA 15017, (412) 429-4830.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 00-956. Filed for public inspection June 2, 2000, 9:00 a.m.]

Application for Lease of Right-of-Way; District 11-0

The Department of Transportation, pursuant to the authority contained in Section 2002 © of the Administrative Code (71 P. S. § 5129 (c)) and in 67 Pa. Code § 495.4, gives notice that an application to lease highway right-of-way has been submitted to the Department by Typecraft Press, Inc., of 45 South 23rd Street, P. O. Box 4295, Pittsburgh, Pennsylvania seeking to lease highway right-of-way located on the westerly side of 23rd Street and the Birmingham Bridge, in the Sixteen Ward, City of Pittsburgh, Allegheny County containing 10,730± square feet, adjacent to S. R. 2085 (L. R. 02266, Section 2E) for purposes of vehicle parking. Interested persons are invited to submit, within thirty (30) days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions and/or objections regarding the approval of this application to Raymond S. Hack, P.E.,

District Engineer, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, Pennsylvania 15017.

Questions regarding this application or the proposed use may be directed to: Michael Sudar, District Property Manager, 45 Thoms Run Road, Bridgeville, PA 15017, (412) 429-4830.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 00-957. Filed for public inspection June 2, 2000, 9:00 a.m.]

Contemplated Sale of Land No Longer Needed for Transportation Purposes

Notice is hereby given that the Department of Transportation, pursuant to 71 P. S. § 513(e)(7), intends to sell certain land owned by it.

The following is a list of the properties for sale by the Department.

1. Richland Township, Cambria County. The parcel contains 175,111 square feet (4.02 acre) of unimproved land situated at SR 219 and Galleria Exit. Estimated fair market value is unknown.

2. Bedford Township, Bedford County. The parcel contains 19,253 square feet (0.442 acre) of unimproved land situated at U. S. 220 and West Pitt Street. Estimated fair market value is unknown.

Interested public entities are invited to express their interest in purchasing either site within 30 calendar days from the date of publication of this notice to: Earl L. Neiderhiser, P.E., District Engineer, PA Department of Transportation, Engineering District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 00-958. Filed for public inspection June 2, 2000, 9:00 a.m.]

Retention of Engineering Firms

Dauphin County

Project Reference No. 08430AG2562

The Department will retain an engineering firm to provide supplementary construction inspection staff of approximately sixteen (16) inspectors, under the Department's Inspector(s)-in-Charge for construction inspection and documentation services on S. R. 0081-005, Dauphin County.

This project involves the reconstruction of the 0.4-mile section of I-81 from the Susquehanna River to the I-83 interchange in Susquehanna Township. Construction consists of reinforced concrete and bituminous and "super pave" pavements for mainline and ramp extensions. Ten (10) structures will be rehabilitated with deck replacements. There will be improvements to the existing drainage system and guide rail will be updated. The project also includes the placement of overhead signing as well as the installation of an electronic intelligent transportation system (ITS). Note: Night shift and six (6) day workweeks

are expected with a possibility of dual work shifts during peak project phase milestones.

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 final ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the final ranking.

The following factors, listed in the 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 placement, rigid and bituminous concrete paving and drainage.

B. Number of NICET certified inspectors in each payroll classification.

C. Number of NECEPT certified inspectors, with the exception of the TCM-1 and TA personnel in each payroll classification. To receive the highest rating, 50% of the inspectors shown in the letter of interest must be certified and a training plan to achieve 75% and 100% certification by January of 2002 and 2003 respectively must be presented.

D. Understanding of Department's requirements, policies and specifications.

E. Number of available inspectors in each payroll classification.

F. Past performance.

The qualifications and experience required of the firm's inspectors will be established by the Department, and the qualifications of the firm's proposed employees will be reviewed and approved by the Department.

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

<i>Classification</i>	<i>No. of Inspectors</i>
Transportation Construction (1) Manager 1 (TCM-1)	1 (1)
(NICET Highway Construction Level 4 or equivalent)	
Transportation Construction Inspector Supervisor (TCIS)	4 (4)
(NICET Highway Construction Level 3 or equivalent)	
Transportation Construction Inspector—Materials (TCI-M)	1 (1)
(NICET Highway Materials Level 2 or equivalent)	
Transportation Construction Inspector (TCI)	6 (4)
(NICET Highway Construction Level 2 or equivalent)	
Technical Assistant (TA)	4 (0)
(NICET Highway Construction Level 1 or equivalent)	

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 Technology (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 experience specified for the Inspection Classification.

The maximum reimbursement per hour of inspection for each Department Payroll Classification for calendar year 2000:

<i>Payroll Classification</i>	<i>Maximum Straight Time Reimbursement Per Hour Of Inspection</i>
TCM-1	\$47.65
TCIS	\$41.75
TCI-M	\$37.65
TCI	\$36.53
TA	\$25.12

The maximum reimbursement per hour of inspection includes all cost 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 labor standards, safety and accident prevention, and equal opportunity provisions of the contract items; personnel should be proficient with the Department's construction documentation policies and procedures as well as "CDS" operations 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 Density Gauge/License at point of need when needed
- 2 Paint Test Kits
- 12 Cellular Telephones (For Engineer's employees only)
- 2 Cameras (1 Digital and 1 Standard 35mm)

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

Letters of interest for this project must include a letter, signed by the individuals you propose for all TCM-1 and or TCIS positions, giving their approval to use their name in your letter of interest for this specific project.

The maximum number of resumes to be included in the letter of interest shall be as follows:

<i>Classification</i>	<i>No. of Resumes</i>
TCM-1	2
TCIS	5
TCI-M	2
TCI	8
TA	0

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

The letter of interest submission shall be sent to:

Mr. Barry G. Hoffman, P.E., District Engineer
 Engineering District 8-0
 2140 Herr Street
 Harrisburg, PA 17103-1699
 Attention: Mr. Richard K. Waddell

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: Richard K. Waddell, District 8-0, Construction Unit at (717) 787-5054, fax (717) 772-0397.

Warren County

Project Reference No. 08430AG2563

The Department will retain an engineering firm to provide preliminary engineering, environmental studies, final design, and consultation during construction under a Multi-Phase Agreement on the following project:

1. S. R. 3005, Section B00, Warren County. Local Name: Hickory Street Bridge. This project involves the preparation of an Environmental Assessment and Preliminary Engineering, Final Design, and Consultation During Construction on S. R. 3005 (Hickory Street) over the Allegheny River in the City of Warren, Warren County.

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

- a) Past record of performance with respect to cost control, work quality, ability to meet schedules, and previous experience. The specific experience of individuals employed by the firm shall be considered.
- b) Available staffing for this assignment and the ability to meet the Department's needs.
- c) Specialized experience and technical competence of firm.
- d) Location of Consultant with respect to the District Office.
- e) Availability of listed staff and current workload.

The firm selected may be required to do the following engineering and design services: all studies necessary for the development of an Environmental Document (EA)

including Section 4(f) evaluation; alternative analysis; bridge condition survey report; public, local officials, and agency coordination; media coordination; web site development and maintenance; field surveys; wetland investigation; utility coordination; right-of-way impact assessment and a right-of-way plan; geotechnical investigations; traffic studies; safety review; value engineering; E & S plans; H & H report; TS & L submission; completion of a Design Field View submission; foundation report; structure design and plan; roadway design; construction plans; provide schedules using an approved management software; preparation of the plans, specifications, and estimate package; and consultation during construction.

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

This project reference assignment is considered 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), and additional resumes, if applicable. (See the General Requirements and Information Section).

The Letter of Interest submission shall be sent to:

Mr. John L. Baker, P.E., District Engineer
Engineering District 1-0
255 Elm Street
Oil City, PA 16301
Attn: Mr. Michael L. McMullen, 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 Jeanette Uhl, phone number (814) 678-7084; fax number (814) 678-7036.

Mercer County

Project Reference No. 08430AG2564

The Department will retain an engineering firm to perform preliminary engineering, environmental studies, final design, and consultation during construction for S. R. 60 (Broadway Avenue) from S. R. 3015 to the S. R. 62 overpass under a Multi-Phase Agreement for the following project:

1. S. R. 0060, Section A02, Mercer County. Local Name: Broadway Avenue. Formerly known as S. R. 718, Section A00 Project (S. R. 718 has changed to S. R. 0060 in this location).

This project involves the preparation of an Environmental Assessment (EA), Preliminary Engineering, Final Design, and Consultation During Construction for Broadway Avenue (S. R. 0060-A02) from Church Street (S. R. 3015) to the Shenango Valley Highway Overpass (S. R. 0062).

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. Proven ability to meet project schedules and control costs.
- b. Experience and competence of project manager and key personnel.

c. Innovations and flexibility in thinking, particularly with respect to the needs of the local community.

d. Past performance record on similar projects.

e. Past performance record of listed sub-consultants.

f. Availability of listed staff.

g. Current workload.

The firm selected may be required to do the following engineering and design services: All studies necessary for the development of an Environmental Document (EA); public and agency coordination; development and maintenance of a web site; media coordination; field surveys; wetland investigations; right-of-way impact assessment; utility coordination; traffic studies; safety review; value engineering; Preliminary Design Field View submission (Step 9); PUC coordination; final roadway design; construction plans (including possibly landscaping); provide schedules using an approved management software program; preparation of the plans, specifications, and estimate package; and consultation during construction.

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

This project reference assignment is considered 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), and additional resumes, if applicable. (See the General Requirements and Information Section).

The Letter of Interest submission shall be sent to:

Mr. John L. Baker, P.E., District Engineer
Engineering District 1-0
255 Elm Street
Oil City, PA 16301
Attn: Mr. Michael L. McMullen, 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 Jeanette Uhl, phone number (814) 678-7084, fax number (814) 678-7036.

Bedford, Blair, Cambria, Fulton, Huntingdon and Somerset Counties

Project Reference No. 08430AG2531

The Department previously advertised this Project Reference Number on April 22, 2000 to solicit Letters of Interest for the Department to retain an engineering firm for an Open-End Contract for engineering services to designate and locate utilities on various projects located in Engineering District 9-0, that is Bedford, Blair, Cambria, Fulton, Huntingdon and Somerset Counties. This Contract will be for a sixty (60) month period with projects assigned on an as-needed basis. The maximum amount of this Open-End Contract will be \$500 thousand.

For additional information concerning this Project Reference Number please refer to the April 22, 2000 advertisement. That advertisement established a deadline for submitting a Letter of Interest as May 3, 2000. This notification extends that deadline to June 13, 2000 as indicated below.

If you have already submitted a Letter of Interest for this Project Reference Number no additional action is required.

If you desire to submit/resubmit a Letter of Interest the submission shall be sent to:

Mr. Earl L. Neiderhiser, P.E., District Engineer
Engineering District 9-0
1620 N. Juniata Street
Hollidaysburg, PA 16648
Attn: David L. Sherman, 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 June 13, 2000.

Any technical questions concerning the requirements for this project should be directed to David L. Sherman, P.E., phone number (814) 696-7172, fax number (814) 696-7173.

Statewide

Project Reference No. 08430AG2547

The Department previously advertised this Project Reference Number on May 6, 2000 to solicit Letters of Interest for the Department to retain four (4) photogrammetric mapping firms for Open-End Contracts for photogrammetric services. Each Contract will be for a sixty (60) month period with projects assigned on an as-needed basis. The maximum amount of each of the Open-End Contracts will be \$2.0 million.

For additional information concerning this Project Reference Number please refer to the May 6, 2000 advertisement. That advertisement established a deadline for submitting a Letter of Interest as May 26, 2000. This notification extends that deadline to June 13, 2000 as indicated below.

If you have already submitted a Letter of Interest for this Project Reference Number no additional action is required.

If you desire to submit/resubmit a Letter of Interest the submission shall be sent to:

Mr. Dean A. Schreiber, P.E., Director
Bureau of Design
7th Floor, Forum Place
555 Walnut Street
Harrisburg, PA 17101-1900
Attn: L. Bradley Foltz, P.L.S.

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 June 13, 2000.

Any technical questions concerning the requirements for this project should be directed to L. Bradley Foltz, phone number (717) 948-3830 ext. 3002, fax number (717) 948-3826.

Berks County

Project Reference No. 08430AG2555

The Department previously advertised this Project Reference Number on May 20, 2000 to solicit Letters of Interest for the Department to retain an engineering firm for a multi-phase, specific project Agreement to provide preliminary design, completion of environmental documentation, final design, and services during construction on S. R. 3061, Section TLP, Berks County, Tulpehocken Creek Bridge Replacement.

For additional information concerning this Project Reference Number please refer to the May 20, 2000 adver-

tisement. That advertisement established a deadline for submitting a Letter of Interest. This notification extends that deadline to June 13, 2000 as indicated below.

If you have already submitted a Letter of Interest for this Project Reference Number no additional action is required.

If you desire to submit/resubmit a Letter of Interest the submission shall be sent to:

Mr. Walter E. Bortree, District Engineer
Engineering District 5-0
1713 Lehigh Street
Allentown, PA 18103
Attn: James R. McGee, 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 June 13, 2000.

Any technical questions concerning the requirements for this project should be directed to James R. McGee, P.E., phone number (610) 798-4158, fax number (610) 798-4116 or Stephen L. Caruano, P.E., phone number (610) 798-4226, fax number (610) 798-4116.

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

Project Reference No. 08430AG2556

The Department previously advertised this Project Reference Number on May 20, 2000 to solicit Letters of Interest for the Department to retain an engineering firm to provide engineering review and supplementary construction inspection staff of eleven (11) inspectors, under the Department's Inspector(s)-in-Charge for construction inspection and documentation services on various Highway Occupancy Permit projects within the geographic confines of Engineering District 1-0.

The Engineering Agreement will be in two (2) parts. The work tasks in Part I will be the review of Highway Occupancy Permit applications and site development plans to ensure compliance with applicable PennDOT and FHWA policies and regulations and current engineering criteria. The work tasks in Part II will be to provide construction inspection of Highway Occupancy Permit projects.

For additional information concerning this Project Reference Number please refer to the May 20, 2000 advertisement. That advertisement established a deadline for submitting a Letter of Interest. This notification extends that deadline to June 13, 2000 as indicated below.

If you have already submitted a Letter of Interest for this Project Reference Number no additional action is required.

If you desire to submit/resubmit a Letter of Interest the submission shall be sent to:

Mr. John L. Baker, P.E., District Engineer
Engineering District 1-0
P. O. Box 398
255 Elm Street
Oil City, PA 16301
Attn: Mr. David G. Stearns, 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 June 13, 2000.

Any technical questions concerning the requirements for this project should be directed to Mr. David G. Stearns, P.E., phone number (814) 678-7038, fax number (814) 678-7033.

Schuylkill County**Project Reference No. 08430AG2557**

The Department previously advertised this Project Reference Number on May 20, 2000 to solicit Letters of Interest for the Department to retain an engineering firm to provide supplementary construction inspection staff of approximately eight (8) inspectors, under the Department's Inspector-in-Charge, for construction inspection and documentation services on S. R. 0061, Section 13S, Schuylkill County, 61 Dusselink Safety Improvements.

For additional information concerning this Project Reference Number please refer to the May 20, 2000 advertisement. That advertisement established a deadline for submitting a Letter of Interest. This notification extends that deadline to June 13, 2000 as indicated below.

If you have already submitted a Letter of Interest for this Project Reference Number no additional action is required.

If you desire to submit/resubmit a Letter of Interest the submission shall be sent to:

Mr. Walter E. Bortree, P.E., District Engineer
Engineering District 5-0
2460 Parkwood Drive
Allentown, PA 18103
Attn: Brian H. Graver

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 June 13, 2000.

Any technical questions concerning the requirements for this project should be directed to Brian H. Graver, phone number (610) 791-6022, fax number (610) 791-6032.

**Berks, Carbon, Lehigh, Monroe,
Northampton and Schuylkill Counties****Project Reference No. 08430AG2558**

The Department previously advertised this Project Reference Number on May 20, 2000 to solicit Letters of Interest for the Department to 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 \$500 thousand.

For additional information concerning this Project Reference Number please refer to the May 20, 2000 advertisement. That advertisement established a deadline for submitting a Letter of Interest. This notification extends that deadline to June 13, 2000 as indicated below.

If you have already submitted a Letter of Interest for this Project Reference Number no additional action is required.

If you desire to submit/resubmit a Letter of Interest the submission shall be sent to:

Mr. Walter E. Bortree, P.E., District Engineer
Engineering District 5-0
1713 Lehigh Street
Allentown, PA 18103
Attn: James R. McGee, 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 June 13, 2000.

Hand delivered Letters of Interest must be stamped in at the District mailroom before the aforementioned deadline.

Any technical questions concerning the requirements for this project should be directed to James R. McGee, P.E., phone number (610) 798-4158, fax number (610) 798-4116, or Michael M. Pack, phone number (610) 798-4257, fax number (610) 798-4116.

Lehigh County**Project Reference No. 08430AG2559**

The Department previously advertised this Project Reference Number on May 20, 2000 to solicit Letters of Interest for the Department to retain an engineering firm for a multi-phase, specific project Agreement, to provide preliminary design, completion of environmental documentation, final design, and services during construction on the following two (2) projects:

1. S. R. 2027, Section 02B, Lehigh County. Local Name: Hosensack Bridge Replacement.
2. S. R. 2031, Section 05B, Lehigh County. Local Name: Spinnerstown Bridge Replacement.

For additional information concerning this Project Reference Number please refer to the May 20, 2000 advertisement. That advertisement established a deadline for submitting a Letter of Interest. This notification extends that deadline to June 13, 2000 as indicated below.

If you have already submitted a Letter of Interest for this Project Reference Number no additional action is required.

If you desire to submit/resubmit a Letter of Interest the submission shall be sent to:

Mr. Walter E. Bortree, P.E., District Engineer
Engineering District 5-0
1713 Lehigh Street
Allentown, PA 18103
Attn: James R. McGee, 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 June 13, 2000.

Any technical questions concerning the requirements for this project should be directed to James R. McGee, P.E., phone number (610) 798-4158, fax number (610) 798-4116 or Stephen L. Caruano, P.E., phone number (610) 798-4226, fax number (610) 798-4116.

Lehigh County**Project Reference No. 08430AG2560**

The Department previously advertised this Project Reference Number on May 20, 2000 to solicit Letters of Interest for the Department to retain an engineering firm for a multi-phase, specific project Agreement, to provide preliminary design, completion of environmental documentation, final design, and services during construction on the following two (2) projects:

1. S. R. 2045, Section 01B, Lehigh County. Local Name: Center Valley Bridge Replacement.
2. S. R. 2045, Section 02B, Lehigh County. Local Name: Saucon Creek Bridge Replacement.

For additional information concerning this Project Reference Number please refer to the May 20, 2000 advertisement. That advertisement established a deadline for submitting a Letter of Interest. This notification extends that deadline to June 13, 2000 as indicated below.

If you have already submitted a Letter of Interest for this Project Reference Number no additional action is required.

If you desire to submit/resubmit a Letter of Interest the submission shall be sent to:

Mr. Walter E. Bortree, P.E., District Engineer
Engineering District 5-0
1713 Lehigh Street
Allentown, PA 18103
Attn: James R. McGee, 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 June 13, 2000.

Any technical questions concerning the requirements for this project should be directed to James R. McGee, P.E., phone number (610) 798-4158, fax number (610) 798-4116 or Stanley J. Poplawski, phone number (610) 798-4157, fax number (610) 798-4116.

Armstrong County

Project Reference No. 08430AG2561

The Department previously advertised this Project Reference Number on May 20, 2000 to solicit Letters of Interest for the Department to retain an engineering firm to provide final design and construction services on S. R. 4023, Section 191, Armstrong County, Tarrtown Road.

For additional information concerning this Project Reference Number please refer to the May 20, 2000 advertisement. That advertisement established a deadline for submitting a Letter of Interest. This notification extends that deadline to June 13, 2000 as indicated below.

If you have already submitted a Letter of Interest for this Project Reference Number no additional action is required.

If you desire to submit/resubmit a Letter of Interest the submission shall be sent to:

Mr. Richard H. Hogg, P.E., District Engineer
Engineering District 10-0
2550 Oakland Avenue
P. O. Box 429
Indiana, PA 15701
Attn: Timothy Jablunovsky, 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 June 13, 2000.

Any technical questions concerning the requirements for this project should be directed to Timothy Jablunovsky, P.E., phone number (724) 357-4800, fax number (724) 357-1905.

General Requirements and Information

Firms interested in providing the above work and services are invited to submit a Letter of Interest with the required information for each Project Reference Number for which the applicant wishes to be considered.

The Letter of Interest and required information must be submitted to the person designated in the individual advertisement.

The Letter of Interest and required information must be received by the Deadline indicated in the individual advertisement.

All consultants, both prime consultants and subconsultants, who desire to be included in a Letter of Interest must have an Annual Qualification Package on file with

the appropriate District Office, by the deadline stipulated in the individual advertisements.

For Statewide projects, all consultants, both prime consultants and subconsultants, who desire to be included in a Letter of Interest must have an Annual Qualification Package on file with the Central Office, Bureau of Design by the deadline stipulated in the individual advertisements.

By submitting a letter of interest for the projects that request engineering services, the consulting firm is certifying that the firm is qualified to perform engineering services in accordance with the laws of the Commonwealth of Pennsylvania. A firm not conforming to this requirement may submit a letter of interest as a part of a joint venture with an individual, firm or corporation which is permitted under State law to engage in the practice of engineering.

Information concerning the Annual Qualification Package can be found in Strike-off Letter No. 433-99-04 or under the Notice to all Consultants published in the February 27, 1999 issue of the *Pennsylvania Bulletin*.

The requirements for Letters of Interest, in addition to the requirements stipulated in the individual advertisement, are as follows:

1. The Letter of Interest must include the project reference number, the firm's legal name, and the firm's federal identification number.
2. Identify the project manager.
3. Identify subconsultants, if any, including DBE/WBE, if required.
4. Identify key project staff.
5. Include full disclosure of any potential conflict of interest by the prime or any subconsultant based on Engineering Involvement Restrictions Guidelines as established in Strike-off Letter No. 433-00-02 published March 27, 2000. If there are no potential conflicts you shall include the following statement: I have reviewed Strike-off Letter No. 433-00-02 and determine that there are no potential conflicts of interest for anyone on this project team.

If a Joint Venture responds to a project advertisement, the Department of Transportation will not accept separate Letters of Interest from the Joint Venture constituents. A firm will not be permitted to submit a Letter of Interest on more than one (1) Joint Venture for the same Project Reference Number. Also a firm that responds to a project as a prime may not be included as a designated subcontractor to another firm that responds as a prime to the project. Multiple responses under any of the foregoing situations will cause the rejection of all responses of the firm or firms involved. The above does not preclude a firm from being set forth as a designated subcontractor to more than one (1) prime responding to the project advertisement.

If a goal for Disadvantaged Business Enterprise (DBE) participation is established for an advertised project, firms expressing interest in the project must agree to ensure that Disadvantaged Business Enterprise (DBE) firms as defined in the Transportation Equity Act for the 21st century (TEA-21) and currently certified by the Department of Transportation shall have the opportunity to participate in any subcontracting or furnishing supplies or services approved under Form 442, Section 1.10(a). The TEA-21 requires that firms owned and controlled by women (WBEs) be included, as a presump-

tive group, within the definition of Disadvantaged Business Enterprise (DBE). The goal for DBE participation shall be as stated in the individual project advertisement. Responding firms shall make good faith efforts to meet the DBE goal using DBEs (as they are defined prior to the act, WBEs or combinations thereof).

Proposing DBE firms must be certified at the time of submission of the Letter of Interest. If the selected firm fails to meet the established DBE participation goal, it shall be required to demonstrate its good faith efforts to attain the goal.

Responses are encouraged by small firms, Disadvantaged Business Enterprise (DBE) firms, and other firms who have not previously performed work for the Department of Transportation.

The assignment of the agreement/contract for the above advertisement(s) will be made to one of the firms who submitted an acceptable Letter of Interest in response to the project advertisement. The assignment will be made based on the Department's evaluation of the firm's qualification and capabilities. The Department reserves the right to reject all letters submitted, to cancel the solicitations requested under this Notice, and/or to readvertise solicitation for the work and services.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 00-959. Filed for public inspection June 2, 2000, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the designated standing committees may issue comments within 20 days of the close of the public comment period, and the Commission may issue comments within 10 days of the close of the committee comment period. The Commission comments are based upon the criteria contained in section 5a(h) and (i) of the act (75 P. S. § 745.5a(h) and (i)).

The Commission has issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulation. The final-form regulations must be submitted by the dates indicated.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Issued</i>	<i>Deadline</i>
57-214	Pennsylvania Public Utility Commission Universal Service Fund	5/18/00	4/17/02

Pennsylvania Public Utility Commission Regulation No. 57-214

Universal Service Fund

May 18, 2000

We submit for consideration the following objections and recommendations regarding this regulation. Each

objection or recommendation includes a reference to the criteria in the Regulatory Review Act (71 P. S. § 745.5a(h) and (i)) which has not been met. The Pennsylvania Public Utility Commission (PUC) must respond to these Comments when it submits the final-form regulation. If the final-form regulation is not delivered by April 17, 2002, the regulation will be deemed withdrawn.

1. Regulatory Review Act Sections 5a(i)(1) and 5a(i)(3)(iv).

The PUCs Order and the Regulatory Analysis Form do not contain sufficient information to evaluate the economic and fiscal impact of this regulation or the regulation's reasonableness. There are four specific areas where we have concerns.

First, we are unable to determine the dollar amount of the overall Universal Service Fund (Fund). The Preamble indicates the annual amount of the Fund will be approximately \$30 million. However, the regulation does not specify any maximum or minimum limit on the actual dollar amount of the Fund, or directly tie the dollar amount to specific changes in local telecommunication provider's revenues.

Second, the regulation does not provide any limits on the services that may be supported by the Fund. The regulation sets forth the current intent of the Fund in section 63.161(3). However, section 63.164(1) states that the PUC may establish new programs eligible for universal service funding. Therefore, the regulation does not specify any limit on the scope of services that could be supported by the Fund.

Third, section 63.171 (relating to sunset provision) states the "Fund shall expire on December 31, 2003, unless the term of the Fund is extended by the Commission." The regulation would allow the term of the Fund to be extended by PUC order. The regulation does not specify under what authority or circumstances the PUC would extend the term of the Fund beyond December 31, 2003. Therefore, the term of the Fund is unclear, which could significantly affect Fund recipients.

Finally, the PUC did not provide an estimate of the operating cost of the Fund. These costs include those determined by competitive bid (the administrator and auditor), the reserve in section 63.165(b), and the cost to telecommunications providers to report monthly to the administrator.

The Regulatory Review Act requires us to consider these costs in determining whether the regulation is in the public interest. The PUC must provide this information with the final-form regulation so that we can determine whether the regulation is in the public interest.

2. Section 63.161. Statement of purpose and policy.—Economic and fiscal impact; Adverse effects on competition; Need; Reasonableness; Clarity.

We have three concerns with paragraph (3). First, paragraph (3) uses the word "currently" in describing the intent and purpose of the Fund. The word "currently" implies the PUC may change the intent and purpose, which in turn will significantly change the economic impact and reasonableness of the Fund. Conversely, the PUC Order in the Preamble states the Fund will be used "to equalize the revenue deficits occasioned by mandated decreases in toll and access charges receipts." The PUC should delete the word "currently" and establish reasonable bounds to the Fund in the regulation consistent with the PUC Order in the Preamble.

Second, paragraph (3) concludes “the manner by which the funds are used will be determined by applicable orders of the Commission [PUC]” As written, the regulation would allow the PUC to change the regulation by order. This would deny the opportunity for public and legislative review under the Regulatory Review Act. Therefore, the PUC should delete the last sentence of paragraph (3).

Finally, we understand that rates will be restructured to accommodate competition. However, we question why the term “and cap” is included in paragraph (3). The term should be deleted unless the PUC can justify its use.

3. Section 63.162. Definitions.—Economic and fiscal impact; Reasonableness; Clarity.

Consistent use of terms

The body of the regulation uses terms that are not defined in section 63.162. For example, the terms “carrier” and “telecommunications provider” are used in section 63.165. For clarity, the PUC should review the regulation for terms that are not defined and replace them with defined terms.

Assessment rate

This definition provides a basic explanation of the term, while also providing the formula for the monthly contribution. Substantive language, such as the formula, should not be included in a term’s definition. The PUC should limit the definition of this term to its base explanation and move the formula for the assessment rate to section 63.165 (relating to calculation of contributions).

Basic universal service

Although this term is defined in section 63.162, it is not used elsewhere in the regulation. Therefore, it should be deleted from section 63.162.

Contributing telecommunications providers

The concluding sentence of this definition states, “. . . except that wireless carriers will be exempt from this subchapter.” (Emphasis added.) Wireless carriers are currently exempt under both State law (66 Pa.C.S. § 102(2)(iv)) and Federal law (47 U.S.C.A. § 332). Therefore, for clarity, the regulation should state “. . . wireless carriers are exempt from this subchapter.” (Emphasis added.) Additionally, the PUC should include in this definition citations to State and Federal law regarding the wireless services exemption.

End-user revenue

The definition of “end-user revenue” states that retail revenue “. . . does not include those revenues received from access, resale (toll or local), unbundled network elements or other services which are essentially wholesale in nature.” By excluding these services from the Incumbent Local Exchange Company’s (ILECs) calculation of end-user revenue, the ILEC’s payments will be smaller than they otherwise would be.

One potential Competitive Local Exchange Company (CLEC) commented that the use of end-user revenue is not competitively neutral, and that “each carrier’s gross intrastate revenues, minus payments to other carrier’s (sic) for wholesale services” should be used. The PUC should explain why “end-user intrastate retail revenue” is the most appropriate vehicle to accomplish competitive neutrality.

Fund recipient

We have two concerns with this definition. First, “fund recipient” is defined as “[A]n entity or person who re-

ceives funds from the Fund.” This sentence is vague. The PUC should clarify who is an eligible fund recipient in the final-form regulation.

Second, the definition includes “[A]ll incumbent local exchange carriers operating in the Commonwealth, with the exception of Bell Atlantic-Pennsylvania, Inc. and GTE, shall be eligible Fund recipients.” This is a substantive provision. As noted in our discussion of the definition of “assessment rate,” substantive provisions should not be included in a term’s definition. Therefore, we suggest that this sentence be moved to section 63.163 (relating to universal service fund administration).

Local service provider

The definition of this term uses the undefined phrase “basic local exchange services.” The PUC should explain the meaning of “basic local exchange services” in the final-form regulation.

4. Section 63.163. Universal service fund administration.—Need; Clarity.

Subsection (a)

We have three concerns with subsection (a). First, it describes a competitive bidding process, but does not state the term of the contract. The PUC should amend subsection (a) to provide the length of the contract awarded.

Second, subsection (a) describes the administrator’s responsibilities. The description generally describes the criteria listed in section 63.166 (relating to administrator criteria). For clarity, the PUC should reference section 63.166, and consider whether the last two sentences of subsection (a) are needed.

Third, for improved clarity, the term “affiliate” should be defined or explained.

Subsection (d)

The last sentence in this subsection is not clear. While local service providers are to submit universal service reimbursement claims to the administrator, to whom will the administrator be making payments on those claims? The final-form regulation should be amended to specify to whom payment on claims is to be made. The most appropriate parties would appear to be Fund recipients.

Subsection (e)

Who is “any other interested party”? “Contributing telecommunications providers” and “Fund recipients” should automatically receive a copy of the report so that they can effectively comment under subsection (f). However, the regulation is unclear as to who will be served with copies of the report. The PUC should also clarify who can request the administrator’s annual report in the final-form regulation.

Subsection (f)

This subsection does not state where comments on the administrator’s report are to be filed. The words “with the Commission” should be inserted so that it reads “. . . file comments on the administrator’s report with the Commission. . . .”

5. Section 63.164. Commission oversight.—Economic and fiscal impact; Reasonableness; Clarity.

Subsection (a)

This subsection requires the PUC to issue an order establishing “a budget, assessment rate for contributing

telecommunications providers and administrative guidelines. . . .” The size of the Fund, however, is not one of the items to be established in the PUC Order. This is a fundamental aspect of the proposed rulemaking, and the PUC should include the size of the Fund or the process for determining the size of the Fund in this section of the final-form regulation.

Paragraphs (1)—(4)

Paragraphs (1)—(4) provide for alteration of the Fund by establishing new programs, terminating existing programs, reallocating the budget among programs, and modifying support formulas or benefits within a program. It is unclear what these “programs” are and what economic impact these alterations would have.

The PUC Order in the Preamble states the Fund will be used to equalize revenue deficits that result from changes in toll and access charges. It appears paragraphs (1)—(4) go beyond the intent of the Fund expressed in the PUC Order. Consistent with our comment on section 63.161(3), the PUC should delete paragraphs (1)—(4).

Paragraph (6)

This paragraph establishes the compensation for the administrator and the auditor of the Fund. Doesn’t the competitive bidding process (section 63.163, relating to universal service fund administration) establish the compensation of the administrator and the auditor? The PUC should transfer the components of paragraph (6) in this section to section 63.163(a).

Subsection (b)

The final sentence of subsection (b) allows the PUC to “. . . order required adjustments to Fund assessments, distributions, necessary rule changes and other relevant items as appropriate.” As noted earlier, the PUC should limit the scope of the Fund to the requirements consistent with the PUC Order in the Preamble, and not amend the regulation through additional PUC orders.

Subsection (c)

Subsection (c) requires telecommunications service providers to supply “[S]upplemental and forecast information that may be requested by the Commission. . . .” When would the PUC need “forecast” information? Commentators stated that developing such information can be costly and time consuming, requiring the development of studies and projections that are not usually performed. The PUC should explain the need for this information.

6. Section 63.165. Calculation of contributions.—Need.

Subsection (a)

Size of fund (X)

Subsection (a) states “. . . the administrator will calculate the upcoming year’s size of the Fund. . . .” The regulation discusses the size of the Fund but, as discussed in our first comment, does not specify the process for determining the size of the Fund. Therefore, it is unclear how the administrator will determine the size of the Fund.

Surcharge for uncollectibles (Y)

The regulation specifies a 5% surcharge for uncollectibles. The Preamble states the 5% surcharge is a cushion for uncollectibles and may be subsequently adjusted. However, the administrator can borrow money under section 63.167(22), assess late fees under section

63.167(4), and refer all delinquencies that persist beyond 90 days to the PUC under section 63.167(6). Given these other provisions, the PUC should justify the need for a surcharge for uncollectibles, and why the specific amount of 5% is needed without any history.

Commission approved administrative and auditing expenses (Z)

The calculation includes the “Commission approved” administrative and auditing expenses. Section 63.163(a) states the administrator and auditor will be selected by competitive bid. Therefore, it is unclear why the phrase “Commission approved” is needed.

Monthly calculations

Commentators believe the use and submission to the administrator (see section 63.167(2)) of monthly calculations of contributions is burdensome and unnecessary. They believe an annual calculation will stabilize revenue flow and reduce administrative costs. One commentator explained that monthly calculations also have the potential to affect revenue neutrality. The PUC should explain the need to calculate contributions on a monthly basis, and why the additional administrative costs, as compared to a quarterly, semi-annual or annual calculation, are justified.

Access line growth

Commentators suggested adding a factor to reflect access line growth. The formula in the regulation does not directly accommodate fluctuations in the number of access lines for each company. The PUC should add an adjustment factor to include fluctuations in the number of access lines.

Undefined terms

Subsection (a) should use the defined term “contributing telecommunications providers” consistently. (Emphasis added.) If the intent is to have all telecommunications providers provide end-user revenues, “telecommunications providers” should be defined so that the providers know whether they are required to file.

The term “carrier” is used in subsection (a), but it is not defined in the regulation. For clarity, the PUC should either use one of the defined terms in subsection (a), or define the term “carrier” in section 63.162.

Subsection (b)

Reserve

Subsection (b) mentions “. . . such reserve as may be necessary for the proper operation of the Fund.” It is unclear what reserve is contemplated. The PUC should explain what reserve is needed for the proper operation of the Fund and how the amount will be determined.

7. Section 63.166. Administrator criteria.—Clarity.

Paragraph (1)

This paragraph states the administrator shall be neutral, impartial and independent. However, the context of the neutrality, impartiality and independence is unclear. The PUC should amend this provision to state the specific entities for which the administrator must demonstrate neutrality, impartiality and independence.

Paragraph (2)

The phrase “common carrier” is undefined and should be clarified.

Paragraph (3)

This provision would exclude all affiliates, including telecommunications providers outside of Pennsylvania. The PUC should explain whether that is the intent. Also, the term “affiliate” should be defined or explained.

Paragraph (4)

Under subparagraph (ii), a direct financial interest exists when the administrator or board member owns equity interests in bonds or equity instruments issued by any telecommunications carrier. This provision should be amended to clarify whether it applies if any equity interest is held, or only if the holding exceeds a specified percentage amount.

This subsection should also require the administrator to report to the PUC any change that occurs in the administrator’s board composition.

8. Section 63.167. Administrator’s duties.—Economic and fiscal impact; Reasonableness; Need; Clarity.

This section begins with the phrase, “[A]t a minimum, the administrator shall have the following duties. . . .” We have several questions relating to the inclusion of this phrase. Why is this characterized as minimum duties? Are there other duties the PUC envisions for this position that are not enumerated in the list that follows? If other duties are implied, but not specified, how can potential bidders know what additional resources could be required? The PUC should explain the inclusion of the phrase “[A]t a minimum,” or delete it from the final-form regulation.

Paragraph (1)

This paragraph uses the term “entities obligated to pay into the Fund” to describe those parties that the administrator is required to track. Why is the PUC using this phrase instead of the defined term “contributing telecommunications providers”? For increased clarity, the PUC should use the defined terms within the body of the regulation.

Paragraph (2)

Paragraph (2) allows the administrator to “[D]evelop appropriate forms . . . to report monthly contributions and provide a copy of the form on a monthly basis to those companies for completion.” We have five concerns regarding the creation and filing of these forms.

First, the term “appropriate” is vague and unnecessary. The PUC should consider deleting this term from the final-form regulation.

Second, is the development of these forms left solely to the administrator? The way this section is written, there is no opportunity for the PUC to offer input on, or approve, the forms. Is this the PUC’s intent?

Third, if the PUC is not involved in developing these forms, how will the PUC ensure that the information requested on these forms is not duplicative or burdensome? The PUC should explain how, or if, it will work with the administrator to ensure that the forms do not ask for previously requested information, and are not burdensome to complete.

Fourth, while the defined term “contributing telecommunications providers” is used in this paragraph, the term “companies” is also used in the place of the defined

term. For clarity, the PUC should use the defined term.

Finally, as we commented on section 63.165(a), the PUC should explain the need to report contributions on a monthly basis.

Paragraph (3)

This provision allows the administrator to ensure the accuracy and completeness of calculations and to contact those contributing telecommunications providers “whose accounts contain unexplained variances. . . .” We have two concerns regarding paragraph (3). First, the term “calculations” is vague. For greater clarity, the PUC should replace the term “calculations” with the term “reported revenue and Fund assessments.”

Second, the term “carrier” is used in the place of the defined term, “contributing telecommunications provider.” For clarity, the PUC should use the defined term.

Paragraph (4)

If an ILEC is a net recipient of the Fund, why would the administrator require the ILEC to send in a monthly assessment or withhold the ILEC’s disbursement if its assessment is overdue? The Fund is designed to be revenue neutral. Some contributing telecommunications providers will either receive a net disbursement, or owe nothing. The PUC should provide for net disbursement in the final-form regulation.

Additionally, we question the use of the word “contributors.” We understand that the administrators are assessing late-payment charges on contributors. However, the inclusion of the percentage penalty would be better applied to late “contributions.” Therefore, the PUC should consider changing the term “contributors” to “contributions.”

Paragraph (5)

This provision requires the administrator to “follow up” with delinquent contributors when a payment is 30 days past due. When will the administrator “follow up”? How long after the initial notice is sent should the administrator wait to “follow up” with the contributor? The PUC should clarify this timeline in the final-form regulation.

Additionally, this subsection is wordy and somewhat redundant. The PUC should consider stating that initial notices will be sent to delinquent contributors when a payment is 30 days past due. The administrator will follow up this notice with at least one subsequent written notice, phone call, or both to pursue collection of Fund payments due.

Paragraph (7)

This provision requires the administrator to inform the PUC if there is “reason to believe that a company has submitted false information to the administrator with the intent of obtaining fraudulent funding or if any other irregularity occurs. . . .” We have five concerns with this paragraph.

First, there is no timeline for either the administrator’s report to the PUC, or the PUC’s action against the potentially guilty contributing telecommunications provider. This paragraph should include timelines for action.

Second, if the administrator believes a contributing telecommunications provider is guilty of submitting false information or another irregularity, and the PUC agrees, the type of action taken against a contributing telecommunications provider should be specified. The regulation should include either a citation to corrective action or the

penalty that will be assessed to the contributing telecommunications provider.

Third, why is the scope of this paragraph limited to “obtaining fraudulent funding”? There are several other infractions an administrator may be able to report to the PUC, including under-reporting end-user revenue. For increased clarity, the PUC should broaden the scope of false information required to be reported in this paragraph.

Fourth, for clarity, the word “it” should be replaced with the term “the administrator.”

Finally, as in paragraph (5), the term “companies” is used instead of the defined term. For clarity, the PUC should use the term “contributing telecommunications providers.”

Paragraph (8)

This paragraph allows the administrator to “[I]nvest Fund moneys in instruments designed to minimize risk of loss while providing maximum liquidity.” What specific funds will the administrator have to invest?

Additionally, where will the return on investment be placed? Will any profit be reinvested in the selected instruments, or will the moneys be placed into the Fund? The PUC should state its intent in this paragraph.

Paragraph (9)

This subsection requires the administrator to “[P]romptly advise the Commission if the administrator’s data analysis projects a potential Fund shortfall, or if Fund disbursements exceed receipts for a given period.” We have three questions regarding this subsection.

First, does the administrator need to report every potential shortfall to the PUC? Taken literally, paragraph (9) requires the administrator to report a shortfall of one penny to the PUC. This could be a burdensome requirement. The PUC should consider including a minimum amount of a shortfall that the administrator must report.

Second, the “administrator’s data analysis” duty is not mentioned anywhere else in section 63.167. Is this requirement included in the “reports of Fund activity” in paragraph (14)? The PUC should explain.

Finally, the phrase “for a given period” is vague. For clarity, the PUC should specify this period of time in the final-form regulation.

Paragraph (10)

This subsection requires the administrator to mail reporting forms to contributing telecommunications providers. Is it necessary to require the forms to be mailed? Can the administrator send these forms electronically or by fax?

Paragraph (12)

Paragraph (12) requires contributing telecommunications providers to “[P]romptly respond to incidental or occasional Commission requests for information. . . .” We have two questions regarding this subsection. First, what constitutes “promptly”? The PUC should explain.

Second, the words “incidental or occasional” are superfluous, and should be deleted.

Paragraph (15)

Paragraph (15) requires the administrator to “[M]aintain records by contributor and by recipient in each

program.” The need for the phrase “each program” is unclear. Since there is only one program, the PUC should delete the phrase “each program.”

Paragraphs (18), (20) and (21)

Paragraph (18) requires the balance sheet, income statement and sources and uses of funds statement to be delivered to the auditor by May 1 of each year (so that the auditor can prepare its report). Section 63.168 requires the auditor’s report to be submitted by July 1. However, these provisions conflict with paragraph (21), which requires the administrator’s annual report to be submitted by July 1 (60 days after the audit report is due). These dates also conflict with the Preamble, which requires the auditor to submit the (completed) audit report to the PUC and administrator on May 1. Additionally, it is impractical for the administrator to consider the auditor’s report when preparing the administrator’s annual report (due by July 1) if section 63.168(2) requires the auditor’s report on the same day (that is, July 1).

In the final-form regulation, the timeline requirements in paragraphs (18), (20), (21), section 63.168 and the Preamble need to be reconciled.

Paragraph (23)

Paragraph (23) requires the administrator to “provide formal notice (whether short-term borrowing is necessary) on a timely basis. . . .” The phrase, “on a timely basis” is vague. The PUC should consider adding a specific minimum time period that an administrator must follow to alert the PUC if short-term borrowing is needed.

Paragraph (24)

This subsection requires compliance with procedures and guidelines established by the PUC, and permits the administrator to request the PUC to amend, modify or delete procedures or guidelines. What “procedures and guidelines” are there? Why aren’t these in the regulation?

Additionally, we question why this paragraph doesn’t include compliance with the PUC’s existing regulations. The PUC should explain.

Paragraph (26)

This subsection instructs the administrator to treat competitive and financial information received as confidential and proprietary. However, the paragraph also states, “[This] restriction does not apply to information that the Commission has determined to be publicly released.” The PUC should explain what information specifically it would ask the administrator to publicly release.

9. Section 63.168. Auditor’s duties.—Clarity.

Paragraph (1)

What is the meaning of the sentence: “Thereafter, the Fund shall be audited in the same manner annually?” The PUC should amend this sentence or explain its meaning.

Paragraph (2)

As discussed previously in our comments on paragraphs (18), (20) and (21) of section 63.167, the July 1 date for completion and submission of the auditor’s report is inconsistent with section 63.167(18) and the Preamble, and should be reconciled.

10. Section 63.169. Collection of universal service fund contributions.—Economic and fiscal impact; Clarity.

Subsection (a)

We have two concerns with subsection (a). First, it is unclear why each carrier is required to return the form "within 30 days of issuance." This could cause unnecessary costs in tracking when the forms were issued. The PUC should consider requiring the administrator to issue the forms on the first day of the month and requiring the carrier to return them by the last day of the month.

Second, the phrase "end-user telecommunications retail revenue" is used. For clarity, the PUC should use the defined phrase "end-user revenue" in its place.

Subsection (b)

It is unclear what the phrase "levy of appropriate interest" means. Section 63.167(4) specifies a late payment charge of 1.5% per month. If this is the "appropriate interest," subsection (b) should include this percentage or a reference to section 63.167(4).

Subsection (c)

We have two concerns with subsection (c). First, the phrase "a Commission determined de minimis amount" is vague. The PUC should delete the term "de minimis" and replace it with an actual dollar amount.

Our second concern is contributions in subsection (c) are for "any given year." Since other provisions are based upon monthly amounts, it is unclear how an annual amount would be evaluated. The PUC should state how to do this calculation, or make the time periods consistent.

11. Section 63.170. End-user surcharge prohibited.—Reasonableness; Clarity.

The intent of this provision is unclear. As written, it states that a provider may not implement a surcharge to recover its contribution to the Fund. Does this mean that a provider cannot show a surcharge on the customer's bill? Does it bar a provider from recovering these contributions through any type of direct or indirect charge?

12. Section 63.171. Sunset provision.—Statutory authority; Reasonableness; Need; Clarity.

Section 63.171 provides that the Fund will expire on December 31, 2003, "unless the term of the Fund is extended by the Commission." We have two concerns with the phrase "unless the term of the Fund is extended by the Commission." First, if the PUC wants to rescind this regulation at some point, it should do so by promulgating another regulation. For this reason, this provision should be deleted in the final-form version of this regulation.

Second, since 66 Pa.C.S. Chapter 30 expires December 31, 2003, what authority would the PUC use to extend the Fund?

13. Section 63.172. Enforcement.—Clarity.

This section states that a telecommunications service provider that fails to pay a contribution in a timely manner may be prohibited from providing service in this Commonwealth. Are there any other enforcement actions other than withdrawing a provider's certificate? If so, the final-form regulation should be amended to reflect the applicable statutory or regulatory provisions.

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 00-960. Filed for public inspection June 2, 2000, 9:00 a.m.]

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission received, on the dates indicated, the following regulations for review. To obtain the date and time of the meeting, interested parties may contact the office of the Commission at (717) 783-5417. To obtain a copy of the regulation, interested parties should contact the agency promulgating the regulation.

Final-Form

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
57-189	Pennsylvania Public Utility Commission Passenger Carrier Service	5/18/00
15-402	Department of Revenue Payments for Employee Welfare Benefit Plans and Cafeteria Plans	5/19/00
16A-5110	State Board of Nursing Sexual Misconduct	5/23/00
16A-464	State Board of Dentistry Continuing Dental Education and Biennial Renewals	5/23/00

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 00-961. Filed for public inspection June 2, 2000, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Approval to Redomesticate by Specialty National Insurance Company

The Specialty National Insurance Company, a domestic stock property insurance company, has filed for approval a plan of redomestication whereby the state of domicile would change from the Commonwealth of Pennsylvania to Illinois. The filing was made under the Business Corporation Law of 1988, 15 Pa.C.S. § 1 et seq. Persons wishing to comment on the redomestication are invited to submit a written statement to the Insurance Department within 15 days of publication of this notice in the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party, identification of the application to which the statement is addressed, and a concise statement with sufficient detail and relevant facts to inform the Insurance Department of the exact basis of the statement. Written statements should be directed to Cressinda E. Bybee, Insurance Company Licensing Specialist, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120; fax (717) 787-8557; E-mail cbybee@ins.state.pa.us.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 00-962. Filed for public inspection June 2, 2000, 9:00 a.m.]

Application for Increase in Underwriting Authority of Farmers Mutual Insurance Company

Farmers Mutual Insurance Company (Farmers), a Pennsylvania domiciled mutual property insurance com-

pany, has filed an application to increase its underwriting authorities. The class of authorities that Farmers is applying to add are Water Damage and Personal Property Floater, as defined by section 202, subdivision (c), paragraphs (8) and (13). The filing was made pursuant to the requirements set forth under section 322 of The Insurance Company Law (40 P. S. § 445). Persons wishing to comment on the application are invited to submit a written statement to the Insurance Department within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed, and a concise statement with sufficient detail and relevant facts to inform the Insurance Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Insurance Company Licensing Specialist, Pennsylvania Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120; fax (717) 787-8557; or by E-mail syergerins.state.pa.us.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 00-963. Filed for public inspection June 2, 2000, 9:00 a.m.]

Erie Insurance Exchange, Erie Insurance Company; Private Passenger Automobile Rate Revision

On May 18, 2000, the Insurance Department (Department) received from Erie Insurance Exchange and Erie Insurance Company a filing for a rate level change for private passenger automobile insurance.

Erie Insurance Exchange requests an overall 1.0% decrease amounting to -\$6,365,000 annually, to be effective December 1, 2000, for new and renewal business. Erie Insurance Company requests an overall 1.3% decrease amounting to -\$552,000 annually, to be effective December 1, 2000, for new and renewal business.

Unless formal administrative action is taken prior to July 17, 2000, the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection, by appointment, during normal working hours at the Department's offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Chuck Romberger, CPCU, Insurance Department, Bureau of Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg, PA 17120 (E-mail at cromberg@ins.state.pa.us) within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 00-964. Filed for public inspection June 2, 2000, 9:00 a.m.]

Progressive Northern Insurance Company; Private Passenger Automobile Rate Revision

On May 16, 2000, the Insurance Department (Department) received from Progressive Northern Insurance Company a filing for a rate level change for private passenger automobile insurance.

Progressive Northern Insurance Company requests an overall 8.8% increase amounting to +\$13,641,000 annually, to be effective July 24, 2000, for new business and September 20, 2000, for renewal business.

Unless formal administrative action is taken prior to July 15, 2000, the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection, by appointment, during normal working hours at the Department's offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Chuck Romberger, CPCU, Insurance Department, Bureau of Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg, PA 17120 (E-mail at cromberg@ins.state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 00-965. Filed for public inspection June 2, 2000, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insured has requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) in connection with the termination of the insured's automobile policy. The hearing will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). This administrative hearing will be held in the Insurance Department's Regional Offices in Harrisburg, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The hearing will be held in the Second Floor Hearing Room, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Madeline Bayliss Allen; file no. 00-265-01520; Erie Insurance Exchange; doc. no. PH00-05-017; June 29, 2000, at 1 p.m.

Appeal of Brian Fletcher, Jr.; file no. 00-181-02742; Allstate Indemnity Company; doc. no. P00-05-014; June 21, 2000, at 10 a.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses and the like necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Commissioner may order that the company reimburse an insured for the higher cost of

replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 00-966. Filed for public inspection June 2, 2000, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insurer has requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) in connection with the termination of the insured's automobile policy. The hearing will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). This administrative hearing will be held in the Insurance Department's Regional Offices in Harrisburg, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The hearing will be held in the Second Floor Hearing Room, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Geico Direct; file no. 00-181-02032; Jillian C. Fittos; doc. no. P00-05-015; June 20, 2000, at 10 a.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses and the like necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Commissioner may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 00-967. Filed for public inspection June 2, 2000, 9:00 a.m.]

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insured has requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their company's termination of the insured's policies. This administrative hearing will be held in the Insurance Department's Regional Office in Harrisburg, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The hearing will be held in the Second Floor Hearing Room, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Clarence and Dorothy Dixon; file no. 00-181-02469; Hartford Mutual Insurance Company; doc. no. P00-05-016; June 21, 2000, at 1 p.m.

Each party may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses and the like necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 00-968. Filed for public inspection June 2, 2000, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of Bell Atlantic-Pennsylvania, Inc. for a Declaratory Order Relating to Provision of Master Street Address Guides to Competitive Local Exchange Carriers; P-00971203; Joint Petition for Relief Establishing Uniformity for 9-1-1 Provisioning; M-00991217

Public Meeting held
May 11, 2000

Commissioners Present: John M. Quain, Chairperson; Robert K. Bloom, Vice Chairperson; Nora Mead Brownell; Aaron Wilson, Jr.; Terrance Fitzpatrick

Supplemental Final Order

Before the Commission:

Before the Commission for consideration is the Consensus Report of the Stakeholder Working Group filed August 4, 1999, in compliance with the Commission's Secretarial Letter of June 23, 1999.¹ As noted in the Secretarial Letter, the Commission previously approved a Settlement Agreement of All Parties and Joint Petition for Relief at Docket No. P-00971203, which resolved issues relating to Competitive Local Exchange Carrier (CLEC) access to the Master Street Address Guide (MSAG) maintained by the City of Philadelphia (City) for provisioning 9-1-1 service in the City. In taking this action, the Commission concomitantly undertook to establish Statewide 9-1-1 protocols based on the Philadelphia model, and established the Stakeholder Working Group (Working Group) to address on a generic basis issues relating to 9-1-1 provisioning across the Commonwealth.

In the Final Order entered June 16, 1999 at M-00991217, protocol guidelines were approved but the Working Group was expressly tasked to address the remaining issues:

1. Under what circumstances and conditions service providers (both CLECs and ILECs) should be permitted to modify and/or create derivatives of a municipality's MSAG (Protocol No. 5, Section e),
2. The potential for further defining those changes in a service provider's network properly classified as "significant" so as to trigger the requirement for a report to the involved municipality (Protocol No. 5, Section b), and
3. The possibility for additional procedures addressing service provider/municipality dispute resolution (Protocol No. 5, Section a).

This order will address the resolution of these issues and finalize these proceedings.

History of Proceedings

By Opinion and Order entered July 14, 1997, the Commission granted a Petition for Issuance of a Declaratory Order filed May 16, 1997 by Bell Atlantic-Pennsylvania, Inc. (BA-PA). The effect of our July 14, 1997 Order was to permit BA-PA to provide MSAGs² to

¹ The Commission's Secretarial Letter required that the report be submitted to the Commission for consideration on or before August 2, 1999. An extension of the August 2, 1999 deadline was extended to the Stakeholder Working Group so as to enable the parties to reach final consensus on all issues.

² MSAGs are used in the provision of Enhanced 9-1-1 service (E-9-1-1). MSAGs include the listing of all street names, house/building numbers and address ranges in the 9-1-1 service area as well as routing information to the Public Safety Answering Point (PSAP) locations and the appropriate emergency service providers. The MSAGs

interconnecting CLECs pursuant to interconnection agreements even though the affected public agency withheld its consent for BA-PA to provide a copy of the MSAG to a CLEC, PECO Hyperion Telecommunications (PHT), based on PHT's refusal to execute a letter of intent as required by the City.

The City appealed our July 14, 1997 Order to Commonwealth Court. The Court vacated the July 14, 1997 Order and remanded the case for further findings to determine whether the City's conditions were based upon legitimate public safety and welfare concerns.³

The proceedings on remand were assigned to Administrative Law Judge (ALJ) Marlene Chestnut as presiding officer. On April 13, 1998, a prehearing conference was scheduled. The City, the Commission's Law Bureau Prosecutory Staff (Prosecutory Staff), the Pennsylvania Telephone Association (PTA), Sprint Communication Company L.P. (Sprint), and PHT were participants.⁴ Also present at the Prehearing Conference was Herbert Nurick, Esquire, ADR Mediation Coordinator, Office of Administrative Law Judge. Herbert Nurick described the mediation process and all parties agreed to attempt to resolve the proceeding through mediation.

On August 14, 1998, the presiding ALJ was notified that a complete settlement of all issues had been achieved. A Mediation Report was submitted to ALJ Chestnut. Appended to the Mediation Report was a document titled "Settlement Agreement of All Parties and Joint Petition for Relief." The PHT signed the Settlement Agreement of All Parties (Settlement Agreement), but did not sign the Joint Petition for Relief (Joint Petition), although the PHT indicated that it had no objection to the Joint Petition. After the filing of the Settlement Agreement and Joint Petition, statements in support thereof were filed by Prosecutory Staff; the City, and BA-PA.

By Recommended Decision issued September 1998, ALJ Chestnut recommended the adoption of the Settlement Agreement, including the Joint Petition. By Order entered February 17, 1999, we adopted the Recommended Decision of ALJ Chestnut which resolved litigation between the Commission and the City pertaining to the provision of MSAGs to Local Exchange Carriers (LECs).

The Settlement Agreement contained the terms for resolving the remanded proceedings. Essentially, the settlement provides that each service provider's 9-1-1 and E-9-1-1 tariff provisions will state that the service provider will comply with the City's 9-1-1 protocols as set forth in, and in the form of, certain attached exhibits pertaining to service provider E-9-1-1 Protocols, service provider E-9-1-1 Questionnaire, and testing procedures. (Exhibits A—C of the Settlement Agreement, respectively).

The Settlement Agreement further contained a list of tariff provisions pertaining to liability and indemnification, insurance, service interruptions, an agreement concerning the proper use of the City's MSAG, the computerized format of the MSAG, an agreement not to modify the content of the MSAG, and restrictions on the sale, lease, license, rental, loan, or transfer of the MSAG. The MSAG is released to the service provider within 48 hours of compliance with and satisfaction of the protocols and

were compiled and are maintained by the municipality, and are used for the automatic location identification (ALI) function, which is a component of the E-9-1-1 service purchased by the municipality from BA-PA.

³ *City of Philadelphia v. Pennsylvania Public Utility Commission*, 702 A.2d 1139 (Pa. Cmwlth. 1997)

⁴ ALJ Chestnut granted separate Petitions to Intervene by PTA and Sprint.

certification process. Finally, the City agreed to work with other municipalities to establish uniform Statewide standards for access to 9-1-1 systems; these standards will consist of the Protocols contained in Exhibits A—C.

We concluded that the Settlement Agreement was in the public interest based on the following considerations:

a. Promotion of public safety by making 9-1-1 systems more efficient;

b. Promotion of local exchange competition by enabling CLECs to have certainty as to terms and conditions of access to the City's 9-1-1 system;

c. Avoidance of significant time, expense and delay involved in full litigation of the matter;

d. Amicable resolution of divergent positions by 9-1-1 stakeholders and the City; and

e. Resolution of alleged conflicts between the Public Safety Emergency Telephone Act (35 P. S. §§ 7011—7021) (Act 78) and the Telecommunications Act of 1996 (47 U.S.C.A. §§ 160 et seq.) (TA 96) in a manner which harmonizes their provisions as applied to 9-1-1 service and regulation in Pennsylvania.

Included in the settlement document was a section entitled "Joint Petition of Parties Seeking a Tentative Order or Rulemaking Establishing Uniformity for 9-1-1 Provisioning," which is the Joint Petition for Relief. The supporting reasons for adopting the Joint Petition were the same reasons as stated in support of the Settlement Agreement. ALJ Chestnut further explained this process as follows:

Essentially, the parties are requesting that the Commission issue a tentative order which incorporates the terms of the proposed settlement or, in the alternative, institute a rulemaking "to accomplish the same." The reasons given in support of the Petition are the same five reasons in support of the proposed settlement and set out above.

The petitioners note that Pennsylvania has 67 counties and 2,571 municipalities that have 9-1-1 service and that there are approximately 89 local exchange companies (certified ILECs and CLECs), with an additional 44 CLEC applications pending before the Commission. They claim that all of these entities will benefit "from the adoption of uniform and reasonable conditions." I agree with this general statement.

(R. D., p. 6).

ALJ Chestnut, therefore, recommended that the Joint Petition be approved. ALJ Chestnut was convinced that uniformity of conditions would benefit the public agencies and the service providers, and avoid uncertainty and litigation. In addition to recommending that we grant the Joint Petition, ALJ Chestnut further recommended the establishment of a working group of stakeholders to address the issue on a generic basis.

By our Order entered February 17, 1999, at Docket No. P-00971203, we also adopted the recommendation of the ALJ to grant the Joint Petition. We agreed that the parties had offered sufficient language on uniformity of 9-1-1 provisioning for inclusion in a tentative order to which comments could be offered. We also agreed with the ALJ recommendation that a working group of stakeholders should be established to address this issue on a generic basis. Therefore we agreed to issue a tentative order, in substantially the form suggested by the parties, and solicit comments thereon.

In a Tentative Order entered February 19, 1999 at M-00991217, we proposed, consistent with the terms of the Settlement Agreement and Joint Petition reached in the matter, to adopt certain tariff guidelines addressing municipal 9-1-1 systems, access to municipal 9-1-1 systems by competitive local exchange telecommunications carriers, and uniform Statewide protocols related to municipal 9-1-1 systems. The Tentative Order was published at 29 Pa.B. 1576 (March 20, 1999). The following parties filed comments to the Tentative Order: ALLTEL Pennsylvania, Inc. (ALLTEL), AT&T Communications of Pennsylvania, Inc. (AT&T) and the PTA. Reply Comments were received from the City.

Prior to the publication of the Tentative Order,⁵ the City filed a Petition for Clarification (Clarification Petition) at Docket No. P-00971203. The City requested clarification that the "working group of stakeholders to be established will include all parties to the Settlement Agreement. . . ." In the Clarification Petition, the City further expressed a concern that the purpose and scope of authority of the working group of stakeholders should be explicitly stated as "implementation of the Settlement Agreement and Joint Petition, and shall not include development of procedures or protocols which are inconsistent with the Settlement Agreement and Joint Petition."

On March 17, 1999, BA-PA filed an answer to the Clarification Petition responding that "while BA-PA believes that the Commission's Order as presently written does stand for the proposition requested by the City, it does not object to such clarification." BA-PA agreed with the City's position that during several stages of litigating the instant controversy involving the MSAG, all interested parties had legal notice and an opportunity to participate. Thus, BA-PA concurred with the City that the results of the Settlement Agreement and Joint Petition should be binding on all service providers seeking 9-1-1 access in the City of Philadelphia and access to the MSAG for purposes of providing service in the City of Philadelphia.

On June 16, 1999, we issued a Final Order at M-00991217 to address comments to the Tentative Order and the Clarification Petition filed by the City. In this Final Order, we addressed the following issues raised by the commentators: liability and indemnity provisions, statement of insurance coverage, statement of policy and service interruptions, modifications and derivatives of the MSAG, "Read Only" format for MSAG, reporting of changes in management, dispute resolution procedures, notification to service providers of updates, notification of test cancellation and the City's request for clarification.

In regard to liability and indemnity provisions, insurance coverage and service interruptions, we declined to direct an amendment of the protocols. However, on the issue of permitting a modification or derivative of the MSAG, we noted that the City did not expressly foreclose the possibility that there may be conditions or circumstances warranting this action. As a result, we requested that the Working Group consider those circumstances and conditions under which the municipality would permit the modification and/or creation of a derivative of the MSAG. Similarly, on the issue of the appropriateness of a "Read Only" format for the MSAG, we declined to upset the status quo which permits the ILEC the ability to update the MSAG on an ongoing basis. However, we a gain instructed the Working Group to consider this issue.

⁵ March 4, 1999.

With respect to the reporting of changes in management, we concluded that this reporting requirement is not unduly burdensome. However, we acknowledged that the types of changes in a service provider's network which are significant could be further developed. Consequently, we requested the Working Group to further refine those changes in the network, which would fall within the definition of "significant."

For dispute resolution procedures, we concluded that the Commission's Alternative Dispute Resolution Guidelines (52 Pa. Code § 69.395) provide a sufficient administrative forum for the prompt consideration of issues arising between the service provider and the municipality. Although the protocols contemplate that the municipality and the service provider will work together to resolve issues amicably, we acknowledged that this will not always be the case and the Working Group should consider additional procedures.

To enhance the public safety effectiveness of the MSAG, we agreed that the municipality should also provide notification to the service provider of any updates or revisions to the MSAG. Instead of requiring modification of protocols, we added an ordering paragraph that required the municipality to exercise a good faith obligation to notify the service provider of updates to the MSAG no less than quarterly.

We also adopted the same position on the issue of notification of test cancellation requiring that the municipality (PSAP) should exercise a good faith obligation to notify the service provider of cancellations (7 business days notice) for scheduled testing.

Finally, we granted the City's Clarification Petition finding, first, that the Settlement Agreement which was reached among the parties and approved by the Commission is binding upon the signatories. However, we held that even though the Working Group should respect the terms of the Settlement Agreement in fashioning any proposed recommendations to the Commission, issues pertaining to MSAG on a generic basis may involve broader concerns than those reflected in the Settlement Agreement.

Working Group Conclusions and Discussion

On July 14, 1999, a meeting of the Stakeholder Working Group was held. The discussions and negotiations engaged in at that meeting resulted in the preparation of the Consensus Report.

The Working Group was comprised of BA-PA, the City, PTA, GTE and Prosecutory Staff. A consensus was reached on the issues of: 1) under what circumstances and conditions the host telephone company should be able to modify and/or create derivatives of the municipality's MSAG, 2) what is a "significant" change in a service provider's network for purposes of reporting such change to a county/municipality, and 3) an alternate expedited dispute resolution procedure.

According to the Consensus Report (page 5), the Working Group agreed to the following:

1) The host telephone company should, with the permission of the municipality/county, or at the request of the municipality/county, be able to modify the content of the MSAG;

2) That telephone companies/service providers should not be able to otherwise modify the content of the MSAG, but should be able to make formatting changes approved by the municipality/county that are necessary to enable

the MSAG to conform to the telephone companies/service providers' information systems;

3) That a content modification or formatting change does not include the use of the MSAG content in telephone companies service providers' operational support systems to validate customer information for input to the ALJ database.

This agreement is reflected in revised Protocol No. 5, Section e (Attached to the Consensus Report as Appendix A).

The Working Group submits that the revised protocol is in the public interest because it "protects and promotes the municipality's/county's interest in ensuring the integrity of the MSAG, fosters efficient updating of MSAG information by the host telephone company, and allows telephone companies to use the MSAG for validation of customer information, database reconciliation, address verification for new service connections, and planning for service to new housing developments." Consensus Report, pages 5-6.

On the issue of notification of "significant changes in the service provider's network," the Working Group first recognized that every conceivable significant change cannot be listed, but acknowledged that the clear intent to update the questionnaire is for major network changes. Therefore, footnote 4 to Protocol No. 5 Section (b)(2) (Appendix B to the Consensus Report) was modified to provide that significant changes in the service provider's network should reflect those physical or virtual changes which would cause the questionnaire to be non-representative of the current network architecture of the telephone company/service provider, for example, converting from MF to SS7 signaling, a new switching station, or a new 9-1-1 tandem.

Finally, the Working Group agreed to an alternative dispute resolution (ADR) procedure which is essentially the same as the consensus procedure in the Global collaborative held in late 1998 and early 1999,⁶ but modified to be pertinent to the MSAG and related issues (Appendix C to the Consensus Report).

Conclusion

We agree with the rationale and recommendations provided by the Working Group. Accordingly, based on the consensus reached by the Working Group, we shall adopt revised Protocol No. 5, Section e, in the form set forth in Appendix A to the Consensus Report, the modified definition of significant changes for questionnaire update purposes as contained in Appendix B to the Consensus Report, and the ADR procedure for resolving MSAG related disputes as appears in Appendix C to the Consensus Report.

Our adoption of the Joint Petition provided for a Tentative Order which established tariff terms and conditions for connection by LECs to municipal/county 9-1-1 systems. The Tentative Order was published in the *Pennsylvania Bulletin* and served for comment upon all LECs, CLECs, counties, municipalities having their own 9-1-1 systems under Act 78, the Pennsylvania Emergency Management Association (PEMA), and other interested parties. The tariff requirements under our Final Order are hereby modified and will be imposed upon all existing and future telecommunications public utilities which request or require connection to county/municipal 9-1-1

⁶ See *Joint Petition of Nextlink Pennsylvania, Inc., et al. and Joint Petition of Bell Atlantic-Pennsylvania, Inc. et al.*, Docket Nos. P-00991648 and P-00991649, Opinion and Order entered September 30, 1999.

systems.⁷ As expressly recognized by the parties in the adopted Joint Petition (pages 17-18), the Commission has jurisdiction and authority to grant the relief requested in the Joint Petition. The provision of and access to 9-1-1 service is a regulated and tariffed telecommunications service. As such, the Commission has the power and authority to determine the terms and conditions for providing this public utility service for both the service providers and customers. By including these conditions in tariffs of an LEC, formalization of telecommunication utility 9-1-1 obligations can be accomplished as part of a binding and enforceable tariff requirement.

Given that the protocols have been revised from the Final Order entered June 16, 1999, we shall provide additional notice of the conclusion of this proceeding and the changes that have been made to the protocols. Accordingly, we shall direct publication of this order and the revised protocols hereby adopted. The changes reflected in Appendices A and B to the Consensus Report have been incorporated in Protocol No. 5, Section (e) and (b)(2), respectively. The protocols, questionnaire and test procedures follow this order. Finally, the adopted ADR procedures will be referred to in Protocol No. 5 (a) and also follow this order:

Therefore,

It Is Ordered That:

1. Revised Protocol No. 5, Section e, in the form set forth in Appendix A to the Stakeholder Working Group Consensus Report, the modified definition of significant changes for questionnaire update purposes as contained in Appendix B to the Consensus Report, and the ADR procedure for resolving MSAG related disputes as appears in Appendix C to the Consensus Report are hereby adopted such that the applicable protocols, questionnaire and ADR procedure shall be as attached to this order.

2. The Secretary shall cause this Order and attachment to be published in the *Pennsylvania Bulletin*.

3. A copy of this Supplemental Final Order, together with the attachment, shall be served upon all certificated telecommunications public utilities, the Pennsylvania Emergency Management Agency, the Law Bureau Prosecutory Staff, the Office of Small Business Advocate, the Office of Consumer Advocate, Sprint Communications Company, L.P., and the Pennsylvania Telephone Association.

4. The Secretary shall mark these dockets closed.

JAMES J. MCNULTY,
Secretary

Appendix A

Service Provider E-9-1-1 Protocols Required Process for Entities Seeking to Access County E-9-1-1 Systems

The following list of Protocols is set forth in the interest of public safety. All service providers, including LECs (Local Exchange Carriers), CLECs (Competitive Local Exchange Carriers) (facilities based and resellers), and any other certified telecommunications public utility which has or requires connection to the county/municipal 9-1-1 system or connection to the serving selective router, must comply with the following procedures to gain access to the county's/municipality's E-9-1-1 system.

⁷ More specifically, this tariff requirement will be imposed upon service providers by the Commission contingent upon the counties/municipalities reciprocating as stated in paragraph 5 of the Joint Petition, by amending their 9-1-1 plans with PEMA.

(1) At least 30 days prior to any service provider testing for compatibility with the county's/municipality's E-9-1-1 system, all service providers must provide written notice to:

9-1-1 Coordinator
County of _____ /City of _____, PA

(2) Once written notice is received, the 9-1-1 Coordinator will send a standard E-9-1-1 Questionnaire, a standard test format, and a list of surcharge guidelines for the Public Safety Emergency Telephone Act (35 P.S. §§ 7011—7021) and 16 Pa. Code § 36a.101—36a.112 (reserved and renumbered as 4 Pa. Code §§ 120b.101—120b.112) (collectively, Act 78). The cover letter from the Communications Director/9-1-1 Coordinator which accompanies this material may also contain a request for current financial statements of the CLEC/PCS provider.

(3) Testing of the service provider's connection into the county's/municipality's E-9-1-1 system will be arranged upon receipt by the 9-1-1 Coordinator of satisfactory written responses to the E-9-1-1 Questionnaire.

(4) Once satisfactory answers to the E-9-1-1 Questionnaire have been completed, a Public Safety Answering Point (PSAP) representative will contact the service provider within 10 business days. All testing is done according to PSAP conditions. These conditions change from day to day and hour to hour, therefore all testing is subject to cancellation without prior notice to the service provider. Any testing canceled by the county/municipality will be rescheduled at the earliest available date. Service provider must provide at least 7 business days prior notice to the PSAP representative upon any cancellation of testing by a service provider, or upon any request for additional testing.

(5) The following shall govern release of the MSAG and certification for connection to the county's/municipality's 911 system:

Conditions

a. Each PUC-regulated service provider's 9-1-1¹ tariff provisions shall state that the service provider will comply with the county/municipal² 9-1-1 Protocols.³ Future revisions or additions to the form and content of the Protocols by a county/municipality will be provided to PEMA as part of the county's/municipality's 9-1-1 Plan which is submitted to the Pennsylvania Emergency Management Agency (PEMA) for approval, and will be served by facsimile, by overnight mail or hand-delivery, and by a confirmation copy by United States Mail, on each service provider prior to implementation. Within 10 business days of confirmed receipt, each service provider will respond with comments on the proposed revisions or additions. If any service provider does not respond to the proposed revisions or additions within the 10 business days, that service provider will be deemed to have agreed to the proposed revisions or additions. If a service provider submits comments stating it does not agree with the proposed revisions or additions, it must set forth its reasons in its comments and the county/municipality will not implement the revisions or additions against the objecting party until the matter is resolved. The county/municipality and the service provider will work together

¹ References to 9-1-1 in this Settlement Agreement shall include all 9-1-1 services provided by telecommunications providers including E-9-1-1 services.

² References to county/municipality means the entity that is responsible for the 9-1-1 plan under Act 78. Thus, notices or updates need only be provided to such entity as opposed to all municipalities that may be covered by a county-wide 9-1-1 plan.

³ The service provider E-9-1-1 Protocols, questionnaire, and testing procedures are hereinafter collectively referred to as the "Protocols."

to resolve the issues in a mutually agreeable manner. To the extent this manner of resolving issues is not successful, the county/municipality and service provider agree to the abbreviated dispute resolution process for disputes involving the Master Street Address Guide attached to the Consensus Report as Appendix C.

b. Each service provider shall update the service provider questionnaire triennially to include any changes to its previously submitted questionnaire or to confirm the absence of any changes in conjunction with review of the county's/municipality's 9-1-1 Plan by PEMA under Act 78 or its successor. The county/municipality will notify the service provider when this update is required for the triennial review. Additionally, each service provider agrees to provide the county/municipality with an updated questionnaire upon:

- 1) A change of ownership of the service provider;
- 2) A significant change in the service provider's network;⁴
- 3) A change of the service provider's 9-1-1 manager/supervisor or primary contact; or,
- 4) A change in the service provider's administrative charge for the billing system.

When a service provider has changes in items 6D, 7A3, 10B or 21C of the Questionnaire, the service provider shall provide such updated information to the county/municipality no less than quarterly.

c. Each service provider's tariff shall fully state its liability and indemnification provisions relative to 9-1-1 service. To the extent that the service provider is relying on the general tariff indemnification and liability provisions as covering 9-1-1 service, the 9-1-1 section of the tariff shall cross-reference the applicable general tariff indemnification or liability sections.

d. Each service provider's tariff shall fully state its insurance provisions, or those which obviate the need for insurance in whole or in part, relative to 9-1-1 service. To the extent that the service provider is relying on the general tariff provisions as covering insurance or obviating the need in whole or in part for insurance for 9-1-1 service, the 9-1-1 section of the tariff shall cross-reference the applicable general tariff sections.

e. Each service provider's 9-1-1 tariff provisions will state:

- 1) The following definitions:

Host telephone company. The service provider, which is also the telecommunications public utility that provides 9-1-1 service to the county/municipality, and that houses the Automatic Location Identification (ALI)/MSAG data used for providing 9-1-1 service.

Telephone company. A telecommunications public utility regulated by the Pennsylvania Public Utility Commission and which has or requests access to the county/municipal 9-1-1 system or connection to the serving selective router, including, but not limited to, local exchange carriers and competitive local exchange carriers. This term is synonymous with "service provider."

⁴ "Significant changes in the service provider's network" for purposes of updating the questionnaire previously supplied to the county/municipality shall mean those physical or virtual changes which would cause the questionnaire to be non-representative of the current network architecture of the telephone company/service provider. Examples of these would include converting from MF to SS7 signaling, a new switching station, or a new 9-1-1 tandem. The Working Group stresses that, particularly in this day of rapid equipment changes in the telecommunications industry, that every conceivable significant change cannot be listed but the clear intent and obligation to update should be for those major network changes.

Content. The data elements of the MSAG including (but not necessarily limited to) the data elements that are entered into the following fields A-I of a standard MSAG record:

- A *Tax area record*
- B *Locality*
- C *Street*
- D *Thoroughfare*
- E *Directional* [where required]
- F *Even (E), odd (O), or all (A)* [applied to house numbers]
- G *Low-high range of house numbers*
- H *PSAP (Public Safety Answering Point)*
- I *LAT/LONG (Latitude/Longitude)* [where required];

Formatting, Format. Shall include changes to the identity of fields, order of fields, and number and arrangement of data elements in each field, and a telephone company's rearrangement or regrouping of such data, without changing the MSAG content, for purposes of validating against MSAG records;

2) How the service provider will handle 9-1-1 service interruptions;

3) That the service provider agrees not to use the county's/municipality's MSAG for any purpose that is not directly related to and required for the provision of 9-1-1 service to its customers;

4) That the Host Telephone Company will install the county's/municipality's MSAG in read/write format and will not modify the content of the MSAG unless requested or permitted to do so by the county/municipality. A request to modify content by the Host Telephone Company shall be responded to by the county/municipality within 10 business days or the request is deemed to be approved. The request shall be in writing and shall set forth in reasonable detail the proposed modification and all reasons in support. The request shall be granted provided the modification is necessary for the Host Telephone Company's provision, maintenance, or upgrading of 9-1-1 service;

5) That a telephone company shall not otherwise modify the content of the MSAG, but may make formatting changes approved by the county/municipality necessary to enable the MSAG to conform to the telephone company's information systems. The request shall be in writing and shall set forth in reasonable detail the formatting changes and all reasons in support. The county/municipality shall respond to the request within 10 business days or the request is deemed to be approved. The request shall be granted provided the formatting change does not impair the integrity and accuracy of the MSAG database.

For purposes of this Section e., a content modification or formatting change does not include the use of the MSAG content in telephone companies' operational support systems to validate customer information for input to the /ALI database;

6) That the service provider will not sell, lease, license, rent, loan or provide, or transfer the county's/municipality's MSAG to any other persons, or entities without the express written authorization of the county's/municipality's 9-1-1 coordinator, or his/her designee; and

7) That a telephone company may not, without the written consent of the county/municipality, modify or

create any derivative of the county's/municipality's MSAG, except as follows: one mirror image copy of the MSAG may be made in electronic form for archival purposes (the copy may be made in read/write format by the host telephone company, but shall be made solely in read-only format by all other telephone companies), and the telephone company may make a mirror image copy, solely in read-only format and only for database reconciliation, address verification for new connections of service, and other functions that are necessary to ensure that the name and address information provided by the service provider to the county/municipality is accurate and conforms to the county's/municipality's MSAG format.

Procedure for MSAG Release

f. The county's/municipality's 9-1-1 Coordinator shall notify the provider that actually renders 9-1-1 service (for example, BA-PA in Philadelphia) in writing (by facsimile followed by the mailed original) within 48 hours of a service provider's compliance with, and satisfaction of, the standard Protocols and certification process and upon such notification the provider of 9-1-1 service may release the MSAG to the compliant and certified service provider.

Miscellaneous

g. To promote uniformity and certainty, the standard protocols and questionnaires shall be the same for each county/municipality, but tests may be different due to system configuration in each county/municipality.

h. The certification process envisioned by the Protocols will allow each county/municipality to address its public safety concerns and will provide that the City and each county/municipality will authorize release of the MSAG, as amended from time to time, if the service provider complies with the county's/municipality's certification process. Certification will be evidenced by formal written documentation from the county/municipal 9-1-1 Coordinator to the service provider in compliance with the Protocols. The certification process will require that the county/municipality recertify the service providers on a triennial basis and will provide that the county's/municipality's authorization for use of the MSAG will be rescinded if it fails to become recertified until such time as the county/municipality determines that the service provider has complied with the recertification requirements. Recertification shall mean updating the questionnaire and retesting shall not be necessary unless there is a significant change in the network, such as the addition of a switch or going from MF to SS7 signaling. The county/municipality will be responsible for providing to service providers all forms for certification and any updates.

i. 9-1-1 service shall be provided in accordance with the service provider's applicable tariff.⁵ Trunking charges are to be governed by service provider tariffs.

j. The county's/municipality's 9-1-1 Plan shall amend its 9-1-1 plan with PEMA to conform to these Protocols and shall rescind any contrary or additional regulations, ordinances, resolutions or other requirements for Pa. PUC-regulated telephone service provider access to the county's/municipality's 9-1-1 System so long as any Pa. PUC or PEMA order or determination approving the Protocols is of legal effect.

k. All consents, approvals and responses referenced under these Protocols shall not be unreasonably delayed or withheld.

1. All notifications under these Protocols shall be in writing and transmitted by facsimile (on the day the notice is issued) and by overnight mail or hand delivery.

Appendix B

Service Provider E-9-1-1 Questionnaire

Each service provider shall update the service provider questionnaire triennially to include any changes to its previously submitted questionnaire, or to confirm the absence of any changes in conjunction with review of the county's municipality's 9-1-1 Plan by the Pennsylvania Emergency Management Agency under Act 78 or its successor. The county/municipality will notify the service provider when this update is required for the triennial review. Additionally, each service provider agrees to provide the county/municipality⁶ with an updated questionnaire upon a) a change of ownership of the service provider; b) a significant change in the service provider's network; c) a change of the service provider's 9-1-1 manager/supervisor or primary contact; or, d) a change in the service provider's administrative charge for the billing system.

When a service provider has changes in items 6D, 7A3, 10B or 21C of the questionnaire, the service provider shall provide such updated information to the county/municipality no less than quarterly.

1. What is the design of the company's network? _____

A. Provide a network schematic including the connection to the 911 network. Include Circuit IDs. _____

2. How will the company's network be interfaced to 911? _____

A. How many end trunks will be used? _____

1. The company will be expected to comply with trunking as per Act 78. _____

2. The company will be expected to maintain at least a P.01 grade of service. _____

B. Will these trunks be diversely routed? _____

C. When will the trunks be installed? _____

3. Outline the network test plan that will be used by your company to test the 911 interface. _____

A. When is testing scheduled to begin? _____

B. Who will be in charge of testing? Name/address/phone number _____

C. It will be required for the county/municipality to be contacted prior to the state of testing. _____

4. Who is expected to pay for 911 connection (end office trunks)? _____

A. Identify all costs to the county/municipality. _____

5. How often will the company provide traffic studies (CCS counts) on the end office trunks? _____

A. Can your company continuously monitor CCS counts on the end office trunks? _____

B. Does the company plan to do this? _____

1. Will it make the necessary adjustments in trunking automatically so as to conform to Act 78 trunking standards? _____

6. Is the company's network continuously monitored? _____

⁵ "The General Assembly declares it to be in the public interest to provide a toll-free number 911 for any individual within this Commonwealth to gain rapid, direct access to emergency aid." The Preamble to Act 78 (Public Safety Emergency Telephone Act (35 P. S. §§ 7011—7021)).

⁶ County/municipality as used herein is intended to designate the entity that files a 9-1-1 plan with PEMA. Thus, a service provider's obligation to update information is limited to such entity as opposed to the multitude of municipalities that may be covered by a county-wide 9-1-1 plan.

- A. Provide a 24x7 number for the monitoring center. _____
- B. Where is the center located? _____
- C. What monitoring capabilities does this center have? _____
1. Will the end office trunks be monitored/alarmed? _____
- D. Who is the center's manager? _____
1. Provide name/address/phone number for the manager. _____
2. Provide name/address/phone number for the manager's supervisor. _____
7. Provide a trouble reporting procedure. _____
- A. Is there a dedicated trouble reporting center? _____
1. What is the location of this center? _____
2. Provide a 24x7 number for trouble reporting. _____
3. Who is the center's manager? _____
- a. Name/address/phone number of manager? _____
- b. Can the manager be reached 24x7? How? _____
8. Provide a trouble escalation procedure. _____
9. Since it will often be impossible for the county/municipality to determine the origin of the trouble, will the company accept trouble reports from the host phone company? _____
10. Will the company manage it's own ALI data? _____
- A. How will the transfer of data from the service provider to the host telco be accomplished? _____
- B. Who is the county's/municipality's contact, from the company, for database additions/deletions/correction? _____
1. Provide contacts name/address/phone number. _____
2. Is there a 24x7 number for database work? _____
3. Provide the name/address/phone number of the contact's supervisor. _____
- C. How will the company ensure the accuracy of the ALI data? _____
- D. Who will deliver ALI record to PSAP? _____
- E. Does the company's ALI data meet NENA standards as far as format? _____
11. Will database additions/deletions/corrections be accepted from the county/municipality on the current database correction form? _____
- A. How are database correction forms to be sent to the company's database contact? _____
1. Mail? _____
2. Fax? _____
- B. Does the company have a 9-1-1 Data Control center? _____
12. How long will database correction take? _____
- A. Will there be a verification process in place to ensure the accuracy of corrections? _____
13. Provide a database escalation procedure. _____
14. When does the company believe it will begin offering service to customers in the county/municipality? _____
- A. Business? _____
- B. Residential? _____
15. Are there particular areas of the county/municipality in which the company is targeting service? _____
- A. Provide a list of these areas. _____
- B. Indicate when the company anticipates providing service in each area. _____
16. Will the company be utilizing unique NXXs? _____
- A. What are the NXXs? _____
- B. What wire center is each NXX assigned to? _____
- C. The company will be expected to continually update the City whenever new NXXs are assigned. _____
17. Will the company be offering number portability? _____
- A. Will there be portability between local exchange carriers? _____
- B. Will there be portability between wire center? _____
18. How will the company provide operator services? _____
19. How will operator services be interfaced to 911? _____
- A. How will ALI identify operator assisted calls? _____
20. How will operator services identify which PSAP an emergency call should go to? _____
- A. Mailing address v. Municipality v. Exchange? _____
- B. What database information will operator services have available to them? _____
- C. What other tools will operator services have to help them? _____
- D. Can a call be transferred to another 911 center and a seven digit number? _____
21. Provide a 24x7 phone number for ALI lookup (i.e. local law enforcement needs, search warrants, trace & traps, etc.). _____
- A. Where is the department located? _____
- B. What information/databases does company security have access to? _____
- C. Provide the name/address/phone number for the manager. _____
22. Provide a 24x7 phone number to be used for purposes of abandoned or 911 hangups. Failure to do so delays the ability of the PSAP to deliver public safety services. _____
23. Will there be a charge for establishing the 911 billing system? _____
24. The County's line contribution rate of _____/line/month is to be collected by your company and remitted to the county/municipality on a monthly basis. The remittance check should be made payable to: _____
- The attached remittance form shall accompany the check. _____
25. What is the company's administrative charge for the billing system? _____
26. What is the company's position with respect to: _____
- A. Uncollectables? _____
- B. Refusals to pay? _____
27. When the Line Contribution Rate revenue is remanded to the county/municipality, how will charges, uncollectables be detailed? _____

A. Will the company provide this information in the same format from which it is received from the host telco today? _____

28. Who will handle the billing for the company? _____

A. Provide the name/address/phone number of the billing contact. _____

B. Provide the name/address/phone number of the billing contact's supervisor. _____

29. Will the company have a group or individual dedicated to 911 service? _____

A. Provide the name/address/phone number for the 911 service manager. _____

B. Provide the name/address/phone number for the 911 service manager's supervisor. _____

30. Who is the company's single point of contact for the County's 911 coordinator? _____

A. Provide name/address/phone number. _____

B. Can contact be reached at all times (24x7)? _____

C. Provide name/address/phone number for this contact's supervisor. _____

31. Will the company be providing any of the following services? _____

A. Coin phones or COCOTS? _____

B. Foreign Exchange (FX) lines? _____

C. Long Distance? _____

D. Cellular or PCS? _____

1. Will the company conform to project 31 standards? _____

E. Paging? _____

32. How will the company handle all trunks busy? _____

A. Provide the text (bilingual) of the company's standard announcement when all lines are busy. Unless the company only uses a busy signal, the county/municipality must approve the text. _____

B. Will the message have a background busy signal? _____

C. Will the message be TDD/TTY compliant? _____

By signing below, I represent and warrant that the foregoing information is true and correct to the best of my knowledge, information and belief.

Name: _____

Title: _____

Service Provider: _____

Date: _____

Appendix C

SAMPLE—will be modified to reflect configuration of other county 9-1-1 systems

City of Philadelphia

TEST PROCEDURES PHILA E-911

ALL CALLTAKERS DURING EACH TEST CALL MUST STATE THE FOLLOWING TO THE PHILA E-911 CALLTAKERS.

THIS IS A TEST CALL FROM

DIAL TONE PROVIDER
(COMPANY NAME)

TEST PLAN

CHECK TRANSMIT AND RECEIVE LEVELS DURING ALL CALLS.

TEST 1

IN SWITCH UNDER TEST, MAKE BUSY TRUNK #2 (LOCUST) OF THE DEFAULT TRUNK GROUP. PLACE A 9-1-1 CALL FROM YOUR SEVEN DIGIT NUMBER. TEST EACH TRUNK IN GROUP 1.

EXPECTED RESULT

CALLS SHOULD COMPLETE TO THE PSAP, OPERATOR RECEIVES PROPER ANI AND ALI DATA VIA MARKET TANDEM.

TEST 2

DURING CALL IN PROGRESS, REQUEST PSAP OPERATOR TO EFFECT CALL-TRANSFER TO THE PSAP SUPERVISOR.

EXPECTED RESULT

VERIFY PSAP SUPERVISOR RECEIVES CALL WITH PROPER ANI AND ALI.

TEST 3

IN THE SWITCH UNDER TEST, (LOCUST) RESTORE TO SERVICE TRUNK #2 AND MAKE BUSY TRUNK #1 (MARKET) OF THE DEFAULT TRUNK GROUP. PLACE A CALL FROM YOUR SEVEN DIGIT NUMBER. TO EACH TRUNK.

EXPECTED RESULT

CALL COMPLETES TO PSAP, OPERATOR RECEIVES PROPER ANI AND ALI DATA VIA LOCUST TANDEM.

TEST 4

DURING CALL IN PROGRESS, REQUEST PSAP OPERATOR TO EFFECT CALL TRANSFER TO THE OPERATIONS DESK.

EXPECTED RESULT

CALL COMPLETES TO OPERATIONS DESK, NO ANI OR ALI IS EXPECTED.

TEST 4A

MAKE BUSY TRUNK GROUPS 1 AND 2 AND PLACE TEST CALL TO PSAP OPERATOR.

EXPECTED RESULTS

RECEIVES RECORDED MESSAGE ALL LINES BUSY FROM (COMPANY PROVIDING DIAL TONE)

TEST 4B

BELL ATLANTIC BUSY OUT MARKET PSAP TRUNKS. PLACE CALL FROM SWITCH UNDER TEST TO MARKET TANDEM.

EXPECTED RESULTS

TESTING OF INTER-TANDEM TRUNKING AND RECEIVING CALL. ANI/ALI INFORMATION.

TEST 5

IN SWITCH UNDER TEST, MAKE BUSY TRUNK 2 OF THE SOUTH DIVISION TRUNK GROUP. PLACE A CALL FROM YOUR SEVEN DIGIT NUMBER.

EXPECTED RESULT

CALL COMPLETES TO THE SOUTH DIVISION, OPERATOR RECEIVES PROPER ANI AND ALI DATA VIA MARKET TANDEM.

TEST 6

DURING CALL IN PROGRESS, REQUEST PSAP OPERATOR TO EFFECT CALL TRANSFER TO FIRE/EMS.

EXPECTED RESULT

CALL COMPLETES TO FIRE/EMS, NO ALI OR ANI IS EXPECTED.

TEST 7

IN THE SWITCH UNDER TEST, RESTORE TO SERVICE ALL 911 TRUNKS. PLACE A 911 CALL FROM YOUR SEVEN DIGIT NUMBER.

EXPECTED RESULT

CALL COMPLETES TO PSAP, OPERATOR RECEIVES ANI WITH NOT IN DATABASE INDICATION.

TEST 8

SIMULATE AN ANI FAILURE BY OUTPUTTING THE 911 DIGITS ON THE TEST TRUNK.

TEST 9

PLACE A 911 CALL USING THE TEST SET OVER TRUNK #1 OF DEFAULT TRUNK GROUP TO MARKET TANDEM.

EXPECTED RESULT

CALL COMPLETES TO PSAP WITH 911 DIGITS AND ESCO CODE.

TEST 10

PLACE AT LEAST 3 SIMULTANEOUS CALLS FROM THREE SEVEN DIGIT NUMBERS.

EXPECTED RESULT

ALL 3 CALLS SHOULD GO TO THE PSAP.

TEST 11

HAVE PSAP OPERATOR PERFORM A FORCED DISCONNECT ON ONE LINE. HAVE A SECOND CALL TRANSFERRED TO FIRE BOARD.

EXPECTED RESULT

1ST CALL IS DISCONNECTED FROM PSAP.
2ND CALL SHOULD TRANSFER TO FIRE BOARD WITH NO ANI/ALI EXPECTED.

TEST 12

HAVE A PSAP SUPERVISOR RE-DIAL ANY SEVEN DIGIT NUMBER THAT WAS PERFORMED IN TEST 12.

EXPECTED RESULT

PSAP SUPERVISOR REESTABLISHES CALL TO THE SAME NUMBER.

TEST 13

PLACE A TEST CALL TO PUBLIC OPERATOR FROM THE SWITCH UNDER TEST AND HAVE CALL RE-ROUTED TO PSAP OPERATOR.

EXPECTED RESULT

CALL RECEIVING WITH OPERATOR ON THE LINE AND ANI/ALI INFORMATION THAT DENOTES OPERATOR ASSISTED CALL.

END OF PHILA E-9-1-1 TEST**Abbreviated Dispute Resolution Process for Disputes Involving the Master Street Address Guide**

1. The Abbreviated Dispute Resolution Process described below will be limited to disputes which involve action or inaction of a telecommunications entity and a county/municipality which allegedly affects the use, re-

lease, modification, or application of the Master Street Address Guide (MSAG) or tariff provisions pertaining to the MSAG. Before such a petition is referred to the Abbreviated Dispute Resolution Process, as part of the petition the petitioning party must provide detailed evidence that it has engaged in good faith negotiations with the answering party with respect to the dispute in question for at least 30 days.

2. A party directly involved in a dispute as defined in paragraph 1 (Party or Parties) which cannot be resolved through good faith negotiations may file a Petition for Resolution of Disputed Issues (Dispute Resolution Petition) with the Commission. If possible, such petitions should be submitted jointly, by both parties. The Petition shall be served on the opposing party if not joint, the Consumer Advocate, the Small Business Advocate, and the Commission's Office of Trial Staff (Public Advocates).

3. Any Party filing a Dispute Resolution Petition may also request an interim ruling on whether the party is entitled to relief pending the resolution of the merits of the dispute. The purpose of this procedure is to provide an interim remedy when the dispute compromises the ability of a party to provide uninterrupted service, unreasonably precludes the provisioning of scheduled service, contains allegations that a proposed tariff involves predatory pricing, or involves collocation space limitation.

a. Any requests for an interim ruling shall be filed at the same time and in the same document as the Dispute Resolution Petition. A Dispute Resolution Petition that includes a request for interim relief need not allege that the petitioning party has engaged in good faith negotiations for at least 30 days; provided, however, that petitions that omit allegations of 30 days of good faith negotiations under this subparagraph shall be dismissed without prejudice if the request for interim relief is denied. The petitioning party shall give 24 hours notice to its opposing party prior to filing a request for interim relief.

b. A Dispute Resolution Petition that includes a request for an interim ruling shall include the phrase "Request for Interim Ruling" in the heading and shall clearly identify and set forth the specific grounds supporting the request for interim relief pending the resolution of the dispute, including a statement of the potential harm that may result if interim relief is not provided. A Dispute Resolution Petition that includes a request for interim ruling shall be verified by affidavit and served by hand-delivery, or by facsimile with telephonic confirmation of receipt, on the same day as the pleading is filed with the Commission. The certificate of service filed with the Dispute Resolution Petition shall state how the petitioning party has complied with this service requirement.

c. Within three business days of the filing and service of a Dispute Resolution Petition that includes a request for interim ruling, the Arbitrator assigned to the dispute under the Abbreviated Dispute Resolution Process shall conduct a hearing to determine whether interim relief should be granted during the Abbreviated Dispute Resolution Process. The Arbitrator will notify the parties of the date and time of the hearing by facsimile within 24 hours of the filing of a complaint and request for interim ruling. The Parties should be prepared to present their positions and evidence on factors including, but not limited to, the type of service requested, the economic and technical feasibility of providing that service, and the potential harm that may result if interim relief is not provided. The Arbitrator will issue an interim ruling on the request based on the evidence provided at the hearing within 24

hours of the close of the hearing and will notify the parties by facsimile of the ruling. In reaching a decision on interim relief, the Arbitrator may base his or her decision on whether the party has provided ample information to allow a full evaluation of the merits of the case. The petitioning party carries the burden of proof. The interim ruling will be effective throughout the dispute resolution proceeding until a final decision is issued under the Abbreviated Dispute Resolution Process. If the request for interim ruling is denied and the Dispute Resolution Petition contains the detailed evidence of 30 days of good faith negotiations as described in paragraph 1, above, the dispute resolution proceeding shall proceed under the procedures set forth herein. If the request for interim ruling is denied and the Dispute Resolution Petition does not contain such evidence, the petition shall be dismissed without prejudice and refiled only after a 30 day negotiation period.

4. The Parties will be the primary participants in the Abbreviated Dispute Resolution Process. The Public Advocates may participate in the proceeding but may not conduct formal discovery and are precluded from opposing the voluntary withdrawal of a Dispute Resolution Petition due to consummation of a settlement between the Parties. Each Dispute Resolution Petition will be assigned a separate docket number by the Commission's Secretary.

5. All Dispute Resolution Petitions will be assigned by the Commission to principal Arbitrator(s) with subject matter expertise, designated as having continuing jurisdiction to resolve the above referenced disputes.

6. The Parties shall submit a joint filing, if possible, within 5 business days of the filing of a Dispute Resolution Petition which clearly and concisely sets forth the dispute between the parties and includes as an attachment all relevant documentation material to resolution of the dispute. The filings will be served on the Public Advocates and on the opposing party if not joint.

7. Within 14 days of the filing of a Dispute Resolution Petition, a conference will be scheduled and held among the Parties, the participating Public Advocates and the Arbitrator.

8. At the conference, which will not be conducted as an evidentiary hearing, the Interconnecting Parties shall and the participating Public Advocates may informally present their positions to the Arbitrator and, with the assistance of the Arbitrator, shall attempt to resolve their differences. The conference will be open to the public, shall be transcribed and subject to the traditional proprietary safeguards.

9. Neither the conference nor the remainder of the informal phase of the administration of a Dispute Resolution Petition shall be subject to the ex parte prohibition to the extent the Arbitrator conducts discussions with each party alone to facilitate settlement.

10. If differences remain at the close of the conference, the Arbitrator may issue an informal decision from the bench which resolves the dispute. If the Arbitrator determines not to issue an informal bench decision, the Arbitrator will issue an informal decision resolving the dispute within 5 business days of the conference. In either case, the Arbitrator's informal decision will be filed in the document file.

11. There will be a 5 business day appeal period to the Commission following issuance of the Arbitrator's informal decision. If no party or Public Advocate files an

appeal within that time, the informal decision will become a final Commission order as evidenced by a Secretarial letter.

12. If a matter is settled by the Parties at any point in the informal proceedings described above, including during the 5-day appeal period, the Parties will have the choice of filing the settlement with the Commission for approval or withdrawing the Dispute Resolution Petition. This provision shall supersede the provisions of 52 Pa. Code §§ 5.94 and 1.82.

13. If the Parties choose to seek Commission approval of a settlement agreement, the Parties will file a joint petition for adoption of the settlement agreement with the Commission. The Public Advocates and any certified LEC may file a response to the joint petition within 10 days. The Arbitrator will issue an Initial Decision addressing the settlement petition within 15 days of the filing of the petition.

14. Interested parties may file exceptions to the Initial Decision within 7 business days of issuance. If no timely exceptions are filed and if two Commissioners do not "call up" the matter within 5 days of issuance, the Initial Decision will become a final order by operation of law. If timely exceptions are filed, the matter will be assigned to the Office of Special Assistants for preparation of a recommendation for Commission consideration at the earliest possible Public Meeting.

15. The filing of an appeal to an informal decision issued under paragraph 11 above will commence de novo review of a Dispute Resolution Petition. If the Office of Administrative Law Judge finds it to be appropriate in a given case, the appeal will be assigned to the same ALJ who rendered the informal decision.

16. The filing of an appeal shall not automatically stay the Arbitrator's informal decision. Any party to the proceeding may file a motion for stay of the informal decision with the ALJ. Only if the motion is approved will the informal decision be stayed during the pendency of the appeal.

17. Upon the filing of an appeal, interested parties other than the Parties may intervene, in the case of the Public Advocates, or seek intervention, in the case of other parties, in the proceedings.

18. De novo review shall consist of the conduct of an evidentiary hearing on the dispute. The presiding ALJ will conduct a hearing and issue an Initial Decision resolving the dispute within 30 days of the filing of the appeal unless the ALJ extends the time frame for good cause shown recognizing an expeditious result is in the public's interest.

19. Participating parties may file exceptions to the Initial Decision of the ALJ within 7 business days of issuance. Reply exceptions must be filed within 5 business days after exceptions are filed.

20. If no exceptions are filed and if two Commissioners do not "call up" the matter within 10 days of issuance, the Initial Decision of the ALJ will become a final order by operation of law on the 10th day after its issuance.

21. If exceptions are filed, the matter will be assigned to the Office of Special Assistants for preparation of a recommendation for Commission consideration at the earliest possible Public Meeting.

22. With the exception of 52 Pa. Code §§ 5.94 and 1.82, this dispute resolution process is not intended to replace or preclude any other remedies or procedures otherwise

available to any of the parties, and a party's participation in this dispute resolution process shall not be considered a waiver of any available substantive or procedural rights. However, the parties to the above proceeding each agree that no party will raise issues pertaining to the legal adequacy of the Abbreviated Dispute Resolution Process either before the Commission or before any court of law or equity.

23. After these procedures have been in effect for a period of 1 year, any party to this proceeding may petition the Commission to re-examine and/or revise any of these procedures.

[Pa.B. Doc. No. 00-969. Filed for public inspection June 2, 2000, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission (Commission). Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protest to the applications published herein are due on or before June 26, 2000, as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protests shall also indicate whether it applies to the temporary authority application or the permanent application or both.

Applications of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under each application.

A-00116860. Best Rate Limousine Service, Ltd. (405 Lilac Lane, Clarks Summit, Lackawanna County, PA 18411), a corporation of the Commonwealth of Pennsylvania—persons in limousine service, between points in the county of Lackawanna, and from points in said county, to points in Pennsylvania, and return; which is to be a transfer of all of the right authorized under the certificate issued at A-00112902 to A & E Limousine, Inc., a corporation of the Commonwealth of Pennsylvania, subject to the same limitations and conditions. *Attorney:* Gregory J. Pascale, 240 Penn Avenue, Scranton, PA 18503.

Application of the following for the approval of the transfer of stock as described under each application.

A-00016420, Folder 5000. Perkomen Valley Bus Co. (Travelways of Pittsburgh—Accounting, 1200 Conroy Place, Easton, Northampton County, PA 18040), a corporation of the Commonwealth of Pennsylvania—for the approval of the transfer of 500 shares of issued and outstanding shares of stock held by Clare M. Moyer, 190 shares; Christine E. Moyer, 189 shares; and Chad V. Moyer, 121 shares; all 500 shares to Travelways, Inc. *Attorney:* William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219-2383.

A-00093792, Folder 5000. DeSantis Transportation, Inc., t/d/b/a King Cab (P. O. Box 6092, Reading, Berks County, PA 19610), a corporation of the Commonwealth of Pennsylvania—for the approval of the transfer of all the

issued and outstanding shares of stock (300 shares) from Gregory A. DeSantis to Michael E. Leiby. *Attorney:* David S. Sobotka, 519 Walnut Street, Reading, PA 19601.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 00-970. Filed for public inspection June 2, 2000, 9:00 a.m.]

Telecommunications

A-310760. GTE North Incorporated and @Link Networks, Inc. Joint application for approval of first amendment to interconnection agreement between GTE North Incorporated and @Link Networks, Inc. f/k/a Dakota Services Limited.

GTE North Incorporated and @Link Networks, Inc., by its counsel, filed on May 17, 2000, at the Pennsylvania Public Utility Commission, a joint petition for approval of a first amendment to interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the GTE North Incorporated and Link Networks, Inc. Joint Petition are on file with the Pennsylvania Public Utility Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 00-971. Filed for public inspection June 2, 2000, 9:00 a.m.]

STATE BOARD OF VOCATIONAL REHABILITATION

Public Meeting

The State Board of Vocational Rehabilitation will hold its next public meeting in Hershey, PA.

Location: Hershey Lodge & Convention Center
West Chocolate Avenue & University Drive
Hershey, PA 17033

Date: June 9, 2000

Time: 10:30 a.m.—12 noon (Executive Session)—
closed to the public
1 p.m.—3 p.m. (Public Session)

Persons who require special arrangements (including a sign language interpreter or alternate format), should call Nancy Dutchko at (717) 787-1112 or (800) 442-6351.

JOHNNY J. BUTLER,
Secretary

[Pa.B. Doc. No. 00-972. Filed for public inspection June 2, 2000, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:

The payment date specified in the contract.

30 days after the later of the receipt of a proper invoice or receipt of goods or services.

The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center

PA Department of Community and Economic Development

374 Forum Building

Harrisburg, PA 17120

800-280-3801 or (717) 783-5700

Reader's Guide

Legal Services & Consultation—26

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services

Location: Harrisburg, Pa.

Duration: 12/1/93-12/30/93

Contact: Procurement Division
787-0000

③ Contract Information

④ Department

⑦

⑤ Location

(For Commodities: Contact:)
Vendor Services Section
717-787-2199 or 717-787-4705

⑥ Duration

REQUIRED DATA DESCRIPTIONS

① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.

② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.

③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.

④ Department: State Department or Agency initiating request for advertisement.

⑤ Location: Area where contract performance will be executed.

⑥ Duration: Time estimate for performance and/or execution of contract.

⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, "Frequently Asked Questions About State Contracts," explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**
 Pennsylvania State Treasury
 Room G13 Finance Building
 Harrisburg, PA 17120
 717-787-2990
 1-800-252-4700

BARBARA HAFER,
State Treasurer

Commodities

8252060 Truck, pony. For a copy of bid package fax request to (717) 787-0725.

Department: Transportation
Location: Harrisburg, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

1572119 Furnish and deliver a semi-automatic box taper. For a copy of bid package fax request to (717) 787-0725.

Department: Corrections
Location: Dallas, PA
Duration: FY 99-00
Contact: Vendor Services, (717) 787-2199

1023220 Tamperproof decals. For a copy of bid package fax request to (717) 787-0725.

Department: Fish and Boat Commission
Location: Harrisburg, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

8505290 Various Vehicle Components. For a copy of bid package fax request to (717) 787-0725.

Department: Transportation
Location: Harrisburg, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

1019110 Cardboard for License Plates. Size 12" x 6". Made from outdoor sign board. For a copy of bid package fax request to (717) 787-0725.

Department: Corrections
Location: Pittsburgh, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

8252300 Patching Machine, Trailer, Mounted, Field Mix. For a copy of bid package fax request to (717) 787-0725.

Department: Transportation
Location: Harrisburg, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

1027110 Jersey knit material. To be domestic 50/50 poly/cotton blend. For a copy of bid package fax request to (717) 787-0725.

Department: Corrections
Location: Dallas, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

1002110 Filing system for DC-14 counselor file folders. For a copy of bid package fax request to (717) 787-0725.

Department: Corrections
Location: Camp Hill, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

9120-05 Natural Gas Supply. For a copy of bid package fax request to (717) 787-0725.

Department: General Services
Location: Various
Duration: October 1, 2000-September 30, 2001
Contact: Vendor Services, (717) 787-2199

1550119 Emblems. For a copy of bid package fax request to (717) 787-0725.

Department: Corrections
Location: Waymart, PA
Duration: FY 99-00
Contact: Vendor Services, (717) 787-2199

8252080 Loader, 2.0. For a copy of bid package fax request to (717) 787-0725.

Department: Transportation
Location: Harrisburg, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

8252220 Loader, Backhoe. For a copy of bid package fax request to (717) 787-0725.

Department: Transportation
Location: Harrisburg, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

SERVICES

Audio/Video—4

00976004 Repair and Maintenance to FM Radio Communications System at Polk Center.

Department: Public Welfare
Location: Polk Center, P. O. Box 94, Polk, PA 16342
Duration: October 1, 2000—September 30, 2003
Contact: Patty Frank, Purchasing Agent, (814) 432-0229

Construction—9

DOORS-2500 12 gauge security hollow metal doors and frames with Folger Adam hinges, locks, door position switches and control console. To include any other related item that may be required during this period.

Department: Corrections
Location: State Correctional Institution, 1000 Follies Road, Dallas, PA 18612
Duration: July 1, 2000—June 30, 2001
Contact: Robert G. Berkey, (570) 675-1101, Ext. 325

DGS948-53PHASE1PARTH Project Title: Plumbing Improvements—Third Floor North Wing. Brief Description: Upgrades of the existing plumbing systems in the 3rd Floor North Wing including toilet room renovations. Estimated Range: \$100,000 to \$500,000. Plumbing Construction. Plans Deposit: \$120 per set payable to Reynolds Construction Management, Inc. All bidders will receive one set of documents for each project noted for coordination of work of all projects in the same area. Refundable upon return of plans and specs 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 specs. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$15 per set or provide an express mail account number to the office listed below. Mail requests to: Reynolds Const. Mgmt., Inc., Rm. 314 Arsenal Bldg., 18th and Herr Streets, Harrisburg, PA 17125. Tel: (717) 230-8367. Bid Date: Thursday, July 6, 2000 at 2 p.m. A Prebid Conference has been scheduled for Thursday, June 15, 2000 at 4 p.m. in Rm. 8E-A of the East Wing, Main Capitol Bldg., Harrisburg, PA. Contact: Tim, Tel: (717) 230-8365. There will be a walk through immediately following the Prebid Conf. The 1st walk through will be held immediately following the Prebid Meeting on Thursday, June 15, 2000. A second walk through will be scheduled if requested. Special insurance, contr. qualification and historic conserv. qualification forms are included in the bid package and must be completed and submitted prior to award. The contr. must demonstrate the qualifications and experience of key full-time personnel of its own or subcontractors involving conservation of historic materials that will be encountered in the Bldg. The qualifications require specialized education, training and experience in several restoration related disciplines involving supervising of conservation work and restoration and conservation trades among other skills and trades as described in the contr. qualification summary of work.

Department: General Services
Location: Main Capitol Bldg., Harrisburg, Dauphin County, PA
Duration: September 15, 2001
Contact: Contract and Bidding Unit, (717) 787-6556

DGS948-36PHASE3PARTC Project Title: Waterproofing of Main Capitol Bldg.—Comprehensive Restoration or Replacement of Windows in the North Wing and Partial North Hyphen. Brief Description: Work consists of window refurbishments and metal window removal and replacement. Estimated Range: \$100,000 to \$500,000. General Construction. Plans Deposit: \$120 per set payable to: Reynolds Construction Management, Inc. All bidders will receive one set of documents for each project noted for coordination of work of all projects in the same area. Refundable upon return of plans and specs. in reusable condition as const. docs. within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specs. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$15 per set or provide an express mail account no. to the office listed below. Mail requests to: Reynolds Const. Management, Inc., Rm. 314 Arsenal Bldg., 18th and Herr Streets, Harrisburg, PA 17125. Tel: (717) 230-8367. Bid Date: Thursday, July 6, 2000 at 2 p.m. A Prebid conference has been scheduled for Thursday, June 15, 2000 at 4 p.m. in Rm. 8E-A of the East Wing, Main Capitol Bldg., Harrisburg, PA. Contact: Tim Werner, Tel: (717) 230-8367. There will be a walk through immediately following the Prebid conference. The 1st walk through will be held immediately following the Prebid meeting on Thursday, June 15, 2000. A 2nd walk through will be scheduled if requested. Special insurance, contractor qualification and historic conservation qualification forms are included in the bid package and must be completed and submitted prior to award. The contractor must demonstrate the qualifications and experience of key full-time personnel of its own or subcontractors involving conservation of historic materials that will be encountered in the bldg. The qualifications require specialized education, training and experience in several restoration related disciplines involving supervising of conservation work and restoration and conservation trades among other skills and trades as described in the contractor qualifications summary of work.

Department: General Services
Location: Main Capitol Bldg., Harrisburg, Dauphin County, PA
Duration: September 15, 2001
Contact: Contract and Bidding Unit, (717) 787-6556

DGSA999-114REBID Project Title: Roof Replacement. Brief Description: Remove and replace existing roof shingles, downspouts and gutters. Perform miscellaneous carpentry repairs. Estimated Range: Under \$100,000. General Construction. Plans Deposit: \$25 per set payable to: Commonwealth of PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5 per set or provide an express mail account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Tel: (717) 787-3923. Bid Date: Wednesday, June 14, 2000 at 1 p.m. A Contractor's Qualification Form is included in the bid package and must be completed and submitted prior to award. The Contractor must demonstrate the qualifications and experience of key full-time personnel, gained within the last 10 years, involving carpentry, roofing and painting.

Department: General Services
Location: LaPorte House at the French Azilum, Towanda, Bradford County, PA
Duration: 90 Calendar Days from Date of Initial Job Conference
Contact: Contract and Bidding Unit, (717) 787-6556

FDC-215-785 Replace bituminous sidewalks at the M. K. Goddard State Park Marina in Mercer County. (Demolition/removal of existing sidewalks; 900 tons—2A Aggregate; 5,600 S.Y. of Geotextile; 960 tons CBBC; and 480 tons of ID-2). Note: Bid documents will be available on or after May 30, 2000.

Department: Conservation and Natural Resources
Location: New Vernon Township
Duration: 90 days
Contact: Construction Management Section, (717) 787-5055

DGS515-20 Project Title: Air Condition Building No. 35. Brief Description: Work consists of new steam absorption chilled water and hot water system to new air distribution system. New chiller building, selective demolition, hazardous material remediation, new ceilings, electric work for HVAC systems, lighting and fire alarm modifications. Estimated Range: \$1,000,000 to \$2,000,000. General, HVAC and Electrical Construction. Plans Deposit: \$125 per set payable to: Beitman and Huyett, Inc. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check or provide an express mail account number to the office listed below. Mail requests to: Beitman and Huyett, Inc., 645 Penn Street, Suite 202, Reading, PA 19601-3543. Bid Date: Wednesday, June 21, 2000 at 1 p.m. A Prebid Conference has been scheduled for Friday, June 9, 2000 at 10 a.m. at Wernersville State Hospital, in Building No. 16, Firehouse Classroom, Wernersville, PA. Contact: Paul Browne, Tel: (610) 375-8513. All Contractors who have secured Contract Documents are invited and urged to attend this Prebid Conference.

Department: General Services
Location: Wernersville State Hospital, Wernersville, Berks County, PA
Duration: 400 Calendar Days from Date of Initial Job Conference
Contact: Contract and Bidding Unit, (717) 787-6556

DGS515-18 Project Title: Air Condition Building No. 34. Brief Description: Work consists of new steam absorption chilled water and hot water system to new air distribution system. New chiller building, selective demolition, hazardous material remediation, new ceiling, electric work for HVAC systems, lighting and fire alarm modifications. Estimated Range: \$1,000,000 to \$2,000,000. General, HVAC and Electrical Construction. Plans Deposit: \$125 per set payable to: Beitman and Huyett, Inc. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check or provide an express mail account number to the office listed below. Mail requests to: Beitman and Huyett, Inc., 645 Penn Street, Suite 202, Reading, PA 19601-3543. Bid Date: Wednesday, June 21, 2000 at 1 p.m. A Prebid Conference has been scheduled for Friday, June 9, 2000 at 10 a.m. at Wernersville State Hospital in Building No. 16, Firehouse Classroom, Wernersville, PA. Contact: Paul Browne, Tel: (610) 375-8513. All Contractors who have secured contract documents are invited and urged to attend this Prebid Conference.

Department: General Services
Location: Wernersville State Hospital, Wernersville, Berks County, PA
Duration: 400 Calendar Days from Date of Initial Job Conference
Contact: Contract and Bidding Unit, (717) 787-6556

DGS173-60 Project Title: Improvement to Laurel Summit Road Forest District No. 4. Brief Description: Work consists of excavation, backfilling, compaction and grading for widening of existing roadway. Paving of roadways and parking areas, pavement markings, installation of inlets, enwalls, plastic pipe underdrains, signs, seeding and mulching. Estimated Range: \$1,000,000 to \$2,000,000. General Construction. Plans Deposit: \$75 per set payable to: Department of Conservation and Natural Resources. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$10 or provide an express mail account number to the office listed below. Mail requests to: Department of Conservation and Natural Resources, Bureau of Facilities Design and Construction, 8th Floor RCSOB, 400 Market Street, Harrisburg, PA 17101-8451. Tel: (717) 787-5055. Bid Date: Wednesday, June 21, 2000 at 11 a.m.

Department: General Services
Location: Forbes State Forest, Somerset and Westmoreland Counties, PA
Duration: 120 Calendar Days from Date of Initial Job Conference
Contact: Contract and Bidding Unit, (717) 787-6556

MI-793 Project Title: Brooks Hall—Locker Room Floors Refinish. Scope of Work: Remove existing floor finishes; surface preparation; pre-installation bond testing; furnish and install new seamless floor finish in men's and women's locker rooms, toilet rooms, showers, training rooms and corridors; furnish and install new seamless cove base; remove temporary protective coverings; remove construction debris and clean-up. Plans Cost: \$10 nonrefundable.

Department: State System of Higher Education
Location: Brooks Hall, Millersville University, Millersville, Lancaster County, PA 17551
Duration: 14 calendar days from the Notice to Proceed
Contact: Jill Coleman, (717) 872-3730

DGS948-37PHASE4PARTC Project Title: Expansion of Central Air Conditioning System—Replace HVAC Systems in 3rd Floor North Wing. Brief Description: Work consists of the upgrade of the HVAC system in the 3rd Floor, North Wing of the Main Capitol Bldg. Estimated Range: \$500,000 to \$1,000,000. HVAC Construction. Plans Deposit: \$120 per set payable to Reynolds Constr. Management, Inc. All bidders will receive one set of docs. for each project noted for coordination of work of all projects in the same area. Refundable upon return of plans and specs. in reusable condition as construction docs. within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specs. Contact the office listed below to arrange for delivery of docs. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$15 per set or provide an express mail account number to the office listed below. Mail requests to: Reynolds Constr. Management, Inc., Rm. 314 Arsenal Bldg., 18th and Herr Streets, Harrisburg, PA 17125. Tel: (717) 230-8367. Bid Date: Thursday, July 6, 2000 at 2 p.m. A Prebid conf. has been scheduled for Thursday, June 15, 2000 at 4 p.m. in Rm. 8E-A of the East Wing, Main Capitol Bldg., Harrisburg, PA. Contact: Tim Werner, Tel: (717) 230-8367. There will be a walk through immediately following the Prebid Conf. The 1st walk through will be held immediately following the Prebid meeting on Thursday, June 15, 2000. A 2nd walk through will be scheduled if requested. Special insurance, contractor qualification and historic conservation qualification forms are included in the bid package and must be completed and submitted prior to award. The contractor must demonstrate the qualifications and experience of key full-time personnel of its own or subcontractors involving conservation of historic materials that will be encountered in the bldg. The qualifications require specialized education, training and experience in several restoration related disciplines involving supervising of conservation work and restoration and conservation trades among other skills and trades as described in the contractor qualifications summary of work.

Department: General Services
Location: Main Capitol Building, Harrisburg, Dauphin County, PA
Duration: September 15, 2001
Contact: Contract and Bidding Unit, (717) 787-6556

DGS700-33REBID Project Title: Renovations and Construct New Headhouse and Greenhouse. Brief Description: Construct new brick headhouse, enclosed corridor, new greenhouse, new lab and renovations to existing greenhouses. Estimated Range: \$100,000 to \$500,000. General, Mechanical and Electrical Construction. Plans Deposit: \$25 per set payable to: Commonwealth of PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5 per set or provide an express mail account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Tel: (717) 787-3923. Bid Date: Wednesday, June 21, 2000 at 2 p.m.

Department: General Services
Location: Department of Agriculture Headquarters, Susquehanna Township, Dauphin County, PA
Duration: 210 Calendar Days from Date of Initial Job Conference
Contact: Contract and Bidding Unit, (717) 787-6556

DGS948-35PHASE1PARTN Project Title: Fire and Safety Improvements—Third Floor North Wing and Hyphen. Brief Description: Work consists of general interior construction and historical refurbishment as related to the installation of fire alarm systems, fire suppression system, electrical/tele/data upgrades and related hazardous material abatement. Estimated Range: \$2,000,000 to \$5,000,000. General Electrical and Fire Protection Const. Plans Deposit: \$120 per set payable to: Reynolds Const. Management, Inc. All bidders will receive one set of documents for each project noted for coordination of work of all projects in the same area. Refundable upon return of plans and specs. in reusable condition as const. docs. within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specs. Contact the office listed below to arrange for delivery of docs. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$15 per set or provide an express mail account number to the office listed below. Mail requests to: Reynolds Const. Mgmt., Inc., 314 Arsenal Bldg., 18th and Herr Streets, Harrisburg, PA 17125. Tel: (717) 230-8367. Bid Date: Thursday, July 6, 2000 at 2 p.m. A Prebid Conf. has been scheduled for Thursday, June 15, 2000 at 4 p.m. in Rm. 8E-A of the East Wing, Main Capitol Bldg., Harrisburg, PA. Contact: Tim Werner, Tel: (717) 230-8367. There will be a walk through immediately following the Prebid Conf. The 1st walk through will be held immediately following the Prebid meeting on Thursday, June 15, 2000. A 2nd walk through will be scheduled if requested. Special Insurance, Contr. Qualification and historic conservation qualification forms are included in the bid package and must be completed and submitted prior to award. The contr. must demonstrate the qualifications and experience of key full-time personnel of its own or subcontractors involving conservation of historic materials that will be encountered in the bldg. The qualifications require specialized education, training and experience in several restoration related disciplines involving supervising of conservation work and restoration and conservation trades among other skills and trades as described in the contr. qualifications summary of work.

Department: General Services
Location: Main Capitol Building, Harrisburg, Dauphin County, PA
Duration: September 15, 2001
Contact: Contract and Bidding Unit, (717) 787-6556

Engineering Services—14

08430AG2562 To provide construction inspection and documentation services on S. R. 0081, Section 005, Dauphin County. Details concerning this project may be found under Department of Transportation—Retention of Engineering Firms in the *Pennsylvania Bulletin*, or www.statecontracts.com under Retention of Engineering Firm Data.

Department: Transportation
Location: Engineering District 8-0
Duration: Thirty Days After Construction Completion
Contact: N/A

08430AG2563 Multiphase Agreement to provide preliminary engineering, environmental studies, final design and consultation during construction on S. R. 3005, Section B00, Hickory Street Bridge, in Warren County. Details concerning this project may be found under Department of Transportation—Retention of Engineering Firms in the *Pennsylvania Bulletin*, or www.statecontracts.com under Retention of Engineering Firm Data.

Department: Transportation
Location: Engineering District 1-0
Duration: Thirty Days After Construction Completion
Contact: N/A

SP 1375007149 Provide all labor, materials, tools, equipment, items and devices for the studying of lead in selected soils at Fort Indiantown Gap Military Reservation.

Department: Military Affairs
Location: Ft. Indiantown Gap, Annville, PA
Duration: July 1, 2000—September 30, 2001
Contact: Emma Schroff, (717) 861-8518

K00096 Edinboro University of the State System of Higher Education is seeking a firm to perform professional design services for renovation of five dormitory buildings. The renovations shall effect reconfiguration of existing space from single rooms to suites or apartments. Buildings will be slated for renovation in phases over a 5—6 year period, beginning with Scranton Hall and Shafer Hall. To obtain a Request for Proposal (RFP), contact Tom Anderson, (814) 732-2704, fax (814) 732-2281, e-mail: tanderson@edinboro.edu. Short listed firms will be given an opportunity for a site tour. Proposals are due in the Purchasing Office, 220 McNerney Hall, by 4 p.m. on June 20, 2000. Proposals from firms located outside a 150 mile radius from Edinboro University will not be considered. MBE/WBE firms are encouraged to participate.

Department: State System of Higher Education
Location: Edinboro University of Pennsylvania, Edinboro, PA
Duration: 5—6 years
Contact: Tom Anderson, (814) 732-2704

08430AG2564 Multiphase Agreement to provide preliminary engineering, environmental studies, final design and consultation during construction on S. R. 0060, Section A02, Broadway Avenue (formerly known as S. R. 0718, Section A00), in Mercer County. Details concerning this project may be found under Department of Transportation—Retention of Engineering Firms in the *Pennsylvania Bulletin*, or www.statecontracts.com under Retention of Engineering Firm Data.

Department: Transportation
Location: Engineering District 1-0
Duration: Thirty Days After Construction Completion
Contact: N/A

Financial Services—17

SAA518-00-BC Bookstore Consulting Services. Student Activity Association, Inc., a nonprofit subsidiary of East Stroudsburg University, is accepting requests for bids on Request for Proposal (RFP) Number SAA518-00-BC. Contractors to supply consulting services for The University Bookstore. Fax bid requests or questions to Fred Moses at (570) 422-3420.

Department: State System of Higher Education
Location: East Stroudsburg University, East Stroudsburg, PA 18301-2999
Duration: Six months
Contact: Fredric Moses, Executive Director, (570) 422-3291

Food—19

CC # 8970-1000-000 Frozen meat items (beef, fish and poultry), vegetables, processed foodstuffs, eggs and margarine prints. Items to be bid on a quarterly basis (90 day interval) with scheduled deliveries and requested quantities. Approximate velocities of consumption of the aforesaid items are as follows: carcass and processed beef products—20M#; carcass and processed chicken products—31M#; carcass and process turkey products—33M#; processed fish products—20M#; vegetables—4.5M#; processed foodstuffs—6M#; vegetable pie—180 cases (cs); waffles—280 cs; eggs—640 cs; margarine prints—2M cs; and prepared soy/grain products—10M#. Specifications for the requested items are contained upon the quote format. For more information, please contact the listed agency and person below.

Department: Corrections
Location: State Regional Correctional Facility, 801 Butler Pike, Rte. 258, South Mercer, PA 16137
Duration: July 1, 2000 to June 30, 2001
Contact: John Pitonyak, (724) 662-1837, Ext. 194

3493 Cola and flavored beverage syrups, CO₂, dispensing equipment and installation of dispensing equipment.

Department: Corrections
Location: State Correctional Institution at Rockview, Rt. 26, Box A, Bellefonte, PA 16823
Duration: July 1, 2000—June 30, 2003
Contact: Cheryl Crispell, Purchasing Agent 2, (814) 355-4874, Ext. 206

4620-02 The Department of Transportation will solicit vending services for all rest areas/welcome centers. Items vended will be limited to nonperishable such as soda/juice, candy/snacks, ice cream, sandwiches and hot drinks. The vendor will be responsible for the installation, stocking and maintenance of the vending machines. General liability insurance will be required. Contracts will be awarded to the highest monthly fee bid to the Department of Transportation expressed in lump sum bid form. Persons interested in obtaining a proposal to bid should contact the name listed below within 10 days of this notice. Bid opening is July 7, 2000 at 2 p.m. in conference room 7B, 7th Floor, Forum Place, Harrisburg, PA.

Department: Transportation
Location: I-70 EB Washington County Site A Welcome Center; I-83 NB York County Site J Welcome/Rest Area; I-80 EB Columbia County Site 37 Rest Area
Duration: Three years per specifications and provisions
Contact: LuAnn J. Shadle, (717) 787-0188

CC # 8970-1300-000 Cheese products as follows: yellow processed cheese, grade B or better—8M#; mozzarella—5M#; and cheddar—4M#. The specifications for each item are contained upon a quarterly (90 day interval) quote with scheduled deliveries and requested quantities. Total poundage for each item are approximations. For more information, please contact the listed agency and person below.

Department: Corrections
Location: State Regional Correctional Facility, 801 Butler Pike, Rte. 258, South Mercer, PA 16137
Duration: July 1, 2000 to June 30, 2001
Contact: John Pitonyak, (724) 662-1837, Ext. 194

M-878 Meats and meat products; poultry and poultry products; fish; cheeses. To be delivered only at request of facility.

Department: Labor and Industry
Location: F.O.B. Shipping Platform, 727 Goucher St., Johnstown, PA 15905
Duration: July, August and September 2000
Contact: Christine A. Sloan, Purchasing Agent, (814) 255-8228

CC # 8970-1400-000 Milk products, Pennsylvania Milk Marketing Board's Class I Product, Grade A, Vitamins A & D Enriched, Pasteurized/Homogenized with scheduled deliveries and requested quantities upon quote format. Approximate quantities of consumption are as follows: 2% butterfat milk; packaging shall be 5 gallon bulk units with disposable spout dispenser tube—33.8M gallons, skim milk; packaging shall be 5 gallon bulk units with disposable spout dispenser tube—1.2M gallons; and half pint (8 oz.) skim milk containers—21M each. For more information, please contact the agency and person below.

Department: Corrections
Location: State Regional Correctional Facility, 801 Butler Pike, Rte. 258, South Mercer, PA 16137
Duration: July 1, 2000 to June 30, 2001
Contact: John Pitonyak, (724) 662-1837, Ext. 194

CC # 8970-1900-000 Produce, fresh vegetables and fruits, monthly quote/award with weekly deliveries. Specifications and quantities are upon the monthly quote. For more information, please contact the listed agency and person below.

Department: Corrections
Location: State Regional Correctional Facility, 801 Butler Pike, Rte. 258, South Mercer, PA 16137
Duration: July 1, 2000 to June 30, 2001
Contact: John Pitonyak, (724) 662-1837, Ext. 194

HVAC—22

1375007032 Provide emergency and routine repair work for electric system. The contractor must respond to the call within 2 hours of receiving a call either directly or by a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from State Armory Board.

Department: Military Affairs
Location: PAARNG OMS, 554 Airport Road, Johnstown, PA 15904-9439
Duration: September 1, 2000—September 30, 2003
Contact: Emma Schroff, (717) 861-8518

1375007031 Provide emergency and routine repair work for plumbing system. The contractor must respond to the call within 2 hours of receiving a call either directly or by a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from State Armory Board.

Department: Military Affairs
Location: PAARNG OMS, 554 Airport Road, Johnstown, PA 15904-9439
Duration: September 1, 2000—September 30, 2003
Contact: Emma Schroff, (717) 861-8518

1375007030 Provide emergency and routine repair work for heating system. The contractor must respond to the call within 2 hours of receiving a call either directly or by a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from State Armory Board.

Department: Military Affairs
Location: PAARNG OMS, 14th and Calder Streets, Harrisburg, PA 17103
Duration: September 1, 2000—September 30, 2003
Contact: Emma Schroff, (717) 861-8518

1375007029 Provide emergency and routine repair work for electric system. The contractor must respond to the call within 2 hours of receiving a call either directly or by a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from State Armory Board.

Department: Military Affairs
Location: PAARNG OMS, 14th and Calder Streets, Harrisburg, PA 17103
Duration: September 1, 2000—September 30, 2003
Contact: Emma Schroff, (717) 861-8518

1375007028 Provide emergency and routine repair work for plumbing system. The contractor must respond to the call within 2 hours of receiving a call either directly or by a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from State Armory Board.

Department: Military Affairs
Location: PAARNG OMS, 14th and Calder Streets, Harrisburg, PA 17103
Duration: September 1, 2000—September 30, 2003
Contact: Emma Schroff, (717) 861-8518

1375007015 Provide emergency and routine repair work for heating system. The contractor must respond to the call within 2 hours of receiving a call either directly or by a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from State Armory Board.

Department: Military Affairs
Location: PAARNG OMS, 504 Cavalry Road, Carlisle, PA 17013-1699
Duration: October 1, 2000—September 30, 2003
Contact: Emma Schroff, (717) 861-8518

1375007016 Provide emergency and routine repair work for plumbing system. The contractor must respond to the call within 2 hours of receiving a call either directly or by a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from State Armory Board.

Department: Military Affairs
Location: PAARNG OMS, P. O. Box 647, Coal Hill Road, Clearfield, PA 16830-0847
Duration: October 1, 2000—September 30, 2003
Contact: Emma Schroff, (717) 861-8518

1375007017 Provide emergency and routine repair work for electric system. The contractor must respond to the call within 2 hours of receiving a call either directly or by a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from State Armory Board.

Department: Military Affairs
Location: PAARNG OMS, P. O. Box 647, Coal Hill Road, Clearfield, PA 16830-0847
Duration: October 1, 2000—September 30, 2003
Contact: Emma Schroff, (717) 861-8518

1375007018 Provide emergency and routine repair work for heating system. The contractor must respond to the call within 2 hours of receiving a call either directly or by a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from State Armory Board.

Department: Military Affairs
Location: PAARNG OMS, P. O. Box 647, Coal Hill Road, Clearfield, PA 16830-0847
Duration: October 1, 2000—September 30, 2003
Contact: Emma Schroff, (717) 861-8518

1375007019 Provide emergency and routine repair work for plumbing system. The contractor must respond to the call within 2 hours of receiving a call either directly or by a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from State Armory Board.

Department: Military Affairs
Location: PAARNG OMS, R. D. 1 Box 541B, Connellsville, PA 15425-9108
Duration: October 1, 2000—September 30, 2003
Contact: Emma Schroff, (717) 861-8518

1375007020 Provide emergency and routine repair work for electric system. The contractor must respond to the call within 2 hours of receiving a call either directly or by a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from State Armory Board.

Department: Military Affairs
Location: PAARNG OMS, R. D. 1 Box 541B, Connellsville, PA 15425-9108
Duration: October 1, 2000—September 30, 2003
Contact: Emma Schroff, (717) 861-8518

1375007021 Provide emergency and routine repair work for heating system. The contractor must respond to the call within 2 hours of receiving a call either directly or by a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from State Armory Board.

Department: Military Affairs
Location: PAARNG OMS, R. D. 1 Box 541B, Connellsville, PA 15425-9108
Duration: October 1, 2000—September 30, 2003
Contact: Emma Schroff, (717) 861-8518

1375007010 Provide emergency and routine repair work for plumbing system. The contractor must respond to the call within 2 hours of receiving a call either directly or by a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from State Armory Board.

Department: Military Affairs
Location: PAARNG OMS, 7th Ave., Carbondale, PA 18407-2251
Duration: October 1, 2000—September 30, 2003
Contact: Emma Schroff, (717) 861-8518

MI-781 Project Title: Breidenstine Hall—Kiln Exhaust/Make-up Air. Scope of Work: Remove approximately 30 linear feet of existing duct work, re-installing approximately 140 linear feet of duct, and provide associated electrical construction (fans, controls, etc.) for the installation. Plans Cost: \$15 nonrefundable.

Department: State System of Higher Education
Location: Breidenstine Hall, Millersville University, Millersville, Lancaster County, PA 17551
Duration: 30 calendar days from the Notice to Proceed
Contact: Jill Coleman, (717) 872-3730

1375007070 Provide emergency and routine repair work for plumbing system. The contractor must respond to the call within 2 hours of receiving a call either directly or by a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from State Armory Board.

Department: Military Affairs
Location: PAARNG OMS, 826 Crane Ave., Pittsburgh, PA 15216-3012
Duration: September 1, 2000—September 30, 2003
Contact: Emma Schroff, (717) 861-8518

1375007071 Provide emergency and routine repair work for electric system. The contractor must respond to the call within 2 hours of receiving a call either directly or by a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from State Armory Board.

Department: Military Affairs
Location: PAARNG OMS, 826 Crane Ave., Pittsburgh, PA 15216-3012
Duration: September 1, 2000—September 30, 2003
Contact: Emma Schroff, (717) 861-8518

1375007072 Provide emergency and routine repair work for heating system. The contractor must respond to the call within 2 hours of receiving a call either directly or by a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from State Armory Board.

Department: Military Affairs
Location: PAARNG OMS, 826 Crane Ave., Pittsburgh, PA 15216-3012
Duration: September 1, 2000—September 30, 2003
Contact: Emma Schroff, (717) 861-8518

1375007073 Provide emergency and routine repair work for plumbing system. The contractor must respond to the call within 2 hours of receiving a call either directly or by a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from State Armory Board.

Department: Military Affairs
Location: PAARNG OMS, 324 Emerson St., Pittsburgh, PA 15206-4298
Duration: September 1, 2000—September 30, 2003
Contact: Emma Schroff, (717) 861-8518

1375007074 Provide emergency and routine repair work for electric system. The contractor must respond to the call within 2 hours of receiving a call either directly or by a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from State Armory Board.

Department: Military Affairs
Location: PAARNG OMS, 324 Emerson St., Pittsburgh, PA 15206-4298
Duration: September 1, 2000—September 30, 2003
Contact: Emma Schroff, (717) 861-8518

1000-076 Provide plumbing and electrical repair services to safely and efficiently operate two rest areas (Sites No. 25 and No. 26) on Interstate 80 in Jefferson County. These Facilities each have separate drinking water and sewage treatment plants. For bid information, please fax your name, address and telephone number to Diane Spence at (724) 357-2872.

Department: Transportation
Location: Jefferson County, Rest Area Sites 25 and 26 on I-80
Duration: One year plus two 2-year renewals
Contact: Diane Spence, (724) 357-7987

1375007076 Provide emergency and routine repair work for plumbing system. The contractor must respond to the call within 2 hours of receiving a call either directly or by a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from State Armory Board.

Department: Military Affairs
Location: PAARNG OMS, 8 Stauffer Industrial Park, Taylor Scranton, PA 18517-9601
Duration: September 1, 2000—September 30, 2003
Contact: Emma Schroff, (717) 861-8518

1375007086 Provide emergency and routine repair work for plumbing system. The contractor must respond to the call within 2 hours of receiving a call either directly or by a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from State Armory Board.

Department: Military Affairs
Location: PAARNG OMS, 1300 Penn St., Williamsport, PA 17701-2499
Duration: October 1, 2000—September 30, 2003
Contact: Emma Schroff, (717) 861-8518

1375007064 Provide emergency and routine repair work for plumbing system. The contractor must respond to the call within 2 hours of receiving a call either directly or by a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from State Armory Board.

Department: Military Affairs
Location: PAARNG OMS Bldg., 56 Ft. Mifflin, Philadelphia, PA 19153-5001
Duration: September 1, 2000—September 30, 2003
Contact: Emma Schroff, (717) 861-8518

1375007065 Provide emergency and routine repair work for electric system. The contractor must respond to the call within 2 hours of receiving a call either directly or by a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from State Armory Board.

Department: Military Affairs
Location: PAARNG OMS Bldg., 56 Ft. Mifflin, Philadelphia, PA 19153-5001
Duration: September 1, 2000—September 30, 2003
Contact: Emma Schroff, (717) 861-8518

1375007066 Provide emergency and routine repair work for heating system. The contractor must respond to the call within 2 hours of receiving a call either directly or by a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from State Armory Board.

Department: Military Affairs
Location: PAARNG OMS Bldg., 56 Ft. Mifflin, Philadelphia, PA 19153-5001
Duration: September 1, 2000—September 30, 2003
Contact: Emma Schroff, (717) 861-8518

1375007067 Provide emergency and routine repair work for plumbing system. The contractor must respond to the call within 2 hours of receiving a call either directly or by a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from State Armory Board.

Department: Military Affairs
Location: PAARNG OMS, Rapps Dam Road, Phoenixville, PA 19460-1999
Duration: September 1, 2000—September 30, 2003
Contact: Emma Schroff, (717) 861-8518

Laundry—25

00976006 Furnish Dry Cleaning Services as required by Polk Center.

Department: Public Welfare
Location: Polk Center, P. O. Box 94, Polk, PA 16342
Duration: October 1, 2000—September 30, 2005
Contact: Patty Frank, Purchasing Agent, (814) 432-0229

Lodging Facilities—27

SPC702300 Requested services are catering and meeting facilities for the PA Department of Health, Bureau of Communicable Diseases, Division of HIV/AIDS, Health and Welfare Building, P. O. Box 90, Harrisburg, PA 17108, Attention Darlene Moore.

Department: Health
Location: Facility shall be located within 15 road miles of Harrisburg International Airport
Duration: January 1, 2001—December 31, 2002
Contact: Bureau of Communicable Diseases, (717) 783-0572

Medical Services—29

SBC#00671028 Services of a consultant to serve as a therapy coordinator for all treatment programs and clinical staff with the MICA Unit at Norristown State Hospital. The MICA (Mentally Ill Chemical Abusers) Unit deals with mentally ill patients with substance abuse problems. This consultant will be a management level professional. The contract will be for a 2 year period, 30 hours of work per week, the first year and 15 hours per week the second year.

Department: Public Welfare
Location: Norristown State Hospital, 1001 Sterigere Street, Norristown, PA 19401
Duration: Two year period
Contact: George Magakis, Ph.D., (610) 313-5233

Moving Services—30

05-A-00 To provide on an as-needed basis Moving Services for L&I Building in Harrisburg. Five moves will occur between floors within next 6 months, three prior to July 30.

Department: Labor and Industry
Location: Seventh and Forster Streets, Harrisburg, PA 17120
Duration: 12 months
Contact: Norman Kee, (717) 705-0450

Property Maintenance—33

040122 The Pennsylvania Department of Transportation Engineering District 4-0 requires approximately 32 mowing cycles, spring cleanup, landscaping and lawn maintenance and turf fertilization of approximately 4.8 acres at the District office located in the Keystone Industrial Park, Lackawanna County. Interested bidders must have a pesticide applicator's license. Specifications may be obtained by faxing request to (570) 963-4245 Attn: Roadside Unit or by phoning (570) 963-4048 between the hours of 8 a.m. and 3 p.m. Monday through Friday.

Department: Transportation
Location: Engineering District 4-0, P. O. Box 111, Scranton, PA 18501
Duration: Two years with renewals
Contact: Martha Spaide, (570) 963-4048

SP260073 Provide all labor, material, supervision, tools and equipment necessary to perform maintenance, inspection, repairs and emergency service to 23 rolling steel doors of various size.

Department: Liquor Control Board
Location: Southeastern Distribution Center, 8201 Enterprise Avenue, Philadelphia, PA 19153-3896
Duration: Upon notification of award through February 29, 2004
Contact: Gerald J. Grecek, (717) 787-9855

SP3800107 Service required of contractor for painting services at Evansburg State Park, Montgomery County.

Department: Conservation and Natural Resources
Location: Evansburg State Park, 851 May Hall Road, Collegeville, PA
Duration: Through June 30, 2003 with 2-year renewal option
Contact: Janet Wotring, (717) 783-3309

3800104 Services required for building repair and maintenance at Evansburg State Park. Work will consist of electrical, plumbing/heating, carpentry and roofing on an as-needed basis.

Department: Conservation and Natural Resources
Location: Evansburg State Park, 851 May Hall Road, Collegeville, PA
Duration: June 30, 2003 with 2-year renewal option
Contact: Janet Wotring, (717) 783-3309

040123 The Pennsylvania Department of Transportation Engineering District 4-0 requires spring and fall cleanup, fertilization and maintenance of landscaped areas, approximately 32 acres, throughout District 4-0, including the counties of Luzerne, Lackawanna, Susquehanna, Wyoming and Pike. Interested bidders must be a prequalified landscape contractor and have a current pesticide applicator's license. Specifications may be obtained by faxing request to (570) 963-4245 Attn: Roadside Unit or by phoning (570) 963-4048 between the hours of 8 a.m. and 3 p.m. Monday through Friday.

Department: Transportation
Location: Engineering District 4-0, P. O. Box 111, Scranton, PA 18501
Duration: Two years with renewals
Contact: Martha Spaide, (570) 963-4048

B000306 Millersville University is soliciting qualified bidders who can provide a large capacity vacuum unit capable of removing grass clippings, leaves, twigs, trash and thatch over both hard surface and large turf areas. Unit shall have a total capacity in volume of 12.4 cu. yds. inside the box and shall be capable of being powered by a PTO and a tractor of no more than 45 horsepower. Interested bidders should fax their request to be placed on a bidders list to Anna Stauffer (Fax: (717) 871-2000) no later than 2 p.m., June 9, 2000.

Department: State System of Higher Education
Location: Millersville University, Millersville, PA
Duration: June 15, 2000—July 15, 2000
Contact: Anna Stauffer, (717) 872-3041

Real Estate Services—35

373883 Lease Office Space to the Commonwealth of Pennsylvania 11,282 sq. ft. of office space with parking for 50 vehicles, within an 8 mile radius of the "Point," located at Fort Pitt in downtown Pittsburgh. The Office of Inspector General will occupy the space. Proposals Due: June 19, 2000. Solicitation No.: 93030.

Department: Office of the Budget/Executive Offices
Location: 505 North Office Building, Harrisburg, PA 17125
Duration: N/A
Contact: Jennings Ward, (717) 787-7412

373883 Lease Office Space to the Commonwealth of Pennsylvania 5,482 sq. ft. of office/warehouse space with 10 parking spaces, in Erie County, the space must be contiguous and one floor. The Department of Revenue will occupy the space. Proposals Due: June 26, 2000. Solicitation No.: 93026.

Department: Revenue
Location: 505 North Office Building, Harrisburg, PA 17125
Duration: N/A
Contact: Jennings Ward, (717) 787-7412

Sanitation—36

00976005 30 cubic yard "Roll Off" Rectangular Dumpster to be used at the Polk Center. Estimate: 17 loads yearly.

Department: Public Welfare
Location: Polk Center, P. O. Box 94, Polk, PA 16342
Duration: September 30, 2000—August 31, 2003
Contact: Patty Frank, Purchasing Agent, (814) 432-0229

Security Services—37

M-EL-99-045 The contractor shall provide corrective and preventative maintenance, training, emergency repairs and replacement parts to the automated security systems which are located at the State Correctional Institution at Coal Township. The Security System includes: Vicon Digital Closed Circuit TV-Surveillance Equipment; Senstar Perimeter Protection System which includes Perimeter Alarm Voice Enunciating Equipment; Receptor Computer Hardware and Software for the Security Management System; TOA Corporation Audio and Intercom Systems; Receptor, Square D and Sy-Max Security Panels.

Department: Corrections
Location: SCI Coal Township, 1 Kelley Drive, Coal Township, PA 17866
Duration: January 1, 2001 to December 31, 2003
Contact: Faith Gilger, Purchasing Agent, (570) 644-7890, Ext. 143

Miscellaneous—39

SP 3800106 Helicopter logging services required to include air lifting, cutting and bucking of approximately 3.5 million board feet of storm-damaged timber from forested area in Ricketts Glen State Park, Luzerne County, to designated log landing area.

Department: Conservation and Natural Resources
Location: Ricketts Glen State Park, R. R. 2, Box 130, Benton, PA
Duration: Through May 15, 2001
Contact: Janet Wotring, (717) 783-3309

1103500003 Vendor to provide to the State Correctional Institution Graterford dental laboratory services as prescribed by the Institutional Dentist.

Department: Corrections
Location: State Correctional Inst., Graterford Dept. of Corrections, Box 246, Off Rt. 29, Graterford, PA 19426
Duration: 3 years
Contact: Kelly Richardson, (610) 489-4151

R0006651 Millersville University is soliciting qualified bidders who can provide a bridge processor (BPU-2) 50 Mhz to be used with Ezenia Series 2000 Multimedia conference server, Ezenia Part No. VCU-3605 to provide bridging for additional four users. Vendor must supply all hardware, software, manuals, tech support, etc. to provide complete installation/integration and maintenance. Interested bidders should fax their requests to be placed on bidder list to Anna Stauffer, (717) 871-2000 no later Friday, June 9, 2000 (2 p.m.).

Department: State System of Higher Education
Location: Millersville University, Millersville, PA 17551
Duration: June—July 2000
Contact: Anna Stauffer, (717) 872-3041

SC160196 Millersville University is seeking qualified bidders who can provide data/voice/multimedia cabling for existing Roddy Science Center renovations and Boyer Computer Center renovations. The projects will be awarded separately. We expect both projects to be completed by December 31, 2000. Contractor will provide and install all necessary items. Interested bidders should fax their requests to be placed on a bidders list to Anna Stauffer, Fax: (717) 871-2000 no later than 2 p.m., Friday, June 9, 2000.

Department: State System of Higher Education
Location: Millersville University, Millersville, PA 17551
Duration: August 2000—December 31, 2000
Contact: Anna Stauffer, (717) 872-3041

5401-99-6 Lime, Powdered, Hydrated, Type 3, Class 1, Bulk.

Department: Environmental Protection
Location: Brandy Camp Treatment Plant, Brandy Camp Road, Horton Township, Brandy Camp, PA 15822
Duration: Termination Date: February 28, 2001
Contact: Phyllis Cocco, (814) 472-1800

[Pa.B. Doc. No. 00-973. Filed for public inspection June 2, 2000, 9:00 a.m.]

DESCRIPTION OF LEGEND

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| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,
Secretary

Contract Awards

The following awards have been made by the Department of General Services, Bureau of Purchases:

Requisition or Contract No.	PR Award Date or Contract Effective Date	To	In the Amount Of
0008-12	06/01/00	Commercial Envelope	\$2,833.20
0008-12	06/01/00	Double Envelope	157,193.50
0008-12	06/01/00	Dupli Envelopes and Graphics	1,377.00
0008-12	06/01/00	Oles Envelope Corp	184,961.00
0008-12	06/01/00	Westvaco Envelope Div.	400,209.00
0008-12	06/01/00	White Rose Paper Co.	640.00
5850-01 SUP #1	05/23/00	Alltel, Inc.	20,000.00
5850-01 SUP #1	05/23/00	Anixter	20,000.00
5850-01 SUP #1	05/23/00	Computer Hardware Maintenance Co.	40,000.00
5850-01 SUP #1	05/23/00	Computer Intergration Group	20,000.00
5850-01 SUP #1	05/23/00	Compunetix, Inc.	10,000.00
5850-01 SUP #1	05/23/00	Compusa PC	10,000.00
5850-01 SUP #1	05/23/00	DTK Computer, Inc.	10,000.00
5850-01 SUP #1	05/23/00	Evas	10,000.00
5850-01 SUP #1	05/23/00	First Virtual Company (FVC) c/o C A Keating Consulting	10,000.00
5850-01 SUP #1	05/23/00	Ismart/Towson Computer Center	10,000.00
5850-01 SUP #1	05/23/00	Microage Technology Services	20,000.00
5850-01 SUP #1	05/23/00	Midwest Micro Corp.	10,000.00
5850-01 SUP #1	05/23/00	Pitney Bowes, Inc.	10,000.00
5850-01 SUP #1	05/23/00	Quality Copy Products, Inc.	10,000.00
5850-01 SUP #1	05/23/00	Spectel US Ltd	10,000.00

Requisition or Contract No.	PR Award Date or Contract Effective Date	To	In the Amount Of
6605-05 Sup #3	05/25/00	DC Scientific LLC	60,000.00
6605-05 Sup #3	05/25/00	Nicolet Instrument Corp.	20,000.00
6840-03	05/23/00	Airwick Professional Products/Phila, Inc.	149,595.00
6840-03	05/23/00	Graham Distributing Co/dba Airwick Professional Products	977.06
6840-03	05/23/00	National Chemical Laboratories, Inc.	107,321.50
1336149-01	05/22/00	Hondru Ford, Inc.	27,409.00
1340359-01	05/22/00	Automated Document Mgmt	35,500.00
1363219-01	05/22/00	Omnicell Com	28,667.00
1375729-01	05/22/00	IPC Information Systems, Inc.	80,294.00
1398119-01	05/22/00	Seelar Elevator, Inc.	28,950.00
1404219-01	05/22/00	Cumberland Truck Equip., Co.	37,966.00
1426219-01	05/22/00	Rohrer Bus Sales	34,410.00
1482209-01	05/22/00	Lincoln Park Aviation	308,472.60
1484239-01	05/22/00	Maguire's Ford of Hershey	35,546.70
1506119-01	05/22/00	Techno Link Corp.	55,479.60
1507349-01	05/22/00	Miralite Communications	35,420.00
8249890-01	05/22/00	W W Engine & Supply, Inc.	158,242.88

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 00-974. Filed for public inspection June 2, 2000, 9:00 a.m.]