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PENNSYLVANIA BULLETIN

Volume 30

Number 24

Saturday, June 10, 2000 • Harrisburg, Pa.

Pages 2889—3016

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Surface Coating Processes (RBI #4)

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Turnpike Commission

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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.

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2000.

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Part II

This part contains the
Environmental Quality Board's
Rules and Regulations on
Surface Coating Processes (RBI #4)

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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—Acts 20 through 23 (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>
2000-20	May 22	HB1099	PN3504	60 days	Area Agency on Aging Services Waiting List Act—enactment
2000-21	May 22	HB945	PN3503	60 days	Crimes Code (18 Pa.C.S.)—identity theft
2000-22	May 22	SB1359	PN1760	July 1, 2000	Capital Budget Act of 2000-2001—enactment
2000-23	May 24	SB2	PN1966	Immediately*	Tax Reform Code of 1971—omnibus amendments

2000 Appropriations—5A through 21A (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>
2000-05A	May 22	SB1364	PN1765	July 1, 2000	Drexel University—instruction and student aid
2000-06A	May 22	SB1365	PN1948	July 1, 2000	University of Pennsylvania—dental clinic operation, doctor of medicine instruction, veterinary activities and cardiovascular studies
2000-07A	May 22	SB1366	PN1949	July 1, 2000	Philadelphia Health and Education Corporation, MCP Hahnemann University—instruction, maintenance, student aid, minority education and recruitment programs and cardiovascular studies, etc.
2000-08A	May 22	SB1368	PN1950	July 1, 2000	Philadelphia College of Osteopathic Medicine—instruction
2000-09A	May 22	SB1369	PN1951	July 1, 2000	Pennsylvania College of Optometry—instruction
2000-10A	May 22	SB1374	PN1775	July 1, 2000	Fox Chase Institute for Cancer Research—operation and maintenance
2000-11A	May 22	SB1375	PN1776	July 1, 2000	Wistar Institute—operation and maintenance expenses and AIDS research
2000-12A	May 22	SB1376	PN1777	July 1, 2000	Central Penn Oncology Group—operation
2000-13A	May 22	SB1377	PN1778	July 1, 2000	St. Francis Hospital—cardiovascular studies
2000-14A	May 22	SB1378	PN1779	July 1, 2000	Lancaster Cleft Palate—treatment
2000-15A	May 22	SB1379	PN1780	July 1, 2000	Pittsburgh Cleft Palate—treatment
2000-16A	May 22	SB1380	PN1781	July 1, 2000	Burn Foundation—treatment
2000-17A	May 22	SB1381	PN1952	July 1, 2000	Children's Institute, The—treatment and rehabilitation of children and young adults with disabling diseases
2000-18A	May 22	SB1382	PN1783	July 1, 2000	Children's Hospital of Philadelphia, The—comprehensive patient care for children, maintenance and operation
2000-19A	May 22	SB1383	PN1784	July 1, 2000	Beacon Lodge Camp—services to the blind
2000-20A	May 22	SB1391	PN1792	July 1, 2000	Arsenal Family and Children's Center—operation
2000-21A	May 24	SB1	PN1955	Immediately*	General Appropriation Act of 2000—enactment

*with exceptions

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. 00-975. Filed for public inspection June 9, 2000, 9:00 a.m.]

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

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

Amendment of Rule 204 of the Pennsylvania Bar Admission Rules; No. 247 Supreme Court Rules Doc. No. 1

Order

Per Curiam:

And Now, this 25th day of May, 2000, Rule 204 of the Pennsylvania Bar Admission Rules is amended to read as follows:

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

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

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

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

Subchapter B. ADMISSION TO THE BAR GENERALLY IN GENERAL

Rule 204. Admission of domestic attorneys.

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

(1) Presentation of a certificate from the highest court or agency having jurisdiction over admission to the bar and the practice of law in every state or jurisdiction in which the applicant has been admitted to practice law stating that the applicant is in good standing at the bar of such court or such state. An applicant who is disbarred or suspended for disciplinary reasons from the practice of law in another jurisdiction at the time of filing an application for admission to the bar shall not be eligible for admission to the bar of this Commonwealth.

(2) Presentation of proof satisfactory to the Board that the applicant has for a period of five years of the last

seven years immediately preceding the date of filing of the application for admission to the bar of this Commonwealth.

(i) engaged in the practice of law in a state or states outside this Commonwealth; or

(ii) provided legal services as an attorney for the federal government regardless of the location of the services; or

(iii) served full time as a law clerk to a judge of any court of the United States or of any state or territory of the United States regardless of the location of the service;

provided the applicant had at some time been engaged in the practice of law or otherwise performed the legal functions set forth in subparagraphs (ii) and (iii) in reciprocal jurisdictions for at least five years or had been engaged in the practice of law or otherwise performed the legal functions set forth in subparagraphs (ii) and (iii) in reciprocal jurisdictions for a substantial portion of the five out of the seven year period immediately preceding the application or for such portion of time for which credit is being sought in combination with subparagraphs (iv) and (v). For purposes of this paragraph, the phrase "engaged in the practice of law" is defined as "devoting a major portion of one's time and energy to the rendering of legal services";

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

[(iii)] (v) served on active duty in the United States military service, as a judge advocate or law specialist, as those terms are defined in the Uniform Code of Military Justice, 10 U.S.C. Sec. 801, as amended, regardless of the location of the service.

Service under subparagraphs (i), (ii), (iii), (iv) and (v) may be combined to satisfy the five year service requirement of this subparagraph.

* * * * *

[Pa.B. Doc. No. 00-976. Filed for public inspection June 9, 2000, 9:00 a.m.]

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

Amendment or Rescission of Phila.R.Civ.P. No. 51, 201, 206.1, 206.2, 206.3, 209, 212.1(A) and (B), 212.4 and 215; President Judge General Court Regulation No. 2000-05

And Now, this 24th day of May, 2000, the Board of Judges of Philadelphia County having voted at the Board of Judges' meeting held May 18, 2000 to amend or rescind Phila.R.Civ.P. No. 51, 201, 206.1, 206.2, 206.3, 209, 212.1(A) and (B), 212.4 and 215, *It Is Hereby Ordered and*

Decreed that Phila.R.Civ.P. No. 51, 201, 206.1, 206.2, 206.3, 209, 212.1(A) and (B), 212.4 and 215, are amended or rescinded as follows.

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

ALEX BONAVIDACOLA,
President Judge

**Status of Local Civil Rules
With
CHANGES ADOPTED BY THE
BOARD OF JUDGES ON 5/18/2000**

Rule *

51(D)	Amended
(E)	Amended
(F)	Amended
76	No Change
105	No Change
201(C)	Amended
205.2	No Change
206.1	Amended
206.2	Amended
206.3	Rescinded
209	Rescinded
212.1(A)	Amended
212.1(B)	Rescinded
212.2	(Previously Amended—February 2000)
212.3	No Change
212.4	Rescinded
215	Amended

Rule *51

* * * * *

(D) *Publication*. Local Rules of Court, General Court Regulations and Administrative Regulations which govern or effect procedures to be followed by the Bar shall be given rule numbers at the time of their promulgation. Each Bulletin which governs or affects such procedures shall either (a) be given a rule number, in which event it will remain in effect until rescinded, (b) specify a period of time not longer than sixty days during which it will remain in effect or (c) be published in the *Legal Intelligencer* at least once every sixty days, or automatically cease to remain in effect. All rules shall be made available by the Office of the President Judge for publication and distribution. Publication and distribution of new numbered rules shall occur as soon as practicable following adoption of those rules by the Board of Judges. Rules concerning wholly internal procedures need not be numbered or published. A complete copy of all currently effective Philadelphia Civil Rules shall be maintained and made available for public inspection at the Office of the Civil Administration.

(E) Cataloguing, distribution and maintenance of files of all local rules, administrative and general court regulations and all procedural orders and directives are the responsibility of the Office of the President Judge.

(F) *Effective Date*. All numbered rules shall become effective on the date specified in the new rule, following publication in the *Legal Intelligencer*.

Former Rule 1; originally General Court Regulation 71-1, July 8, 1971; Bulletin 72-159, July 6, 1972; further amended November 20, 1986, effective February 1, 1987.

Rule *201—Stipulations.

* * * * *

(C) Stipulations requiring Court approval in cases not assigned to the Non Jury Program, the Arbitration Program or the Arbitration Appeal Program shall be presented for approval to the Judicial Team Leader for that Program to which the case has been assigned. Stipulations requiring Court approval in the Non Jury, Arbitration or the Arbitration Appeal Programs shall be presented for approval to the Motion Court Judge. All Stipulations requiring Court approval shall be filed with the Prothonotary (Second Filing Unit), and it will be the responsibility of that Unit to forward the Stipulation to the appropriate Judge for approval. All such Stipulations shall be accompanied by stamped addressed 9 1/2 x 4 1/2 size envelopes for each attorney of record and unrepresented party.

Rule *206.1—Motion Procedure.

(A) *Applicability*. This rule governs the filing of all motions, petitions and preliminary objections except the following:

(1) Requests for preliminary relief, including petitions for writs of seizure, temporary restraining orders and preliminary injunctions. Such requests shall be filed initially with the Prothonotary and, thereafter, with the Civil Administration Unit.

(2) Motions and petitions governed by Philadelphia Civil Rule *206.2 (Alternative Motion Procedure).

(3) Motions for Extraordinary Relief.

(4) Petitions for advancement on the trial list. (See Philadelphia Civil Rule *215 and Trial Division General Court Regulation No. 94-2).

(5) Motions for post-trial relief. (See Philadelphia Civil Rule *227).

(6) Petitions for alternative service. (See Philadelphia Civil Rule *430.1).

(7) Arbitration applications. (See Philadelphia Civil Rule *1303 and General Court Regulation—Trial Division No. 93-3).

(8) Petitions for approval of minors' compromises. (See Philadelphia Civil Rule *2039.1).

(9) Petitions for allowance in minors' cases. (See Philadelphia Civil Rule *2039.2).

(10) Petitions for approval of settlements in wrongful death cases. (See Philadelphia Civil Rule *2206).

The procedures governing stipulations requiring court approval are set forth in Philadelphia Civil Rule *201. Additional procedures governing preliminary objections are set forth in Philadelphia Civil Rule *1028.

(B) *Filing Requirements*. All pre-trial motions and petitions subject to this rule and all preliminary objections shall be filed in the Civil Administration Unit and shall be accompanied by the following items in the following order:

(1) A completed cover sheet in the form of Exhibit A;

(2) A proposed order (and rule to show cause, if necessary);

(3) A memorandum of law;

(4) A copy of the transmittal letter which the moving party certifies on the cover sheet will be used to meet the service requirements of paragraph (C). (This copy of the transmittal letter will, of necessity, have a blank space for the Civil Administration Unit control number to be assigned at the time of filing).

(5) Stamped, addressed 9 1/2 x 4 1/2 size envelopes for each attorney of record and unrepresented party.

Any filing fee shall be paid to the Prothonotary prior to filing with the Civil Administration Unit.

(C) *Service Requirements.* The moving party shall immediately serve copies of all documents filed in the Civil Administration Unit on each attorney of record and unrepresented party, together with the transmittal letter, stating that the documents have been filed and that any response must be filed within thirty days of the filing date. The specific due date and the assigned control number shall be specified in the transmittal letter. The cover sheet of each service copy shall bear the control number assigned to the filing by the Civil Administration Unit.

(D) *Response Requirements.* Any party opposing the motion, petition or preliminary objections shall file the following documents with the Civil Administration Unit no later than 4:30 p.m. on the date thirty days after the date of filing:

(1) A completed cover sheet in the form of Exhibit A bearing the control number assigned to the moving filing;

(2) A proposed order;

(3) The answer to the motion or petition (if necessary);

(4) A memorandum of law;

(5) A copy of the moving party's transmittal letter.

The filing party shall immediately serve copies of all documents filed in the Civil Administration Unit on each attorney of record and unrepresented party.

(E) *Disputed Issues of Fact.* Disputed issues of fact shall be determined in accordance with Pa.R.C.P. 206.7(c), pursuant to an Order issued by the assigned Judge.

(F) *Motion Court Argument List.*

(1) All Motion Court Argument List matters shall be accompanied by a proposed rule to show cause. Upon filing, the Civil Administration Unit shall assign a date, time and place for the return of the rule. The moving party shall then immediately serve the rule on each attorney of record and unrepresented party (including, in the case of a petition to withdraw, the party affected by the withdrawal), together with a letter stating that the time for filing a response as stated in the original transmittal letter is superseded, and that any response shall be filed by a date not later than the date of the argument or thirty days after the date the rule was signed, whichever comes first. A certificate of service evidencing such service shall be presented to court by the moving party at the time of argument.

(2) The Motion Court Argument List consists of the following matters:

(a) Petitions to withdraw appearance of counsel in cases assigned to the Arbitration Program;

(b) (Rescinded, effective July 1, 1997).

(c) Complaints in equity seeking to enjoin violations of the City Codes;

(d) Petitions for redemptions of foreclosed property; and

(e) Other matters ordered on the Argument List by the Court.

(G) *Content of Motion Court Filings.* All Motion Court filings shall include copies of all documents necessary or relevant to the disposition of the issues. The Court may decide any matter against a party who fails to attach to the filing those items sufficient to enable the Court to determine the matter.

(H) *Deadlines for Filing.* Absent written authorization from the Court, motions shall not be accepted by the Civil Administration Unit for filing in cases where an arbitration hearing is scheduled to be held within forty-five days.

Comment:

It should be noted that in many instances, the judge hearing a motion does not have the full Court file. Although the Board of Judges has eliminated the requirement to file docket entries with every motion and answer, current docket entries are still required if such entries are a necessary item to the disposition of the issues in the motion. Also, the complaint, answer, and reply to new matter, if any, must also be included where necessary or relevant.

Stipulations will now be approved in accordance with Local Rule *201(C).

Procedures relative to Motions for Extraordinary Relief are set forth in the Court Publication "Civil Trial Division Administration, At A Glance."

Rule *206.2. Alternative Motion Procedure.

(A) All discovery petitions and motions, except in designated Mass Tort cases, shall be presented to, argued before and determined by the appropriate Judge of Discovery for the program involved in accordance with the following procedures:

(1) The moving party shall obtain a hearing date and time by filing or faxing a request in the Discovery Court (Room 287 City Hall). Counsel shall provide the following information: the program to which the case is assigned; the caption of the case; the next event and the date of that event and, if the case is listed for an arbitration hearing, the date thereof.

(2) Prompt written notice of the hearing in the form set forth in Exhibit A shall be served by the moving party upon each attorney of record and unrepresented party, together with a copy of the motion and proposed order. Except in cases of emergency or waiver by consent of all parties, at least ten days prior written notice shall be required.

(3) The original motion, proposed order, notice of presentation and certification of service shall be retained by the moving party until filed with the Court at the time of the hearing.

(4) An answer to the petition or motion may be made orally, in writing, or both, but will not be considered unless presented to the Court at the time of the hearing.

(5) The failure of a moving party to proceed as scheduled shall occasion no sanction, except that a responding party who actually appears in Court pursuant to a notice

of presentment may, by subsequent motion, seek sanctions against a moving party who failed to proceed without good cause.

(6) If the decision of the Court is not announced immediately after the hearing in contested matters, the Court will furnish written notice of its ruling to each attorney of record and unrepresented party. In uncontested matters, the party presenting the motion shall promptly notify each attorney of record and unrepresented party of the Court's ruling.

(B) Rescinded.

(C) Additional matters may be made subject to these procedures by order of the Administrative Judge of the Trial Division.

Comment:

Counsel are advised to consult the Discovery Section of the *Civil Trial Division Administration Manual (At A Glance)* for the most recent year published. This publication sets forth the specific discovery day of the week assigned for each program.

Exhibit A

NOTICE OF PRESENTATION

To: R.T. Jones, Esquire W. Casper, Esquire
Land Title Building Chestnut Street
Philadelphia, PA 19107 Philadelphia, PA 19107

Please take notice that the Defendant's Motion to Compel Answers to Interrogatories will be presented to the Court on [Day], [Date], at [Time], in Room 285 City Hall.¹

By: _____
J. M. Nicholas
Attorney for Defendant
McGregor, Inc.

CERTIFICATION OF SERVICE

I do hereby certify that service of a true and correct copy of the within motion to compel discovery was made on the 4th day of February 1987, to the counsel above named by United States Mail, postage pre-paid.

By: _____
J. M. Nicholas
Attorney for Defendant/Plaintiff
McGregor, Inc.

Rule *206.3. Rescinded.

Rule *209. Rescinded.

Rule *212.1.

(A) The scheduling of settlement and pretrial conferences and the filing of pretrial memoranda shall be in accord with the applicable Program Case Management Order. The pretrial memorandum shall include that information required by the Pretrial Scheduling Order.

(B) Rescinded

Rule *212.2. [No further change] [Amended in February 2000]

Rule *212.3. [No change]

Rule *212.4. Rescinded.

Rule *215. Assignment of Cases in the Trial Division.

A. All cases filed in the Trial Division of the Court of Common Pleas shall be listed for trial in accordance with

those case management procedures in effect for the program to which a case is assigned.

(1) *Arbitration Cases*—All cases which when filed are subject to compulsory arbitration under Philadelphia Civil Rule *1301 shall be assigned a hearing date and time upon commencement on the face of the initial filing.

(2) *Major Jury Cases*—All jury cases, other than Arbitration Appeals and Mass Tort matters, shall be listed for trial by the Judicial Team Leader for that Program to which a given case is assigned in accordance with the pertinent Case Management Order. Protracted and complex cases will be listed for dates certain. Those cases classified standard and expedited typically will be assigned to a trial pool for a given pool month within the appropriate program. (The "pool month" is defined as the corresponding calendar month).

Whether a given case is assigned a date certain or a pool month date is within the sound discretion of the Program Team Leader (or his/her designee).

(3) *Non Jury Cases*—All Non Jury cases will be designated as either Commerce Program or Non Jury Program cases.

Commerce Program cases will be listed for trial by the Commerce Program Judicial Team Leader in accordance with the applicable Case Management Order.

Non Jury cases will be listed for trial at a status conference by the Supervising Judge of the Non Jury Program, located at the Complex Litigation Center.

(4) *Mass Tort Cases*—All Mass Tort cases shall be listed for trial by the Supervising Judge of the Mass Tort Program, located at the Complex Litigation Center.

(5) *Arbitration Appeal Cases*—All Arbitration Appeal cases shall be listed for trial by the Supervising Judge at the Complex Litigation Center in a monthly trial pool in accordance with a Case Management Order. ("A Pool Month" is the corresponding calendar month).

B. Jury Trial Requests

(1) Upon commencement of an action, the plaintiff shall pay the non jury listing fee, or if a jury trial is initially demanded, the jury listing fee.

(2) Thereafter, a jury trial may be demanded and perfected in accordance with Philadelphia Civil Rule *1007.1.

(3) Payment of a jury fee will determine the case program assignment, except in those cases seeking equitable relief which shall be in either the Commerce Program or the Non Jury Program.

Comment:

This *Rule has been completely rewritten to comport with the principles of differentiated case management and the assignment of cases by program.

Counsel are advised to consult, where appropriate, the following General Court Regulations and Administrative Orders:

1. Trial Division General Court Regulation No. 94-2. (Procedure and Criteria for Advanced Trial Listings pursuant to Pa.R.C.P. 214).

2. General Court Regulation No. 95-1. (Day Forward Program. Judicial Team Leader; Trial Division).

3. General Court Regulation No. 95-2. (Day Forward Program. Procedure for Disposition of Major Jury Cases Filed on and after January 2, 1996).

¹ The date, time and location of the hearing will be supplied by the discovery clerk.

4. Administrative Docket No. 05 of 1994. (Procedure for Disposition of Municipal Court Appeals).

5. Administrative Docket No. 01 of 1998. (Protocol for Trial Pools in the Day Backward and the Day Forward Programs).

6. Administrative Docket No. 06 of 1998. (Scheduling Civil Trials Involving State Prisoners).

[Pa.B. Doc. No. 00-977. Filed for public inspection June 9, 2000, 9:00 a.m.]

Title 25—LOCAL COURT RULES

CHESTER COUNTY

Adoption of Local Rules of Civil Procedure Governing Custody Mediation Orientation Program; No. 00-00000R

And Now, this 22nd day of May, 2000, the Court approves and adopts the attached Chester County Local Rules of Civil Procedure Governing Custody Mediation Orientation Program. These Rules shall become effective thirty (30) days from the date of publication in the *Pennsylvania Bulletin*.

The Court Administrator is directed to publish this Order once in the *Chester County Law Reporter* and in the *Legal Intelligencer*. In conformity with Pa.R.C.P. 239, seven (7) certified copies of the within Order shall be filed by the Court Administrator with the Administrative Office of Pennsylvania Courts. Two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. One (1) certified copy shall be filed with the Domestic Relations Committee. One (1) copy shall be filed with the Prothonotary, one (1) copy with the Clerk of Courts, (1) one copy with the Court Administrator of Chester County, one (1) copy with the Law Library of Chester County and one (1) copy with each Judge of this Court.

By the Court

HOWARD F. RILEY, Jr.,
President Judge

Rule *1940.3. Order for Orientation Session and Mediation. Selection of Mediator.

(a) Except as provided in (c) below, in an action for custody, partial custody or visitation where an agreement is not reached and reduced to writing by the conclusion of the Custody Conciliation Conference, (see Local Rule 1915.5B) the parties upon recommendation by the conciliator may attend a two-hour custody mediation orientation session.

(b) An orientation session is an initial meeting between parties, and a mediator pursuant to Local Rule 1940.4 below, to educate the parties concerning the mediation process so that an informed choice can be made about continued participation in that process. The mediation is confidential at the point, if any, that mediation commences during, or after, the initial orientation session.

(c) An orientation session shall not be recommended if a party or a party's child is or has been the subject of abuse by either party within 24 months preceding the filing of the action.

Rule *1940.4. Minimum Qualifications to be a Mediator Under Local Rule 1940.3.

(a) A mediator must meet the following minimum requirements:

(1) Hold a post-graduate level degree in law, or a mental health field such as psychiatry, psychology, counseling or family therapy;

(2) Have successfully completed basic training in a custody mediation program approved by the PBA, or the Academy of Family Mediators, or the Academy of Matrimonial Lawyers, or substantial equivalent;

(3) Provide written proof that Professional Liability Insurance covering mediation is maintained;

(4) Participation in a program offered by the Family Law Section of the Chester County Bar Association involving substantive law training, training concerning our local child custody procedures, and training concerning the local custody mediation orientation program, including reporting obligations;

(5) Continued compliance with the ethical standards and any continuing educational requirements of the PBA, or the Academy of Family Mediators, or the Academy of Matrimonial Lawyers, or substantial equivalent.

(b) Mediators shall submit an application and an application fee in the amount of \$100.00. Mediators shall be required to renew their registration as a mediator annually and pay an annual renewal fee of \$25.00.

(c) The Court shall have the authority to decertify any Chester County custody mediator who has not complied with any provision of these Rules.

Rule *1940.5. Duties of Mediator.

(a) At the orientation session, the mediator must inform the parties in writing of the following:

(1) The costs of mediation;

(2) The process of mediation;

(3) That the mediator does not represent either or both of the parties;

(4) The nature and extent of any relationships with the parties and any personal, financial or other interests that could result in a bias or conflict of interest;

(5) That mediation is not a substitute for the benefit of independent legal advice; and

(6) That the parties should obtain legal assistance for drafting or reviewing any agreement.

(b) When proceeding from the orientation to mediating a custody dispute, the mediator shall ensure that the parties consider fully the best interests of the children.

(c) Only with the consent of the parties, the mediator may meet with the parties' children or invite other persons to participate in the mediation.

Rule *1940.6. Termination of Mediation.

(a) Mediation, if undertaken after the initial orientation session, shall terminate upon the earliest of the following:

(1) A written agreement between the parties on all custody issues;

(2) A written agreement between the parties that mediation be terminated;

(3) A partial written agreement between the parties concerning custody issues and a determination by the mediator that further mediation will not resolve the remaining issues;

(4) A written determination by the mediator that the parties are unable to reach an agreement through mediation or that the proceeding is inappropriate for mediation; or

(5) A refusal of one of the parties to continue with the mediation.

(b) If the parties reach a complete or partial agreement, the mediator shall promptly prepare and transmit to the parties and their attorneys, if any, a Memorandum setting forth the terms of the parties' agreement. In no event shall any such Memorandum be binding on the parties unless and until it is incorporated into a written agreement signed by the parties.

(c) The mediator may mediate subsequent disputes between the parties, but shall not act as attorney, counselor, or psychotherapist for any party either during or after the mediation of a custody action, or in any matter which was the subject of mediation.

(d) The mediator is prohibited from instructing either of the parties to sign any Memorandum Agreement. No mediator drafted Memorandum shall be submitted to the Court in any proceeding, nor is such admissible as evidence in the absence of a written Agreement signed by the parties.

Rule *1940.7. Confidentiality of Mediation Subsequent to Initial Orientation Session.

42 Pa.C.S.A. § 5949 shall govern confidentiality and admissibility issues.

Rule *1940.8. Mediator Compensation.

Mediators shall be compensated for their orientation services at the rate of \$75.00 per hour. Unless otherwise ordered, the rate established for the custody mediation orientation session shall be divided between the parties.

Rule *1940.9. Sanctions.

On its own motion or the motion of a party, the Court may impose sanctions against any party or attorney who fails to comply or causes a party not to comply with these mediation rules. Sanctions may include an award of mediation costs and attorney's fees, including those incurred in the filing and presentation of the motion for sanctions, as well as a finding of contempt. A hearing on a Custody Complaint or Petition shall not be delayed, however, by a party's refusal or failure in attending the mediation orientation sessions.

Rule *1040.10. Evaluation of Custody Mediation Orientation Program.

(a) The Court [or its designee] may evaluate the mediation orientation program annually.

(b) The President Judge may appoint a judge of the Court to oversee and implement the program consistent with local Court Rules, including, but not limited to, implementing and monitoring the program consistent with Paragraph (a) above.

Rule *1040.11. Certificate of Compliance.

A certificate of compliance shall be filed by the mediator with the Prothonotary's Office, confirming compliance. Such certificate shall reflect only that such party or parties have complied with these Rules without further detail (see 42 Pa.C.S.A. § 5949).

Rule *1040.12. Available List of Mediators.

The Family Court Administrator shall maintain and make available to all parties and counsel in the Family Court Administrator's Office a list of custody mediators who have satisfied the requirements of Local Rule 1940.4. Such list shall include, at a minimum, the names, addresses and the schedule of fees for mediation services.

[Pa.B. Doc. No. 00-978. Filed for public inspection June 9, 2000, 9:00 a.m.]

SUPREME COURT

**Appointment to Committee on Rules of Evidence;
No. 248; Supreme Court Rules; Doc. No. 1**

Order

Per Curiam:

And Now, this 25th day of May, 2000, Lee C. Swartz, Esquire, Dauphin County, is hereby appointed as a member of the Committee on Rules of Evidence to complete the remaining term of Raymond J. Bradley, Esquire, expiring on October 1, 2002.

[Pa.B. Doc. No. 00-979. Filed for public inspection June 9, 2000, 9:00 a.m.]

Standards for Passing the Pennsylvania Bar Examination; No. 246; Supreme Court Rules; Doc. No. 1

Order

Per Curiam:

And Now, to wit, this 22nd day of May, 2000, it is hereby ordered that:

Commencing with the Pennsylvania Bar Examination to be administered in July of 2001, and until further Order of this Court, a successful candidate for admission to the Bar of the Commonwealth of Pennsylvania, in addition to the other examination requirements approved by prior Orders of this Court which are not superseded hereby, must attain a total combined scaled score of at least 272 on the combined scores of the Multistate Bar Examination and the essay portion of the bar examination. There will no longer be a separate passing requirement for the essay and MBE portions of the bar examination. The essay portion of the bar examination will be weighted 55% and the Multistate Bar Examination portion will be weighted 45%.

[Pa.B. Doc. No. 00-980. Filed for public inspection June 9, 2000, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Disbarment

Notice is hereby given that John E. Callaghan, having been disbarred from the practice of law in the State of New Jersey, the Supreme Court of Pennsylvania issued an Order dated May 22, 2000, disbaring John E. Callaghan from the Bar of this Commonwealth. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 00-981. Filed for public inspection June 9, 2000, 9:00 a.m.]

Notice of Suspension

Notice is hereby given that John R. Lolio, Jr., having been suspended from the practice of law in the State of New Jersey for a period of three months by Order of the Supreme Court of New Jersey dated February 8, 2000, the Supreme Court of Pennsylvania issued an Order dated May 22, 2000, that John R. Lolio, Jr. is suspended from the practice of law in this Commonwealth for a period of three months. In accordance with the Rule

217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 00-982. Filed for public inspection June 9, 2000, 9:00 a.m.]

Notice of Suspension

Notice is hereby given that Steven F. Herron having been suspended from the practice of law in the State of New Jersey for a period of three months, the Supreme Court of Pennsylvania issued an Order dated May 22, 2000 suspending Steven F. Herron from the practice of law in this Commonwealth for a period of three months, to run consecutively to the one-year suspension imposed by Orders of this Court entered on December 18, 1995, and January 3, 1997. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 00-983. Filed for public inspection June 9, 2000, 9:00 a.m.]

RULES AND REGULATIONS

Title 58—RECREATION

GAME COMMISSION
[58 PA. CODE CH. 141]

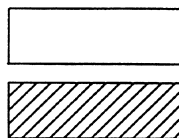
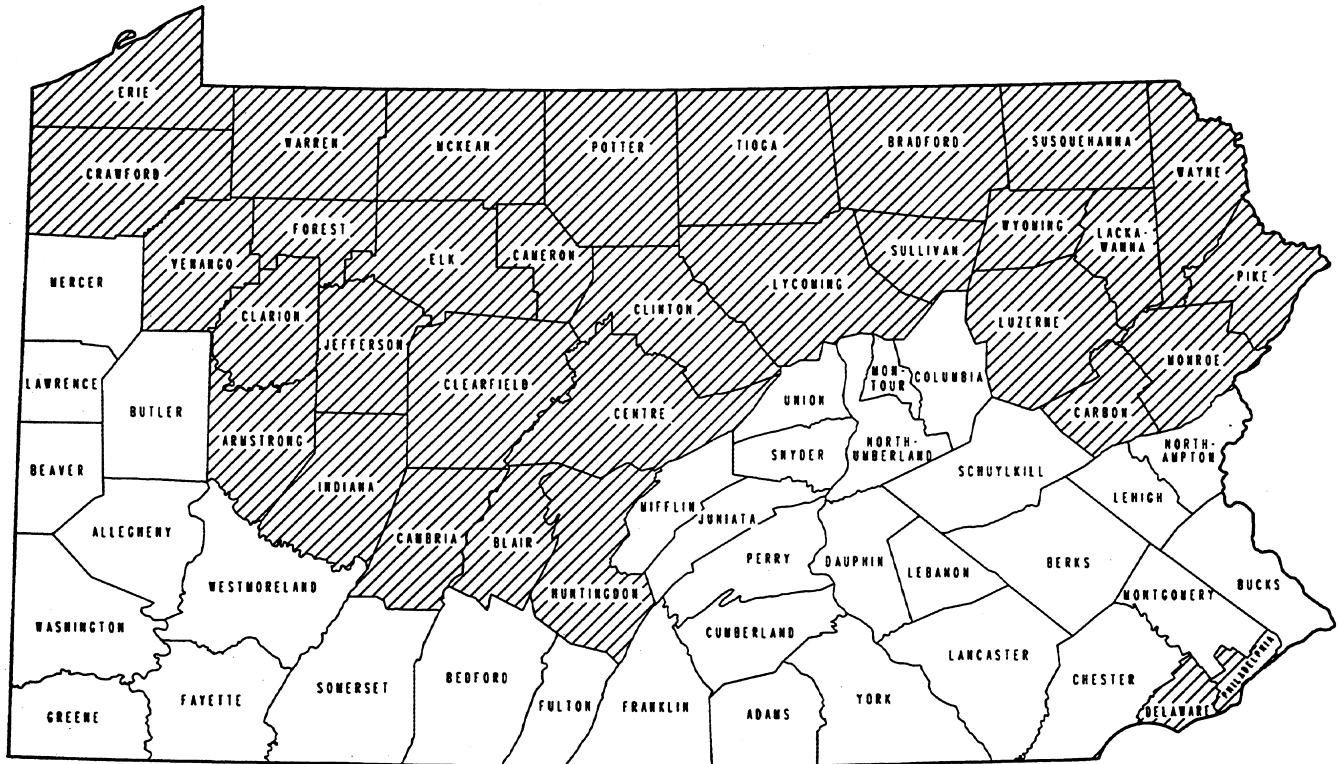
[Correction]

Hunting and Trapping

An error appeared in the final adoption to Chapter 141 as it appeared at 30 Pa.B. 2601, 2604 (May 27, 2000). Section 141.21 was listed as amended as proposed. The map in Appendix B (relating to Pennsylvania Pheasant Hunting Areas) was amended and is set forth in Annex A.

Annex A
TITLE 58. RECREATION
PART III. GAME COMMISSION
CHAPTER 141. HUNTING AND TRAPPING

PENNSYLVANIA PHEASANT HUNTING AREAS



MALE PHEASANTS ONLY

MALE AND FEMALE PHEASANT AREA

[Pa.B. Doc. No. 00-00-889. Filed for public inspection May 26, 2000, 9:00 a.m.]

PROPOSED RULEMAKING

GAME COMMISSION

[58 PA. CODE CHS. 135 AND 141]

Lands and Buildings; Hunting and Trapping

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its April 4, 2000, meeting, proposed the following amendments to 58 Pa. Code:

Amend § 135.103 (relating to registration for controlled goose hunting areas) to move the drawing back to September to give hunters a longer opportunity to apply for a blind in the Middle Creek Wildlife Management Area (MCWMA) since goose hunting during the September 2000 Canada goose season will not be open. Amend § 135.106 (relating to Pymatuning Wildlife Management Area) to address safety concerns by making some minor changes to the application process and scheduling the hunt outside of the late archery and muzzleloading seasons.

Amend § 141.4 (relating to hunting hours) to move the hunting hours of the first dove hunting season back to 12 noon to sunset. Amend § 141.25 (relating to early and late goose hunting seasons) to make the closed area during the early and late goose hunting seasons consistent. Amend §§ 141.25 and 141.26 (relating to early Canada goose hunting season on Middle Creek Wildlife Management Area) to eliminate the area closed to goose hunting surrounding the Middle Creek Wildlife Management Area.

The proposed amendments to Chapters 135 and 141 will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposal of these regulations is 34 Pa.C.S. (relating to Game and Wildlife Code (code)).

These proposals were made public at the April 4, 2000, meeting of the Commission, and comments on these proposals can be sent to the Executive Director of the Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until June 16, 2000.

Amendments to Chapter 135

1. Introduction

To better administer the special wildlife management areas at Middle Creek and Pymatuning, the Commission at its April 4, 2000, meeting proposed making several changes to Chapter 135, Subchapter F (relating to Special Wildlife Management Areas). The amendments include a change to § 135.103 moving the deadline for submitting applications for blinds in the controlled goose hunting areas of MCWMA from the second Tuesday in August to the second Tuesday in September. The Commission is also proposing to amend § 135.106 to move the special deer hunt outside the late archery and muzzleloading seasons because of safety concerns. These proposals are made under the authority contained in section 721(a) of the code (relating to control of property).

2. Purpose and Authority

The administration of the special wildlife management areas at Middle Creek and Pymatuning is a dynamic process which sometimes requires adjustments to proce-

dures. In past years, the drawing for goose blind reservations at MCWMA has been held in August to accommodate opening the controlled area during the September Canada goose season. The controlled goose hunting area at MCWMA will not be open for the September 2000 Canada goose season. Moving the deadline back 1 month will give hunters more time to apply and will allow the Commission to advise successful applicants of the exact season, which is usually set by the United States Fish and Wildlife Service in early September.

At the same time, the special deer hunt in Pymatuning Wildlife Management Area (PWMA) has become very popular. Because it is currently held during the muzzleloader and late archery seasons, deer hunters will station themselves just outside the boundary of PWMA, in hope of harvesting a fleeing deer. This has led to at least one incident of a hunter being struck by a stray bullet, giving rise to safety concerns. To deal with these concerns, the Commission is proposing to hold the special hunt outside of other deer seasons.

3. Regulatory Requirements

For the most part, the proposals involve changes to procedures with no additional requirements. The change in the goose blind application deadline is a relaxation of a requirement. The holding of the special deer hunt in PWMA is a mere change in timing.

4. Persons Affected

Persons wishing to engage in the specified activities at PWMA and MCWMA may be affected by the proposed changes.

Amendment to § 141.4

1. Introduction

At its June 8, 1999, meeting, the Commission finally adopted a change to § 141.4 to allow the hunting of mourning doves from 1/2 hour before sunrise rather than from noon. It has been determined that this has led to conflicts with Canada goose hunters hunting during the early season. As a result and to more effectively manage the wildlife resources of this Commonwealth, the Commission at its meeting held on April 4, 2000, proposed changing § 141.4 to return the start of hunting hours for hunting mourning doves to noon. This change was proposed under sections 322(c)(1) and 2102(a) of the code (relating to powers and duties of the Commission; and regulations).

2. Purpose and Authority

The current provision of § 141.4 provides that mourning doves may be hunted all day. As was pointed out in the previous paragraph, the 1999 expansion of hunting hours has led to conflicts with Canada goose hunters hunting during the early season. To eliminate these conflicts, the Commission has proposed that shooting hours for mourning doves be returned to their noon start.

Section 322(c)(1) of the code empowers the Commission to fix daily shooting or taking hours. Section 2102(a) of the code authorizes the Commission to promulgate regulations relating to the hunting of game or wildlife in this Commonwealth. The proposed change would be adopted under this authority.

3. *Regulatory Requirements*

The proposed change would reduce the number of hours for hunting mourning doves.

4. *Persons Affected*

Individuals wishing to hunt mourning doves would be affected by the proposed change.

Amendments to §§ 141.25 and 141.26

1. *Introduction*

The number of resident Canada geese in Southeastern Pennsylvania and number of accompanying nuisance complaints have increased dramatically in recent years. To deal with this situation, the Commission at its April 4, 2000, meeting proposed changing §§ 141.25 and 141.26 to eliminate the area closed to goose hunting surrounding the MCWMA during the early Canada goose season.

In addition, the areas closed to Canada goose hunting in the area surrounding PWMA are different during the early and late seasons. The Commission is proposing to change these sections to make the closed areas consistent in both seasons. These changes were proposed under sections 322(c)(1) and 2102(b)(1) of the code.

2. *Purpose and Authority*

The Commission is required to set hunting and furtaking seasons and bag limits on an annual basis. Section 322 of the code specifically empowers the Commission to fix seasons for any species of game or wildlife. Section 2102(b) of the code mandates that the Commission promulgate regulations relating to seasons and bag limits.

As was pointed out earlier, the population of resident Canada geese in Southeastern Pennsylvania has dramatically increased, resulting in numerous nuisance geese complaints. Given this situation, it makes little sense to restrict Canada goose hunting during the early Canada goose season, when resident populations are targeted. The Commission has therefore proposed eliminating the closed area surrounding the MCWMA during that season, by amending §§ 141.25 and 141.26.

Also, the areas of Crawford County surrounding PWMA that are closed to Canada goose hunting during the early and late seasons are different. To avoid confusion, the Commission is proposing to have one area closed to goose hunting during both seasons. The proposed changes will accomplish that purpose.

3. *Regulatory Requirements*

The proposed changes will relax current regulatory requirements.

4. *Comment and Paperwork Requirements*

Persons wishing to hunt geese at MCWMA and PWMA would be affected by the changes.

5. *Cost and Paperwork Requirements*

The proposed changes would not result in any additional cost, either to the Commission or to hunters.

6. *Effective Date*

The changes would be effective on final publication in the *Pennsylvania Bulletin* and would remain in effect until changed by the Commission.

7. *Contact Person*

For further information on the proposed changes, the contact person is William L. Hutson, Director, Bureau of

Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

VERNON R. ROSS,
Executive Director

Fiscal Note: 48-122. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 135. LANDS AND BUILDINGS

Subchapter F. SPECIAL WILDLIFE MANAGEMENT AREAS

§ 135.103. Registration for controlled goose hunting areas.

The following apply to reservations for controlled goose hunting areas:

* * * * *

(2) Reservation requests on official application forms shall be submitted by mail. An application shall contain requested information, including the applicant's current valid hunting license back tag number, including letter.

(i) *Middle Creek Wildlife Management Area.* Applications shall be received by the close of business on the second Tuesday in **[August] September**. Applications received later than the close of business on the second Tuesday in **[August] September** will be rejected.

* * * * *

(4) Selections of mailed application forms will be made by random drawing from all eligible applications submitted. The Director will establish, no later than 20 days prior to the drawing, the number of applications to be drawn.

(i) *Middle Creek Wildlife Management Area.* The drawing will be held on the second Wednesday in **[August] September** and shall be open to the public.

* * * * *

§ 135.106. Pymatuning Wildlife Management Area.

* * * * *

(d) The following apply to special hunts on the controlled **[areas] area**:

(1) **[Hunting deer during the muzzleloader and late archery seasons is by permit only.**

(2) **A drawing will determine successful applicants on a date and time designated by the Director or a designee.**

(3) **Permit numbers issued daily to muzzleloader and archery hunters shall be set by the Director or a designee prior to the drawing.**

(4) **If determined by the Director or a designee that an adequate number of deer have been harvested on the area prior to the last day of the scheduled season, the Director may suspend hunting on the area and cancel remaining permits.**

(5) **A successful hunter shall submit the deer for examination at the registration center on the dates of the permit.**

(6) A hunter shall return a permit to the registration center prior to but not later than 1/2 hour after the daily closing time on the date of the permit.

(7) If a successful applicant does not appear to claim a reservation by the opening hunting hour on the day assigned, the reservation may be reasigned on a first-come basis.

(8) Hunters participating in the special archery and muzzleloader hunts inside the controlled areas shall wear a minimum of 250 square inches of fluorescent orange material on the head, chest and back combined.]

Special deer hunts will be by permit only, limited to archery and muzzleloading firearms.

(2) Notwithstanding the provisions in § 135.161(2) (relating to Commission-owned or leased lands or waters), the Executive Director may designate dates for deer hunting outside of established seasons and bag limits.

(3) A drawing of applications to determine successful hunters will be held at the Pymatuning Wildlife Management Area headquarters on a date and time designated by the director or a designee.

(4) Applications will be received at the area headquarters no later than the close of business of the day prior to the date and time of the drawing.

(5) One official application per person to hunt deer on the controlled area may be submitted each license year. Anyone submitting more than one application for a permit will have all applications rejected. The application shall contain archery or muzzleloading license stamp numbers.

(6) The number of permits to be drawn shall be set by the director or a designee prior to the drawing.

(7) If a successful applicant does not appear to claim a reservation on the day assigned, prior to the opening hunting hour, the permit becomes invalid and is not transferable.

(8) A successful hunter shall submit a harvested deer for examination to the management area headquarters on the date of the permit, no later than 1 hour after the daily closing of hunting hours.

(9) Unsuccessful hunters shall return the permit to the management area headquarters on the date of the permit, no later than 1 hour after the daily closing of hunting hours.

(10) Hunters participating in the special archery and muzzleloading hunts inside the controlled area shall wear a minimum of 250 square inches of fluorescent orange material on the head, back and chest combined.

CHAPTER 141. HUNTING AND TRAPPING

Subchapter A. GENERAL

§ 141.4. Hunting hours.

During open hunting seasons, wild birds and animals may be taken 1/2 hour before sunrise to sunset unless further restricted.

* * * * *

(4) Mourning doves may be hunted from 12 noon to sunset from the first season opening date through the first season closing date.

Subchapter B. SMALL GAME

§ 141.25. Early and late goose hunting seasons.

(a) *Early season and description.*

(1) Subject to approval of the United States Fish and Wildlife Service, there will be an early Canada goose hunting season starting on September 1 (except when Sunday, then September 2), and ending on September 25 (except when Sunday, then September 24) Statewide. [Geese may be taken on the Pymatuning State Park Reservoir and an area to extend 100 yards inland from the shoreline of the reservoir excluding the area east of L. R. 20006.]

(2) Geese may not be taken in that portion of Crawford County which is in the area south of [Route 6 from the Ohio line to its intersection with Route 322 in the town of Conneaut Lake and north of Route 322 west to the Ohio line, or in Lancaster/Lebanon Counties in the area east of S. R. 501 from Shaefertown to the Pa. Turnpike, north of the Pa. Turnpike to S. R. 272, west of S. R. 272 to S. R. 897, and south of S. R. 897 to Shaefertown, referred to as closed area.] S. R. 198 from the Ohio line to the intersection of S. R. 18, to the intersection of U. S. Route 322/S. R. 18, to the intersection of S. R. 3013, south to the Crawford/Mercer County line.

(3) Bag limits are as follows:

* * * * *

(ii) There is a daily bag limit of three and a possession limit of six in the remainder of the State with the exception of the closed [areas] area in Crawford [and Lancaster/Lebanon Counties.] County.

(b) *Late season and description.*

(1) *Areas.* Subject to approval of the United States Fish and Wildlife Service, there is a late Canada goose hunting season beginning on January 15 (except when Sunday, then January 16), and ending on February 15 (except when Sunday, then February 14) Statewide, with the exception of [Erie, Mercer, Butler,] that area of Crawford County south of S. R. 198 from the Ohio line to the intersection of S. R. 18, to the intersection of U. S. Route 322/S. R. 18, to the intersection of S. R. 3013, south to the Crawford/Mercer County line and the area east of I-83 from the Maryland State line to the intersection of U. S. Route 30 to the intersection of S. R. 441, east of S. R. 441 to intersection of I-283, east of I-283 to I-83, east of I-83 to intersection of I-81, east of I-81 to intersection of I-80 and south of I-80 to the New Jersey State line.

* * * * *

[(3) *Map.* See map of Late Canada Goose Areas in Appendix E.]

* * * * *

§ 141.26. Early Canada goose hunting season on Middle Creek Wildlife Management Area.

During an early Canada goose season, the following apply:

(1) *Opening of controlled hunting area.* In years when the United States Fish and Wildlife Services authorizes a regular fall Canada goose hunting season, and an early Canada goose hunting season, the Director may open the

controlled hunting area at Middle Creek Wildlife Management Area for early Canada goose hunting. **[When the controlled hunting area is open during an early Canada goose hunting season, the closed areas in Lebanon and Lancaster Counties, as defined in § 141.25(a)(2) (relating to early and late goose hunting seasons) do not apply.]**

* * * * *

(Editor's Note: As part of this proposal, the Commission proposes to delete the map which appears in Appendix E in 58 Pa. Code page 141-23, serial page (227707).)

[Pa.B. Doc. No. 00-984. Filed for public inspection June 9, 2000, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 69]

[M-00001351]

Maintaining Safety and Reliability for Natural Gas Supply and Distribution Service

The Pennsylvania Public Utility Commission (Commission) on April 27, 2000, adopted a proposed policy statement order setting forth procedures the Commission intends to follow in executing its responsibilities under the Natural Gas Choice and Competition Act related to safety and reliability for natural gas supply and distribution service. The contact persons are William Hall, Bureau of Conservation, Economics and Energy Planning, (717) 783-1547 and David Screven, Law Bureau, (717) 787-2126.

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

Public Meeting held
April 27, 2000

Proposed Policy Statement

By the Commission:

On June 22, 1999, Governor Tom Ridge signed into law the Natural Gas Choice and Competition Act, 66 Pa.C.S. §§ 2201—2212 (act). The act revised the Public Utility Code, 66 Pa.C.S. §§ 101—3316 (code) adding Chapter 22, relating to restructuring of the natural gas utility industry. The Commission is the agency charged with implementing the act.

This policy statement sets forth the procedures the Commission intends to follow in executing its responsibilities under section 2203(1) of the act (relating to standards for restructuring of natural gas utility industry).

(1) The Commission shall enforce standards as necessary to ensure continuation of the safety and reliability of the natural gas supply and distribution service to all retail customers. In adopting the standards, the Commission shall consider the absence of any applicable industry standards and practices or adopt standards in conformity with industry standards and practices meeting the standards of this chapter. The application of such standards shall be in

such a manner that incorporates the operational requirements of the different natural gas distribution companies.

Also in section 2203(12) of the act:

(12) The Commission shall make its determinations pursuant to this chapter and shall adopt such orders or regulations as necessary and appropriate to ensure that natural gas suppliers meet their supply and reliability obligations, including but not limited to, establishing penalties for failure to deliver natural gas and revoking licenses. Any affected entity may at any time petition the Commission to amend or rescind any such order or regulation issued or promulgated under this chapter.

Commission staff established a Collaborative Working Group as the appropriate vehicle to proceed with the implementation of section 2203(1) and (12) of the act. On July 7, 1999, Commission staff convened the first meeting of the Gas Safety and Reliability Working Group to address safety and reliability issues presented by the implementation of the act.

At the initial meeting of the working group, Commission staff identified statutory directives that applied to the working group, framed a tentative list of issues that should be addressed by the working group, and established a date for the submission of informal comments. A second meeting of the working group was held on August 11, 1999, and a schedule for the further work of the group was established.

The group agreed that section 2203(1) of the act, recognizes the different operational characteristics of Natural Gas Distribution Companies and that this allows certain issues to be addressed in tariffs. Regulations or policies containing detailed uniform rules for all companies may be inappropriate and unworkable. Commission staff urged the parties to identify those common issues, which could be addressed in a policy statement.

The Office of the Consumer Advocate, the Office of Trial Staff, the Pennsylvania Gas Association, Texas Eastern Transmission Corporation, CNG Retail Services Corporation and TXU Energy Services (filed jointly with Statoil Energy) submitted informal comments on August 18, 1999.

The Working Group designated selected members to draft a suggested policy statement and this draft was delivered to the full group and considered at the meeting on September 21, 1999. The working group agreed that the policy should be presented to the Commission for consideration as Interim Safety and Reliability Guidelines.

The Commission approved the Interim Guidelines at its public meeting on October 15, 1999, at Docket No. L-00990144. The Commission stated:

After a review of the suggested policy statement, we agree that the policy statement appropriately addresses those issues that can be determined to be generic guidelines applicable to all NGDC systems in Pennsylvania and is consistent with the reliability provisions of the Act. We believe that the proposed guidelines are appropriate to ensure that safety and reliability are maintained, while recognizing that the details of these requirements need to be further developed in each NGDC's restructuring proceeding. We also believe that these requirements fairly balance the obligations of NGDCs, NGSs and end-users in the process of ensuring system reliability.

The Commission ordered that these guidelines be incorporated into the Commission's regulations in Chapter 69 (relating to policy statements).

The guidelines address a number of matters that are critical to reliability, including (1) delivery standards for natural gas suppliers; (2) the definition, use, and verification of "comparable capacity" for supplying firm service; (3) the distinctions between firm and interruptible service; (4) the roles of the supplier of last resort and the NGDC's role as system operator; (5) requirements to ensure that sufficient firm capacity remains committed to NGDC firm service customers; (6) appropriate guidelines for the establishment of penalties; (7) critical day procedures necessary to maintain system safety and reliability; (8) the establishment of communication protocols on all matters which may affect system reliability; and (9) the establishment of Operational and Capacity Councils to meet the requirements of section 2204(f) of the act (relating to implementation). On all of these issues, the guidelines provide a strong framework for addressing these issues in more detail in the context of each utility's tariff and operational procedures.

We propose to continue to monitor issues that are crucial to maintaining reliability and safety. We also propose to impose penalties or revoke the license of a Natural Gas Supplier if an investigation shows that a supplier is in noncompliance with Tariff rules or Commission requirements and no corrective action has been taken.

To ensure the continued safety and reliability of natural gas service in this Commonwealth, the Commission proposes to amend Chapter 69 by adding §§ 69.11—69.19, to read as set forth in Annex A, which establishes guidelines for natural gas safety and reliability. Accordingly, under section 501 of the code and the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202), and regulations promulgated thereunder at 1 Pa. Code §§ 7.1—7.4, the Commission amends the regulations in Chapter 69 as noted and to read as set forth in Annex A; *Therefore, It Is Ordered That:*

1. The proposed amendments to Chapter 69, as set forth in Annex A, are issued for comment.

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

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

4. Interested persons may submit an original and 15 copies of written comments to the Office of the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg PA, 17105-3265, within 60 days from the date this order is published in the *Pennsylvania Bulletin*. A copy of written comments shall also be served upon the Commission's Bureau of Conservation, Economics and Energy Planning.

5. A copy of this order and Annex A shall be served upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, all jurisdictional Natural Gas Distribution Companies and all Licensed Natural Gas Suppliers.

JAMES J. MCNULTY,
Secretary

Fiscal Note: 57-216. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 52. PUBLIC UTILITIES

PART I. PENNSYLVANIA PUBLIC UTILITY COMMISSION

Subpart C. FIXED SERVICE UTILITIES

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

SAFETY AND RELIABILITY GUIDELINES

§ 69.11. Definitions.

The following words and terms, when used in this section and §§ 69.12—69.19, have the following meanings, unless the context clearly indicates otherwise:

Act—66 Pa.C.S. §§ 2201—2212 (relating to natural gas competition).

Design day conditions—The extreme weather conditions that an NGDC uses to project customer requirements.

Essential human needs retail gas customer—Customers consuming gas service in buildings where persons normally dwell including apartment houses, dormitories, hotels, hospitals and nursing homes, as well as the use of natural gas by sewage plants. (See § 69.22 (relating to definitions).)

Firm capacity—Assigned capacity or comparable capacity that can be called upon to serve customer requirements on a reliable basis even under design day conditions

Gas supply assets—Includes all sources and components associated with the acquisition and delivery of natural gas.

Interruptible gas service—Indicates that natural gas service may be interrupted consistent with the terms and conditions of the NGDC tariff.

Interstate capacity—Services provided by a Federal Energy Regulatory Commission-regulated entity, including pipeline transportation, storage, peaking, balancing and no-notice services.

NGDC—Natural gas distribution company.

NGS—Natural gas supplier.

Operational flow order—An order issued by an NGDC to protect the safe and reliable operation of its gas system, either by restricting service or requiring affirmative action by shippers.

Reliability plan—A plan provided for in 66 Pa.C.S. § 1317(c) (relating to regulation of natural gas costs).

Residential retail gas customer—As defined in the tariff of each NGDC.

SOLR—Supplier of last resort.

§ 69.12. Delivery standards for NGSs.

(a) NGSs should deliver natural gas supplies under the terms of service specified in NGDC tariffs. Failure to deliver natural gas supplies in accordance with the tariffs may subject NGSs to penalties under procedures specified in the tariffs or revocation of licenses, or both. (See section 2203(12) of the act (relating to standards for restructuring of natural gas utility industry).) The NGSs may serve customers with different quality of service requirements, as permitted under the act and applicable NGDC tariffs.

(b) NGSs should utilize firm capacity sufficient to meet the requirements of their firm service customers except to the extent otherwise provided in each NGDC's reliability plan. Service to any essential human needs retail gas customer lacking installed and operable alternative fuel capability and any residential retail gas customer should be firm service.

(c) NGSs should warrant to the NGDC that they have sufficient firm capacity to meet the requirements of the essential human needs retail gas customers, as defined in § 69.11 (relating to definitions), and should describe the characteristics of any firm capacity to the NGDC. The NGDC should take commercially reasonable steps to attempt to verify that the firm capacity contract rights exist. The failure or inability of an NGDC to verify the existence of the contract rights using commercially reasonable steps does not relieve an NGS from any liability for failing to deliver gas, or subject the NGDC to any liability resulting from the NGS's failure to deliver.

(d) Natural gas service to interruptible gas service customers should be interrupted, pursuant to the terms and conditions of the NGDC's tariff, if the safety and reliability of firm service would be impeded by the interruptible customer's continued use of natural gas.

§ 69.13. Service obligations of the supplier of last resort.

(a) The SOLR is the NGDC or an NGS, which has been designated by the Commission under section 2207 of the act (relating to obligations to serve) to provide SOLR service. Each of the following services will be provided by an SOLR:

(1) Natural gas supply services to those customers who have not chosen an alternative NGS or who choose to be serviced by their SOLR.

(2) Natural gas supply services to those customers who are refused supply service from an NGS.

(3) Natural gas supply services to those customers whose NGS has failed to deliver its requirements.

(b) A customer should not have more than one SOLR designated for any of the services in subsection (a).

(c) An SOLR under subsection (a)(3) should provide sufficient supplies as to quantity, quality, pressure and location to meet the operational reliability requirements of the NGDC's system including a failure of one or more NGSs to do one of the following:

(1) Supply natural gas to their retail gas customers in conformance with their contractual obligations to the customers.

(2) Satisfy applicable reliability standards and obligations.

§ 69.14. Obligations of the system operator.

An NGDC should, in addition to performing any other roles such as selling natural gas, function as the system operator in ensuring that its distribution system is designed, constructed, managed and operated to safely and reliably receive and deliver natural gas throughout its facilities to customers connected to them. An NGDC, in performing its responsibilities as a system operator, may retain or acquire gas supply assets as required to perform its system operator functions in a manner which permits it to operate its system in a safe and reliable manner. The identity of the gas supply assets utilized by the NGDC to perform its system operator function should

be reviewed by the Commission annually in the NGDC's Section 1307(f) proceeding as part of the NGDC's reliability plan.

§ 69.15. Ensuring sufficient firm capacity availability.

(a) NGSs using firm gas supply contracts with Pennsylvania producers or storage or transportation capacity contracts acquired through assignment or release by NGDCs or acquired as the result of the nonrenewal of a storage or transportation capacity contract previously held by the NGDC should offer the SOLR, or the successor NGS, a right of first refusal to utilize the contracts at the NGS's contract cost as long as needed to serve retail gas customers being relinquished by the NGS.

(b) NGSs using storage or transportation capacity contracts acquired in a manner other than through assignment, release or nonrenewal by the NGDC should provide the SOLR a right of first refusal to use the capacity at contract cost if the NGS failed to give the SOLR and the NGDC sufficient notice or if there is insufficient alternative capacity available to serve the market being relinquished by the NGS.

(1) The SOLR may retain the right to use the capacity at cost until the SOLR, through reasonable and diligent efforts, is able to acquire replacement capacity sufficient to serve the customers being relinquished by the NGS.

(2) The NGDC or the SOLR should acquire the replacement capacity in a manner consistent with the Commission's least cost fuel procurement policy.

§ 69.16. Penalties.

Nonperformance penalties should be established at levels sufficiently high to deter NGSs from failing to comply with their delivery obligations.

(1) The penalties should be independent of and in addition to the costs incurred by the NGDC, or, in the alternative, the supplier of last resort, for replacement gas supplies, including pipeline penalties.

(2) NGDCs may take into consideration the operational costs and other liabilities NGDCs may be exposed to by virtue of an NGS's failure to deliver in establishing penalties.

(3) Failure of an NGS to honor delivery obligations may lead to disqualification from NGDC programs, suspension or revocation of the NGSs license.

(4) The disqualification, suspension or revocation should not relieve the NGS of its obligations to pay all penalties and costs incurred by the NGDC as a result of the NGS's failure to deliver.

§ 69.17. Critical period procedures.

(a) A critical period exists when the NGDC declares an Operational Flow Order (OFO). A critical period implies the need for heightened awareness and attention by all parties.

(1) OFOs are issued to alleviate stress, or potential stress, to the NGDC system that threatens safety or reliability, or both.

(2) OFOs are an action of last resort, are never issued lightly, and are only issued for safety or reliability reasons.

(3) OFOs are distinct from, and do not preclude, other types of flow orders which an NGDC may issue to satisfy other obligations of the NGDC or the SOLR under the code or this title, such as the obligation to fulfill the least

cost fuel procurement requirements of section 1318 of the act (relating to determination of just and reasonable gas cost rates).

(b) The NGDC should describe in detail, in its tariff, the actions it will take in advance of, and during a critical period. At a minimum, those actions should include the following:

(1) Exercises wherein critical period communications between, and the required responses of, the parties can be tested.

(2) A protocol for issuing and communicating system alerts that announce actual or pending events that, if unchecked, may result in a critical period, and call for voluntary actions or responses from NGSs and customers.

(3) A protocol for issuing and communicating OFOs. The protocol should address how and when the OFOs will be announced, and provide for disseminating periodic status reports during the period an OFO is in effect. OFOs should state the actions required and the reasons for the actions, be as localized as possible and be applied in a nondiscriminatory manner.

§ 69.18. Communications protocols.

Communications protocols are tools by which NGDCs, NGSs and other parties, define and describe the type, form and frequency of communications necessary to successfully fulfill customer requirements in an operating environment of increased retail choice. Effective and consistent communications are critical to reduce errors, and provide all entities with the information necessary to properly fulfill their respective responsibilities, both in normal and emergency circumstances. A communications protocol should include at minimum, in addition to the specific requirements in § 69.17(b)(2) and (3) (relating to critical period procedures) the following:

(1) A detailing of contact data for both NGDC and NGS personnel responsible for the various aspects of customer contact, gas deliveries and distribution, including mechanisms for ensuring that the data is kept current for all parties.

(2) The specification that regular meetings will be held, with joint agenda development responsibilities, including the potential scheduling of operational conference calls.

(3) Communications, to the extent not otherwise set forth in the NGDC's tariff, associated with the NGDC's procedures for customer enrollment, billing arrangements, daily or monthly delivery quantity determination, nominations (monthly, daily, intra-day, and weekend), balancing options, reconciliation or true-ups, cash-outs and electronic data exchange requirements.

(d) Procedures utilized by NGDCs to inform NGSs of changes to NGS delivered supplies or customer demand, or both, required to assure system reliability, both daily and seasonal, and to avoid pipeline penalties.

§ 69.19. Operational and capacity councils.

(a) Each NGDC should create an operational and capacity council for parties referred to in section 2204(f) of the act (relating to implementation) to discuss and attempt to resolve operational and capacity issues related to customer choice, including the reliability effects of those operational and capacity issues related to customer choice and the ongoing implementation of this section and §§ 69.11—69.18 (relating to safety and reliability guidelines). The intent of these councils is to explore the possibility of building consensus among council participants relating to operational, capacity and operational and capacity-related safety and reliability issues in a fair and nondiscriminatory manner.

(b) Each NGDC's operational and capacity council should, at a minimum, establish, in consultation with council participants, the following:

- (1) A regular meeting schedule.
- (2) An agenda for each meeting.

(c) The final determination of operational and reliability issues resides with the NGDC, subject to Commission review.

(d) The fact that statements were made, or positions were taken and were not considered or accepted, in operational and capacity council meetings should not be considered, or entered into evidence, in any formal proceeding before the Commission relating to any matter addressed in the council meetings.

[Pa.B. Doc. No. 00-985. Filed for public inspection June 9, 2000, 9:00 a.m.]

NOTICES

DELAWARE RIVER BASIN COMMISSION

Notice of Commission Meeting and Public Hearing

Notice is hereby given that the Delaware River Basin Commission (Commission) will hold an informal conference on Thursday, June 15, 2000, and a public hearing on Friday, June 16, 2000. The hearing will be part of the Commission's regular business meeting. Both the conference session and business meeting are open to the public and will be held at the River Run Restaurant at the West Branch Angler, 150 Faulkner Road, Deposit, NY.

The conference among the Commissioners and staff will begin at 1:30 p.m. on Thursday and will include status reports on the following subjects: a proposed coordinated drought plan; a study of the flow needs of the Delaware River and major tributaries; development of a TMDL for PCBs in the Delaware Estuary; a proposed agreement with the United States Army Corps of Engineers for storage at F.E. Walter Reservoir; and a proposal for joint DRBC-Corps of Engineers projects. In addition, there will be a presentation on a proposed new watershed atlas web site and discussion of possible source water protection activities.

The business meeting at 10:30 a.m. on Friday will include a public hearing on the projects summarized within this notice. In addition, the Commission will address the following: minutes of the May 2, 2000, business meeting; announcements; report on hydrologic conditions in the basin; reports of the Executive Director and General Counsel; a resolution providing for the election of Commission officers for the fiscal year 2000-2001; and public dialogue.

The subjects of the hearing will be as follows:

1. *Manwalamink Water Company D-89-50 CP RE-NEWAL*. A renewal of a groundwater withdrawal project to continue to supply up to 15 million gallons (mg)/30 days of water to the applicant's public water distribution system from Wells Nos. 1, 2, 3, 5 and 6. The project is located in Smithfield Township, Monroe County, PA.

2. *Town of Felton D-99-26 CP*. A groundwater withdrawal project to supply up to 4.9 mg/30 days of water to the applicant's distribution system from new Well No. 4, and to increase the existing withdrawal limit from all wells to 5.7 mg/30 days. The project is located in the Town of Felton, Kent County, DE.

3. *Whitehall Township Authority D-2000-9 CP*. A groundwater withdrawal project to supply up to 33.3

mg/30 days of water to the applicant's public water distribution system from the new Lehnert Road Well, and to increase the existing withdrawal limit from all the applicant's wells to 91.2 mg/30 days. The project is located in Whitehall Township, Lehigh County, PA.

4. *Uwchlan Township D-2000-16 CP*. A project to expand the applicant's Eagleview sewage treatment plant (STP) from 0.15 million gallons per day (mgd) to 0.475 mgd. The STP will continue to serve portions of Uwchlan and Upper Uwchlan Townships with tertiary treatment prior to discharge to Shamona Creek, a tributary of East Branch Brandywine Creek. The STP is located less than 1 mile south of the intersection of U.S. Route 76 and PA Route 100 in Uwchlan Township, Chester County, PA.

5. *Westtown Township D-2000-21 CP*. A project to expand the applicant's existing 0.29 mgd Chester Creek STP to 0.495 mgd. The STP is located just southwest of Westtown Road in Westtown Township, Chester County, PA and will continue to provide secondary treatment to Westtown Township. Treated effluent will continue to discharge to East Branch Chester Creek.

6. *Sunny Dell Foods, Inc. D-2000-23*. A project to construct a new 0.05 mgd industrial wastewater treatment plant to provide tertiary level treatment for the applicant's mushroom cannery facility. The facility straddles the border between the Borough of Kennett Square and Kennett Township immediately south of Baltimore Pike in Kennett Township, Chester County, PA. Treated effluent will be discharged to West Branch Red Clay Creek in Water Quality Zone C5. After screening and disinfection, 0.09 mgd of cooling water will be discharged to West Branch Red Clay Creek via a separate outfall.

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

Individuals planning to attend the hearing who need an accommodation as provided for in the Americans with Disabilities Act should contact the Commission Secretary directly at (609) 883-9500 ext. 203 or through the New Jersey Relay Service at (800) 852-7899 (TTY) to discuss how the Commission may accommodate their needs.

PAMELA M. BUSH,
Secretary

[Pa.B. Doc. No. 00-986. Filed for public inspection June 9, 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 30, 2000.

BANKING INSTITUTIONS
Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-22-00	Somerset Trust Company, Somerset, and Somerset Interim Bank, Somerset Surviving Institution— Somerset Trust Company, Somerset	Somerset	Filed

Application to merge filed solely to facilitate the acquisition of Somerset Trust Company, by Somerset Trust Holding Company, a bank holding company in organization.

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-23-00	U.S. Bank Johnstown Cambria County	724 S. Atherton St. State College Centre County	Filed
5-24-00	Pocono Community Bank Stroudsburg Monroe County	Route 390 and Price Drive Mountainhome Barrett Township Monroe County	Filed
5-30-00	The Peoples State Bank East Berlin Adams County	Intersection of U.S. Route 30 and Lincoln St. New Oxford Adams County	Filed
5-30-00	Harleysville Savings Bank Harleysville Montgomery County	640 E. Main Street Lansdale Montgomery County	Filed

Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-30-00	Northwest Savings Bank Warren Warren County	<i>To:</i> 39 S. St. Marys St. St. Marys Elk County <i>From:</i> 201 Bruxelles St. St. Marys Elk County	Filed
5-30-00	Pittsburgh Savings Bank Pittsburgh Allegheny County	<i>To:</i> 441 Smithfield Street Pittsburgh Allegheny County <i>From:</i> 438 Wood Street Pittsburgh Allegheny County	Filed

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-23-00	Pennwood Savings Bank Pittsburgh Allegheny County	125 Market Street Kittanning Armstrong County	Filed
5-23-00	Pennwood Savings Bank Pittsburgh Allegheny County	4 Hilltop Plaza Kittanning Armstrong County	Filed

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

DAVID E. ZUERN,
Secretary

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 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 0057835. Sewage, **Rober Falkenstein**, 2898 Upper Ridge Road, Pennsburg, PA 18073.

This application is for issuance of an NPDES permit to discharge treated sewage from a small flow treatment plant in Marlborough Township, **Montgomery County**. This is a new discharge to an unnamed tributary to Macoby Creek.

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

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

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅		
(5-1 to 10-31)	10	20
(11-1 to 4-30)	20	40
Suspended Solids	10	20
Ammonia (as N)		
(5-1 to 10-31)	3	6
(11-1 to 4-30)	9	18
Total Residual Chlorine	monitor/report	monitor/report
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 3.0 mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	

The EPA waiver is in effect.

PA 0057967. Industrial waste, **Hershey Foods Corporation**, 1025 Reese Avenue, Hershey, PA 17033.

This application is for issuance of an NPDES permit to discharge treated process wastewater and stormwater from Pennsburg confectionery manufacturing plant located in Upper Hanover Township, **Montgomery County**. This is a new discharge to Macoby Creek Branch.

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

The proposed effluent limits for Outfall 001, based on an average flow of 20,000 gallons per day are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	40	80	100
Suspended Solids	30	60	75
Ammonia (as N)			
(5-1 to 10-31)	4.0	8.0	10.0
(11-1 to 4-30)	12.0	24.0	30.0
Phosphorus (as P)			
(4-1 to 10-31)	2.0	4.0	5.0
Total Residual Chlorine	0.23	—	0.74
Fecal Coliform	200 colonies/100 ml as a geometric average		
Dissolved Oxygen	minimum of 5 mg/l at all times		
pH	within limits of 6.0—9.0 standard units at all times		
Total Dissolved Solids	1,000	2,000	2,500
Oil and Grease	15	—	30
True Color	—	—	100 Pt/Co

The proposed effluent limits for stormwater Outfalls 002, 003, 004 and 005 are as follows:

<i>Parameter</i>	<i>Annual Average (mg/l)</i>	<i>Maximum Daily (mg/l)</i>
CBOD ₅	monitor	monitor
COD	monitor	monitor
Oil and Grease	monitor	monitor
pH	monitor	monitor
Total Suspended Solids	monitor	monitor
Total Kjeldahl Nitrogen	monitor	monitor
Total Phosphorus	monitor	monitor
Dissolved Iron	monitor	monitor

The EPA waiver is in effect.

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

PA 0009458. SIC Code 3231, Industrial waste, **PPG Industries, Inc.**, P. O. Box 307, Tipton, PA 16684-0307.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to the Little Juniata River, in Antis Township, **Blair County**.

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

The proposed effluent limits for Outfall 001 for a design flow of 0.096 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH		from 6.0 to 9.0 inclusive	
Oil and Grease	15	XXX	30
Temperature	monitor and report	monitor and report	XXX

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

The EPA waiver is in effect.

PA 0024244. SIC Code 5171, Industrial waste, **Sunoco, Inc. (R & M)**, Eldorado Terminal, 1801 Market Street, Philadelphia, PA 19380.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to drainage ditches to Sugar Run and Burgoon Run, in Allegheny Township, **Blair County**.

The receiving streams are classified for cold water fishes and warm water fishes respectively, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the proposed downstream potable water supply intake considered during the evaluation was Borough of Newport located in Newport, Perry County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Recoverable Petroleum Hydrocarbons	XXX	monitor and report	XXX

Best Management Practices to control the discharge of Total Recoverable Petroleum Hydrocarbons from the storage tank dike areas are required for Outfalls 002 through 004.

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

The EPA waiver is in effect.

PA 0088447. SIC Code 4952, Sewage, **Hummelstown General Authority**, 136 South Hanover Street, P. O. Box 307, Hummelstown, PA 17036.

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

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

The proposed effluent limits for Outfall 001 for a design flow of 0.150 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	10	15	20
Total Suspended Solids	5	7.5	10
NH ₃ -N			
(5-1 to 10-31)	3.3	XXX	6.6
(11-1 to 4-30)	10	XXX	20
Total Residual Chlorine	0.33	XXX	1.0
Dissolved Oxygen		minimum of 5.0 at all times	
pH		from 6.0 to 9.0 inclusive	
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		36,000/100 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 in effect.

Northcentral Region: Environmental Program Manager; Water Management, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (570) 321-6574.

PA 0026557. SIC 4952, **The Municipal Authority of the City of Sunbury**, 225 Market Street, Sunbury, PA 17801-3482.

This proposed action is for amendment of an NPDES permit for an existing discharge of treated sewage to Shamokin Creek in the City of Sunbury, **Northumberland County**.

The receiving stream is classified for the following uses: warm water fishery and aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the downstream potable water supply (PWS) considered during the evaluation is the Dauphin Borough.

The proposed effluent limits for Outfall 001 based on 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	25	40	50
Suspended Solids	30	45	60
Total Chlorine Residual	0.5		1.6
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		2,000/100 ml as a geometric average	
pH		6.0—9.0 SU at all times	

Other Conditions:

- (1) Total Chlorine Residual limits effective October 1, 2001. Monitoring and reporting required in the interim.
- (2) Monitoring of combined sewer overflow (CSO) Outfalls 002—007 for cause, frequency, duration and quantity.

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 0027146. Sewage, **Borough of Ambridge Municipal Authority**, 600 Eleventh Street, Ambridge, PA 15003.

This application is for renewal of an NPDES permit to discharge treated sewage from the Borough of Ambridge Sewage Treatment Plant in Ambridge Borough, **Beaver County**. The following effluent limitations are proposed for discharge to the receiving waters, known as the 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 Company, BV Plant on the Ohio River (MP 29.5).

Outfall 001: existing discharge, design flow of 2.56 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
Fecal Coliform				
(5-1 to 10-31)	200/100 ml as a geometric mean			
(11-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.0			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is not in effect.

PA 0098531. Sewage, **B. J. Chesla Investment Group**, P. O. Box 624, Ligonier, PA 15658.

This application is for renewal of an NPDES permit to discharge treated sewage from the Green Hills 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: new discharge, design flow of .03 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)	2.5			
(11-1 to 4-30)	7.5			
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	.2			.45
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.

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

PA 0000167. Industrial waste. Co-Permittees: **Union Electric Steel Corporation**, P. O. Box 465, Carnegie, PA 15106, and **Transportation Investment Group**, 7005 West Pine Gate Road, Fairview, PA 16415.

This application is for renewal of an NPDES permit to discharge noncontact cooling water from an Electro Slag Remelt facility at 1710 Greengarden Road, Erie, PA 16502 to an unnamed tributary to Cascade Creek in the City of Erie, **Erie County**. This is an existing discharge.

The receiving water is classified for warm water and migratory fishery, aquatic life, water supply and recreation. There is no potable water supply affected by the proposed discharge.

The proposed effluent limits for Outfall 003 based on average design flow of 0.020 mgd are:

<i>Parameter</i>	<i>Effluent Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Instantaneous Maximum</i>
Flow	monitor and report	
pH	6.0 to 9.0 standard units at all times	

The EPA waiver is in effect.

PA 0025356. Sewage. **Borough of Mercer**, 147 North Pitt Street, Mercer, PA 16137.

This application is for renewal of an NPDES Permit to discharge treated sewage to the Neshannock Creek in Mercer Borough, **Mercer County**. This is an existing discharge.

The receiving water is classified for the following uses: trout stocked fishery, 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 Beaver Falls Municipal Authority intake on the Beaver River located at Eastvale, approximately 37 miles below point of discharge.

The proposed effluent limits, based on a design flow of 0.99 mgd, are:

Outfall No. 001 (after the chlorine contact tank)

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Weekly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
TSS	30	45	60
Ammonia-Nitrogen			
(5-1 to 10-31)	5		10
(11-1 to 4-30)	15		30
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	10,600/100 ml as a geometric average		
Total Residual Chlorine	0.44		1.4
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

PA 0221554. Sewage. **Gateway Commerce Center LP**, R. R. 2, Box 2007 (Rt. 18), Wampum, PA 16157-9301.

This application is for renewal of an NPDES Permit, to discharge treated waste to Unnamed Tributary to the Beaver River in New Beaver Borough, **Lawrence County**. This is an existing discharge.

The receiving water is classified for the following uses: warm 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 the Beaver Falls Municipal Authority on the Beaver River located at river mile 3.8 and is located 10.6 miles below point of discharge.

The proposed discharge limits for Outfall No. 001 based on a design flow of 0.00525 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
TSS	30	60
Fecal Coliform		
(5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	2,000/100 ml as a geometric average	
Total Residual Chlorine	0.5	1.2
pH	6.0—9.0 at all times	

The EPA waiver is in effect.

PA 0210625. Industrial waste, SIC 2421. **Bradford Forest Inc.**, 444 High Street, Bradford, PA 16701-0369.

This application is for renewal of an NPDES Permit, to discharge treated waste from an existing industrial waste and untreated stormwater treatment plant to unnamed tributaries to East Branch Tunungwant Creek and Rutherford Run in the Borough of Bradford, **McKean 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 State of New York on Tunungwant Creek located at River Mile 9.4, approximately 4.8 miles below point of discharge.

The proposed discharge limits for Outfall No. 001, 002, 113, 004, 007, 009 and 010 based on 10 ton 24 hour storm are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	monitor and report		
CBOD	monitor and report		
TSS	monitor and report		
Total Al	monitor and report		
Total Iron	monitor and report		
Total Mn	monitor and report		
Dissolved Oxygen	monitor and report		
pH	monitor and report		

The proposed discharge limits for Outfall No. 005 based on a design flow of 0.1 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	monitor and report		
CBOD	monitor and report		
TSS	monitor and report		
Total Al	monitor and report		
Total Iron	monitor and report		
Total Mn	monitor and report		
Dissolved Oxygen	monitor and report		
pH		6.0 to 9.0 at all times	

The proposed discharge limits for Outfall No. 006 based on a design flow of 0.03 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	monitor and report		
CBOD	monitor and report		
TSS	monitor and report		
Total Al	monitor and report		
Total Iron	monitor and report		
Total Mn	monitor and report		
Dissolved Oxygen	monitor and report		
pH		6.0 to 9.0 at all times	

The proposed discharge limits for Outfall No. 008 based on a design flow of 0.08 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	monitor and report		
CBOD	monitor and report		
TSS	monitor and report		
Total Al	monitor and report		
Total Iron	monitor and report		
Total Mn	monitor and report		
Dissolved Oxygen	monitor and report		
pH		6.0 to 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 changes to or deviations from the terms of the existing permit will be documented and published with the final Department actions.

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

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

Following the 30-day comment period, the Water Management Program 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 Department's file. The documents may be inspected at, or a copy requested from, the Field Office that has been indicated above the application notice.

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

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Requirements</i>
PA-0062596	Laceyville Borough J.M.A. R. R. 2, Box 2270 Laceyville, PA 18623	Wyoming County Laceyville Borough	Little Tuscarora Creek	TRC

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

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Requirements</i>
PA 0081116	Solanco School District—High 121 S. Hess St. Quarryville, PA 17566	Lancaster County East Drumore Township	UNT to Stewart Run	TRC
PA 0081132	Solanco School District—Swift M.S. 121 S. Hess Street Quarryville, PA 17566	Lancaster County Fulton Township	Conowingo Creek	TRC

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

Applications under the Pennsylvania Clean Streams Law

(Part II Permits)

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

Persons objecting on the grounds of public or private interest to the approval of an application or submitted plan may file a written protest with the Department at the address indicated above each permit application or plan. Each written protest should contain the following name, address and telephone number; identification of the plan or application to which the protest is addressed; and a concise statement in sufficient detail to inform the Department of the exact basis of the protest and the relevant facts upon which it is based. The Department may conduct a fact-finding hearing or an informal conference in response to any given protest 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. 0900406. Sewerage. **Bucks County Water & Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976. Applicant is requesting approval for the construction and operation of an ultra violet disinfection system to replace the existing chlorine disinfection system to serve the Harvey Avenue WWTP located in Doylestown Township, **Bucks County**.

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

A. 2100402. Sewage, submitted by **Silver Spring Township Authority**, 6475 Carlisle Pike, Mechanicsburg, PA 17055 in Silver Spring Township, **Cumberland County** to construct a pump station and sewer extension to serve the Evergreen Subdivision was received in the Southcentral Region on May 19, 2000.

Northcentral Regional Office: 208 West Third Street, Suite 101, Grit Building, Williamsport, PA 17701.

WQM Permit No. 4100402. Sewerage. **Cameo Estates, Inc.**, 378 Maddon Road, Montoursville, PA 17754. Application received for Poco Hills Estate Phase 3a and Phase 3b, to construct a sewage extension and pump station was received on May 12, 2000 in the Northcentral Office.

WQM Permit No. 0800401. Sewerage. **Troy Township Sewer and Water Authority**, R. R. 2, Box 427A, Troy, PA 16947. Application for project consisting of gravity sewer system, force main and pumping station was submitted at the Northcentral Office April 24, 2000.

WQM Permit No. 4100401. Sewerage. **Old Lycoming Township Authority**, 1951 Green Avenue, Williamsport, PA 17701. Application for proposed sewer extension and pump station along Fox Hollow Road north of Williamsport Old Lycoming Township line. The Department received the application on May 10, 2000 in the Northcentral Office.

WQM Permit No. 1800402. Sewerage. **Pine Creek Municipal Authority**, P. O. Box 608, Avis, PA 17721. Application submitted for replacement of pumping station was received in the Northcentral Office April 18, 2000.

WQM Permit No. 5500401. Sewerage. **Middleburg Municipal Authority**, 13 North Main Street, Middleburg, PA 17842-0415. Application submitted for Package Wastewater Treatment Plant, Collection System and Submersible Pump Station was received on April 16, 2000 at the Northcentral Office.

WQM Permit No. 4900401. Sewerage. **The Municipal Authority of the City of Sunbury**, 225 Market Street, Sunbury, PA 17801-3482. Application submitted for expansion of treatment plant was received April 17, 2000 at the Northcentral Office.

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

A. 0200407. Sewerage, **Public Auditorium Authority of Pittsburgh and Allegheny County**, Regional Resource Center, Suite 1410, 425 Sixth Avenue, Pittsburgh, PA 15219. Application for the construction and operation of a sewer extension to serve the North Shore Infrastructure located in the City of Pittsburgh, **Allegheny County**.

A. 2600402. Sewerage, **Fairchance Georges Joint Municipal Sewage Authority**, 141 Big Six Road, Smithfield, PA 15478. Application for the construction and operation of a sewer extension to serve Sutton Hill located in Georges Township, **Fayette 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. 3200202. Industrial waste, **Indiana County Municipal Services Authority**, 827 Water Street, Indiana, PA 15701. Application for the construction of a Water Treatment Plant to serve the Heilwood WTP located in Pine Township, **Indiana County**.

INDIVIDUAL PERMITS

(PAS)

NPDES Individual

The following parties have applied for an NPDES permit to discharge storm water 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 of 40 CFR 123.24(d).

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

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

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

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

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

NPDES Permit PAS10-G418. Stormwater. **Vertex, Inc.**, 1041 Old Cassatt Road, Berwyn, PA 19312, has applied to discharge stormwater from a construction activity located in Tredyffrin Township, **Chester County**, to Valley Creek (EV).

NPDES Permit PAS10-G419. Stormwater. **Eastern Shore Natural Gas**, 417 Bank Lane, Dover, DE 19904, has applied to discharge stormwater from a construction activity located in Franklin and New London Townships, **Chester County**, to West Branch White Clay Creek (TSF).

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 PAS10S089. Stormwater. **Stroud Hills Shopping Ctr.**, PAER Ahnert Enterprises, Inc., The Village Center at Marshalls Ck., P. O. Box 1158, Marshalls Creek, PA 18335, has applied to discharge stormwater from a construction activity located in Stroud Township, **Monroe County**, to Flagler Run, HQ-CWF.

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

Huntingdon County Conservation District, District Manager, Huntingdon County CD, R. R. 1, Box 7C (Rte. 26S), Huntingdon, PA 16652, (814) 627-1627.

NPDES Permit PAS-10-3006. Stormwater. **PennDot Engineering Dist. 9**, 1620 North Juniata Street, Hollidaysburg, PA 16648 has applied to discharge stormwater from a construction activity located in Morris Township, **Huntingdon County**, to Shaffers Run/Frankstown branch of the Juniata River (WWF).

SAFE DRINKING WATER

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

Bureau of Water Supply Management, Division of Drinking Water Management, 400 Market Street, Harrisburg, PA 17105. Contact: Godfrey C. Maduka, (717) 787-9037.

A. 9996491. Great Spring Waters of America, Inc., 400 Killick Pond Road, Hollis, ME 04042; Tamara Risser, Quality Control Manager. Applicant requests Department approval to sell bottled water in Pennsylvania under the brand name Poland Spring Natural Spring Water.

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 **Walker Township Water Association**, P. O. Box 160, Mingoville, PA 16856, Walker Township, **Centre County**. The application is for replacement of the well pump in the Zion Well No. 2 to increase the well yield.

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

A. 1000503. Public water supply. **Abbey Woods Development**, 112 Briar Hill Dr., Zelenople, PA 16063. This proposal involves the drilling of wells No. 3 and No. 4 to increase capacity for additional volume in Jackson Township, **Butler County**.

A. 6200501. Public water supply. **Youngsville Borough**, 40 Railroad Street, Youngsville, PA 16371. This proposal involves the drilling of new well No. 3 at the south end of Division Street in Youngsville Borough, **Warren County**.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 1

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

Sections 302—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 or suspected contaminants at the site, the proposed remediation measures for the site, and a description of the intended future use of the site. A person who demonstrates attainment of one, or a combination of the cleanup standards, or who receives approval of a special industrial area remediation identified under the act, will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

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

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

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

Bernville Post Office, Bernville Borough, **Bucks County**. Edmund Wideman, Cunningham Associates, 8633 South Bay Drive, Orlando, FL and Chambers Environmental Group, Inc., 629 East Rolling Ridge Drive, Penn Eagle Industrial Park, Bellefonte, PA 16823 have submitted a Notice of Intent to Remediate site soils and groundwater contaminated with BTEX and PHCs. The applicants propose to remediate the site to meet the Statewide health standard requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Reading Eagle/Times* on April 28, 2000.

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

Sel-Lo Oil, Inc.—Muncy Creek Township Gas Tanker Spill, Muncy Creek Township, **Lycoming County**. Blazosky Associates, Inc., on behalf of their client, Sel-Lo Oil, Inc., 3200 S. 10th Avenue, Altoona, PA 16603, has submitted a Notice of Intent to Remediate site soil, groundwater, surface water and sediment contami-

nated with BTEX, cumene, naphthalene and MTBE. 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 *Williamsport Sun-Gazette* on March 31, 2000.

Linear Dynamics, Inc.—Pennsdale Facility, Muncy Township, **Lycoming County**. Converse Consultants on behalf of their client, Linear Dynamics, Inc., A Division of LaFarge Roadmarking Co., 400 Lanidex Plaza, Parsippany, NJ 07054, have submitted an amended Notice of Intent to Remediate soil contaminated with solvents. The applicant now proposes to remediate both site soils and groundwater to meet the Statewide health standard. A summary of the Amended Notice of Intent to Remediate was reported to have been published in the *Williamsport Sun-Gazette* the week of May 1, 2000.

Southwest Field Office: John J. Matviya, Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-5217.

Mark R. Nabuda Property, Borough of Trafford, **Westmoreland County**. Mark R. Nabuda, c/o Law Offices of Harry Klodowski, 330 Grant Street, Suite 3321, Pittsburgh, PA 15219 and Von E. Fisher, KU Resources, Inc., 1 Library Place, Suite 207, Duquesne, PA 15110 have submitted a Notice of Intent to Remediate soil contaminated with BTEX and PHCs. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Standard Observer* on April 29, 2000.

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

CK Witco Corporation—Petrolia Facility, 100 Witco Lane, Petrolia, PA, Fairview Township, **Butler County**, has submitted a Notice of Intent to Remediate groundwater and soil. The type and the amount of contamination at the site is undermined at this time. The applicant proposes to Remediate the site to meet the background, Statewide health and/or site specific standard. The Notice of Intent to Remediate was published in the *Butler Eagle* on April 27, 2000.

SOLID AND HAZARDOUS WASTE

REQUEST FOR PROPOSALS FOR MUNICIPAL SOLID WASTE CAPACITY

Request for Proposals for Municipal Solid Waste Capacity

The following notice is placed through the Department of Environmental Protection as required by section 502(d) of the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. § 4000.502).

Sealed proposals will be received by the Board of Warren County Commissioners at the Warren County Courthouse, 204 Fourth Avenue, Warren, PA, for waste disposal capacity for municipal solid waste (MSW), including construction/demolition (C/D) waste and sewage sludge generated within the county for a minimum of 5 years with one option to renew said contract for one additional 5 year term, for a total of 10 years of disposal capacity. Warren County is hereby soliciting proposals for disposal of County generated MSW, to begin on January 1, 2001.

Proposals will be received until 9:15 a.m., July 19, 2000. The Commissioners, at 9:30 a.m. on July 19, 2000, will publicly open all proposals at the County Courthouse.

Copies of the Request for Proposals (RFP) may be purchased on or after June 5, 2000, only from the Warren County Planning and Zoning Office at the Warren County Annex, 207 West Fifth Avenue, Warren, PA 16365, (814) 726-3861, by prepayment of a nonrefundable cost of \$25 per proposal. Checks should be made payable to Warren County.

Proposals must be made on the forms supplied by the county and be in accordance with the Instruction to Proposers.

Warren County reserves the right to reject any or all proposals, to waive any irregularities and/or informalities in any proposal and to make an award in any manner, consistent with applicable laws, which is deemed to be in the best interest of the County.

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

67-05031: Wayneco, Inc. (800 Hanover Road, York, PA 17404) for a Synthetic Minor Operating Permit for three spray paint booths in Jackson Township, **York County**.

Notice of Intent to Issue Title V Operating Permits

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

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

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

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

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

31-05011—Revised: U. S. Silica (R. D. 1, Box 1885, Mapleton Depot, PA 17052) located in Brady Township, **Huntingdon County**. Silica sand is quarried or mined, processed for industrial use and shipped. The operation primarily emits particulate matter. The revised permit incorporates the construction and installation of three magnetic separators with associated bins, belts, elevators, loadouts, mobile feed systems and a dust collector authorized under Plan Approval No. 31-05011A.

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

TVOP-08-00002: E. I. DuPont de Nemours & Co., Inc. (R. D. 1, Box 15, Patterson Blvd., Towanda, PA 18848) for their Medical, Electronics and Printing/Publishing Products Manufacturing Facility in North Towanda Township, **Bradford County**. The facility's main sources include seven surface coating operations, solvent preparation/cleanup operations and four natural gas/No. 6 oil-fired boilers. These sources have the potential to emit major quantities of nitrogen oxides (NOx), sulfur oxides (SOx), volatile organic compounds (VOCs) and hazardous air pollutants (HAPs). As a result of the potential to emit, the E. I. DuPont de Nemours & Co., Inc. Towanda facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amend-

ments. The facility is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code, Chapter 127, Subchapter G. The facility emits carbon monoxide and particulate matter below the major emission thresholds. This facility is also subject to the requirements of Reasonably Available Control Technology (RACT) for NOx and VOC emissions.

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

37-00243: International Metal Reclamation Company, Inc. (Inmetco) (245 Portersville Road, Ellwood City, PA 16117) in Ellwood City, **Lawrence County**. Inmetco's facility is primarily used for the recovery and recycling of metals through the secondary smelting of non-ferrous metals from metal bearing wastes. The facility's air emission sources include a Rotary Hearth Furnace, Submerged Electric Arc Furnace, material handling equipment, cadmium recovery furnaces, and miscellaneous natural gas fired process and combustion units. The facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments due to the facility's potential to emit of Particulate Matter less than 10 microns in diameter, nitrogen oxides and volatile organic compounds.

37-00003: Essroc, Italcementi Group (Second Street, P. O. Box 779, Bessemer, PA 16112) in Bessemer Borough, **Lawrence County**. Essroc's facility is primarily used for the production of portland cement. The facility's air emission sources include two rotary clinker kilns, two clinker coolers, and various raw and finished material handling processes. The facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments due to the facility's potential to emit of Particulate Matter less than 10 microns in diameter, nitrogen oxides, sulfur oxides and carbon monoxide.

PLAN APPROVALS

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

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

PA-23-0034: Villanova University (800 Lancaster Avenue, Villanova, PA 19085-1699) for modification of two boilers in Radner Township, **Delaware County**. This modification will not result in any emission increases. The Plan Approval requires the facility limit the heat input of Boiler Nos. 3 and 4 to less than 30 million Btu per hour when firing No. 6 fuel oil. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

PA-46-0169B: H & N Packaging, Inc. (92 County Line Road, Colmar, PA 18915) for installation of a 5-Color Flexographic Printing Press in Hatfield Township, **Montgomery County**.

09-320-053GP: Piccari Press, Inc. (315A West Street Road, Warminster, PA 18974) for installation of a Lithographic Printing Press in Warminster Township, **Bucks County**.

PA-09-0015B: Rohm & Haas Co. (2900 River Road, Croydon, PA 19021) for modification of a Catalytic Oxidizer and seven tanks in Bristol Township, **Bucks County**.

PA-46-0005M: Merck & Co., Inc. (770 Sumneytown Pike, West Point, PA 19486) for a Natural Gas-Fired Combustion Turbin in Upper Gwynedd Township, **Montgomery County**.

PA-15-0098A: ChiRex Technology Center, Inc. (383 Phoenixville Pike, Malvern, PA 19355) for installation of an emergency generator in Charlestown Township, **Chester County**.

PA-15-0002D: Quebecor Printing Atglen, Inc. (4581 Lower Valley Road, Atglen, PA 19310) for construction of a 4-Color Heatset Web Offset Printing in West Sadsbury Township, **Chester County**.

PA-46-0205: Augat, Inc. c/o Thomas & Betts Corp. (2940 Turnpike Drive, Hatboro, PA 19040) for installation of a 3-Bed Carbon Adsorption System in Upper Moreland Township, **Montgomery County**.

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

07-03036: Forsht Concrete Products Co., Inc. (R. D. 4, Box 568, Altoona, PA 16601) for construction of a crematory for human remains in Logan Township, **Blair County**. The unit will be controlled by an integral afterburner placed in the secondary combustion chamber.

07-05001C: Appleton Papers Inc. (100 Paper Mill Road, Roaring Spring, PA 16673) for installation of the foul condensate collection and treatment system controlled by the biological treatment system, at the Spring Mill in Roaring Spring Borough, **Blair County**. This source is subject to 40 CFR Part 63, Subpart S—National Emission Standards for Hazardous Air Pollutants: Pulp and Paper Production.

21-05021B: Arnold Fuel Oil, Inc. (P. O. Box 2621, Harrisburg, PA 17105) for construction of two storage tanks for gasoline/distillate at the Mechanicsburg North Terminal in Silver Spring Township, **Cumberland County**.

22-318-021B: Sherwin-Williams Co. (355 Eastern Drive, Harrisburg, PA 17111) for installation of an additional powder coating production line in Swatara Township, **Dauphin County**.

22-03001A: Scranton-Altoona Terminals Corp. (P. O. Box 2621, Harrisburg, PA 17105) for construction of three storage tanks for gasoline/distillate at the Middletown Terminal in Lower Swatara Township, **Dauphin County**.

38-05025: Lancaster Aluminum Co., Inc. (24 Keystone Drive, Lebanon, PA 17042) for construction of a secondary aluminum production facility in South Lebanon Township, **Lebanon County**. Several sources at the facility are subject to 40 CFR Part 63, Subpart RRR—National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production.

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

PA-30-129A: Morgantown Technical Services, Inc. (303 Meadow Ridge Drive, Mt. Morris, PA 15349) for construction and operation of a new manually sprayed painting operation in Perry Township, **Greene County**.

PA-03-220A: Spicer Energy LLC (100 Nyala Farm, Westport, CT 06880) for construction of a facility to manufacture synthetic fuel at Keystone Power Plant in Elderton Borough, **Armstrong County**.

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

PA-25-0069E: Engelhard Corp. (1729 East Avenue, Erie, PA 16503) for installation of a thermal oxidizer to control VOC emissions from a dewax oven in the City of Erie, **Erie County**.

PA-43-314A: VEC™ Technology (639 Keystone Road, Greenville, PA 16125-9747) for Post-construction of a fiberglass reinforced part production, research and testing facility in Hempfield Township, **Mercer County**. This facility will be a Title V facility.

PA-43-170C: Werner Co. (93 Werner Road, Greenville, PA 16125) for installation of a homogenizing furnace. Werner Company is a major facility and is subject to Title V requirements. This modification will result in minor increases of criteria pollutants. The plan approval and operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

MINING

APPLICATIONS TO CONDUCT COAL AND NONCOAL ACTIVITIES

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

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

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

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. The NPDES permits will contain, at a minimum, technology-based effluent limitations (as described in the Department's regulations at 25 Pa. Code §§ 77.522, 87.102, 88.92, 88.187, 88.242, 89.52 and 90.102) for iron, manganese, suspended solids, settleable solids, alkalinity and pH. In addition, more restrictive effluent limitations,

restrictions on discharge volume, or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit when necessary for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies which have requested review of the NPDES permit requirements for a particular mining activity within the above-mentioned public comment period will be provided with a 30-day period to review and submit comments on those requirements.

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

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

Coal Applications Received:

32900103. Permit Renewal for reclamation only, **Black Oak Development, Inc.** (P. O. Box 176, Glen Campbell, PA 15742), continued restoration of a bituminous surface mine in Banks and Burnside Townships, **Indiana County**, affecting 133.8 acres, receiving stream unnamed tributaries to Cush Creek, application received May 23, 2000.

11940201. Permit Renewal, **Senate Coal Mines, Inc.** (One Energy Place, Suite 5100, Latrobe, PA 15650), for continued operation of a bituminous coal refuse reprocessing surface mine in Adams Township, **Cambria County**, affecting 76.9 acres, receiving stream unnamed tributary to South Fork of the Little Conemaugh River, application received May 24, 2000.

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

03000105. **Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Application received for commencement, operation and reclamation of a bituminous surface auger mine with a preparation plant/processing facility located in Cowanshannock Township, **Armstrong County**, proposed to affect 87.2 acres. Receiving streams: five unnamed tributaries to Huskins Run to Huskins Run to Cowanshannock Creek to the Allegheny River. Application received: May 10, 2000.

65950110. **V. P. Smith Co., Inc.** (P. O. Box 242, Ligonier, PA 15658-0242). Renewal application received for continued reclamation of a bituminous surface mine located in Derry Township, **Westmoreland County**, affecting 93.2 acres. Receiving streams: Union Run and two unnamed tributaries to Union Run. Renewal application received: May 22, 2000.

03970107. **Seven Sisters Mining Co., Inc.** (P. O. Box 300, 200 Route 22, Delmont, PA 15626-0300). Revision application received to revise existing land use from forestland to pastureland/land occasionally cut for hay on the Sedat, Inc. property located in South Bend Township, **Armstrong County**. Receiving streams: Unnamed tributary to Fagley Run. Revision application received: May 24, 2000.

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

17950105. **Hepburnia Coal Company** (P. O. Box I, Grampian, PA 16838), renewal of an existing bituminous surface mine-auger permit in New Washington and Newburg Boroughs, Chest Township, **Clearfield County** affecting 185.3 acres. Receiving streams: unnamed tributaries to Chest Creek and Chest Creek to West Branch of the Susquehanna River. Application received May 10, 2000.

17940109. **E. P. Bender Coal Co., Inc.** (P. O. Box 594, Carrolltown, PA 15722), renewal of an existing bituminous surface mine permit in Beccaria Township, **Clearfield County** affecting 337 acres. Receiving streams: two unnamed tributaries to Pine Run and Pine Run to Clearfield Creek to West Branch of the Susquehanna River. Application received May 18, 2000.

17910901. **Bulldog Coal Company** (R. D. 2, Box 195A, Curwensville, PA 16833), major revision to an existing bituminous coal mining permit for a change in postmining land use from forestland to pastureland or land occasionally cut for hay. The permit is located in Knox Township, **Clearfield County** and affects 5 acres. Application received May 19, 2000.

17990112. **Forcey Coal, Inc.** (P. O. Box 225, Madera, PA 16661), major revision to an existing bituminous surface mine permit for placement of coal ash for beneficial use and coal refuse disposal. The permit is located in Bigler Township, **Clearfield County** and affects 128 acres. Application received May 22, 2000.

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

16713021. **Original Fuels, Inc.** (P. O. Box 343, Punxsutawney, PA 15767). Renewal of an existing bituminous surface strip operation in Redbank, Clover and Beaver Townships, **Clarion and Jefferson Counties** affecting 135.0 acres. Receiving streams: Unnamed tributaries to Pine Creek and Pine Creek. (Transfer in progress from Alvin Gearhart.) Application received May 25, 2000.

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

30753712. **RAG Emerald Res. L.P.** (P. O. Box 1020, 145 Elm Dr., Waynesburg, PA 15370), to transfer the permit for the Emerald Mine, Refuse Site No. 1 in Franklin Township, **Greene County** to transfer from Corp. to L.P., no additional discharges. Application received April 19, 2000.

30960701. **RAG Emerald Res. L.P.** (P. O. Box 1020, 145 Elm Dr., Waynesburg, PA 15370), to transfer the permit for the Emerald Mine, Refuse Site No. 2 in Franklin Township, **Greene County** to transfer from Corp. to L.P., no additional discharges. Application received April 19, 2000.

30841307. **RAG Emerald Res. L.P.** (P. O. Box 1020, 145 Elm Dr., Waynesburg, PA 15370), to transfer the permit for the Emerald Mine in Franklin Township, **Greene County** to transfer from Corp. to L.P., no additional discharges. Application received April 19, 2000.

30831303. **RAG Cumberland Res. L.P.** (P. O. Box 1020, 145 Elm Dr., Waynesburg, PA 15370), to transfer to the permit for the Cumberland Mine in Whiteley Township, **Greene County** to transfer from Corp. to L.P., no additional discharges. Application received April 19, 2000.

30831303. **RAG Cumberland Res. L.P.** (P. O. Box 1020, 145 Elm Dr., Waynesburg, PA 15370), to revise the

permit for the Cumberland Mine in Whiteley Township, **Greene County** to add 3,530 acres subsidence control plan, add 150 acres underground and delete 84 acres underground, no additional discharges. Application received May 1, 2000.

63743705. Beth Energy Mines, Inc. (Martin Tower, 1170 8th Ave., Bethlehem, PA 18016) to renew the permit for the Marianne Mine No. 58, Refuse Disposal Area in West Bethlehem Township, **Washington County**, to renew for reclamation only, no additional discharges. Application received May 9, 2000.

30743711. RAG Cumberland Res. L.P., (P. O. Box 1020, 145 Elm Dr., Waynesburg, PA 15370), to transfer the permit for the Cumberland Mine, Refuse Site No. 1 in Whiteley Township, **Greene County** to transfer the permit from Corp. to L.P., no additional discharges. Application received May 16, 2000.

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

Noncoal Applications Received

8073SM5C7. Gill Quarries, Inc. (P. O. Box 187, Fairview Village, PA 19409), renewal and correction of NPDES Permit PA0013731 in East Norriton Township, **Montgomery County**, receiving stream—West Branch Stony Creek. Application received May 18, 2000.

7773SM1A2C3. Reading Materials, Inc. (394 Sanatogo Road, Pottstown, PA 19464), correction to an existing quarry operation for a stream variance in Douglass Township, **Berks County** affecting 335.0 acres, receiving stream—intermittent tributary to Schuylkill River. Application received May 19, 2000.

4873SM1A1C5. JE Baker Company (320 North Baker Road, York, PA 17404), correction to an existing quarry operation in West Manchester Township, **York County** affecting 1,083.0 acres, receiving stream—none. Application received May 23, 2000.

54950302C3. Pennsy Supply, Inc. (1001 Paxton Street, Harrisburg, PA 17104), renewal of NPDES Permit PA0223603 in Wayne Township, **Schuylkill County**, receiving stream—Bear Creek. Application received May 24, 2000.

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

04960302. Kathryn I. Paumier (303A Smiths Ferry Road, Midland, PA 15059-2019). Application received to transfer permit currently issued to Midland Slag Processors for a large noncoal surface mining operation located in Ohioville Borough, **Beaver County**, affecting 31.9 acres. Receiving streams: Upper Dry Run to Ohio River. Transfer application received: May 1, 2000.

65900402. Pioneer Mid-Atlantic, Inc. (400 Industrial Boulevard, New Kensington, PA 15068). Application to revise permit to add acres for support activities at a large noncoal surface mine (limestone quarry) located in Derry and Fairfield Townships, **Westmoreland County**, affecting 1,303 acres. Receiving streams: unnamed tributary to Tannery Hollow to McGee Run to Conemaugh River, and unnamed tributary to Harbridge Run to McGee Run to Conemaugh River. Application received: May 23, 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.

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.

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

E51-186. Encroachment. Delaware River Port Authority, One Port Center, 2 Riverside Drive, Suite 1101, Camden, NJ 08101-1949. To construct and maintain an intermodal terminal facility within the 100-year floodplain of the Delaware River (WWF-MF). The site is located on a portion of the former Mustin Field at the Philadelphia Naval Business Center known as East End Commerce Park in South Philadelphia (Philadelphia, PA-NJ Quadrangle N: 3.25 inches; W: 2.75 inches) in the **City and County of Philadelphia**.

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

E64-211. Encroachment. Wayne County, 924 Court Street, Honesdale, PA 18431. To remove the existing structure and to construct and maintain a low-flow road crossing consisting of twin 6-foot × 18-foot precast, concrete box culverts that will be depressed 1 foot below streambed elevation of Middle Creek (HQ-CWF, MF). The project will have a permanent impact of 0.03 acre of PEM wetlands a temporary impact of 0.29 acre. The project is located along Township Road T-4012 (South Baker Road), approximately 1.6 miles downstream of S. R. 0296 (Lake Ariel, PA Quadrangle N: 22.6 inches; W: 0.1 inch), South Canaan Township, **Wayne County** (Philadelphia District, U. S. Army Corps of Engineers).

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

E06-540. Encroachment. David Hoffman, 704 Buck Hollow Rd., Mohnton, PA 19540. To relocate an existing bridge having a span of 39 feet and an underclearance of 4 feet approximately 800 feet downstream from its existing location across Beaver Run at a point approximately

1,200 feet upstream of Zion Road (Morgantown, PA Quadrangle N: 17.5 inches; W: 0.8 inch) in Robeson Township, **Berks County**.

E07-329. Encroachment. **PA Department of Transportation**, Engineering District 9-0, 1620 Juniata Street, Hollidaysburg, PA 16648. To (1) widen an existing 48.54 wide twin span bridge having two normal spans of 52.6 feet and a minimum underclearance of 10.7 feet across the Beaverdam Branch of the Juniata River (TSF), by 36.36 feet in the downstream direction; (2) excavate channel bed deposits to a depth of 0.5 foot above the normal water surface elevation about 165 feet upstream, downstream and through the bridge; (3) construct an elevated floodplain the bridge area; (4) construct a single rock vane along the south bank of the river about 200 feet upstream of the bridge, construct a double rock cross vane about 50 feet upstream of the bridge, and a single cross vane along the river bank about 50 feet downstream of the bridge for sediment transport control through the bridge; (5) relocate the 48-inch culvert crossing of an unnamed tributary to Beaverdam Branch of Juniata River about 82 feet south of its present location at the roadway entrance to the Hollidaysburg Veterans Home; (6) remove an existing 48-inch diameter 367-foot long stream enclosure in an unnamed tributary to Beaverdam Branch of Juniata River; (7) remove and replace one 54-inch diameter culvert pipe that is one of the four lengths of pipes, at the Meadows intersection, that conveys the flow of an unnamed tributary to Beaverdam Branch of Juniata River; and, (8) place fill in 0.002 de minimis acre of associated wetlands as part of the reconstruction of about 2.0 miles of Plank located on SR 1001, Section 012 north from SR 0022 (Hollidaysburg, PA Quadrangle N: 10.6; W: 5.7 inches) in Allegheny and Blair Townships, **Blair County**.

E22-416. Encroachment. **PA Game Commission**, 2001 Elmerton Avenue, Harrisburg, PA 17110. To construct and maintain a bridge having a span of 50 feet and an underclearance of 7.5 feet across the channel of Clarks Creek (HQ-CWF) and to impact 0.8 acre of wetlands at a point approximately 5.2 miles upstream of Route 225 (Enders, PA Quadrangle N: 7.8 inches; W: 15.7 inches) in Middle Paxton Township, **Dauphin County**.

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

E65-758. Encroachment. **Municipal Sanitary Authority of the City of New Kensington**, 120 Logans Ferry Road, New Kensington, PA 15068. To construct and maintain buildings and process units in the floodplain of Pucketa Creek (TSF) and Little Pucketa Creek for the purpose of upgrading the sludge handling processes at the Water Pollution Control Plant of the Municipal Sanitary Authority of the City of New Kensington (New Kensington, West PA Quadrangle N: 9.4 inches; W: 1.4 inches) in the City of New Kensington, **Westmoreland County**.

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

E37-128. Encroachment. **North Lawrence Partners LP**, R. D. 5, Box 494, New Castle, PA 16105. To construct and maintain a precast reinforced concrete box culvert stream enclosure measuring 8 feet high by 12 feet wide by 275 linear feet in length in a tributary to Shenango River (WWF) and to attach this enclosure to the existing culvert under SR 18 for the expansion of the existing Field Club Commons Retail Plaza Complex. This project

is located approximately 2,200 feet south of the intersection of SR 18 and Mitchell Road (New Castle North, PA Quadrangle N: 10.8 inches; W: 14.6 inches) in Neshanock Township, **Lawrence County**.

E37-129. Encroachment. **Lawrence County Commissioners**, Government Center, 430 Court Street, New Castle, PA 16101. To remove the existing two-span structure and to construct and maintain a pre-stressed reinforced concrete adjacent box beam bridge having three clear normal spans of 33.55 meters with a minimum underclearance of 3.995 meters on an 82-degree skew on T-372 (Coverts Road) across the Mahoning River (WWF) approximately 1,000 feet northeast of the intersection of T-372 (Coverts Road) and Brewster Road in the village of Coverts. This project will also include a de minimis wetland impact (0.02 hectare) associated with new bridge alignment and new roadway approaches (Bessemer, PA Quadrangle N: 22.2 inches; W: 5.4 inches) in Union and Mahoning Townships, **Lawrence County**.

ENVIRONMENTAL ASSESSMENT

The following Environmental Assessment and request for Water Quality Certification are being processed under §§ 105.12(a)(16) and 105.15(b), restoration activities undertaken and conducted under a restoration plan approved by the Department.

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

EA33-006NW. Environmental Assessment. **ACV Power Corporation**, 403 Main Street, P. O. Box 402, Emlenton, PA 16373-0402. To remove deep mine waste rock and coal cleanings from along the watercourse and within the floodway of a 650 linear foot reach of a Tributary to Soldier Run (CWF). The removal of this spoil material will improve the water quality of this Tributary to Soldier Run and restore the watercourse and floodway to more natural conditions. This project is located along a reach of a Tributary to Soldier Run approximately 1,500 feet northwest of the village of Soldier (DuBois, PA Quadrangle; N: 12.3 inches; W: 13.7 inches) in Winslow Township, **Jefferson 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 Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457,

Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board (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).

Permits Issued

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

Permit No. 3599405. Sewerage. **Moosic Borough**, 715 Main Street, Moosic, PA 18507. Permit to construct a collection and conveyance sewer, located in Moosic Borough, **Lackawanna County**.

Permit No. PA0062294. Sewerage. **Coolbaugh Township**, 5550 Memorial Boulevard, Tobyhanna, PA 18466 is authorized to discharge from a facility located in Coolbaugh Township, **Monroe County**, to Tobyhanna Creek.

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

Permit No. PAG043510. Sewage—Single Family Residence. **Stacy D. Martin**, 110A Woodside Road, Gettysburg, PA 17325 is authorized to discharge from a facility located in Straban Township, **Adams County** to the receiving waters named unnamed tributary to Conewago Creek.

Permit No. PA0086142. Sewerage. **Washington Township Municipal Authority**, P. O. Box 421, Bally, PA 19503-0421 is authorized to discharge from a facility located in Washington Township, **Berks County** to the receiving waters named West Branch of the Perkiomen Creek.

Permit No. PAG103504. General Permit—Hydrostatic Testing. **Texas Eastern Transmission Corporation**, 5400 Westheimer Court, Houston, TX 77056-5310 is authorized to discharge from a facility located at milepost 0.00 to 3.57, Bethel, North and South Lebanon Township, **Lebanon County** to the receiving waters named unnamed tributary to Tulpehocken Creek.

Permit No. PA0086134. Sewerage. **Jeffrey Lapp** (Lapp Herbst, Spade, Cooper STP), 906 Huffs Church Road, Alburts, PA 18011 is authorized to discharge from a facility located in District Township, **Berks County** to the receiving waters named West Branch Perkiomen Creek.

Permit No. PAG043638. Sewerage—Single Family Residence. **Donald P. Story**, 17 Warwick Road, Lititz, PA 17543 is authorized to discharge from a facility located in Warwick Township, **Lancaster County** to the receiving waters named unnamed tributary to Lititz Run.

Permit No. PA0088242. Concentrated Animal Feeding Operations. **Ruth Family Farms, L.P.**, 205 Bittersweet Drive, Hershey, PA 17033 is authorized to operate a 1,269

Animal Equivalent Unit Concentrated Animal Feeding Operation (CAFO) located at Huston Hollow Farm, 2994 South Madden Road, Hustontown, PA 17299 in Taylor Township, **Fulton County**.

Permit No. PAG043642. Sewerage—Single Family Residence. **Carl R. Gochenauer**, 3361 Keefer Road, Chambersburg, PA 17201 is authorized to discharge from a facility located in Hamilton Township, **Franklin County** to the receiving waters named unnamed tributary to Rocky Spring Creek.

Permit No. PA0021571. Sewerage. **Marysville Borough Council**, 200 Overcrest Road, Marysville, PA 17053 is authorized to discharge from a facility located in Marysville Borough, **Perry County** to the receiving waters named the Susquehanna River.

Permit No. PAG043634. Sewerage—Single Family Residence. **George H. Hake**, 31 High Street, Felton, PA 17322 is authorized to discharge from a facility located in Felton Borough, **York County** to the receiving waters named to Pine Run.

Permit No. PA0088234. Concentrated Animal Feeding Operations. **Franklin Family Farms, Inc.**, 419 West High Street, Elizabethtown, PA 17022 is authorized to operate a 1,303 Animal Equivalent Unit Concentrated Animal Feeding Operation (CAFO) located at Franklin Family Farm, 14627 Lurgan Road, Orrstown, PA 17244 in Lurgan Township, **Franklin County**.

Permit No. PA0036780. Sewerage. **Paradise Mobile Home Park**, 315 High Street, Duncannon, PA 17020 is authorized to discharge from a facility located in Wheatfield Township, **Perry County** to the receiving waters named tributary to Dark Run.

Permit No. PA0081337. Sewerage. **MGM Enterprises, Inc.** (Northwood Manor Mobile Home Park), One Waterford Professional Center, York, PA 17402 is authorized to discharge from a facility located in Newberry Township, **York County** to the receiving waters named unnamed tributary of Conewago Creek.

Permit No. PA0027910. Industrial waste. **Gulf Oil Limited Partnership** (Altoona Terminal), 90 Everett Avenue, Chelsea, MA 02150-2337 is authorized to discharge from a facility located in Allegheny Township, **Blair County** to the receiving waters named drainage ditch to Burgoon Run.

Permit No. 6700404. Sewage. **York City Sewer Authority**, 17 E. Market Street, York, PA 17401. This permit approves the construction of Sewers and Appurtenances in York City, **York County**.

Permit No. 6700403. Sewage. **Eric Nehrt**, 6210 Whitehill Drive, Mechanicsburg, PA 17055. This permit approves the construction of Sewage Treatment Facilities and Land Application Facilities in Carroll Township, **York County**.

Permit No. 3600403. Sewage. **Donald P. Story**, 17 Warwick Road, Lititz, PA 17543. This permit approves the construction of Sewage Treatment Facilities in Warwick Township, **Lancaster County**.

Permit No. 3199201. Concentrated Animal Feeding Operation. **Ruth Family Farms, L.P.**, 205 Bittersweet Drive, Hershey, PA 17033. This permit approves the Huston Hollow Farm in Taylor Township, **Fulton County**.

Permit No. PA0195411-001. Sewage. **Carroll Valley Borough**, P. O. Box 718, Fairfield, PA 17320. This permit approves the modification/construction of Sewage Treat-

ment Facility for Discharge to Groundwater by French Drain in Carroll Valley Borough, **Adams County**.

Permit No. 2800402. Sewage. **Carl R. Gochenauer**, 3361 Keefer Road, Chambersburg, PA 17201. This permit approves the construction of Sewage Treatment Facilities Outfall in Hamilton Township, **Franklin County**.

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

NPDES Permit No. PA0218341. Industrial waste. **BWX Technologies, Inc.**, R. D. 1, P. O. Box 355, Vandergrift, PA 15690 is authorized to discharge from a facility located at the Parks Township Facility, Parks Township, **Armstrong County** to receiving waters named Kiskiminetas River.

NPDES Permit No. PA0032395. Sewage. **Richard T. Patik**, P. O. Box 511, Rumbaugh Avenue, Mt. Pleasant, PA 15666 is authorized to discharge from a facility located at Lakeview Mobile Home Park STP, Perry Township, **Fayette County** to receiving waters named Unnamed Tributary of Virgin Run.

NPDES Permit No. PA0091413. Sewage. **North Strabane Township Municipal Authority**, 1929B Route 519 South, Canonsburg, PA 15317 is authorized to discharge from a facility located at 84 Industrial Part STP, North Strabane Township, **Washington County** to receiving waters named Unnamed Tributary of Little Chartiers Creek.

NPDES Permit No. PA0093351. Sewage. **Apollo Ridge School District**, P. O. Box 219, Spring Church, PA 15686 is authorized to discharge from a facility located at the Apollo Ridge Senior High School STP, Kiskiminetas Township, **Armstrong County** to receiving waters named an Unnamed Tributary of Roaring Run.

NPDES Permit No. PA0204498. Sewage. **Marion Center Area School District**, Rayne Township Elementary School, 200 Route 119, Home, PA 15747 is authorized to discharge from a facility located at Rayne Township Elementary School, STP, Rayne Township, **Indiana County** to receiving waters named Swale to Unnamed Tributary of Crooked Creek.

NPDES Permit No. PA0217247. Sewage. **Marion Center Area School District**, Box 156, Route 403, Marion Center, PA 15759 is authorized to discharge from a facility located at Creekside Washington Elementary School STP, Washington Township, **Indiana County** to receiving waters named Unnamed Tributary of South Branch Plum Creek.

NPDES Permit No. PA0218235. Sewage. **Russell W. Smith**, 101 Spruce Hill Lane, Fombell, PA 15123 is authorized to discharge from a facility located at the Smith Single Residence Sewage Treatment Plant, Marion Township, **Beaver County** to receiving waters named Connoquenessing Creek.

Permit No. 0300201. Industrial waste. **Sithe Northeast Management Company**, 1001 Broad Street, Johnstown, PA 15907. Construction of acid mine drainage passive treatment system (wetlands) located in Plumcreek Township, **Armstrong County** to serve Keystone Generating Station.

Permit No. 0200407. Sewerage. **Public Auditorium Authority of Pittsburgh and Allegheny County**, Regional Resource Center, Suite 1410, 425 Sixth Avenue, Pittsburgh, PA 15219. Construction of Sewer Extension located in City of Pittsburgh, **Allegheny County** to serve North Shore Infrastructure.

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

NPDES Permit No. PA0103403. Industrial waste. **Sligo Borough Authority**, P. O. Box 241, Sligo, PA 16255 is authorized to discharge from a facility located in Sligo Borough, **Clarion County** to Licking Creek.

NPDES Permit No. PA0101702. Sewage. **Castle Haven, Inc.** (Rocky Ridge Village), R. D. 4, Box 160, Franklin, PA 16323 is authorized to discharge from a facility located in Sandycreek Township, **Venango County** to an unnamed tributary to Ditzenberger Run.

NPDES Permit No. PA0037117—Amendment No. 1. Sewage. **Abraxas Group, Inc.**, Blue Jay Village Forest Road, Box 59, Marienville, PA 16239 is authorized to discharge from a facility located in Howe Township, **Forest County** to an unnamed tributary to The Branch.

NPDES Permit No. PA0036587. Sewage. **Allegheny Forest Resort**, 1370 Sharon-Hogue Road, Masury, OH 44438 is authorized to discharge from a facility located in Howe Township, **Forest County** to an unnamed tributary to Bluejay Creek.

NPDES Permit No. PA0101907. **Emlenton Area Municipal Authority**, P. O. Box 146, Emlenton, PA 16373 is authorized to discharge from a facility located in Salem Township, **Clarion County** to Richey Run.

WQM Permit No. 2098404. Sewage. **Meadville Area Sewer Authority**, 1320 Park Avenue, Meadville, PA 16335. This project is for the installation of emergency bypass piping at the Meadville Wastewater Treatment Plant in the City of Meadville, **Crawford County**.

WQM Permit No. 1000201. Industrial waste. **AK Steel Operation—Butler Operations**, P. O. Box 832, Route 8 South, Butler, PA 16003-0832. This project is for the modification of the existing outfall treatment system to combine both Kolene (salt bath descaling) and waste acid (pickling) wastewaters and treat them together in Butler Township, **Butler County**.

INDIVIDUAL PERMITS

(PAS)

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

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

<i>NPDES Permit No.</i>	<i>Applicant's Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream or Body of Water</i>
PAS10-G356	Robert H. and Elizabeth L. Kirk 596 Dampman Road Honey Brook, PA 19344	Honeybrook Township Chester County	East Branch Brandywine Creek (HG-TSF-MF)
PAS10-G381	Geffery Eachus 444 Corner Ketch Road Downingtown, PA 19335	East Brandywine Township Chester County	Unnamed Tributary to East Branch Brandywine Creek (HQ-TSF-MF)

INDIVIDUAL PERMITS

(PAR)

Approvals to Use NPDES and/or Other General Permits

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

The approval of coverage under these General Permits may be subject to one or more of the following: pollutant or effluent discharge limitations, monitoring and reporting, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective general permit. The Department of Environmental Protection (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 arrangements made for copying at the contact office noted.

List of General Permit Types

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>
Buckingham Township Bucks County	PAR10-D385	The Cutler Group 5 Sentry Parkway West Suite 100 Blue Bell, PA	Unnamed Tributary to Lahaska Creek (CWF, MF)	Department of Environmental Protection Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130

NOTICES

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<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Northampton Township Bucks County	PAR10-D510	Council Rock School District 301 Twining Ford Rd. Richboro, PA 18954	Ironworks Creek (WWF, MF)	Department of Environmental Protection Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Newtown Township Bucks County	PAR10-D516	Brandywine Realty Trust 10000 Mid Atlantic Drive Suite 300W Mt. Laurel, NJ 08054	Core Creek (CWF, MF)	Department of Environmental Protection Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Middletown Township Bucks County	PAR10-D507	Pennswood Village 1382 Newtown-Langhorn Rd. Newtown, PA	Neshaminy Creek (WWF, MF)	Department of Environmental Protection Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Newtown Township Bucks County	PAR10-J149	National Developers, Inc. 1604 Walnut Street Philadelphia, PA 19103	Crum Creek (CWF)	Department of Environmental Protection Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Aston Township Bucks County	PAR10-J173	Tryens Development Corporation Front St. and Jansen Avenue Essington, PA 19029	Marcus Hook Creek (WWF)	Department of Environmental Protection Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
New Hanover Township Montgomery County	PAR10-T0574	Sal Lapio Homes, Inc. 104 Mill Road Sellersville, PA 18960	Swamp Creek (TSF)	Department of Environmental Protection Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Lower Salford Township Montgomery County	PAR10-T609	Sal Lapio Homes, Inc. 104 Mill Road Sellersville, PA 18960	Skipack Creek (TSF)	Department of Environmental Protection Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
New Garden Township Chester County	PAR10-G375	Edmond McCorkle 313 North Liberty Place Suite 1 Lancaster, PA 17603	Egypt Run	Department of Environmental Protection Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
East Marlborough Township Chester County	PAR10-G363	Doe Run Associates c/o Bentley Development 1595 Paoli Pike West Chester, PA 19380	East Branch Red Clay Creek (TSF)	Department of Environmental Protection Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
East Marlborough Township Chester County	PAR10-G373	Resorts Management 3 Mill Road, Suite 200, Wilmington, DE	Unnamed Tributary to East Branch Red Clay Creek (TSF)	Department of Environmental Protection Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
City of Philadelphia Philadelphia County	PAR10-5332	Penn's Landing Corporation 121 North Columbus Boulevard Philadelphia, PA 19106	Delaware River (WWF)	Department of Environmental Protection Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Luzerne County Dallas Township	PAR10R201	St. Paul's Lutheran Church 196 N. Main St. Shavertown, PA 18708	Huntsville Creek	Luzerne CD (570) 674-7991
Luzerne County Jenkins Township	PAR10R197	Willowview Homes Bicentennial Bldg. 15 Public Sq., Suite 212 Wilkes-Barre, PA 18702	Susquehanna River	Luzerne CD (570) 674-7991
Hamilton Township Adams County	PAR-10-0103	Richard Becker Jr. 5350 Hilltop Drive Spring Grove, PA 17362	Pine Run	Adams County CD 57 North Fifth Street Gettysburg, PA 17325 (717) 334-0636
Greenwich Township Berks County	PAR-10-C321	Clyde Plushanski Plushanski Farms Inc. 166 Rahn Road Kutztown, PA 19530	UNT to Maiden Creek	Berks County CD P. O. Box 520 1238 County Welfare Road Leesport, PA 19533 (610) 372-4657
Ontelaunee Township Berks County	PAR-10-C323	Dr. Solomon Sausch, Supt. Schuylkill Valley HS 929 Lakeshore Drive Leesport, PA 19533-8631	Lake Ontelaunee, Maiden Creek Schuylkill River	Berks County CD P. O. Box 520 1238 County Welfare Road Leesport, PA 19533 (610) 372-4657
East Pennsboro Township Cumberland County	PAR-10-H221	West Shore Country Club 100 Brentwater Road Camp Hill, PA 17011	Conodoguinet Creek	Cumberland County CD 43 Brookwood Avenue Suite 4 Carlisle, PA 17013 (717) 240-7812
Dickinson Township Cumberland County	PAR-10-H229	Robert G. Frey Hidden Meadows Subdiv. 1017 Forbes Road Carlisle, PA 17013	Alexander Spring Creek	Cumberland County CD 43 Brookwood Avenue Suite 4 Carlisle, PA 17013 (717) 240-7812
East Lampeter Township Lancaster County	PAR-10-O-440	Locust Grove Mennonite School 2257 Old Philadelphia Pike Smoketown, PA 17576	UNT. Stauffer Run	Lancaster County CD 1383 Arcadia Road Rm. 6 Lancaster, PA 17601 (717) 299-5361

NOTICES

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<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Salisbury Township Lancaster County	PAR-10-O-443	Town & Country Realty 250 N. Duke Street Lancaster, PA 17602	UNT Williams Run	Lancaster County CD 1383 Arcadia Road Rm. 6 Lancaster, PA 17601 (717) 299-5361
Jackson Township Lebanon County	PAR-10-P128	Accogate Ltd. c/o Louis Hart 960 East Kercher Avenue Myerstown, PA 17067-2191	Tulpehocken Creek CWF	Lebanon County CD 2120 Cornwall Rd. Suite 5 Lebanon, PA 17042 (717) 272-3908, Ext. 3
North Cornwall Township Lebanon City Lebanon County	PAR-10-P125	Lahar Care 600 East Main Street Lititz, PA 17543	Snitz Creek WWF	Lebanon County CD 2120 Cornwall Rd. Suite 5 Lebanon, PA 17042 (717) 272-3908, Ext. 3
Annaville Township Lebanon County	PAR-10-P107	Paul W. Martin 2542 Horseshoe Road Lancaster, PA 17601	Quitapahila WWF	Lebanon County CD 2120 Cornwall Rd. Suite 5 Lebanon, PA 17042 (717) 272-3908, Ext. 3
Bethel Township Lebanon County	PAR-10-P126	Fredericksburg UMC 4150 Shirksville Road Jonestown, PA 17026	Elizabeth Run Little Swatara Creek WWF	Lebanon County CD 2120 Cornwall Rd. Suite 5 Lebanon, PA 17042 (717) 272-3908, Ext. 3
Bethel Township North Lebanon Township South Lebanon Township Lebanon County	PAR-10-P129	Texas Eastern Trans. Corp. 6400 Westheimer Court Houston, TX 77066-5310	Little Swatara Creek Tulpehocken Creek WWF CWF	Lebanon County CD 2120 Cornwall Rd. Suite 5 Lebanon, PA 17042 (717) 272-3908, Ext. 3
South Heidelberg Township Berks County	PAR-10-C322	Heidelberg Run Business Park Anthony Forino Forino LP 555 Mt. Home Road Sinking Spring, PA 19608	Cacoosing Creek	Berks County CD P. O. Box 520 1238 County Welfare Road Leesport, PA 19533 (610) 372-4657
Montgomery Township Franklin County	PAR-10-M206	803 Development Group The Guest Farm Phase I 11334 Punch Bowl Road Mercersburg, PA 17236	Unt. Licking Creek CWF	Franklin County CD 550 Cleveland Avenue Chambersburg, PA 17201 (717) 264-8074
Penn Township Perry County	PAR-10-5130	Susquenita School District 1725 Schoolhouse Road Duncannon, PA 17020	Susquehanna River	Perry County CD P. O. Box 36 (31 W. Main St.) New Bloomfield, PA 17068 (717) 582-8988
Springettsbury Township York County	PAR-10-Y462	York Pleasant Valley Condos J. Robert Katherman R. D. 1, Box 1311AA Seven Valleys, PA 17360	Kreutz Creek WWF	York County CD 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
Manchester Township York County	PAR-10-Y425	Manchester Meadows Eric Barley Greystone LLC P. O. Box 525 Mountville, PA 17554	UNT to Little Conewago Creek WWF	York County CD 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430

<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>
Conewago Township York County	PAR-10-Y466	Bennett Run George Thomas F-T LLLP Partnership 1230 Abbottstown Pike Hanover, PA 17331	Oak Run NL	York County CD 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
York City York County	PAR-10-Y467	Springwood Memories Lester Mummert 2839 Springwood Road Red Lion, PA 17356	UNT. to Mill Creek WWF	York County CD 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
Erie County Wayne Township	PAR10K165	Corry Area Industrial Dev. Corp. 1524 Enterprise Road Corry, PA 16407	UNT to Hare Creek (CWF)	Erie Conservation District 12723 Route 19 P. O. Box 801 Waterford, PA 16441 (814) 796-4203
Erie County Millcreek Township	PAR10K159	Maleno Developers, Inc. 2236 West 38th Street Erie, PA 16506	Mill Creek (WWF, MF)	Erie Conservation District 12723 Route 19 P. O. Box 801 Waterford, PA 16441 (814) 796-4203
Lawrence County Neshannock Township	PAR103736	Regional Industrial Dev. Corp. Leon R. Gevaudan Director of Development Suite 500, 425 Sixth Avenue Pittsburgh, PA 15219-1822	UNT to Shenango River (WWF)	Lawrence Conservation District Lawrence Co. Government Center 430 Court Street New Castle, PA 16101-3593 (724) 652-4512
Allegheny County Moon Township Findlay Township	PAR10A294-1	PA Dept. of Transportation 45 Thoms Run Road Bridgeville, PA 15017	McClarens Run (TSF) Enlow Run (WWF)	Allegheny County CD (412) 241-7645
Allegheny County City of Pittsburgh	PAR10A334-1	Schl. Dist. of Pittsburgh 1305 Muriel Street Pittsburgh, PA 15203	Saw Mill Run (WWF)	Allegheny County CD (412) 241-7645
Allegheny County City of Pittsburgh	PAR10A400-1	Sports & Exhibition Auth. Regional Ent. Tower 425 Sixth Avenue Pittsburgh, PA 15219	Allegheny River (WWF) Ohio River (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Pine Township Marshall Township	PAR10A410-1	Woodside Development, Inc. 375 Golfside Drive Wexford, PA 15090	Brush Creek (TSF)	Allegheny County CD (412) 241-7645
Allegheny County Moon Township	PAR10A420	Moon Township 1000 Beaver Grade Rd. Coraopolis, PA 15108	Montour Run (TSF)	Allegheny County CD (412) 241-7645
Allegheny County South Fayette Township	PAR10A423	South Fayette Twp. Sch. Dist. 2550 Old Oakdale Rd. McDonald, PA 15057	Millers Run (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Brentwood Borough	PAR10A427	Kappa Properties 701 Alpha Drive Pittsburgh, PA 15238	Saw Mill Run (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Robinson Township	PAR10A428	CRA Associates 2559 Washington Rd. Pittsburgh, PA 15241	UNT Chartiers Creek (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Monroeville	PAR10A434	BIP, Inc. 683 Presque Isle Dr. Pittsburgh, PA 15239	Thompson Run (WWF)	Allegheny County CD (412) 241-7645

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Allegheny County Moon Township	PAR10A435	Montour Associates 200 Marshall Drive Coraopolis, PA 15108	Montour Run (TSF)	Allegheny County CD (412) 241-7645
Beaver County Center Township	PAR100267	BCTA 200 W. Washington St. Rochester, PA 15074	UNT Racoon Creek (WWF)	Beaver County CD (724) 774-7090
Beaver County Center Township	PAR100269	Fourway Properties Ltd. Partnership 1198 Mulberry St. Bridgewater, PA 15009	UNT Racoon Creek (WWF)	Beaver County CD (724) 774-7090
Beaver County Brighttown Township	PAR100271	Fourway Properties Ltd. Partnership 1198 Mulberry St. Bridgewater, PA 15009	Brady's Run (TSF)	Beaver County CD (724) 774-7090
Fayette County North Union Township	PAR10L058	Fay Penn Economic Development 2 West Main St., Ste. 407 P. O. Box 2101 Uniontown, PA 15401-1701	UNT Redstone Creek (WWF)	Southwest Regional Office (412) 442-4315
Indiana County Greene Township	PAR103150	Green Township Mun. Auth. P. O. Box 129 Commodore, PA 15729	Dixon Run (CWF) North Branch Two Lick Creek (CWF)	Indiana County CD (724) 463-8547
Indiana County Center Township Blacklick Township	PAR103151	Edison Mission Energy Homer City Generating LP 18101 Von Karman Ave. Irvine, CA 92612-1046	Two Lick Creek (TSF)	Indiana County CD (724) 463-8547

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>
Blair County Logan Township	PAR603552	John R. Mueller Mueller's Auto Recycling & Sales, Inc. R. R. 6, Box 98 Altoona, PA 16601	UNT to Mill Run	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lancaster County Columbia Borough	PAR603513	Frank Sahd Salvage Center, Inc. 1045 Lancaster Avenue Columbia, PA 17512	Shawnee Run	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Mifflin County Decatur Township	PAR603553	Mark A. Rossman Rossman Automotive Salvage 10 Morninglory Lane Lewistown, PA 17044	Meadow Creek	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Allegheny County City of Pittsburgh	PAR606154	David A. Norris Jr. 2626 Sun Mine Road Tarentum, PA 15084	Allegheny River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Indiana County White Township	PAR606155	Kovalchick Corporation P. O. Box 279 Indiana, PA 15701	Marsh Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Allegheny County Marshall Township	PAR806152	US Postal Service One Marquis Plaza 5315 Campbells Run Rd. Pittsburgh, PA 15205-7030	UNT to Brush Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Washington County Washington Borough	PAR806190	PA Army National Guard Dept. of Military & Vet. Affairs Fort Indiantown Gap Annville, PA 17003-5002	Chartiers Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Somerset County Somerset Township	PAR806191	PA Army National Guard Dept. of Military & Vet. Affairs Fort Indiantown Gap Annville, PA 17003-5002	Stoney Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Fayette County Connellsville Borough	PAR806193	PA Army National Guard Dept. of Military & Vet. Affairs Fort Indiantown Gap Annville, PA 17003-5002	UNT to Youghiogheny River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Cambria County Richland Township	PAR806195	PA Army National Guard Dept. of Military & Vet Affairs Fort Indiantown Gap Annville, PA 17003-5002	Solomon Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Cambria County Richland Township	PAR806196	PA Army National Guard Dept. of Military and Vet Affairs Fort Indiantown Gap Annville, PA 17003-5002	Solomon Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

General Permit Type—PAG-8

*Facility Location
County and
Municipality*

Permit No.

*Applicant Name
and Address*

*Receiving Stream,
Body of Water
or Site Name
and Address*

*Contact Office and
Telephone No.*

Oley Township Berks County	PAG-08-0002 PAG-08-0004 PAG-08-0007 PAG-08-0013	Mobile Dredging & Pumping 3100 Bethel Road Chester, PA 19013-1488	Ron Richards Farm Oley Township Berks County	DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Oley Township Berks County	PAG-08-0002 PAG-08-0004 PAG-08-0007 PAG-08-0013	Mobile Dredging & Pumping 3100 Bethel Road Chester, PA 19013-1488	Paul Youse Oley Township Berks County	DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

General Permit Type—PAG-9

*Facility Location
County and
Municipality*

Permit No.

*Applicant Name
and Address*

*Receiving Stream,
Body of Water
or Site Name
and Address*

*Contact Office and
Telephone No.*

Spring Township Perry County	PAG-09-3528	Advanced Septic Service R. R. 1, Box 577 Landisburg, PA 17040	Richard Farm Spring Township Perry County	DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lincoln Township Huntingdon County	PAG-09-3527	Burns Septic Service 139 Captain Phillips Memorial Rd. Saxton, PA 16678	Burns Farm No. 1 Lincoln Township Huntingdon County	DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Greene Township Mercer County	PAG098305	Charles R. Enterline Enterline Septic Cleaning 196 Maysville Road Jamestown, PA 16134		DEP Northwest Region Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

**SEWAGE FACILITIES ACT
PLAN APPROVAL**

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

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

*Location: Susquehanna Township Supervisors, 1900
Linglestown Road, Harrisburg, PA 17110.*

The approved plan provides for extension of public sewers to provide service to 35 homes in the Roberts Valley Road area of the Township. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

*Location: Topton Borough, Berks County, 205 S. Cal-
lowhill St., Topton, PA 19562. The approved plan provides
for upgrade of an existing sewage treatment plant pres-
ently discharging to Toad Creek. The upgrade will consist
of construction of flow equalization facilities and a .1 mgd
extended aeration treatment facility along with rehabili-
tation of the existing treatment facility and collection*

system. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

*Location: Newberry Township, York County, 1915 Old
Trail Road, Eppers, PA 17319. The approved plan update
revision provides for construction of an interceptor along
Fishing Creek that will replace four existing pump sta-
tions. Following completion of the interceptor the Bald
Cypress, Valley Green West, Eagle and Eden Pump
Stations will be taken out of service. Public sewer service
will also be extended to the Pleasant View MHP, Conley,
York Hill and West Fishing Creek Drive areas as well as
the Vista, Hillcrest, Highland and Locust Circle areas of
the Township. The Department's review of the sewage
facilities update revision has not identified any significant
environmental impacts resulting from this proposal. Any
required NPDES Permits or WQM Permits must be
obtained in the name of the municipality or authority as
appropriate.*

SAFE DRINKING WATER

**Permit issued for Construction Permit under the
Pennsylvania Safe Drinking Water Act (35 P. S.
§§ 721.1—721.17).**

Regional Office: 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 **Wellsboro Municipal Authority**, 28 Crafton Street, Wellsboro, PA 16901, Wellsboro Borough, **Tioga County**. This permit authorizes construction of a cover for the settling basin.

Permit No. 0800501. The Department issued a permit to **Consumers Pennsylvania Water Company**, Susquehanna Division, 204 East Sunbury Street, Shamokin, PA 17872-4859, Sayre Borough, **Bradford County**. This permit authorizes construction of a public water supply booster pump station and booster chlorination facility to serve the Greene's Landing area of Athens Township.

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:

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

Former Cole Office Environments Site, Springettsbury Township, **York County**. ARCADIS Geraghty & Miller, Inc., 3000 Cabot Boulevard West, Suite 3004, Langhorne, PA 19047 has resubmitted Final Reports concerning remediation of site groundwater contaminated with heavy metals and solvents. The reports are intended to document remediation of the site to a combination of the Statewide and background standards.

Southwest Field Office: John J. Matviya, Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-5217.

Mark R. Nabuda Property, Borough of Trafford, **Westmoreland County**. Mark R. Nabuda, c/o Law Offices of Harry Klodowski, 330 Grant Street, Suite 3321, Pittsburgh, PA 15219 and Von E. Fisher, KU Resources, Inc., 1 Library Place, Suite 207, Duquesne, PA 15110 has submitted a Final Report concerning remediation of site soil contaminated with BTEX and PHCs. 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 site investigations, concentration of regulated substances in environmental media, benefits of reuse of the property, and in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. A cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed, and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the content of the plans and reports, please contact the Environmental Cleanup Program Manager in the Department 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.

American Trading & Production Corp., Bristol Township, **Bucks County**. A final report concerning

remediation of site soil contaminated with heavy metals and thallium and groundwater contaminated with heavy metals, solvents, thallium and trichloroethylene was submitted to the Department. The report demonstrated attainment of site-specific standards and was approved by the Department on September 13, 1997.

Cole Residence, Parkside Borough, **Delaware County**. A final report concerning remediation of site soil contaminated with BTEX and petroleum hydrocarbons was submitted to the Department. The report demonstrated attainment of the Statewide health standard and was approved by the Department on January 20, 1998.

AutoNation USA Corp., Plymouth Township, **Montgomery County**. A final report concerning remediation of site groundwater contaminated with BTEX was submitted to the Department. The report demonstrated attainment of background standards and was approved by the Department on January 8, 1998.

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 (PPL)—Distribution Pole No. 56534N44726 (Davis Street), City of Scranton, **Lackawanna County**. PPL, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101 submitted a Final Report concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The final report demonstrated attainment of the Statewide health standard, and was approved on December 29, 1997.

Pennsylvania Power & Light Company (PPL)—Distribution Pole No. 57546N46758 (Delaware Street), City of Scranton, **Lackawanna County**. PPL, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101 submitted a Final Report concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The final report demonstrated attainment of the Statewide health standard, and was approved on December 29, 1997.

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

Pennsylvania Power & Light Company (PPL)—Distribution Pole No. 23258S32835, Lower Allen Township, **Cumberland 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 January 6, 1998.

The Lumber Yard, Lemoyne Borough, **Cumberland County**. A final report has been submitted concerning the remediation of site groundwater contaminated with solvents. The final report demonstrated attainment of the background standard, and was approved by the Department on January 22, 1998.

CBS Playskool Sewer Release, East Lampeter Township, **Lancaster County**. A final report has been submitted concerning the remediation of site soils contaminated with heavy metals, solvents, BTEX and PHCs. The final report demonstrated attainment of the Statewide health standard, and was approved by the Department on December 30, 1997.

Pennsylvania Power & Light Company (PPL)—Distribution Pole No. 15280S31266, Carlisle Borough,

Cumberland 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 January 22, 1998.

Burle Industries, Inc., Lancaster City, **Lancaster County**. A final report has been submitted concerning the remediation of site soils contaminated with PHCs and heavy metals. The final report demonstrated attainment of the Statewide health standard, and was approved by the Department on January 8, 1998.

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

Pennsylvania Power & Light Company (PPL)—Distribution Pole No. 37049N23278, Mount Carmel Borough, **Northumberland County**. A Final Report has been submitted addressing soil contaminated with PCBs (polychlorinated biphenyls). The report documented remediation to meet the Statewide health standard. The report was approved by the Department on December 31, 1997.

Southwest Field Office: John J. Matviya, Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-5217.

Ramsey Sturman Ford, West Mifflin Borough, **Allegheny County**. Thomas W. Weaver, Tech One Associates, 200 Marshall Drive, Coraopolis, PA 15108, has submitted a Final Report concerning remediation of site soil contaminated with petroleum hydrocarbons. The Final Report demonstrated attainment of the Statewide health standard and was approved by the Department on January 6, 1998.

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

Greater Erie Industrial Development Corporation, Mac Erie Site, 1110 Walnut Street, City of Erie, **Erie County**. A Final Report concerning remediation of site soils and groundwater contaminated with solvents and heavy metals was submitted to the Department. The report demonstrated attainment of Statewide health and background standards and was approved on January 30, 1998.

National Fuel Gas Distribution Corporation, 225 Wayne Street, City of Erie, **Erie County**, has submitted a report concerning the remediation of groundwater and soil. The site had been found to be contaminated with PCBs, lead, heavy metals, PAHs and Cyanide. The report was disapproved and did not demonstrate attainment of the Site Specific Standard and was disapproved by the Department on May 24, 2000.

SOLID AND HAZARDOUS WASTE

LICENSE TO TRANSPORT HAZARDOUS WASTE

Amended license 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.

John Pfrommer, LLC, 1320 Ben Franklin Highway E., Douglassville, PA 19518; License No. **PA-AH 0649**; amended license issued May 23, 2000.

Safety-Kleen Systems, Inc., 1301 Gervais Street, Suite 1900, Columbia, SC 29211; License No. **PA-AH 0172**; amended license issued May 24, 2000.

License 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.

Sunpro, Inc., 7392 Whipple Avenue NW, North Canton, OH 44720-7140; License No. **PA-AH 0659**; license issued May 22, 2000.

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.

Kindrick Trucking Company, Inc., 2818 Roane State Highway, Harriman, TN 37748; License No. **PA-AH 0379**; renewal license issued May 24, 2000.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and regulations to operate solid waste processing or disposal area or site.

Southeast Regional Office: Regional Solid Waste Manager, Lee Park, 555 North Lane, Suite 6010, Conshohocken, PA 19428.

Permit No. 400590. Riddle Memorial Hospital, US Route 1, Media, PA 19063. Permit issued to renew operations of a hospital waste incinerator located in Middletown Township, **Delaware County**. Permit was renewed by the Southeast Regional Office on May 23, 2000.

Southcentral Regional Office: Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4706.

Permit No. 301333. Waste Recovery Solutions, Inc. (524 Front St., Lititz, PA 17543). Permit issued for a new residual waste processing facility in Jackson Township, **Lebanon County**. Permit issued in the Southcentral Region on May 24, 2000.

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

Permit ID No. 100172. Arden Landfill, Inc., Westpointe Corporate Center 1, Suite 200, 1550 Coraopolis Heights Road, Moon Township, PA 15108. This is a correction of a previous notice published in the *Pennsylvania Bulletin* on May 13, 2000 for operation of a municipal waste landfill in Chartiers Township, **Washington County**. Permit renewal approving additional

waste operations at the site until July 26, 2003, not July 26, 2000, as previously published, was issued in the Regional Office on April 11, 2000.

Permit ID No. 300657. Route 356 Landfill, Allegheny Ludlum Corporation, 100 River Road, Brackenridge, PA 15014. Operation of a captive residual waste landfill in Allegheny Township, **Westmoreland County**. Permit renewal for a 5 year period was issued in the Regional Office on May 22, 2000.

Permits reinstated under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and regulations to operate solid waste processing or disposal area or site.

Regional Office: Southcentral Regional Office, Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4706.

Permit No. 101620. Waste Management of Central Pa. Transfer Station, Waste Management of PA, Inc. (4300 Industrial Rd., Camp Hill, PA 17011). This permit has been reinstated in the Southcentral Regional Office on May 22, 2000, at the request of the permittee for a site in Hampden Township, **Cumberland County**.

Permit revoked 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.

Southcentral Regional Office, Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4706.

Permit No. 603285. Charles Hetrick Farm, Wheelabrator Water Technologies, Inc. (P. O. Box 266, Somers, PA 15501). This permit has been revoked at the request of the permittee for a site in Exeter Township, **Berks County**. Permit revoked in the Regional Office May 25, 2000.

AIR QUALITY

OPERATING PERMITS

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

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

GP1-36-03113: New Holland Concrete, Division of Martin Limestone, Inc. (P. O. Box 550, Blue Ball, PA 17506-0550) authorized use of a general permit for the operation of a natural gas boiler in East Earl Township, **Lancaster County**.

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

GP-20-287: Frank Tucci (25000 PA Route 99, Cambridge Springs, PA 16403) on May 22, 2000, for operation of a portable nonmetallic mineral processing plant in Rockdale Township, **Crawford 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.

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

TVOP-49-00018: Arcos Alloys-Division of Hoskin Mfg. (One Arcos Drive, Mount Carmel, PA 17851) on May 19, 2000, for operation of a welding electrode manufacturing facility which includes 17 perchloroethylene cleaning machines, one boiler, 12 space heaters, a wastewater evaporator and one oven in Mount Carmel Township, **Northumberland County**.

TVOP-49-00020: Truck Accessories Group, Leer East (200 Housels Run Road, Milton, PA 17847), on May 19, 2000, for operation of a fiberglass reinforced plastic truck cap manufacturing facility which includes five paint spray booths, two fiberglass spray booths, a paint mixing room and a resin storage tank in Milton Borough, **Northumberland County**.

TVOP-49-00009: Mohawk Flush Doors, Inc., Eastern Mill (P. O. Box 112, Northumberland, PA 17857) on May 22, 2000, for operation of a wood door manufacturing facility which includes four spray booths, a roller coat line, woodworking operations, gluing operations, solvent cleanup operations and combustion sources in Point Township, **Northumberland County**.

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

PA-24-126A: U. S. Resistor, Inc. (1016 Delaun Road, St. Marys, PA 15857), on May 31, 2000, for a batch cold cleaning machine in St. Marys, **Elk County**.

PA-43-280A: Chevron, Inc. (7320 West Market Street, Mercer, PA 16137) on May 31, 2000, for surface coating operations in Mercer, **Mercer County**.

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

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

48-00006: Sithe Pennsylvania Holdings, LLC (P. O. Box 16001, Reading, PA 19640-0001) for minor modification to the Title V Operating Permit issued to the Portland Generating Station, an electricity generation facility in Upper Mt. Bethel Township, **Northampton County**.

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

16-00128: County Landfill, Inc. (State Route 36, Township Road 620, P. O. Box 237, Leeper, PA 16233) on May 10, 2000, for a modification to the Title V permit for the inclusion of conditions from Plan Approval PA-16-128B (the installation of the enclosed flare) in Farmington Township, **Clarion County**.

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

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

10-00001: AK Steel—Butler (Route 8 South, Butler, PA 16003) on May 10, 2000, for an Administrative Amendment to the Title V permit to include conditions from Plan Approval 10-307-040A (AOL for No. 3 Tandem Cold Mill) in Butler Township, **Butler County**.

PLAN APPROVALS

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

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

40-320-011: S L C Graphics, LP (50 Rock Street, Pittston, PA 18640) on May 25, 2000, for construction of a printing line and installation of an air cleaning device in Hughestown Borough, **Luzerne County**.

13-304-003: Weatherly Casting & Machine Co. (P. O. Box 21, Weatherly, PA 18255) on May 25, 2000, for installation of an air cleaning device on a foundry grinding and cleaning system in Weatherly Borough, **Carbon County**.

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

36-03105A: Binkley & Ober, Inc. (P. O. Box 7, East Petersburg, PA 17520) on May 23, 2000, for construction of a stone crushing plant controlled with wet suppression systems in East Hempfield Township, **Lancaster County**. These sources are subject to 40 CFR Part 60, Subpart 000—Standards of Performance for Nonmetallic Mineral Processing Plants.

36-05110: Morgan Corporation (P. O. Box 588, Morgantown, PA 19543) on May 24, 2000, for startup of a Binks Spray Booth using HVLP Spray Guns and equipped with fiberglass filters in East Hempfield Township, **Lancaster County**.

67-309-070F: Global Stone PenRoc, Inc. (P. O. Box 1967, York, PA 17405-1967) on May 24, 2000, for relocation and modification of "stand-alone" decorative stone and valve packing operations at the West Filler Plant in West Manchester Township, **York County**.

67-05026C: DONSCO, Inc. (P. O. Box 2001, Wrightsville, PA 17368) on May 23, 2000, for installation of a shotblast machine controlled by a fabric filter in Wrightsville Borough, **York County**.

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

PA-04-704A: Laurel Pipe Line Co., L.P. (P. O. Box 368, 5002 Buckeye Road, Midland, PA 15059) on May 24, 2000, for operation of Tank 13 and 14 at Midland Breakout Station in Midland Borough, **Beaver County**.

PA-11-436A: Penn Cambria School District (205 6th Street, Cresson, PA 16630) on May 24, 2000, for operation of Penn Cambria Middle School in Gallitzin Borough, **Cambria 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.

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

38-302-057: G & H Fortyniners, Inc. (P. O. Box 37, Fredericksburg, PA 17026) granted May 4, 2000, to authorize temporary operation of an 800 HP Johnston Boiler, covered under this Plan Approval until August 31, 2000, located at Chestnut Hill Road in Bethel Township, **Lebanon County**. This source is subject to 40 CFR Part 60, Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units.

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

18-329-001: CNG Transmission Corp. (CNG Tower, 625 Liberty Avenue, Pittsburgh, PA 15222-3199) on May 17, 2000, to extend the authorization to operate a 4200 horsepower natural gas-fired reciprocating internal combustion compressor engine (Engine No. 6), a 778 horsepower natural gas-fired auxiliary generator and a 2.75 million BTU per hour natural gas-fired boiler on a temporary basis until September 14, 2000, at the Finnefrock Compressor Station in Leidy Township, **Clinton County**.

18-329-001A: CNG Transmission Corp. (CNG Tower, 625 Liberty Avenue, Pittsburgh, PA 15222-3199) on May 17, 2000, to extend the authorization to operate a 4000 horsepower natural gas-fired reciprocating internal combustion compressor engine (Engine No. 4) on a temporary basis until September 14, 2000, at the Finnefrock Compressor Station in Leidy Township, **Clinton 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—1396.31); 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 such 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).

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

Coal Permits Issued

19793201R3. Gilberton Coal Company (P. O. Box 423, Gilberton, PA 17934), renewal of an existing coal

refuse reprocessing operation in Conyngham Township, **Columbia County** affecting 3.4 acres, receiving stream—none. Renewal issued May 25, 2000.

54813224R3. Richard E. Tallman (R. R. 1, Box 32, Tower City, PA 17980), renewal of an existing coal refuse reprocessing operation in Butler Township, **Schuylkill County** affecting 9.6 acres, receiving stream—none. Renewal issued May 26, 2000.

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

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, issued May 23, 2000.

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

17940122. Waroquier Coal Company (P. O. Box 128, Clearfield, PA 16830), renewal of an existing bituminous surface mine-auger permit in Greenwood Township, **Clearfield County** affecting 120.2 acres. Receiving streams: unnamed stream, tributary to Watts Creek, Watts Creek to Little Clearfield Creek to Clearfield Creek to West Branch of the Susquehanna River. Application received March 13, 2000. Permit issued May 10, 2000.

17950106. Waroquier Coal Company (P. O. Box 128, Clearfield, PA 16830), renewal of an existing bituminous surface mine-auger permit in Greenwood Township, **Clearfield County** affecting 111.2 acres. Receiving streams: unnamed stream, tributary to Watts Creek, Watts Creek to Little Clearfield Creek to Clearfield Creek to West Branch of the Susquehanna River. Application received March 13, 2000. Permit issued May 10, 2000.

17850143. Sky Haven Coal, Inc. (R. D. 1, Box 180, Penfield, PA 15849), revision to an existing bituminous surface mine permit for a Change in Permit Acreage from 148.7 to 150.7 acres, located in Lawrence Township, **Clearfield County**. Receiving streams: unnamed streams and Wolf Run, tributaries to West Branch Susquehanna River. Application received November 17, 1999. Permit issued May 12, 2000.

17990120. Moravian Run Reclamation Co., Inc. (605 Sheridan Drive, Clearfield, PA 16830), commencement, operation and restoration of a bituminous surface mine-auger permit in Penn Township, **Clearfield County** affecting 37.5 acres. Receiving streams: unnamed tributary to Bell Run, to Bell Run, to the West Branch of the Susquehanna River. Application received October 8, 1999. Permit issued May 5, 2000.

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

33970102. Waroquier Coal Company (P. O. Box 128, Clearfield, PA 16830) Revision to an existing bituminous strip operation to add blasting in Washington Township, **Jefferson County** affecting 52.0 acres. Receiving streams: Unnamed tributaries to Kyle Run and Kyle Run. Application received: May 15, 2000. Permit Issued: May 19, 2000.

33950102. Hepburnia Coal Company (P. O. Box I, Grampian, PA 16838) Renewal of an existing bituminous strip operation in Snyder Township, **Jefferson County** affecting 82.0 acres. Receiving streams: Unnamed tributary to Little Toby Creek. Application received: March 27, 2000. Permit Issued: May 23, 2000.

16693007. Terry Coal Sales, Inc. (P. O. Box 58, Distant, PA 16223) Renewal of an existing bituminous strip, auger and tippel refuse disposal operation in Redbank Township, **Clarion County** affecting 618.5 acres. This renewal is issued for reclamation only. Receiving streams: Unnamed tributaries to Town Run and Town Run, unnamed tributaries to Middle Run. Application received: October 7, 1999. Permit Issued: May 23, 2000.

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

Industrial Minerals Applications Issued:

4274SM11, Permit Revision. New Enterprise Stone & Lime Company, Inc. (New Enterprise, PA 16664) to lower the northern half of quarry floor to an elevation of 1,000 feet from a current permitted elevation of 1,050, in Taylor Township, **Blair County**, affecting 430.0 acres, receiving stream Plum Creek and Halter Creek, application received July 21, 1999, issued March 29, 2000.

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

Small Noncoal (Industrial Minerals) Permits Issued

65990801. Wilbert M. Neiderhiser (81 Stom Road, Ligonier, PA 15658). Permit issued for commencement, operation and reclamation of a small noncoal (shale pit) surface mining operation located in Cook Township, **Westmoreland County**, affecting 3.6 acres. Receiving streams: Keefer Run. Application received: September 13, 1999. Permit issued: May 22, 2000.

03930401. Seven Sisters Mining Co., Inc. (200 Route 22, P. O. Box 300, Delmont, PA 15626-0300). Renewal permit issued for continued operation and reclamation of a noncoal surface mine located in South Bend Township, **Armstrong County**. Receiving streams: Unnamed tributary to Crooked Creek. Renewal application received: January 28, 2000. Renewal permit issued: May 25, 2000.

03860401. Seven Sisters Mining Co., Inc. (200 Route 22, P. O. Box 300, Delmont, PA 15626-0300). Renewal permit issued for continued operation and reclamation of a noncoal surface mine located in South Bend Township, **Armstrong County**. Receiving streams: Crooked Creek. Renewal application received: January 28, 2000. Renewal permit issued: May 25, 2000.

63800201. Lafarge Corporation (510 West Main Street, Canfield, OH 44406). Renewal permit issued for continued operation and reclamation of a noncoal surface mine located in Hanover Township, **Washington County**. Receiving streams: Harmon Run. Renewal application received: February 16, 2000. Renewal permit issued: May 25, 2000.

02850301. Lafarge Corporation (510 West Main Street, Canfield, OH 44406). Renewal permit issued for continued operation and reclamation of a noncoal surface mine located in West Mifflin Township, **Allegheny County**. Receiving streams: Lewis Run. Renewal application received: February 16, 2000. Renewal permit issued: May 25, 2000.

65930401. Latrobe Construction Company (P. O. Box 150, Latrobe, PA 15650). Renewal permit issued for continued operation and reclamation of a noncoal surface and underground mine located in Ligonier Township, **Westmoreland County**. Receiving streams: unnamed tributaries to Loyalhanna Creek, Loyalhanna Creek. Renewal application received: January 25, 2000. Renewal permit issued: May 25, 2000.

Knox District Office, P. O. Box 669, Knox, PA 16232. Noncoal Permits Issued

33900307. Robert J. Cole (116 6th Street, Falls Creek, PA 15849) Renewal of NPDES No. PA0207969, Washington Township, **Jefferson County** affecting 41.5 acres. Receiving streams: Beaver Dam Run and one unnamed tributary to Beaver Dam Run. Application received: April 21, 2000. Permit Issued: May 19, 2000.

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

6476SM5T. Grove U. S. L.L.C. (1565 Buchanan Trail East, P. O. Box 21, Shady Grove, PA 17256), transfer of an existing quarry operation from Grove Manufacturing Co. in Antrim Township, **Franklin County** affecting 29.1 acres, receiving stream—Conococheaque Creek. Transfer issued May 22, 2000.

7775SM5C2. Allentown Cement Company, Inc. (P. O. Box 619, Blandon, PA 19510-0619), renewal of NPDES Permit No. PA0594954 in Oley Township, **Berks County**, receiving stream—Limekiln Creek. Renewal issued May 24, 2000.

64730304C3. Hanson Aggregates Pennsylvania, Inc. (P. O. Box 231, Easton, PA 18044-0231), correction to an existing quarry operation in Dennison Township, **Luzerne County** affecting 93.4 acres, receiving stream—none. Correction issued May 26, 2000.

ACTIONS TAKEN UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT ENCROACHMENTS

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

Any person aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board (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 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).

Permits Issued and Actions on 401 Certifications:

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

E15-635. Encroachment Permit. **Robert and Elizabeth Kirk**, 596 Dampman Road, Honeybrook, PA 19344-1729. To modify an existing off stream pond for use as a stormwater detention facility for the Tobi Hill Farm Subdivision. The site is located approximately 1,500 feet south of the intersection of Suplee Road and Dampman Road (Wagontown, PA-USGS Quadrangle N: 18 inches; W: 17 inches) in Honeybrook Township, **Chester County**.

E51-183. Encroachment Permit. **Dockside Associates—Pier 30 L.P.**, 170 Walton Road, P. O. Box 1650, Blue Bell, PA 19422-0465. To renovate, operate and maintain the existing Pier No. 30 structure which includes improving decking and piles, and to construct and maintain a 16-story apartment complex (three stories of parking and 13 stories of apartments) to be supported by the existing footprint of Pier No. 30 situated along the Delaware River (WWF-MF). Also used to support the proposed building will be 50-capped piling structures. This site is located approximately 5,750 feet south of the Ben Franklin Bridge and along the Christopher Columbus Boulevard (a.k.a. Delaware Avenue) (Philadelphia, PA-NJ Quadrangle N: 11.8 inches; W: 2.3 inches) in the **City and County of Philadelphia**.

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

E35-320. Encroachment. **Sprint Spectrum, L.P.**, Crossroads Corporate Center, 1 International Boulevard, Suite 800, Mahwah, NJ 07495-0025. To construct and maintain a 50-foot × 50-foot fenced compound containing a 150-foot high cellular monopole along with 7 equipment cabinets on an elevated platform within the 100-year floodplain of the Lackawanna River. The project is located south of the intersection of Nay Aug Avenue and Electric Street (Scranton, PA Quadrangle N: 10.9 inches; W: 4.3 inches) in the **City of Scranton, Lackawanna County**.

E48-278. Encroachment. **Ahold Real Estate Company**, One Atlanta Plaza, 950 E. Paces Ferry Road, Suite 2575, Atlanta, GA 30326. To remove an existing culvert and stream enclosure from a tributary to Saucon Creek and to construct and maintain the following: (1) a stream enclosure in a tributary to Saucon Creek consisting of a 5-foot × 3-foot concrete box culvert having a length of 642 feet and a 12-foot extension of the existing twin 42-inch diameter culvert under S. R. 0412; (2) a channel change in a tributary to Saucon Creek having a length of 340 feet; (3) three stormwater outfall structures and associated energy dissipators in Saucon Creek; and (4) a 6-inch sanitary sewer force main under Saucon Creek. This work is associated with the proposed Creek Side Marketplace commercial development, located southeast of the intersection of S. R. 0412 (Leithsville Road) and Township Road T376 (Meadows Road) (Hellertown, PA Quadrangle N: 11.5 inches; W: 12.7 inches) in Lower Saucon Township, **Northampton County**.

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

E01-211. Encroachment. **Russell Ryan**, 3901 Fairfield Road, Fairfield, PA 17320. To remove an existing structure and to construct and maintain (1) a 16-foot single

span wooden bridge having a width of 6 feet and an underclearance of 4-feet across Muddy Run (CWF) and (2) a ford crossing just upstream of this wooden bridge for the purpose of pedestrian and lawn mower access on private property located north of SR 0110 and east of Bullfrog Road (Fairfield, PA Quadrangle N: 9.0 inches; W: 14.2 inches) in Hamiltonban Township, **Adams County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E01-212. Encroachment. **Mark Burkhead**, PA Department of Transportation, Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103. To remove the existing structure, construct and maintain a reinforced concrete box culvert having a 7.0 meters span with a 1.576 meters underclearance in Mud Run (WWF) and to impact 0.005 acre of de minimis wetland on SR 0094—Section 009 (Hampton, PA Quadrangle N: 17.06 inches; W: 10.94 inches) in Huntingdon Township, **Adams County**. The amount of wetland impact is considered de minimis and wetland mitigation is not required. This permit also includes 401 Water Quality Certification.

E05-282. Encroachment. **Dixie Tew**, 3001 Teaberry Road, Bedford, PA 15522. To construct a single span timber foot bridge, having a span of 13 feet and a minimum underclearance of 3.0 feet, across an unnamed tributary to Shobers Run (HQ-CWF) located just off Teaberry Road about 0.5 mile east of its intersection with SR 0220 (Rainsburg, PA Quadrangle N: 15.4 inches; W: 7.7 inches) in Bedford Township, **Bedford County**. This permit was issued under section 105.13(e) "Small Projects."

E28-275. Encroachment. **Ralph Michael**, 3300 Hill Road, Greencastle, PA 17225. To construct and maintain a 6-foot wide × 100-foot span fabricated wood superstructure footbridge with an average underclearance of 8-foot across the Conococheague Creek. The footbridge will rest on concrete abutments set on each bank and have wooden end ramps for access to adjacent farmlands on the east side of the stream located about 7,000 feet downstream of SR 16 (Williamson, PA Quadrangle N: 6.6 inches; W: 3.0 inches) in Antrim Township, **Franklin County**. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E31-159. Encroachment. **PA Department of Transportation**, Engineering District 9-0, 1620 Juniata Street, Hollidaysburg, PA 16648. To (1) remove an existing two span bridge and to construct and maintain a three span I-Beam Bridge having left and right clear spans of 109.8 feet each, a center span of 137.3 feet with two 3-foot wide piers and a minimum underclearance of 24.1 feet across the Juniata River (WWF), (2) place R-8 size riprap revetment at both bridge piers and abutments, (3) construct a causeway and cofferdam to facilitate the construction of the bridge piers and the removal of the existing bridge supports; and, (4) place fill temporarily in 0.03 acre of associated wetlands located on SR 0655, Section 002 at Mapleton Depot (Mount Union, PA Quadrangle N: 3.6 inches; W: 9.0 inches) in Mapleton Borough and Brady Township, **Huntingdon County**. This permit also includes 401 Water Quality Certification.

E36-686. Encroachment. **Manor Township**, 26 Millersville Road, Lancaster, PA 17603. To remove the existing deteriorating structure and to construct and maintain a bridge having a prestressed concrete spread box beam superstructure with a clear span of 22 feet on a 70 degree skew with an average underclearance of 6 feet

across the West Branch Little Conestoga Creek (TSF) on Habecker Church Road (T-597) (Columbia East, PA Quadrangle N: 3.8 inches; W: 4.75 inches) in Manor Township, **Lancaster County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

E32-416. Encroachment. **Pennsylvania Department of Transportation**, Engineering District 10-0, P. O. Box 429, Indiana, PA 15701. To construct and maintain a 68-meter long, 3,000 mm × 1,800 mm reinforced concrete box culvert extension upstream and a 7-meter long, 3,000 mm × 1,800 mm reinforced concrete box culvert extension downstream onto an existing 15-meter long, 2,400 mm × 1,800 mm reinforced concrete arch culvert in an unnamed tributary to Weirs Run (CWF). The inverts of the culvert extensions will be depressed 300 mm. Also to relocate and maintain 108 meters of the unnamed tributary to Weirs Run (CWF) starting just upstream from this culvert. To permanently place and maintain fill in 0.44 hectare of wetland (0.38 hectare PEM, 0.03 hectare PSS, 0.03 hectare POW) and to temporarily place and maintain fill in 0.13 hectare of wetland (0.11 hectare PEM, 0.02 hectare PSS) for the purpose of improving highway safety. The project is located at the S. R. 0119/S. R. 0022 interchange (Bolivar, PA Quadrangle N: 14.3 inches; W: 11.9 inches) in Burrell Township, **Indiana County**. The applicant will construct replacement wetlands in the Blacklick Creek Watershed.

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

E20-487. Encroachment. **City of Titusville**, 107 North Franklin Street, Titusville, PA 16354. To install and maintain the following stormwater outfall structures and sanitary sewer line crossings as part of the City of Titusville Phase 1 inflow and infiltration reductions project in the City of Titusville, **Crawford County**.

1. A 30-inch-diameter outfall pipe with headwall (Outfall 007) to Oil Creek (CWF) (Titusville North, PA Quadrangle, Latitude: 41°, 37', 41"; Longitude: 79°, 41', 15").

2. A 48-inch-diameter outfall pipe with headwall (Outfall 008) to Oil Creek (Titusville South, PA Quadrangle, Latitude: 41°, 37', 22"; Longitude: 79°, 40', 39").

3. A 15-inch-diameter outfall pipe with headwall (Outfall 009) to Church Run (CWF) (Titusville North, PA Quadrangle, Latitude: 41°, 38', 01"; Longitude: 72°, 40', 32").

4. A 15-inch-diameter outfall pipe with headwall (Outfall 010) to Church Run (Titusville North, PA Quadrangle, Latitude: 41°, 37', 47"; Longitude: 79°, 40', 19").

5. A 15-inch-diameter outfall pipe with headwall (Outfall 011) to Oil Creek (Titusville South, PA Quadrangle, Latitude: 41°, 37', 26"; Longitude: 79°, 40', 11").

6. A 36-inch-diameter outfall pipe with headwall (Outfall 012) to Church Run (Titusville North, PA Quadrangle, Latitude: 41°, 37', 45"; Longitude: 79°, 40', 11").

7. A 24-inch-diameter outfall pipe with headwall (Outfall 013) to Church Run (Titusville North, PA Quadrangle, Latitude: 41°, 47', 45"; Longitude: 79°, 40', 11").

8. A 15-inch-diameter outfall pipe with headwall (Outfall 014) to Oil Creek (Titusville South, PA Quadrangle, Latitude: 41°, 37', 23"; Longitude: 79°, 39', 57").

9. An 18-inch-diameter outfall pipe with headwall (Outfall 015) to Church Run (Titusville North, PA Quadrangle, Latitude: 41°, 37', 35"; Longitude: 79°, 39', 56").

10. A 24-inch-diameter outfall pipe with headwall (Outfall 016) to Oil Creek (Titusville South PA Quadrangle, Latitude: 41°, 37', 24"; Longitude: 79°, 39', 49").

11. A 24-inch-diameter outfall pipe with headwall (Outfall 017) to a tributary to Oil Creek (CWF) (Titusville North, PA Quadrangle, Latitude: 41°, 37', 44"; Longitude: 79°, 39', 34").

12. An 18-inch-diameter outfall and headwall structure (Outfall 018) to a tributary to Oil Creek (Titusville North, PA Quadrangle, Latitude: 41°, 37', 43"; Longitude: 79°, 39', 31").

13. A 15-inch-diameter outfall and headwall structure (Outfall 019) to a tributary to Oil Creek (Titusville North, PA Quadrangle, Latitude: 41°, 37', 50"; Longitude: 79°, 39', 36").

14. A 36-inch-diameter PVC sanitary sewer line (Crossing No. 1) across Church Run (Titusville North, PA Quadrangle, Latitude: 41°, 37', 31"; Longitude: 79°, 39', 52").

15. A 36-inch-diameter ductile iron pipe sanitary sewer line (Crossing No. 2) across Church Run (Titusville North, PA Quadrangle, Latitude: 41°, 37', 30"; Longitude: 79°, 39', 52").

E43-277. Encroachment. **Greenville Borough**, 125 Main Street, Greenville, PA 16125. To fill a total of 0.73 acre of two wetland areas for development of the Greenville Area Leisure Services Association Sports Park Complex west of S. R. 58 approximately 1,000 feet north of S. R. 4006 (Porter Road) (Greenville West, PA Quadrangle N: 9.6 inches; W: 2.7 inches) in West Salem Township, **Mercer County**. This project includes creation of 0.77 acre of replacement wetland on site.

DAM SAFETY

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)).

Permits Issued and Actions on 401 Certification

Central Office: Bureau of Waterways Engineering, 400 Market Street, 3rd Floor; P. O. Box 8554, Harrisburg, PA 17105-8554, (717) 787-8568.

D67-514. DEP. **Woodhaven Building & Development, Inc.** (4219 Hanover Pike, Manchester, MD 21102). To operate and maintain the Raintree Detention Pond Dam, located across a tributary to Little Conewago Creek in Manchester Township, **York County**.

D30-034A. DEP. **RAG Emerald Resources Corporation** (145 Elm Drive, P. O. Box 1020, Waynesburg, PA 15370). To modify, operate and maintain the Emerald Mine Area No. 1 Coal Refuse Dam, located across a tributary to Smith Creek in Franklin Township, **Greene County** and to include the construction, operation and maintenance of a saddle dam to be known as Emerald Mine Area No. 1 West Embankment Coal Refuse Dam.

D30-051. DEP. **RAG Emerald Resource Corporation** (145 Elm Drive, P. O. Box 1020, Waynesburg, PA

15370). To modify, operate and maintain the Sedimentation Pond No. 11 Dam located across a tributary to Smith Creek in Franklin Township, **Greene County**.

ENVIRONMENTAL ASSESSMENT

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

Environmental Assessment No. EA26-003SW. Department of the Army, Pittsburgh District—Corps of Engineers, William S. Moorhead Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222-4186. To construct and maintain riprap bank protection at two locations along the Monongahela River within the Borough of Point Marion, Fayette County. The bank protection will be installed in approximately 75 feet wide × 20—32 feet high sections for 1,480 linear feet at Site 1, from the boat launch ramp at River Mile (RM) 90.15 to the upstream end of the Point Marion Sewage Treatment Plant at RM 90.36 (Morgantown North WV-PA Quadrangle N: 19.8 inches; W: 4.35 inches), and for 340 linear feet at Site 2, along Water Street, between Broadway and Second Avenue, from RM 89.88 to RM 89.95 (Morgantown North WV-PA Quadrangle N: 20.5 inches; W: 4.05 inches) in the Borough of Point Marion, **Fayette County**.

SPECIAL NOTICES

Action on plans submitted under the Storm Water Management Act (32 P. S. § 680.9).

Bureau of Watershed Conservation, P. O. Box 8555, Harrisburg, PA 17105-8555.

Plan No. SWMP 013:07, Beaverdam Branch Juniata River, as submitted by **Blair County**, was approved on May 8, 2000.

Planning Grant Awards under Section 901 of the Municipal Waste Planning, Recycling and Waste Reduction Act.

The Department of Environmental Protection (Department), hereby announces the following grants to counties under section 901 of the Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101) (53 P. S. § 4000.901) and section 208 of the Waste Tire Recycling Act (Act 190 of 1996). The awards listed here are based upon applications received by the Department in 1999 and 2000.

Planning grants are awarded to counties for 80% of approved costs for preparing municipal waste management plans as required by Act 101, for carrying out related studies, surveys, investigations, inquiries, research and analysis, including those related to siting, environmental mediation, education programs on pollution prevention and household hazardous waste and providing technical assistance to small businesses for pollution prevention. Grants may be awarded for feasibility studies and project development for municipal waste processing or disposal facilities, except for facilities for the combustion of municipal waste that are not proposed to be operated for the recovery of energy. All grant awards are predicated on the receipt of recycling fees required by sections 701 and 702 of Act 101, and the availability of monies in the Recycling Fund.

Inquiries regarding the grant offerings should be directed to Sally Lohman, Chief, Planning Section, Department of Environmental Protection, Bureau of Land Recycling and Waste Management, Division of Waste Minimization and Planning, P. O. Box 8472, Harrisburg, PA 17105-8472.

APPLICANT	PROJECT DESCRIPTION	GRANT AWARD
Southcentral Region Mifflin County	Revision of the Mifflin County Municipal Waste Management Plan	\$150,000
Southwest Region Cambria County	Revision of the Cambria County Municipal Waste Management Plan	\$47,536
Northcentral Region Montour County	Revision of the Montour County Municipal Waste Management Plan	\$34,310
Northwest Region Crawford County	Study of the West Mead Recycling Center	\$31,104
Jefferson County	Revision of the Jefferson County Municipal Waste Management Plan	\$44,932

Recycling Grant Awards under the Municipal Waste Planning, Recycling and Waste Reduction Act.

The Department of Environmental Protection announces the following grants to municipalities for recycling programs under section 902 of the Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101) (53 P. S. § 4000.902).

Grant funds are used to develop and implement recycling programs. Municipalities and counties are eligible for up to 90% funding of approved recycling program costs. Municipalities considered financially distressed under the Municipalities Financial Recovery Act (53 P. S. §§ 11701.101—11701.501) are eligible to receive funding for an additional 10% of approved costs. All grant awards are predicated on the receipt of recycling fees required by sections 701 and 702 of Act 101, and the availability of monies in the Recycling Fund.

Inquiries regarding the grant offerings should be directed to Todd Pejack, Recycling Grants Coordinator, Department of Environmental Protection, Bureau of Land Recycling and Waste Management, Division of Waste Minimization and Planning, Rachel Carson State Office Building, P. O. Box 8472, Harrisburg, PA 17105-8472.

Act 101

Section 902 Recycling Development and Implementation Grants

<i>Municipal Applicant</i>	<i>Project Type</i>	<i>Grant Award</i>
<i>Southeast Region</i>		
1 East Fallowfield Township Chester County	Wood Waste Recycling	\$24,750
2 Uwchlan Township Chester County	Curbside Recycling	\$11,161
3 East Norriton Township Montgomery County	Yard Waste Composting	\$25,087
4 Lansdale Borough Montgomery County	Curbside Recycling	\$25,221
5 Montgomery Township Montgomery County	Home Composting	\$22,449
6 Springfield Township Montgomery County	Yard Waste Composting	\$226,174
7 Telford Borough Montgomery County	Yard Waste Collection	\$12,754
8 Whitemarsh Township Montgomery County	Yard Waste Composting	\$12,488
<i>Southcentral Region</i>		
9 Berks County	Recycling Education	\$6,149
10 Blair County	Recycling Education	\$54,000
11 Camp Hill Borough Cumberland County	Public Area Recycling	\$8,970
12 Cumberland County	Recycling Education	\$24,762
13 Lower Allen Township Cumberland County	Yard Waste Composting	\$60,957
14 Middlesex Township Cumberland County	Recycling Program Development	\$2,574
15 S. Middleton Township Cumberland County	Yard Waste Composting	\$44,550
16 Franklin County	Yard Waste Composting	\$67,891
17 Greene Township Franklin County	Yard Waste Composting	\$241,106
18 Lancaster County	Curbside Recycling	\$123,403
19 Penn Township Lancaster County	Wood Waste Recycling	\$26,460
20 Lebanon County	Drop-off Recycling	\$41,669
<i>Northcentral Region</i>		
21 Bradford County	Recycling Education	\$18,000
22 Sugarloaf Township Columbia County	Wood Waste Recycling	\$16,641
<i>Southwest Region</i>		
23 Allegheny County	Drop-off Recycling and Yard Waste Composting	\$621,306
24 Emsworth Borough Allegheny County	Curbside Recycling	\$4,314
25 Indiana Township Allegheny County	Curbside Recycling and Yard Waste Collection	\$33,319
26 City of Pittsburgh Allegheny County	Recycling Education and Office Recycling	\$535,410
27 Ambridge Borough Beaver County	Yard Waste Collection	\$31,500

<i>Municipal Applicant</i>	<i>Project Type</i>	<i>Grant Award</i>
28 Beaver County	Recycling Center and Composting Improvements	\$110,633
29 Hopewell Township Beaver County	Recycling Education	\$17,304
30 Rochester Borough Beaver County	Yard Waste Collection	\$59,488
31 White Township Beaver County	Curbside Recycling	\$73,521
32 City of Johnstown Cambria County	Curbside Recycling and Yard Waste Collection	\$47,139
33 Portage Borough Cambria County	Yard Waste Collection	\$41,220
34 Upper Yoder Township Cambria County	Yard Waste Collection and Composting	\$43,419
35 Fayette County	Recycling Processing Equipment	\$67,387
36 Perryopolis Borough Fayette County	Drop-off Recycling	\$5,670
37 Greene County	Drop-off Recycling	\$369,109
38 Greene Township Greene County	Wood Waste Recycling	\$27,406
39 Morgan Township Greene County	Drop-off Recycling	\$7,506
40 Canton Township Washington County	Yard Waste Collection	\$56,605
41 City of Monongahela Washington County	Yard Waste Collection	\$109,520
42 Washington County	Backyard Composting	\$34,200
43 Scottdale Borough Westmoreland County	Curbside Recycling	\$8,011
<i>Northwest Region</i>		
44 Crawford County	Municipal and Institutional Composting	\$164,509
45 City of Titusville Crawford County	Curbside Recycling	\$15,363
46 Millcreek Township Erie County	Curbside Recycling	\$115,154
47 Lawrence County	Curbside and Drop-off Recycling	\$86,958
48 City of Bradford McKean County	Recycling Center Improvements	\$25,143
49 McKean County	Recycling Center Improvements	\$363,781
TOTAL (49)		\$4,172,111

Proposed Watershed Redesignation; Public Hearing

The Department of Environmental Protection (Department), Bureau of Watershed Conservation, will be holding a public hearing regarding a proposed watershed redesignation for stormwater management planning purposes.

The Bucks County Planning Commission has petitioned the Department to have Delaware River's direct drainage area located within the county boundary redesignated into two separate watersheds as Delaware River (north) and Delaware River (south), for the purposes of stormwater planning under the Storm Water Manage-

ment Act of 1978. The watersheds will be separated at the Tincum and Plumstead Township boundaries near the mouth of Tohickon Creek. Delaware River (North) watershed will include Cooks Creek, Gallows Run and Tincum Creek. Delaware River (South) watershed will include Hickory Creek, Paunacussing Creek, Cuttalossa Creek, Primrose Creek, Aquatong Creek, Dark Hollow Creek, Pidcock Creek, Curls Run Creek, Jericho Creek, Houghs Creek, Dyers Creek, Buck Creek, Brock Creek, Rock Run Creek, Queen Anne Creek, Mill Creek, Martins Creek, Black Ditch Creek, and Otter Creek. The Department, in consultation with the Bucks County Planning Commission, has already designated eight watersheds

within Bucks County. These watersheds were approved by the Environmental Quality Board (EQB). The requested redesignation would result in Bucks County having nine watersheds for planning purposes.

The redesignation will enable Bucks County to undertake watershed planning for both watersheds separately, since both watersheds have different topography, land uses and development pressures. The redesignation will also involve Lehigh and Northampton Counties. The Bucks County Planning Commission and the Department have informed those counties that the proposed redesignation will also administratively affect them. With the redesignations, Lehigh County's 12 watersheds, approved by the EQB, will not be changed. Northampton County's 10 watersheds, which were also approved by the EQB, will result in 11 watersheds for planning purposes.

The Department will hold a public hearing for the purpose of accepting comments on the redesignation of the watersheds. The Bucks County hearing will be held on June 27, 2000 at 10:30 a.m. at Bucks County Planning Commission, 4th floor conference room, Neshaminy Manor Center, Building G, 1260 Almshouse Road, Doylestown, PA 18902. The Northampton County hearing will be held on June 28, 2000 at 10:30 a.m. at Northampton County Government Center, 4th floor meeting room, 669 Washington Street, Easton, PA 18042.

Persons wishing to testify at the hearing should contact Durla Lathia of the Department, Bureau of Watershed Conservation, P. O. Box 8555, Rachel Carson State Office Building, Harrisburg, PA 17105, (717) 772-4048, by 4:30 p.m. on June 23, 2000, to reserve a time to present testimony. Oral testimony will be limited to 10 minutes for each witness and written copies of the testimony should be submitted at the hearing. Each organization is requested to have one witness present testimony on its behalf. Persons wishing to present written comments directly to the Department may do so within 30 days following the hearing.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodations to participate in the proceedings should contact Durla Lathia at (717) 772-4048. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

[Pa.B. Doc. No. 00-988. Filed for public inspection June 9, 2000, 9:00 a.m.]

Downloading/Ordering Paper Copies of DEP Technical Guidance

Persons can download all guidance documents from our website at www.dep.state.pa.us. We strongly encourage utilizing Internet access for viewing documents whenever possible. If you do not have access to the Internet, copies of the latest Inventory or an unbound paper copy of any of the final documents listed on the Inventory can be ordered by calling DEP at (717) 783-8727.

In addition, bound copies of some of DEP's documents are available as DEP publications. Please check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

Here is the current list of recent changes. Persons who have any questions or comments about a particular document should call the contact person whose name and phone number are listed with each document. Persons who have questions or comments in general should call Joe Sieber at (717) 783-8727.

Draft Guidance

DEP ID: 013-0830-003 Title: Locational Data Policy Description: The policy establishes the standards for collecting and documenting latitude and longitude coordinates and elevation data for facilities, sites, monitoring points, observation points and other regulated entities or locations of interest under the jurisdiction of the Department. The policy ensures uniformity, reliability, and compatibility of DEP's locational data, thereby promoting the enhanced use of DEP's extensive data resources for cross-media environmental analyses and management decisions. Comment Period Ends: July 10, 2000 Anticipated Effective Date: July 29, 2000 Contact: Gail Jackson at (717) 772-4786, fax number is (717) 783-8470, or e-mail at Jackson.Gail@dep.state.pa.us.

DEP ID: 012-5500-01 Title: 2001 Environmental Education Grants Manual and Forms Description: The policy provides information on applying for an Environmental Education Grant, as well as to inform potential awardees as to what is involved once a grant is made. Comment Period Ends: July 10, 2000 Anticipated Effective Date: July 29, 2000 Contact: Sandy Titel at (717) 772-1828, fax number is (717) 705-4093, or email at Titel.Sandy@dep.state.pa.us.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 00-989. Filed for public inspection June 9, 2000, 9:00 a.m.]

Availability of Technical Guidance

Technical Guidance Documents are on DEP's World Wide Web site (www.dep.state.pa.us) at the Public Participation Center. The "2000 Inventory" heading is the Governor's List of Non-regulatory Documents. The "Final Documents" heading is the link to a menu of the various DEP bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to DEP's draft technical guidance documents.

DEP will continue to revise its documents, as necessary, throughout 2000.

DEPARTMENT OF HEALTH

Health Policy Board Meeting

The Health Policy Board is scheduled to hold a meeting on June 14, 2000, at 10 a.m. in Room 812, Health and Welfare Building, Seventh and Forster Streets, Harrisburg, PA.

For additional information or for persons with a disability who desire to attend the meeting and require an auxiliary aid service or other accommodation to do so, contact Karen Grosser or Dottie Pines at (717) 783-2500, V/TT (717) 783-6514 for speech and/or hearing impaired

persons or the Pennsylvania AT&T Relay Services at (800) 654-5984[TT].

This meeting is subject to cancellation without notice.

ROBERT S. ZIMMERMAN,
Secretary

[Pa.B. Doc. No. 00-990. Filed for public inspection June 9, 2000, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Availability of the Low-Income Home Energy Assistance Program Proposed State Plan and Public Hearing Schedule

The Department of Public Welfare (Department) is making available for public review and comment the Fiscal Year (FY) 2000-01 Low-Income Home Energy Assistance Program (LIHEAP) proposed State Plan. Comments on this document and testimony received at public hearings scheduled for July will be used to formulate the Department's final State Plan for using Federal funds in the FY 2000-01 LIHEAP Program.

The Department has sent advance copies of the proposed State Plan to the LIHEAP Advisory Committee. In addition, copies have been sent to fuel associations, legal service agencies and Area Agencies on Aging for distribution to their members or constituents. Other persons who want copies can obtain them after June 28, 2000, either by contacting their local county assistance office or by calling Karen Kirk at (717) 772-7906.

The Department will hold three public hearings throughout the Commonwealth to allow testimony on the proposed State Plan and fulfill the Federal mandate for public input into the planning process. This mandate appears in Title XXVI (The Low-Income Home Energy Assistance Act of 1981) (Pub. L. No. 97-35, 42 U.S.C.A. § 8621 et seq.) as amended by the Human Services Reauthorization Act of 1984 (Pub. L. No. 98-558), the Human Services Reauthorization Act of 1986 (Pub. L. No. 99-425), the Augustus F. Hawkins Human Services Reauthorization Act of 1990 (Pub. L. No. 101-501), the National Institutes of Health Revitalization Act of 1993 (Pub. L. No. 103-43), the Low-Income Home Energy Assistance Amendments of 1994 (Pub. L. No. 103-252) and the Coats Human Services Reauthorization Act of 1998 (Pub. L. No. 105-285).

Public Hearing Schedule:

July 11, 2000
10 a.m.—12 noon
Allegheny County Courthouse
Gold Room, 4th Floor
436 Grant Street
Pittsburgh, PA

July 13, 2000
10 a.m.—1 p.m.
Philadelphia County Assistance Office
LIHEAP Conference Room, 2nd Floor
4601 Market Street
Philadelphia, PA

July 14, 2000
10 a.m.—12 noon
Health and Welfare Building
Room 812 Health and Welfare Building
Forster Street
Harrisburg, PA

Persons who wish to testify on the proposed State Plan at a public hearing should arrange a time by telephoning (717) 772-7906 before June 30, 2000. Persons from outside the Harrisburg area should call toll free (800) 692-7462 or send a written request, including their telephone number, to Nancy Poindexter, Federal Programs and Program Management, Room 224, Willow Oak Building, Complex 2, Bldg. 42, P. O. Box 2675, Harrisburg, PA 17105.

Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (Voice users).

FEATHER O. HOUSTOUN,
Secretary

[Pa.B. Doc. No. 00-991. Filed for public inspection June 9, 2000, 9:00 a.m.]

Notice of Intent to Amend the TANF State Plan

The purpose of this Notice is to announce the Department of Public Welfare's (DPW) intent to amend the Commonwealth's Temporary Assistance for Needy Families (TANF) (42 U.S.C.A. §§ 601—619) State Plan to incorporate 11 initiatives that provide certain work supports and other services to eligible low-income families. Although these work supports and services are funded with TANF funds, they are excluded from the definition of "assistance" in 45 CFR 260.31. As a result, these work supports and services do not count towards the 60-month TANF time limit. In addition, persons receiving these benefits are not subject to the TANF work requirement or to a Federally-imposed child support requirement. The term used by the Federal Department of Health and Human Services to describe the TANF-funded work supports and services which do not count towards the 60-month TANF time limit is "non-assistance." Under 45 CFR 260.31, the terms "assistance" and "non-assistance" are defined below:

Assistance—includes cash payments, vouchers, and other forms of benefits designed to meet a family's ongoing basic needs (that is, food, clothing, shelter, utilities, household goods, personal care items, and general incidental expenses). Assistance also includes supportive services such as childcare and transportation for families in which adults are not employed. Receipt of assistance in any given month makes that entire month count toward the 60-month lifetime limit on TANF eligibility.

Non-Assistance—includes:

- Non-recurrent, short-term benefits that:
 - Are designed to deal with a specific crisis situation or episode of need;
 - Are not intended to meet recurrent or ongoing needs; and
 - Will not extend beyond 4 months.
- Work subsidies (that is, payments to employers or third parties to help cover the costs of employe wages, benefits, supervision and training);

- Supportive services such as child care and transportation provided to families who are employed;
- Services such as counseling, case management, peer support, child care information and referral, transitional services, job retention, job advancement and other employment-related services that do not provide basic income support.

DPW is filing this notice so that Pennsylvania will have the authority to implement the various initiatives at a future date. In accordance with 45 CFR 260.31 and subject to the availability of resources, DPW intends to provide funding included in the Fiscal Year 2000-2001 budget for the following non-assistance initiatives to certain needy families, based on the program descriptions and eligibility criteria set forth in each separate initiative. A needy family is defined in the TANF State Plan, published at 29 Pa.B. 5658 (October 30, 1999), as a minor child and his parent(s) or other adult-specified relative with whom he lives. A needy family also includes pregnant women who have no other children living with them.

- *Job Retention, Advancement and Rapid Re-employment Services.*

—Eligibility is limited to needy families whose gross annual incomes do not exceed 235% of the Federal Poverty Income Guidelines (FPIGs).

This non-assistance initiative provides job retention, advancement and rapid re-employment services to needy families who are not served through existing contracted programs. The purpose of the job retention and advancement services is to help participants retain employment and move to better employment whenever possible.

- *Place-Based Employment Options.*

—Eligibility is limited to needy families whose gross annual incomes do not exceed 235% of the FPIGs.

This initiative will bring together resources to focus on needy families in public housing developments. Public housing developments have historically been areas where long-term dependency has co-existed with poverty and joblessness. The goal of this initiative is to collaborate with public housing authorities to help transform low-work, high-welfare-dependency housing developments into high-work, low-welfare communities. Services such as job readiness/preparation, job-search instruction and life-skills classes will be provided. The two main service components will be:

- Employment-related activities and services
- Community support including fostering work-related information-sharing through peer support and aid from other residents

- *The Pennsylvania Higher Education Assistance Agency (PHEAA) Initiative.*

—Eligibility is limited to needy current and former TANF families whose gross annual incomes do not exceed 235% of the FPIGs.

Financial support in the form of loans, grants and work-study opportunities may be made available to assist certain eligible needy individuals with the costs of attending post-secondary educational programs.

- *The Community College Program.*

—Eligibility is limited to needy current and former TANF families whose gross annual incomes do not exceed 235% of the FPIGs.

This initiative supplements an existing program known as the Up Front Job Placement Program by permitting individuals who have participated in Up Front with access to a variety of programs through community colleges. To facilitate success, the community college will provide the individuals with intensive case management services. Blending the Community College initiative with the Up Front Program encourages individuals who may be new to the welfare rolls to engage early in training activities that lead to permanent employment. In addition, DPW will set aside funding for community colleges to design and develop remedial curricula for working TANF or former TANF families.

- *Childcare provided to Employed Families.*

—Eligibility is limited to employed needy current and former TANF families whose gross annual incomes do not exceed 235% of the FPIGs.

This initiative provides subsidized childcare benefits to eligible employed families who need childcare to participate in unsubsidized employment, subsidized employment and/or education/training activities.

- *Workforce Investment Boards (WIBs) Transportation Grant Initiative.*

—Eligibility is limited to employed needy families whose gross annual incomes do not exceed 235% of the FPIGs.

This initiative funds additional transportation services to employed families in an effort to resolve specific public transportation-related barriers, including linkages to childcare, and second- and third-shift employment for those transitioning to self-sufficiency.

- *Eyeglass and Hearing Device Initiative—Non-Medical.*

—Eligibility is limited to needy current and former TANF families whose gross annual incomes do not exceed 235% of the FPIGs.

This initiative provides a cost-limited non-recurring, short-term benefit toward the actual cost for the purchase of eyeglasses and/or hearing exams and devices to help clients seek and maintain employment. These benefits are available to eligible clients through the DPW Employment and Training Program-contracted provider in whose program they are participating.

- *The Workforce Investment Act's (WIA) Youth Development Program.*

—Eligibility is limited to youth between the ages of 14 and 21 who are enrolled in the Summer Youth Program administered by the Department of Labor and Industry.

This initiative is a work-based learning opportunity provided to youth ages 14-21 through local Workforce Investment Boards. This program supports the following goals:

- Improving educational achievement
- Preparing for and succeeding in employment
- Supporting life-skill development
- Developing youth potential, including leadership opportunities

- *Clients with Mental Health, Substance Abuse, Developmental and Learning Disabilities and Related Barriers to Employment—Non-Medical.*

—Eligibility is limited to needy current and former TANF families whose gross annual incomes do not exceed 235% of the FPIGs.

This initiative provides specialized services to enable current and former TANF families with barriers to begin employment or to continue to work. These specialized services include mental health services, anger management counseling, non-medical substance abuse counseling services, assessment and evaluation for developmental and learning disabilities, assistive technology and equipment, and vocational rehabilitation services to needy individuals who have physical or mental disabilities. Continuation of services that were critical in helping families find employment may also be critical in helping them maintain employment.

- *The Fatherhood Initiative.*

—Eligibility is limited to non-custodial parents of TANF minor dependent children, when the gross annual incomes of these non-custodial parents do not exceed 235% of the FPIGs.

This initiative is designed to assist non-custodial mothers or fathers of TANF minor dependent children return to or remain in school, obtain their high school diplomas or GEDs, develop responsible parenting skills, become positive role models for their children and become productive members of their communities. Services to be provided include intensive case management, anger management, parenting and child development education and problem-solving skills.

- *Home Access Program Initiative.*

—Eligibility for benefits in this initiative is limited to needy families whose gross annual incomes do not exceed 235% of the FPIGs.

This initiative is designed to provide assistance to repair homes by non-recurring, short-term benefits to low-income families that include a disabled adult or child in the household. These benefits may be provided to such families who are in the process of purchasing a home where repairs are needed to facilitate accessibility, or to families who presently own a home needing repairs. Benefits may be offered to homeowners and potential homeowners to support efforts to become self-sufficient and secure or retain work. Many existing homes contain obvious barriers to persons with disabilities, making it difficult for those persons to enter or leave their living quarters to seek and maintain employment. Also, some individuals may unexpectedly acquire a disability and find that their home contains structural barriers making them virtually homebound and unable to return to work.

This notice and subsequent State Plan amendments do not create a duty or obligation upon DPW to establish, continue, renew or extend availability of the above-stated non-assistance services and/or benefits.

DPW invites interested persons to submit written comments regarding this notice within 30 days. Comments should be addressed to Edward J. Zogby, Director, Bureau of Policy, Office of Income Maintenance, Room 431, Health and Welfare Building, P. O. Box 2675, Harrisburg, PA 17105-2675.

Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (Voice users).

FEATHER O. HOUSTON,
Secretary

Fiscal Note: 14-NOT-244. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 00-992. Filed for public inspection June 9, 2000, 9:00 a.m.]

Notice of Rule Change; Employment Requirements for Two-Parent Households: Revising the Definition of Unemployment

By this notice, the Department of Public Welfare (DPW) announces its intent to amend 55 Pa. Code Chapter 153, Deprivation of Support or Care. The changes to Chapter 153 are based on a provision in the current Temporary Assistance for Needy Families (TANF) State Plan, published at 29 Pa.B. 5658 (October 30, 1999). This provision specifies that DPW is revising the definition of unemployment so that working parents who meet financial eligibility requirements and are otherwise eligible may receive TANF until their income exceeds eligibility limits or they exhaust their 60 months of TANF.

The changes set forth in this Notice of Rule Change will apply to TANF applicants and recipients effective July 3, 2000. This change also applies to TANF-related Medicaid applicants and recipients as defined at 55 Pa. Code §§ 178.11(5)(i) and (ii) and 178.12(6)(i) and (ii) (relating to categories of NMP-MA; and categories of MNO-MA) effective July 3, 2000.

The following changes affect the TANF program. Each policy revision identifies the 55 Pa. Code section that is being amended:

1. § 153.44(d)(1)(i)(B)

Current regulations provide that at least one parent, the Principal Wage Earner (PWE), in a two-parent household must meet certain conditions to establish deprivation under the TANF Unemployed Parent category. One condition is that the parent be unemployed for at least 30 days.

This subparagraph is revised to eliminate the 30-day period of unemployment. As a result, a two-parent family otherwise eligible will qualify for TANF as soon as they meet the income limits, which will vary from case to case depending on timing and the amount of the last paycheck.

2. § 153.44(d)(1)(ii)

Current regulations define unemployment as: having no work, having part-time work, or having "on-the-job" training in a project that is approved or recommended by the Job Service or the Employment and Training Program.

This amendment revises the definition of unemployment. The phrase "having part-time work" is deleted; it is replaced with the phrase, "having work in which the net income, after allowable deductions as set forth in § 183.94 and § 183.98 (relating to TANF earned income deductions), and unearned income and lump sum income deductions), is less than the family size allowance for the budget group." This change allows otherwise eligible two-parent families, including those with an employed PWE, to receive TANF until they are no longer financially eligible or until they exhaust their 60 months of TANF eligibility.

3. § 153.44(d)(1)(iii)

This paragraph is deleted. A definition of the term "part-time work" is unnecessary since "part-time work" is eliminated from the definition of unemployment at § 153.44(d)(1)(ii).

The following technical change affects TANF-related Medicaid:

1. §§ 178.11(5)(i) and (ii) and 178.12(6)(i) and (ii)

These paragraphs contain a cross-reference to § 153.44(d). No regulatory change is made to these paragraphs; however, the rules as defined in § 153.44(d) apply to TANF-related Medicaid applicants and recipients.

Failure by the DPW to implement the provisions of this Notice of Rule Change will result in noncompliance with the TANF State Plan published at 29 Pa.B. 5658 (October 30, 1999).

This Rule Change has been reviewed and approved by the Office of General Counsel and the Office of Attorney General.

This Rule Change is made under the Joint Committee on Documents Resolution 1998-1(2), 28 Pa.B. 2629 (June 6, 1998). This Rule Change will be in effect for 365 days pending adoption of final rulemaking by DPW.

Public comments to this Rule Change may be made by writing to Edward J. Zogby, Director, Bureau of Policy, Office of Income Maintenance, Room 431, Health and Welfare Building, Harrisburg, PA 17105.

Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (Voice users).

FEATHER O. HOUSTOUN,
Secretary

Fiscal Note: 14-NRC-75. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 00-993. Filed for public inspection June 9, 2000, 9:00 a.m.]

Notice of Rule Change; Increases in Payment for Burial and/or Cremation and Maximum Amount of Excluded Contributions

By this notice, the Department of Public Welfare (DPW) announces that effective July 3, 2000, the maximum payment for burial and/or cremation for eligible persons is raised to \$750 (\$600 for goods and services, \$150 for interment). In accordance with 55 Pa. Code § 285.3(e), various contributions by any agency or person are excluded up to a total of \$750 and will not reduce DPW's payment. The contributions are for items not included in the minimum standards for burial and/or cremation as set forth in § 285.3(c). Excluded contributions are identified in § 285.3(e).

The Public Welfare Code (62 P. S. §§ 101—1503) gives DPW the authority to establish rules, regulations and standards as to eligibility for burial and cremation payments. The current DPW burial and/or cremation payment for deceased persons who were eligible for or receiving a money payment—Temporary Assistance for Needy Families, General Assistance, State Blind Pension or Supplemental Security Income—is decreased in an amount equal to the total non-excluded resources considered available to the deceased, including those that may

be in the estate of or payable to the deceased, or contributed on behalf of the deceased towards the cost for the minimum standards for burial and/or cremation as set forth in § 285.3(c). Payments are made to a funeral director who is an enrolled provider when the regulations governing eligibility and the standards for a decent burial and/or cremation are met. Current maximum payments were adopted effective August 5, 1977, at 7 Pa.B. 2180. The payments set at that time did not reflect prevailing burial costs.

In accordance with DPW's authority to establish standards for burial and/or cremation payments, and in keeping with a mandate to provide basic needs and services to indigent citizens, the maximum payments are hereby revised.

Effective July 1, 2000, a deceased person of any age who received or was eligible to receive a money payment—Temporary Assistance for Needy Families, General Assistance, State Blind Pension or Supplemental Security Income—may be eligible for a maximum burial and/or cremation payment of \$750, if there are no resources that reduce the payment. By this rule change, §§ 285.3(d) and (e) are revised to reflect the increase to the maximum payments for burial and/or cremation, elimination of the sliding payment scale based on the age of the deceased, and increase in the maximum amount of excluded contributions.

This Rule Change has been reviewed and approved by the Office of General Counsel and the Office of Attorney General.

This Rule Change is made under the Joint Committee on Documents Resolution 1998-1(2), 28 Pa.B. 2629 (June 6, 1998). This Rule Change will be in effect for 365 days pending adoption of final rulemaking by DPW.

Public comments to this Rule Change may be made by writing to Edward Zogby, Director, Bureau of Policy, Office of Income Maintenance, Room 431, Health and Welfare Building, Harrisburg, PA 17105.

Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (Voice users).

FEATHER O. HOUSTOUN,
Secretary

Fiscal Note: 14-NRC-77. (1) General Fund; (2) Implementing Year 1999-00 is \$0.930 Million; (3) 1st Succeeding Year 2000-01 is \$1.116 Million; 2nd Succeeding Year 2001-02 is \$1.116 Million; 3rd Succeeding Year 2002-03 is \$1.116 Million; 4th Succeeding Year 2003-04 is \$1.116 Million; 5th Succeeding Year 2004-05 is \$1.116 Million; (4) 1998-99 Program—\$695.935 Million; 1997-98 Program—\$662.740 Million; 1996-97 Program—\$798.836 Million; (7) Medical Assistance—Outpatient; (8) recommends adoption. Funds are available to cover the cost of implementing these changes.

[Pa.B. Doc. No. 00-994. Filed for public inspection June 9, 2000, 9:00 a.m.]

Notice of Rule Change; Revision to Chapter 187, Support from Relatives Not Living with the Client, to Support Implementation of the Family Violence Option

By this notice, the Department of Public Welfare (DPW) announces its intent to amend 55 Pa. Code Chapter 187,

to establish rules and procedures to identify victims of domestic violence, waive child support requirements for them, and refer them for appropriate counseling. These changes are based on provisions of Federal law applicable to the Temporary Assistance to Needy Families (TANF) program, but will also be applicable to the state-funded General Assistance (GA) program. One of the cornerstones of TANF is the establishment of paternity and the pursuit and enforcement of child and spousal support. This principle supports the goal of aiding families in reaching self-sufficiency. A state is permitted to waive the requirement for applicants and recipients to cooperate in establishing paternity and obtaining child support, as part of its efforts for victims of domestic violence. Pennsylvania announced its intent to implement special provisions for victims of domestic violence in the TANF State Plan, Item VI.A.15, published at 27 Pa.B. 342, 350 (January 18, 1997).

The changes announced in this notice are based on provisions of Section 103(a)(1) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) (Pub. L. No. 104-193), amending Sections 402(a)(7) and 408(a)(7)(C)(iii) of the Social Security Act (42 U.S.C.A. §§ 602(a)(7) and 608(a)(7)(C)(iii)). Section 402(a)(7) of the Social Security Act, 42 U.S.C.A. § 602(a)(7), gives states the option to include in their TANF plan provisions to screen and identify victims of domestic violence, refer those individuals to counseling and supportive services, and waive certain program requirements, including support requirements, for those individuals as needed. This option is referred to as the Family Violence Option (FVO). The elements of this option are set forth in 42 U.S.C.A. § 602(a)(7)(A). The state must have standards to:

- (a) screen and identify victims of domestic violence while maintaining the confidentiality of such individuals,
- (b) refer such individuals to counseling and supportive services, and
- (c) waive, pursuant to a determination of good cause, certain program requirements for up to six months where compliance with such requirements would make it more difficult for individuals receiving Temporary Assistance for Needy Families (TANF) (42 U.S.C.A. §§ 601—619) cash assistance to escape domestic violence or unfairly penalize such individuals who are or have been victimized by such violence, or individuals who are at risk of further domestic violence. A reassessment of the waiver will take place every six months to determine if the waiver is still necessary and if the services plan is still appropriate.

In addition, former Federal child support regulations found at 45 CFR Chapter 232, which had been the basis for Pennsylvania's child support regulations, were rescinded in December 1997. Consequently, DPW has developed new policy and revised existing policy as necessary to support implementation of the FVO when the determination of non-cooperation and good cause is made by the local County Assistance Office (CAO).

These changes are also based in part on Federal regulations implementing the TANF program, found at 45 CFR 260.50—260.59, and on section 4372(b) of the Domestic Relations Code, 23 Pa.C.S. § 4372(b).

The changes set forth in this Notice of Rule Change will be applied to applicants and recipients effective July 3, 2000.

The following changes in requirements apply to the TANF and General Assistance programs. Each change in

policy described also identifies the section of Title 55 of the Pennsylvania Code that is being amended.

1. Process for Establishing Good Cause/New Verification Form

Current regulations describe the requirements for establishing good cause.

This Notice of Rule Change revises the standards and process for establishing good cause, including a new verification form and a new process to verify good cause by client affirmation for domestic violence victims. This regulation is therefore amended to reference the new procedure described in subparagraph (iii), as amended.

55 Pa. Code § 187.23(a)(3); Pub. L. No. 104-93, Title I, Section 103 (42 U.S.C.A. § 602(a)(7)(A)(iii))

2. How Good Cause is Established

Current regulations provide for waiving cooperation requirements for good cause if cooperation in establishing paternity or obtaining child support will result in serious physical or emotional harm to the child or serious physical or emotional harm to the mother or other caretaker/relative with whom the child is living to the degree that it reduces her capacity to care for the child adequately.

This amendment removes the terms "serious" as it describes physical or emotional harm.

This amendment also removes the phrase "with whom the child is living to the degree that it reduces that individual's capacity to care for the child adequately." Deleting this phrase removes the subjective determination regarding the applicant's or recipient's ability to care for a child while a victim of domestic violence. The "capacity to care for the child" requirement was an element of the rescinded Federal regulations which defined good cause circumstances to be circumstances under which cooperation may be "against the best interests of the child." The FVO, because of its independent interest in the safety of the parent as well as the child, is not guided merely by a best interests of the child standard.

This amendment also provides for additional circumstances that, when present, are criteria for the establishment of good cause due to domestic violence. Good cause is established if cooperation may result in, and the individual or family member has been subjected to:

- physical acts that resulted in, or threatened to result in, physical injury to the individual;
- sexual abuse;
- sexual activity involving a dependent child;
- being forced as the caretaker relative of a dependent child to engage in nonconsensual sexual acts or activities;
- threats of, or attempts at, physical or sexual abuse;
- mental abuse;
- good cause may also be established if cooperation would make it more difficult for individuals receiving TANF or General Assistance to escape domestic violence; or
- unfairly penalize such individuals who are or have been victimized by such violence, or individuals who are at risk of further domestic violence.

55 Pa. Code § 187.23(a)(3)(i)(A); Pub. L. No. 104-93, Title I, Section 103 (42 U.S.C.A. § 602(a)(7)(A)(iii)):

3. Evidence to Corroborate Good Cause/Verification of Good Cause Based on Domestic Violence Form

Current regulations provide a list of types of evidence that may be used to corroborate good cause.

This amendment adds the requirement that a Verification of Good Cause Based on Domestic Violence form is completed at application when an applicant claims good cause based on domestic violence. This form is also completed when the good cause waiver is reviewed but no less often than every six months. The form is used to:

- Accompany acceptable verification that an applicant or recipient has provided of the good cause claim; or
- Authorize by written consent of the applicant or recipient that a third party may provide verification/corroboration of the good cause claim; or
- Grant good cause for up to six months when an applicant or recipient affirms she is unable to safely obtain evidence to verify the claim of domestic violence within the established time frames for providing verification.

After six months, an applicant or recipient who continues to claim good cause may establish that claim by providing any of the items of verification listed in subsection (ii). If, after six months, the applicant or recipient is unable to provide documentation of her claim other than her initial affirmation, the CAO will make a determination of good cause based on a current assessment of the recipient's circumstances by a domestic violence counselor or other person trained in domestic violence and substantiated by completion of the Verification of Good Cause Based on Domestic Violence form.

55 Pa. Code § 187.23(a)(3)(ii); Pub. L. No. 104-93, Title 1, Section 103 (42 U.S.C.A. § 602(a)(7)(A)(iii)):

4. Sworn Third Party Statements as Evidence of Good Cause

Current regulations provide that sworn statements from individuals with knowledge of the circumstances which provide the basis for the good cause claim are acceptable evidence of the good cause claim.

This amendment deletes the term "sworn." In addition to those items listed in the current regulation, acceptable evidence includes, but is not limited to, a statement from an individual with knowledge of the circumstances which provide the basis for the good cause claim, including a domestic violence service provider, a medical, psychological, or social service provider, a law enforcement professional, a legal representative, an acquaintance, friend, relative, or neighbor of the claimant, or other person.

55 Pa. Code § 187.23(a)(3)(ii)(F); Pub. L. No. 104-93, Title 1, Section 103 (42 U.S.C.A. § 602(a)(7)(A)(iii)):

5. Time Frame for Authorizing Assistance When Good Cause is Claimed

Current regulations provide that an applicant or recipient has 20 days from the date the good cause claim is made to provide corroborative evidence of the good cause claim.

This amendment provides that assistance will be authorized no later than 30 days following application where the applicant claims good cause due to domestic violence and verification is not readily available or is pending from a third party. This is consistent with the manner in which other applicants are treated when certain eligibility factors are not readily available or pending from a third party.

55 Pa. Code § 187.23(a)(3)(iii); Pub. L. No. 104-93, Title 1, Section 103 (42 U.S.C.A. § 602(a)(7)(A)(iii)):

6. CAO Investigation of Good Cause Claim

Current policy provides the procedures that apply when verification is not available to prove that domestic violence exists. The CAO may conduct an investigation and may also attempt to determine the credibility of the client.

This amendment deletes the text of 55 Pa. Code §§ 187.23(a)(3)(v) and (vi), 187.23(4)(ii) and portions of 187.23(a)(4) because this Notice of Rule Change revises the process for establishing good cause at 55 Pa. Code § 187.23(a)(3)(ii) and (iii), making the deleted sections irrelevant and unnecessary.

55 Pa. Code § 187.23(a)(3)(v) and (vi) and (4), and (4)(ii); Pub. L. No. 104-93, Title 1, Section 103 (42 U.S.C.A. § 602(a)(7)(A)(iii)):

7. No CAO Contact with the Alleged Perpetrator Pending Good Cause Waiver

Current regulations permit the CAO to contact the putative father or non-custodial parent when such contact is determined necessary to establish the good cause claim.

This amendment clarifies that the putative father or non-custodial parent should not be contacted to verify good cause in a domestic violence situation. Such contact could endanger the safety of a victim of domestic violence by inciting the abuser to violence or disclosing her location. The alleged abuser may not be a source of accurate information regarding domestic violence.

55 Pa. Code § 187.23(a)(3)(vi); Pub. L. No. 104-93, Title 1, Section 103 (42 U.S.C.A. § 602(a)(7)(A)(iii)):

8. Deletion of Obsolete Good Cause Procedure

Current regulations provide a procedure that applies when the CAO is determining good cause based on physical or emotional harm to the parent.

This amendment deletes this regulation. In light of the revised standards and process for establishing good cause, this regulation is no longer needed.

55 Pa. Code § 187.23(a)(4)(iii); Pub. L. No. 104-93, Title 1, Section 103 (42 U.S.C.A. § 602(a)(7)(A)(iii)):

9. Final Authority of CAO to Establish Good Cause

Current regulations provide a process for giving the Bureau of Child Support Enforcement the opportunity to review and comment on the CAO's findings on good cause.

This amendment deletes those portions of the regulations. The regulations give the CAO final authority to make good cause determinations, making these provisions unnecessary. This amendment also makes explicit that the applicant is notified of the good cause determination.

55 Pa. Code § 187.23(a)(4)(iv) and (v); Pub. L. No. 104-93, Title 1, Section 103 (42 U.S.C.A. § 602(a)(7)(A)(iii)):

10. Time Frame for Support/Paternity Action After Denial/Expiration of Good Cause Claim

Current regulations provide that the Bureau of Child Support Enforcement will not attempt to establish paternity or obtain support during the time of a good cause waiver.

This amendment expands the policy to provide that neither DPW nor the Bureau of Child Support Enforcement will attempt to establish paternity or obtain support

for at least 30 days after the client has been informed orally and in writing of the denial of the good cause claim.

55 Pa. Code § 187.23(a)(4)(iv) and (v); Pub. L. No. 104-93, Title 1, Section 103 (42 U.S.C.A. § 602(a)(7)(A)(iii)):

11. Review of Good Cause Waiver at Redetermination

Current regulations require the CAO to review the circumstances of the good cause waiver at each eligibility review.

This amendment is added to clarify that a recipient who provided corroborative evidence of the good cause claim does not have to provide additional corroborative evidence upon reassessment of good cause if circumstances have not changed since the initial waiver was approved. However, the recipient must establish that continuation of the good cause waiver is necessary by providing a Verification of Good Cause Based on Domestic Violence form completed by a domestic violence counselor or other person trained in domestic violence.

55 Pa. Code § 187.23(a)(4)(viii); Pub. L. No. 104-93, Title 1, Section 103 (42 U.S.C.A. § 602(a)(7)(A)(iii)):

12. Individualized Safety and Services Plan

This amendment provides that the CAO will waive cooperation requirements under a determination of good cause based on domestic violence. Simultaneously, the CAO will refer the applicant or recipient to counseling and supportive services. The applicant or recipient must cooperate with the appropriate agency to develop an individualized safety and services plan. The services plan will:

- be developed by a person trained in domestic violence;
- reflect the individualized assessment and any revisions indicated by the redetermination of the good cause waiver;
- be designed to help lead to work to the extent that compliance with program requirements does not make it more difficult to escape domestic violence or unfairly penalize those who are or have been victimized by such violence or who are at risk of further domestic violence; and
- be maintained in the files of the originating agency.

This amendment also provides that an applicant or recipient's failure to cooperate in the development of a services plan or failure to comply with a services plan,

without good cause, may result in the denial of the good cause waiver.

55 Pa. Code § 187.23(a)(4)(x); Pub. L. No. 104-93, Title 1, Section 103 (42 U.S.C.A. § 602(a)(7)(A)(iii)):

13. Good Cause Requirements/Spousal Support

Current regulations provide a requirement for seeking spousal support.

This amendment provides that an individual will be excused from seeking spousal support when good cause is established under the standards and procedures set forth in subsection (a) of this section.

55 Pa. Code § 187.23(b); Pub. L. No. 104-93, Title 1, Section 103 (42 U.S.C.A. § 602(a)(7)(A)(iii)):

Failure by DPW to implement the provisions of this Notice of Rule Change will result in noncompliance with the TANF State Plan as published at 29 Pa.B. 5658 (October 30, 1999).

This Rule Change has been reviewed and approved by the Office of General Counsel and the Office of Attorney General.

This Rule Change is made under the Joint Committee on Documents Resolution 1998-1 (2), 28 Pa.B. 2629 (June 6, 1998). This Rule Change will be in effect for 365 days pending adoption of final rulemaking by DPW.

Public comments to this Rule Change may be made by writing to Edward J. Zogby, Director, Bureau of Policy, Office of Income Maintenance, Room 431, Health and Welfare Building, Harrisburg, PA 17105.

Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (Voice users).

FEATHER O. HOUSTOUN,
Secretary

Fiscal Note: 14-NRC-76. (1) General Fund; (2) Implementing Year 1999-00 is \$77,000; (3) 1st Succeeding Year 2000-01 is \$77,000; 2nd Succeeding Year 2001-02 is \$77,000; 3rd Succeeding Year 2002-03 is \$77,000; 4th Succeeding Year 2003-04 is \$77,000; 5th Succeeding Year 2004-05 is \$77,000; (4) 1998-99 Program—\$259.688 Million; 1997-98 Program—\$323.388 Million; 1996-97 Program—\$523.236 Million; (7) Cash Grants; (8) recommends adoption. Funds are available to cover the cost of this rule change.

[Pa.B. Doc. No. 00-995. Filed for public inspection June 9, 2000, 9:00 a.m.]

DEPARTMENT OF REVENUE

Realty Transfer Tax; 1999 Common Level Ratio Real Estate Valuation Factors

The following real estate valuation factors are based on sales data compiled by the State Tax Equalization Board in 1998. These factors are the mathematical reciprocals of the actual common level ratio. For Pennsylvania Realty Transfer Tax purposes, these factors are applicable for documents accepted from July 1, 2000 to June 30, 2001, except as indicated. The date of acceptance of a document is rebuttably presumed to be its date of execution, that is, the date specified in the body of the document as the date of the instrument (61 Pa. Code § 91.102).

<i>County</i>	<i>Common Level Ratio Factor</i>	<i>County</i>	<i>Common Level Ratio Factor</i>	<i>County</i>	<i>Common Level Ratio Factor</i>
Adams	2.60	Elk	5.24	Montour	10.42
Allegheny	5.24	Erie	11.91	Northampton	2.06
Armstrong	2.24	Fayette	9.71	Northumberland	14.49

<i>County</i>	<i>Common Level Ratio Factor</i>	<i>County</i>	<i>Common Level Ratio Factor</i>	<i>County</i>	<i>Common Level Ratio Factor</i>
Beaver	2.83	Forest	3.57	Perry	7.35
Bedford	10.99	Franklin	14.29	Philadelphia	3.43
Berks	1.04	Fulton	6.45	Pike	3.26
Blair	9.35	Greene	3.56	Potter	9.01
Bradford	2.13	Huntingdon	5.13	Schuylkill	2.19
Bucks	22.73	Indiana	6.58	Snyder	5.32
Butler	8.07	Jefferson	4.98	Somerset	2.21
Cambria	5.78	Juniata	6.99	Sullivan	3.64
Cameron	2.69	Lackawanna	4.93	Susquehanna	2.09
Carbon	11.24	Lancaster	1.07	Tioga	3.01
Centre	2.30	Lawrence	5.53	Union	5.50
Chester	1.11	Lebanon	10.87	Venango	5.50
Clarion	4.20	Lehigh	2.06	Warren	2.56
Clearfield	4.67	Luzerne	13.16	Washington	5.38
Clinton	3.39	Lycoming	1.48	Wayne	11.63
Columbia	2.74	McKean	4.20	Westmoreland	4.22
Crawford	2.63	Mercer	9.90	Wyoming	3.39
Cumberland	15.63	Mifflin	1.87	York	1.06
Dauphin	1.87	Monroe	4.27		
* Delaware	1.00	Montgomery	1.07		

* Adjusted by the Department of Revenue to reflect assessment base change effective January 1, 2000.

ROBERT A. JUDGE, Sr.,
Secretary

[Pa.B. Doc. No. 00-996. Filed for public inspection June 9, 2000, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Finding

Bucks County

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

The Federal Highway Administration and the Department of Transportation plan to construct a loop ramp in the southeast quadrant of the S.R. 0095/S.R. 0332 interchange in Lower Makefield Township, Bucks County.

The subject project will require right-of-way from the John Brown, Jr. Farmstead and the Joseph Satterthwaite Farmstead, which have been determined eligible for the National Register of Historic Places and are considered Section 2002/Section 4(f) resources. The proposed project will have no adverse effect on the resources.

This project will use 1.43 hectares (3.54 acres) plus 0.224 hectares (0.555 acres) of property required for a drainage easement from the John Brown, Jr. Farmstead and 1.34 hectares (3.31 acres) from the Joseph Satterthwaite Farmstead.

Mitigation measures will include preparation and implementation of a landscaping design, which will be integrated with the placement of right-of-way fence to serve as a visual screen from the interchange ramps along the eastern edge of the loop ramp adjacent to the Farmsteads.

The environmental, economic, social, and other effects of the proposed project as enumerated in Section 2002 of the Administrative Code, have been considered. It has been concluded that there is no feasible and prudent

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

No adverse environmental effect is likely to result from this highway construction project.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 00-997. Filed for public inspection June 9, 2000, 9:00 a.m.]

Finding

Clarion County

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

The Department of Transportation plans to provide a new bridge to carry Breniman Road (T-577) over Toby Creek since the former bridge was destroyed during the July 1996 flood. The bridge location lies completely within State Game Land No. 72. The effect of this project on the State Game Land will be mitigated by the following measures to minimize harm to the resource:

1. Transferring any abandoned right-of-way needed for the previous structure to the PA Game Commission.
2. Revegetating the areas disturbed during construction. Revegetation is to be done under the guidance of the PA Game Commission's Land Management Officer.

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

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

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 00-998. Filed for public inspection June 9, 2000, 9:00 a.m.]

Retention of Engineering Firms

Erie County

Project Reference No. 08430AG2565

The Department will retain an engineering firm for a multi-phase, specific project agreement to provide environmental studies, preliminary engineering, final design, shop drawing review and consultation during construction for S.R. 4026, Section A00 (South Hills Road Extension) in Millcreek and Summit Townships, Erie County, Engineering District 1-0.

The primary purpose of this project is to develop an east-west roadway parallel to Interstate 90 from Sterretania Road (TR 832) to Route 8.

The selected firm will be required to attend an agency scoping field view; perform a needs analysis; prepare an environmental assessment; perform field surveys; prepare a location study with a preferred alternative; prepare plans, profiles, typical sections, and cross sections; soils and geological investigation; erosion and sedimentation control plan; right of way plan submission; utility submission; traffic investigations; prepare a structure design with associated permits; final roadway design; construction plans; and prepare a PS&E submission (plans, specifications and estimate submission). The attendance at various public meetings is required. The consultant will be required to provide material and attend a safety review meeting, attend various field views, and provide efficient project management. Services during construction will include construction consultation and shop drawing review.

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

- a) Specialized experience and technical competence of the firm. The specific experience of individuals and available staffing for this assignment will be considered.
- b) Understanding of the Department's requirements, Design Manuals, policies and specifications.
- c) Past record of performance with respect to cost control, work quality, and ability to meet schedules.
- d) Project management skills and public involvement experience. The specific experience of individuals who constitute the firms will be considered.
- e) Method of controlling quality of projects and submissions. Consideration will be given to coordination between disciplines, subconsultants, etc.
- f) Location of consultant with respect to the District. This will include ability/provisions for quick responses to District requests.

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 con-

tained in the General Requirements and Information Section after the advertised project(s).

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

The Letter of Interest submission shall be sent to:

Mr. John L. Baker, P.E., District Engineer
Engineering District 1-0
255 Elm Street
Oil City, Pa 16301
Attn: Ms. E. Mariah Hanson

The Letter of Interest submission for this project reference number must be received at the address listed above by 4:30 p.m. prevailing time on the twentieth (20) day following the date of this Notice.

Any technical questions concerning the requirements for this project should be directed to: Mr. Michael L. McMullen, P.E., District 1-0, at (814) 678-7077 or Ms. E. Mariah Hanson, District 1-0, at (814) 678-7078, fax number (814) 678-7036.

Bedford, Blair, Cambria, Fulton, Huntingdon, and Somerset Counties Project Reference No. 08430AG2566

The Department will retain an engineering firm to provide supplementary construction inspection staff of approximately twelve (12) inspectors, under the Department's Inspector(s)-in-Charge to perform construction inspection services on various Highway Occupancy Permit projects in Engineering District 9-0; that is, Bedford, Blair, Cambria, Fulton, Huntingdon, and Somerset Counties. The Agreement will be for a period of sixty (60) months, with a maximum cost of five hundred thousand dollars (\$500,000).

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 order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- a. Review of inspectors' resumes with emphasis on construction inspection capabilities, and Department and District 9-0 experience.
- b. Specialized experience in the Maintenance and Protection of Traffic, soils, structures, concrete and asphalt paving, drainage, and wetlands.
- c. Number of NICET and NECEPT certified inspectors in each payroll classification.
- d. Understanding of Department's requirements, policies, and specifications.
- e. Past performance, with particular emphasis being placed on the firm's demonstrated commitment to customer service, customer satisfaction, partnering and dedicated support staff.
- f. Number of available inspectors in each payroll classification.

A minimum of two (2) inspectors must be certified by the Northeast Center of Excellence for Pavement Technology (NECEPT) as Field Technicians.

A minimum of one (1) inspector must be a licensed nuclear operator.

Letters of interest must clearly indicate which inspectors meet these requirements.

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>
Trans. Construction Inspector-Materials (TCI-M) (NICET Highway Materials Level 2 or equivalent)	2 (1)
Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent)	10 (5)

The numbers in parenthesis above indicate the number of inspectors in each Classification that must meet at least one (1) of the following requirements:

1. Be certified by the National Institute for Certification in Engineering Technologies (NICET) in the field of Transportation Engineering Technology, subfield of Highway Construction, or subfield of Highway Materials, at the Level required for the Inspection Classification.
2. Be registered as a Professional Engineer by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
3. Be certified as an Engineer-in-Training by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
4. Hold a Bachelor of Science Degree in Civil Engineering or a Bachelor of Science Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.
5. Hold an Associate Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

The maximum reimbursement per hour of inspection for each Department Payroll Classification for calendar year of 2000:

<i>Payroll Classification</i>	<i>Maximum Straight Time Reimbursement Per Hour Of Inspection</i>
(TCI-Materials)	\$37.65
(TCI)	\$36.53

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

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

The firm selected may be required to attend a pre-construction conference with the Department and the construction contractor for this project. Under the supervision and direction of the Department, the selected firm

will be required to keep records and document the construction work; assist the Department in obtaining compliance with the labor standards, safety and accident prevention; and perform other duties as may be required. Firms applying must have qualified personnel capable of climbing structures during rehabilitation or construction.

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

- 1 Nuclear Densometer Gauge/License at point of need, when needed
- 6 Pagers
- 6 Cellular Phones (for Engineer's employees only)
- 1 Camera (digital)

The maximum number of resumes to be included in the letter of interest shall be as follows:

<i>Classification</i>	<i>No. of Resumes</i>
TCI-M	2
TCI	10

Resumes shall clearly show the individual's construction inspection experience and/or related experience within the past five years, identifying the dates, project location, description of work, and owner/client.

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

The Letter of Interest submission shall be sent to:

Mr. Earl L. Neiderhiser, P.E., District Engineer
Engineering District 9-0
1620 North Juniata Street
Hollidaysburg, PA 16648

The Letter of Interest submission for this project reference number must be received at the address listed above by 4:30 p.m. prevailing time on the twentieth (20th) day following the date of this Notice.

Any technical questions concerning the requirements for this project should be directed to Mr. Vincent L. Dodson, P.E., District 9-0, at 814-696-7137, fax number 814-696-7146.

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 presumptive group, within the definition of Disadvantaged Business Enterprise (DBE). The goal for DBE participation shall be as stated in the individual project advertisement. Responding firms shall make good faith efforts to meet the DBE goal using DBEs (as they are defined prior to the act, WBEs or combinations thereof).

Proposing DBE firms must be certified at the time of submission of the Letter of Interest. If the selected firm fails to meet the established DBE participation goal, it shall be required to demonstrate its good faith efforts to attain the goal.

Responses are encouraged by small firms, Disadvantaged Business Enterprise (DBE) firms, and other firms who have not previously performed work for the Department of Transportation.

The assignment of the agreement/contract for the above advertisement(s) will be made to one of the firms who submitted an acceptable Letter of Interest in response to the project advertisement. The assignment will be made based on the Department's evaluation of the firm's qualification and capabilities. The Department reserves the right to reject all letters submitted, to cancel the solicitations requested under this Notice, and/or to readvertise solicitation for the work and services.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 00-999. Filed for public inspection June 9, 2000, 9:00 a.m.]

HUMAN RELATIONS COMMISSION

Public Hearing Opinions

The Human Relations Commission, under section 7(o) of the Pennsylvania Human Relations Act (43 P. S. § 957(o)) (act) hereby announces the publication of the Findings of Fact, Conclusions of Law, Opinion and Final Order made after a public hearing under section 9(e)—(g) of the act (43 P. S. § 959(e)—(g)), in the following cases:

James D. Whitman v. Buckwalter Construction, Inc.; Doc. No. E67927H; (Pennsylvania Human Relations Commission, May 23, 2000); Disability-based refusal to recall; Ruling for Respondent, 8-0 decision; 26 pages

Alicia Cintron v. Solid Waste Services, Inc., dba J.P. Mascaro & Sons; Doc. No. E79969D; (Pennsylvania Human Relations Commission, May 23, 2000); Gender-based refusal to hire; Ruling for Complainant, 8-0 decision; 26 pages

The final orders in the listed cases are subject to appeal to Commonwealth Court, and if appealed are subject to being affirmed, reversed or modified, in whole or part.

A copy of the opinions listed in this notice may be obtained by mailing a request indicating the opinion desired, accompanied by a check or money order in the amount of 10¢ per page (the number of pages in the opinion is set forth at the end of the case listing), to Laura J. Treaster, Information Director, Human Relations Commission, 101 South Second Street, Suite 300, Harrisburg, PA 17101. The check or money order should be made payable to the "Commonwealth of Pennsylvania."

HOMER C. FLOYD,
Executive Director

[Pa.B. Doc. No. 00-1000. Filed for public inspection June 9, 2000, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, May 25, 2000, and took the following action:

Regulations deemed approved under section 5(g) of the Regulatory Review Act—Effective May 24, 2000.

State Board of Certified Real Estate Appraisers # 16A-7010: Qualifications for Certification (amends 49 Pa. Code Chapter 36).

Regulations Approved:

State Board of Pharmacy # 16A-548: Application Fees (amends 49 Pa. Code § 27.91).

Environmental Quality Board # 7-333A: Stream Redesignations; Buck Hill Creek, et al (amends 25 Pa. Code Chapter 93).

Pennsylvania Municipal Retirement Board # 49-1: Revisions to Rules and Regulations (amends 16 Pa. Code Chapters 81, 83, 85, 87 and 91).

Regulations Disapproved:

Environmental Quality Board # 7-333B: Stream Redesignation: Trout Run, Westmoreland County (amends 25 Pa. Code Chapter 93).

Commissioners Voting: John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Coccodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held
May 25, 2000

State Board of Pharmacy—Application Fees; Regulation No. 16A-548

Order

On February 17, 1999, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Pharmacy (Board). This rulemaking amends 49 Pa. Code § 27.91. The authority for this regulation is section 8.2(a) of the Pharmacy Act (63 P. S. § 390-8.2(a)). The proposed regulation was published in the February 27, 1999 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on May 3, 2000.

This regulation revises ten fees charged by the Board for various services. A recent audit determined that the fees for these services did not reflect the actual cost of providing the services. Two of the fees were reduced. The Board anticipates that 5,705 individuals will avail themselves of one or more of these services over the next 2-year period. Total costs to the regulated community during that time span will be \$42,075. However, only those individuals requesting the services will be impacted.

This regulation meets the criteria of the Regulatory Review Act.

Therefore, It Is Ordered That:

1. Regulation No. 16A-548 from the State Board of Pharmacy, as submitted to the Commission on May 3, 2000, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

Commissioners Voting: John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson-by proxy; Arthur Coccodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held
May 25, 2000

Environmental Quality Board—Stream Redesignations; Buck Hill Creek, et al.; Regulation No. 7-333A

Order

On March 23, 1998, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (EQB). This rulemaking amends 25 Pa. Code Chapter 93. The authority for this regulation is found in The Clean Streams Law (35 P. S. § 691.5, et seq.). The proposed regulation was published in the April 4, 1998 *Pennsylvania Bulletin* with a 60-day public comment period. The final-form regulation was submitted to the Commission on May 2, 2000.

This rulemaking updates the designation of six streams in Monroe, Lebanon, Berks, Montgomery, Cameron, Potter and Somerset Counties. The streams were evaluated in comparison to the EQB's antidegradation rulemaking published as final on July 17, 1999. The EQB removed Trout Run, located in Westmoreland County, from this rulemaking. Trout Run is now addressed in EQB Regulation Number 7-333B. Additionally, the EQB removed Dunbar Creek, located in Fayette County. It will be addressed in a future rulemaking.

This regulation meets the criteria of the Regulatory Review Act.

Therefore, It Is Ordered That:

1. Regulation No. 7-333A from the Environmental Quality Board, as submitted to the Commission on May 2, 2000, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

Commissioners Voting: John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Coccodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held
May 25, 2000

Pennsylvania Municipal Retirement Board—Revisions to Rules and Regulations; Regulation No. 49-1

Order

On October 5, 1998, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Municipal Retirement Board (Board). This rulemaking amends 16 Pa. Code Chapters 81, 83, 85, 87 and 91. The authority for this regulation is section 881.104(10) of the Pennsylvania Municipal Retirement Law (53 P. S. § 881.104(10)). The proposed regulation was published in the October 17, 1998 *Pennsylvania Bulletin* with a 30-day public comment

period. The final-form regulation was submitted to the Commission on April 26, 2000.

The Board has updated its regulations by deleting provisions that are reiterations of those contained in the Pennsylvania Municipal Retirement Law and consolidating the remaining sections in response to Executive Order 1996-1.

This regulation meets the criteria of the Regulatory Review Act.

Therefore, It Is Ordered That:

1. Regulation No. 49-1 from the Pennsylvania Municipal Retirement Board, as submitted to the Commission on April 26, 2000, is approved; and
2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

Commissioners Voting: John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Cocodrilli; Robert J. Harbison, III

Public Meeting held
May 25, 2000

Environmental Quality Board—Stream Redesignation (Trout Run, Westmoreland County); Regulation No. 7-333B

Order

On March 23, 1998, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (EQB). This rulemaking amends 25 Pa. Code Chapter 93. The authority for this regulation is found in The Clean Streams Law (35 P. S. § 691.5, et seq.). The proposed regulation was published in the April 4, 1998 *Pennsylvania Bulletin* with a 60-day public comment period. The final-form regulation was submitted to the Commission on May 2, 2000.

The portion of the Trout Run watershed above the Blairsville Reservoir is being designated Exceptional Value (EV). The portion below the reservoir and the reservoir itself will retain its current Cold Water Fishes designation. The stream report was reviewed in comparison to the EQB's new antidegradation rules published, as final, on July 17, 1999. This redesignation was originally proposed as part of the Buck Hill Creek stream redesignation rulemaking (EQB regulation number 7-333A). Due to controversy surrounding the EV designation, Trout Run was separated from the Buck Hill Creek rulemaking.

The EV designation is based on a biological test of one water sample taken at a point just above the reservoir. At the proposed rulemaking stage, Tasman Resources, Ltd. (Tasman) and SMT Family Partnership (SMT) commented that more comprehensive sampling would demonstrate that Trout Run does not meet the criteria for an EV stream. They noted that spoil piles from an abandoned quarry are directly adjacent to the stream. Tasman and SMT also commented that sawdust and slab piles from timbering activities lie in close proximity to the stream. Our Comments on the proposed rulemaking questioned the reasonableness of the EV designation in light of existing and prior discharges.

The Department of Environmental Protection's (DEP) response to this comment is that the benthic macroinvertebrate community is an excellent indicator of long-term water quality conditions. DEP further re-

sponded that the portion of Trout Run upstream from the reservoir scored 100% when compared to the EV reference stream in the region. Accordingly, any potential pollutants related to prior quarry operations or timbering activities have not had a wide-spread impact on the water quality.

DEP's decision to test at only one reference station above the reservoir is questionable. If DEP had tested the stream at other locations above the reservoir, the results of the biological tests may have been different.

We find that the EQB's reliance on the results of a biological test at only one location above the reservoir is unreasonable. The EQB has not demonstrated that the single sample is representative of the approximately 4.6 perennial and intermittent stream miles of the watershed proposed for designation as EV. For this reason, the regulation does not meet the criteria of the Regulatory Review Act.

Therefore, It Is Ordered That:

1. Regulation No. 7-333B from the Environmental Quality Board, as submitted to the Commission on May 2, 2000, is disapproved;
2. The Environmental Quality Board shall, within 7 days of receipt of this Order, notify the Governor, the designated Standing Committees of the House of Representatives and the Senate, and the Commission of its intention to either proceed with the promulgation of the regulation without revisions, to revise the regulation, or to withdraw the regulation. Failure to submit notification within the 7-day period shall constitute withdrawal of the regulation;
3. The Commission will transmit a copy of this Order to the Legislative Reference Bureau; and
4. This Order constitutes a bar to final publication of Regulation No. 7-333B under section 6(b) of the Regulatory Review Act.

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 00-1001. Filed for public inspection June 9, 2000, 9:00 a.m.]

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 Independent Regulatory Review Commission (Commission) may issue comments within 10 days of the close of the committee comment period. The Commission comments are based upon the criteria contained in section 5a(h) and (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>Final-Form Submission Deadline</i>
7-347	Environmental Quality Board Universal Waste Rule—Addition of Mercury-Containing Devices	5/26/00	4/26/02

Environmental Quality Board Regulation No. 7-347**Universal Waste Rule—Addition of Mercury-Containing Devices****May 26, 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 Environmental Quality Board (Board) must respond to these Comments when it submits the final-form regulation. If the final-form regulation is not delivered by April 26, 2002, the regulation will be deemed withdrawn.

1. Sections 266b.11. and 266b.31. Waste management for universal waste mercury-containing devices.—Consistency with regulations; Clarity.

Most of the references in this proposed regulation include specific references to applicable sections of existing Federal and State regulations. However, there are four provisions in sections 266b.11 and 266b.31 that do not include specific references.

First, sections 266b.11(2)(v) and 266b.31(2)(v) require "compliance with applicable occupational safety and health administration exposure levels for mercury." These subsections should include a specific reference to the applicable Occupational Safety and Health Administration requirements.

Second, sections 266b.11(5) and 266b.31(5) require "compliance with applicable municipal or residual waste regulations." These subsections should include a specific reference to the applicable municipal and residual waste regulations.

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 00-1002. Filed for public inspection June 9, 2000, 9:00 a.m.]

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received, on the dates indicated, the following regulations for review. To obtain the date and time of the meeting, interested parties may contact the office of the Commission at (717) 783-5417. To obtain a copy of the regulation, interested parties should contact the agency promulgating the regulation.

Final-Form

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
30-51	Pennsylvania Emergency Management Agency Public Safety Emergency Telephone Program	5/24/00
30-52	Pennsylvania Emergency Management Agency Training and Certification Standards for 9-1-1 Emergency Communications Personnel	5/24/00
30-53	Pennsylvania Emergency Management Agency 9-1-1 Performance Review and Quality Assurance Standards	5/24/00

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
15-407	Department of Revenue Sales and Use Tax; Lawn Care Services	5/25/00
15-408	Department of Revenue Sales and Use Tax; Vending Machines	5/25/00

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 00-1003. Filed for public inspection June 9, 2000, 9:00 a.m.]

INSURANCE DEPARTMENT**Agency Termination of Franklin Insurance Agency;
Doc. No. AT00-05-025**

A review is scheduled for July 12, 2000, at 10 a.m. in Room 200, Capitol Associates Building, Administrative Hearings Office, 901 North Seventh Street, Harrisburg, PA 17102. If an attorney or representative for a party attending the conference does not have complete settlement authority relative to this matter, the party or persons with full settlement authority shall be available by telephone during the conference. At a prereview conference, scheduled for June 22, 2000, at 9:30 a.m., the parties shall be prepared to discuss settlement, stipulations, witnesses and the documents anticipated for use at the review, estimated time for the hearing, special evidentiary or legal issues and other matters relevant to the orderly, efficient and just resolution of this matter. No prereview memoranda or other written submissions are required for the prereview conference; however, the parties are encouraged to discuss settlement and possible stipulations pending the conference. Except as established at the prereview conference, both parties shall appear at the scheduled review prepared to offer all relevant testimony or other 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 for photographs into evidence shall bring enough copies for the record and for each opposing party. Motions preliminary to those at hearing, protests, petitions to intervene, or notices of intervention, if any, must be filed on or before June 19, 2000, with the Acting Docket Clerk, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before June 19, 2000.

Persons with a disability who wish to attend the referenced administrative hearing and require an auxiliary aid service or other accommodations to participate in the hearing, should contact Tracey Pontius, Agency Coordinator, at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 00-1004. Filed for public inspection June 9, 2000, 9:00 a.m.]

Application for Approval to Acquire Control of United States Liability Insurance Company and Mount Vernon Fire Insurance Company

Berkshire Hathaway Inc. and B Merger Sub, Inc. have filed an application to acquire control of United States Liability Insurance Company, a Pennsylvania domiciled stock casualty insurance company, and its affiliate Mount Vernon Fire Insurance Company, a Pennsylvania domiciled stock fire insurance company. The filing was made under the requirements under the Insurance Holding Companies Act (40 P.S. § 991.1402, et seq). Persons wishing to comment on the acquisition are invited to submit a written statement to the Insurance Department within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed, and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, by fax to (717) 787-8557, or by e-mail to rbrackbi@ins.state.pa.us.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 00-1005. Filed for public inspection June 9, 2000, 9:00 a.m.]

Blue Cross of Northeastern Pennsylvania and Pennsylvania Blue Shield Community Rated Major Medical Rate Increase; Filing No. 446-MMCRG-10/1/00

Blue Cross of Northeastern Pennsylvania and Pennsylvania Blue Shield request the Insurance Department's (Department) approval to increase the monthly approved rates to an adequate level for the Community Group Major Medical product (#446-MMCRG-10/1/00). The 1999 premium income on this product was \$24.1 million, compared to the incurred amount for claims at \$27.1 million. The claim amount does not reflect the cost for administering the program. Due to significant losses and expected future trend in claims cost, the requested increase is 54.66% effective for October 1, 2000.

The rate increase will affect approximately 20,000 contracts and will produce additional income of \$11.7 million if all groups were to renew on October 1, 2000.

The Department's approval is also requested for revised rates for September 1, 2000 new and renewing groups. The new proposed September 1, 2000 rates were developed by indexing backward one quarter from the proposed October 1, 2000 rates using the rate filing trend factor of 5.64% per quarter.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Department's office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry

Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 00-1006. Filed for public inspection June 9, 2000, 9:00 a.m.]

Frank Gorshin; Order to Show Cause; Doc. No. SC00-05-005

A prehearing settlement conference is scheduled for July 20, 2000, at 1 p.m. in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code Chapter 56 (relating to Special Rules of Administrative Practice and Procedure). A date for a hearing shall be determined, if necessary, at the prehearing settlement conference.

On or before July 10, 2000, each party shall file with the Administrative Hearings Office a prehearing statement which shall contain: (1) a comprehensive statement of undisputed facts to be stipulated between the parties; (2) a statement of additional contended facts; (3) names and address of witnesses along with the specialties of experts to be called; (4) a list of documents to be used at the hearing; (5) special evidentiary or other legal issues; and (6) the estimated time for that party's case.

A written request for continuance of the scheduled prehearing settlement conference, for good cause only. Prior to requesting a continuance, a party must contact the opposing party. All continuance requests must indicate whether the opposing party objects to a continuance.

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. 00-1007. Filed for public inspection June 9, 2000, 9:00 a.m.]

Guidelines for Record Retention; No. 2000-07

This notice supersedes Insurance Department (Department) notice nos. 1994-01 and 1994-18 relating to guidelines for retention of records by insurers and other entities subject to examination by the Department. The Department has issued this notice to consolidate and update the guidance provided in the 1994 notices. This notice and accompanying Record Retention Guidelines (Guidelines) are intended to assist insurers and other examinees in establishing appropriate record retention procedures for purposes of examinations by the Department under Article IX of The Insurance Department Act of 1921 (40 P.S. §§ 323.1—323.8) (act).

The Department's general requirement is that all relevant records of transactions occurring since the conclusion of the last financial examination must be retained for 5 years from the date of the last financial examination

or until the conclusion of a subsequent financial examination, whichever time is greater. The accompanying Guidelines supplement this general requirement by providing guidance in the establishment of appropriate retention periods for specific types of records.

Of course, the Guidelines are recommended minimum retention periods and do not affect any record retention requirements that may be in excess of the Guidelines, such as requirements imposed by the Internal Revenue Service, other regulatory agencies, statutes of limitation, or other applicable laws or regulations. In addition, under the authority in the act, the Department may require whatever additional records may be necessary to readily verify the financial condition of an insurer and ascertain whether the insurer has complied with the laws of this Commonwealth.

With respect to the use of electronic paperless filing systems, 15 Pa.C.S. § 107, which applies to insurance corporations provides, in part:

Any records maintained by a corporation or other association in the regular course of its business including shareholder or membership records, books of account and minute books, may be kept on, or be in the form of, punch cards, magnetic storage media, photographs, microphotographs or any other information storage device if the records so kept can be converted into reasonable legible written form within a reasonable time.

Sections 903 and 904 of the act (40 P. S. §§ 323.3 and 323.4) require entities subject to the Department's examination to keep records in such manner as the Department may require to readily verify the examinee's financial condition and compliance with laws and to provide timely, convenient and free access to all records. Therefore, insurers are not prohibited from using paperless filing technology as long as their records are readily accessible and usable for examination purposes.

A paperless system should include adequate controls and be appropriately tested to identify and correct any

deficiencies. Consideration should be given to the need to determine the validity or identify an alteration of certain documents, such as applications for insurance or death certificates and receipt dates. There must be an ability to produce usable hard copy, including entire approved form/rate filings with the Department's approval stamps.

Appropriate security systems should be maintained at record storage sites, as well as adequate protection from loss or damage by fire or other hazards. Sufficient visual terminals must be available to assure that examiners are not hampered by an inability to access data during the course of an examination.

Record retention is a matter in which an insurer's management must use prudent judgment, subject to applicable statutory requirements or restrictions. Questions concerning record retention may be directed to David DelBiondo, Director, Bureau of Examinations, at (717) 783-2142, with respect to financial examinations; or Dennis Shoop, Director of the Bureau of Enforcement, at (717) 783-2627, with respect to market conduct examinations.

Guidelines for Retention of Records

Note: The following record retention guidelines have been developed by the Insurance Department to provide insurers with guidance on minimum time periods for retention of records for purposes of financial and market conduct examinations. The Department recognizes the need for insurers to exercise discretion in establishing record retention requirements in accordance with advice of legal counsel and that insurers may determine that longer retention periods are necessary or advisable. Of course, the Department's guidelines do not affect requirements imposed by the Internal Revenue Service or other regulatory agencies. For purposes of financial examinations, the Department will permit foreign insurers to retain financial records either for the length of time specified in the guidelines or for the length of time required for examination purposes in the insurers' home states.

<i>Type of Record</i>	<i>Retention Period</i>
Accounts Payable Ledgers and Schedules	5 years*
Accounts Receivable Ledgers and Schedules	5 years*
Advertisement Files (including Internet ads)	5 years*
Agent Commission Schedules	5 years*
Agent Contracts	5 years*
Agent Discrepancies	5 years*
Agent Licensing Records (including effective/termination dates)	5 years* (from termination)
Agent Terminations (including copies of notices to agents and Insurance Department)	5 years*
Annual/Quarterly Statement Blank and Supporting Workpapers	5 years*
Bank Reconciliations	5 years*
Borrowed Money Documents	5 years* (after amount borrowed is paid off)
Capital Stock and Bond Records (ledgers, transfer registers, stubs showing issues, record of interest coupons, opinions)	Permanently
Cash Books	5 years*
CPA Annual Audit Reports and Management Letters	Permanently
Charts of Accounts	5 years*

<i>Type of Record</i>	<i>Retention Period</i>
Checks (cancelled) (records of uncashed drafts or checks)	7 years 7 years or in accordance with escheat laws
Checks (cancelled for important payments, such as taxes, purchases of property, special contracts)	Permanently
Claims Files (loss reports, reported and paid claims files, including a complete chronological record)	5 years*
Collateral Loans (closing documents, appraisals/valuation documents, payment history, collateral documents)	5 years* (after repayment)
Conflict of Interest Statements	5 years*
Consumer Complaints (including log of complaints and correspondence with state insurance department)	5 years*
<i>Note: Failure to maintain a complete record of all complaints received during the preceding 4 years is a violation of the Unfair Insurance Practices Act (See 40 P. S. § 1171.5(11)).</i>	
Contracts and Leases	5 years* (after expiration)
Correspondence with Policyholders (routine)	5 years*
Correspondence (general)	5 years*
Correspondence (legal and important matters)	Permanently
Correspondence with State Insurance Departments (other than correspondence regarding complaints)	Permanently
Duplicate Deposit Slips	5 years*
Employee Personnel Records	5 years* (after termination)
Expense Analyses and Expense Allocation Schedules	5 years*
Forms (approved by a state insurance department)	2 years (after claims can no longer be reported under the form)
General and Subsidiary Ledgers and End-of-Year Trial Balances	5 years*
Holding Company Registration Statements	5 years*
Internal Audit Reports	5 years*
Internal Insurance Records (current loss reports, claims, policies for insurance coverages purchased by the company for its own protection)	Permanently
Internal Reports (miscellaneous)	5 years*
Inventories of Furniture, Fixtures and Equipment	5 years* (after disposal)
Investment Plan	5 years*
Investment Records (buy and sell invoices, ledgers, journals, broker statements, custodial/trust account statements)	5 years*
Invoices from Vendors	5 years*
Journals	5 years*
Limited Partnership Interests (partnership agreement, partnership financial statements, records of distributions, equity valuation information)	5 years* (after disposal)
Litigation Records	Permanently
Minute Books of Directors and Stockholders (or Policyholders) and Committees (including by-laws and charter)	Permanently
Mortgage Loans (closing documents, appraisals, payment history, rent rolls)	5 years* (after repayment)
Notes Receivable Ledgers and Schedules	5 years*
Other Invested Assets (all pertinent documents)	5 years* (after disposal)
Payroll Records and Summaries (including payments to pensioners and payroll deductions)	5 years*

<i>Type of Record</i>	<i>Retention Period</i>
Petty Cash Vouchers	5 years*
Policy Issue Records (including underwriter's notes/notices, original applications, declaration pages, endorsements and selection forms)	2 years (after claims can no longer be reported under the policy)
Policy Termination Records (including documentation)	5 years*
Policyholder Dividend Records	5 years*
Premium Notices and Refunds (including proof of refund within required time period)	5 years*
Property Records (including appraisals, costs, depreciation reserves, end-of-year trial balances, depreciation schedules, titles, plans, deeds, mortgages and agreements of sale)	5 years* (after no longer have an interest in the property)
Rate filings (including all rates utilized during retention period)	5 years* (after replacement by latest filing)
Reinsurance Contracts (including records of settlements, trust accounts and letters of credit)	5 years*
Reports of State Insurance Department Examinations (financial and market conduct)	5 years*
Reserve Calculation Documentation (including actuarial opinion and supporting actuarial memorandum)	10 years
SEC Filings	5 years*
Subrogation and Salvage Records	5 years*
Surrender Request	5 years*
Tax Returns and Worksheets (including revenue agents' reports and other documents relating to determination of income tax liability)	12 years
Unclaimed Property or Escheatable Funds/Assets	10 years
Vouchers for Payments to Vendors, employees, etc. (including allowances and reimbursements of employees, officers, or other persons for travel and entertainment expenses)	5 years*

Note: "5 years*" refers to 5 years from the date of the last financial examination by the domiciliary regulator or until the conclusion of a subsequent financial examination, whichever time is greater.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 00-1008. Filed for public inspection June 9, 2000, 9:00 a.m.]

Insurance Services Office, Inc.; Personal Auto Advisory Prospective Loss Cost Revision

On May 25, 1999, the Insurance Department (Department) received from Insurance Services Office, Inc. a filing for a proposed loss cost revision for private passenger auto insurance.

The rating organization requests an overall 8.0% decrease to be effective October 1, 2000.

Unless formal administrative action is taken prior to July 24, 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 Xiaofeng Lu, Insurance Department, Bureau of Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg, PA

17120, (E-mail: xlu@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. 00-1009. Filed for public inspection June 9, 2000, 9:00 a.m.]

John William Culp, Jr.; Doc. No. AT00-05-024

A prereview telephone conference initiated by the Administrative Hearings Office shall occur on June 30, 2000, at 10 a.m. A review shall occur on July 13, 2000, at 10 a.m. in Room 200, Capitol Associates Building, Administrative Hearings Office, 901 North Seventh Street, Harrisburg, PA 17102. If an attorney or representative for a party attending the review does not have complete settlement authority relative to this matter, the party or persons with full settlement authority shall be available by telephone during the review. During the prereview telephone conference, the parties shall be prepared to discuss settlement, stipulations, witnesses and the docu-

ments anticipated for use at the review, estimated time for the review, special evidentiary or legal issues and other matters relevant to the orderly, efficient and just resolution of this matter. On or before June 26, 2000, each party shall file with the Administrative Hearings Office by facsimile, (717) 787-8781 and serve upon the other party by facsimile an entry of appearance designating the lead attorney or representative to receive service of orders, filings and communications in this matter, together with that person's address, telephone number and facsimile number. Each party shall similarly designate the lead attorney or representative who will participate in the prereview telephone conference, if different than the person designated for service. No prereview memoranda or other written submissions are required for the prereview telephone conference; however, the parties are encouraged to discuss settlement and possible stipulations pending the conference. Except as established during the prereview telephone conference, both parties shall appear at the scheduled review prepared to offer all relevant testimony or other 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 for photographs into evidence shall bring enough copies for the record and for each opposing party. Motions preliminary to those at review, protests, petitions to intervene, or notices of intervention, if any, must be filed on or before June 26, 2000, with the Acting Docket Clerk, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before June 26, 2000.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid service or other accommodations to participate in the hearing, should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 00-1010. Filed for public inspection June 9, 2000, 9:00 a.m.]

Per Diem Charges for Financial Examinations Conducted by the Department; No. 2000-05

Under the authority contained in section 907 of The Insurance Department Act of 1921 (40 P. S. § 323.7) and under 31 Pa. Code § 12.4, an updated schedule of per diem charges for financial examinations conducted by the Insurance Department (Department) is hereby adopted.

The new schedule of charges is as follows:

Examiner Trainee	\$213 per day
Examiner 1	\$277 per day
Examiner 2	\$346 per day
Examiner 3	\$412 per day
Examination Manager	\$470 per day

As prescribed in 31 Pa. Code § 12.4(c), the Department will calculate and bill per diem charges for financial examination costs in 1/2 hour units.

This schedule is effective July 1, 2000.

This document supersedes the notice published at 29 Pa.B. 3277 (June 26, 1999) and shall remain in effect

until a subsequent notice is published in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 00-1011. Filed for public inspection June 9, 2000, 9:00 a.m.]

Per Diem Charges for Market Conduct Examinations of Insurance Companies; No. 2000-06

Each year, the Insurance Department (Department) updates its schedule of per diem charges for market conduct examinations conducted by the Department. These charges are authorized by section 907 of The Insurance Department Act of 1921 (40 P. S. § 323.7) and 31 Pa. Code § 12.4 (relating to per diem charges).

The new schedule of charges is as follows:

Examiner Trainee	\$215 per day
Examiner 1	\$296 per day
Examiner 2	\$307 per day
Examiner Manager	\$431 per day

As prescribed in 31 Pa. Code § 12.4(c), the Department will calculate and bill per diem charges for examination costs in 1/2-hour units.

This schedule is effective July 1, 2000.

This notice supersedes the schedule of per diem charges published at 29 Pa.B. 3277 (June 26, 1999) which prior notice is deleted. These new charges shall remain in effect until a subsequent notice is published in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 00-1012. Filed for public inspection June 9, 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 Tara Hogarth; file no. 00-181-03140; Progressive Insurance Company; doc. no. P00-05-026; July 19, 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 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. 00-1013. Filed for public inspection June 9, 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 State Farm Insurance Company; file no. 00-181-02872; Gerald B. Maurer; doc. no. P00-05-027; July 11, 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 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. 00-1014. Filed for public inspection June 9, 2000, 9:00 a.m.]

Vaughn Matthews; Doc. No. AG00-05-018

A prehearing telephone conference initiated by the Administrative Hearings Office shall occur on June 22, 2000, at 10 a.m. The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) and the General Rules of Administrative Practice and Procedure, 1 Pa. Code § 31.1—31.6 and the Insurance Department's Special Rules of Administrative Practice and Procedure, 31 Pa. Code Chapter 56.

A hearing shall occur on July 6, 2000, at 1 p.m. in Room 200, Capitol Associates Building, Administrative Hearings Office, 901 North Seventh Street, Harrisburg, PA 17102. During the prehearing telephone conference the parties shall be prepared to discuss settlement, stipulations, witnesses and documents anticipated for use at the hearing, estimated time for the hearing, special evidentiary or legal issues and other matters relevant to the orderly, efficient and just resolution of this matter. Pending hearing, parties shall exchange proposed exhibits, the names of witnesses, and provide an offer of proof with respect to each witness, and informally attempt to resolve undisputed facts by stipulation. No prehearing memoranda or other written submissions are required for the prehearing telephone conference; however, the parties are encouraged to discuss settlement and possible stipulations pending the conference. Except as established at the prehearing conference, both parties shall appear at the scheduled hearing, if necessary, prepared to offer all relevant testimony or other 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. Motions preliminary to those at hearing, protests, petitions to intervene, or notices of intervention, if any, must be filed on or before June 19, 2000, with the Acting Docket Clerk, Administrative Hearings Office, Capitol Associates Building, Room 200, 901

North Seventh Street, Harrisburg, PA 17102. Answers to petitions to intervene, if any, shall be filed on or before June 19, 2000.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid service or other accommodations to participate in the hearing, should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 00-1015. Filed for public inspection June 9, 2000, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board lease will expire:

Cambria County, Wine & Spirits Shoppe #1119, 1735 Lyter Drive, Johnstown, PA 15905-1207.

Lease Expiration Date: June 30, 2001

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 4,000 net useable square feet of new or existing retail commercial space near the intersection of Goucher Street and Entrance Drive in Lower Yoder Township, Johnstown.

Proposals due: June 30, 2000 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: George Danis, (412) 565-5130

Warren County, Wine & Spirits Shoppe #6201, Market Street Plaza, 4 Market Plaza, Warren, PA 16365-2524.

Lease Expiration Date: June 30, 2001

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 5,000 net useable square feet of new or existing retail commercial space in a shopping center environment in Warren's Central Business District.

Proposals due: June 30, 2000 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: George Danis, (412) 565-5130

Washington County, Wine & Spirits Shoppe #6315, Donaldsons Crossroads Shopping Ctr., 3929 Washington Road, McMurray, PA 15317-2532.

Lease Expiration Date: August 31, 2002

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 7,000 net useable square feet of new or existing retail commercial space in a shopping center environment and serve the Route 19—Donaldsons Crossroads area of Washington County.

Proposals due: June 30, 2000 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: Tom Deal, (412) 565-5130

JOHN E. JONES, III,
Chairperson

[Pa.B. Doc. No. 00-1016. Filed for public inspection June 9, 2000, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission (Commission). Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before July 3, 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 as common carriers for transportation of persons as described under each application.

A-00116862. Main Event Bus & Limousine Service, Inc. (2203 Menlo Avenue, Glenside, Montgomery County, PA 19038), a corporation of the Commonwealth of Pennsylvania—persons, in limousine service, between points in the township of Abington, Montgomery County, and within an airline distance of 25 statute miles of the limits thereof, and from points in said area, to points in Pennsylvania, and return. *Attorney:* Dennis R. Meakim, 162 South Easton Road, Glenside, PA 19038.

A-00116873. Thomas R. Gillespie, t/d/b/a Gillespie's Uptown Limousine Service (473 West Prospect Avenue, Downingtown, Chester County, PA 17335)—persons, in limousine service, between points in the borough of Downingtown, Chester County, and within an airline distance of 20 statute miles of the limits thereof, and from points in said area, to points in Pennsylvania, and return.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 00-1017. Filed for public inspection June 9, 2000, 9:00 a.m.]

**Transfer by Sale
Without Hearing**

A-110300 F0091. Metropolitan Edison Company. Application of Metropolitan Edison Company for approval of the transfer by sale to Vlastic Farms, Inc., of certain electric facilities located in the Township of Maiden Creek, County of Berks, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before June 19, 2000, under 52 Pa. Code (relating to public utilities).

Applicant: Metropolitan Edison Company.

Through and By Counsel: Melanie A. LaSelva, 2800 Pottsville Pike, Post Office Box 16001, Reading, PA 19640-0001.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 00-1018. Filed for public inspection June 9, 2000, 9:00 a.m.]

**Transfer by Sale
Without Hearing**

A-212370 F0058 and A-210410 F2000. Philadelphia Suburban Water Company. Application of Philadelphia Suburban Water Company (PSW) for approval of 1) the transfer, by sale, of the water assets of Chatwood Water Company to PSW, 2) the right of PSW to furnish water service to the public in the service area of Chatwood Water Company, and 3) the abandonment by Chatwood Water Company of water service to the public in its current service territory which is located in a portion of West Goshen Township, Chester County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before June 19, 2000, under 52 Pa. Code (relating to public utilities).

Applicant: Philadelphia Suburban Water Company, Chatwood Water Company.

Through and By Counsel: Mark J. Kropilak, Esquire, Vice President and General Counsel, 762 West Lancaster Avenue, Byrn Mawr, PA 19010-3489, and Thomas A. Pitt, Jr., Esquire, Pitt & Pitt, 228 West Gay Street, West Chester, PA 19380.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 00-1019. Filed for public inspection June 9, 2000, 9:00 a.m.]

**PHILADELPHIA REGIONAL
PORT AUTHORITY**

Invitation for Bids

The Philadelphia Regional Port Authority (PRPA) will accept proposals until 2 p.m. on June 20, 2000 for Project #00-151-001 (Purchase of One New or Leftover 4-Wheel Drive Sport Utility Vehicle). The Bid Document can be obtained from the Director of Procurement, PRPA, 210 W. Washington Square, 13th Floor, Philadelphia, PA 19106, (215) 928-9100 and will be available June 13, 2000. The PRPA is an equal opportunity employer. Vendor will be required to comply with all applicable equal opportunity laws and regulations.

JAMES T. MCDERMOTT,
Executive Director

[Pa.B. Doc. No. 00-1020. Filed for public inspection June 9, 2000, 9:00 a.m.]

**PUBLIC SCHOOL
EMPLOYEES' RETIREMENT
BOARD**

Hearings Scheduled

Hearings have been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's denial of Claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

June 21, 2000	Connie Lawrence (Membership Eligibility)	4 p.m.
July 12, 2000	Dennis Denenberg (Purchase of Service) Basil Zaycosky (Effective Date of Retirement)	1 p.m. 2:30 p.m.
July 26, 2000	Joseph P. Medvan (Membership Eligibility) Patricia K. Ott (Membership Eligibility)	1 p.m. 2:30 p.m.
August 9, 2000	Harvey W. Lieberman (Membership Eligibility) Esther Burnat Medical Benefits	1 p.m. 2:30 p.m.
August 23, 2000	Ann Thomas (Membership Eligibility) Mary A. Hutchinson (Membership Eligibility)	1 p.m. 2:30 p.m.

Persons with a disability who wish to attend the above-listed hearings, and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact Marilyn Fuller-Smith, Assistant Executive Director, at (717) 720-4700 to discuss how the Public School Employees' Retirement System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective

positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), unless specific exemption is granted.

DALE H. EVERHART,
Secretary

[Pa.B. Doc. No. 00-1021. Filed for public inspection June 9, 2000, 9:00 a.m.]

STATE CONSERVATION COMMISSION

Dirt and Gravel Road Pollution Prevention Maintenance Program; Apportionment of Funds

As required by 25 Pa. Code § 83.604(f), the State Conservation Commission (Commission) is providing public notice of the apportionment of FY2000 Dirt and Gravel Road Pollution Prevention Maintenance Program funds to participating County Conservation Districts. This apportionment is authorized under 75 Pa.C.S. § 9106.

A. *Effective Date*

This apportionment is effective upon publication in the *Pennsylvania Bulletin*. Allocations will be disbursed when funds are released from the Treasury after July 1, 2000.

B. *Background*

The Commission, at their public meeting on May 23, 2000, approved allocation of \$3,528,000 of FY00 funds apportioned according to stipulations in 75 Pa.C.S. § 9106(c).

Copies of the referenced Statement of Policy contained in § 83.604, as published in 28 Pa.B. 4634 (September 12, 1998) and 75 Pa.C.S. § 9106(c) are available from Woodrow J. Colbert at the State Conservation Commission Office, Rm. 407 Agriculture Building, 2301 N. Cameron Street, Harrisburg, PA 17110-9408, (717) 787-8821.

The following allocations are being made to County Conservation Districts participating in the program. Listed alphabetically, they are: Adams \$15,000; Allegheny \$15,000; Armstrong \$104,369; Beaver \$15,000; Bedford \$33,166; Berks \$15,000; Blair \$25,723; Bradford \$289,142; Bucks \$17,332; Butler \$29,931; Cambria \$16,464; Cameron \$53,088; Carbon \$26,762; Centre \$36,564; Chester \$20,618; Clarion \$63,912; Clearfield \$78,887; Clinton \$26,343; Columbia \$71,857; Crawford \$139,687; Cumberland \$15,000; Dauphin \$26,711; Elk \$27,791; Erie \$55,327; Fayette \$36,306; Forest \$26,734; Franklin \$20,326; Fulton \$30,945; Greene \$23,243; Huntingdon \$71,138; Indiana \$88,819; Jefferson \$45,406; Juniata \$41,521; Lackawanna \$31,369; Lancaster \$19,021; Lawrence \$15,000; Lebanon \$15,000; Lehigh \$15,000; Luzerne \$32,501; Lycoming \$78,311; McKean \$22,127; Mercer \$48,109; Mifflin \$29,615; Monroe \$21,097; Montgomery \$15,000; Montour \$15,608; Northampton \$15,000; Northumberland \$41,685; Perry \$26,305; Pike \$91,182; Potter \$170,585; Schuylkill \$48,854; Snyder \$25,843; Somerset \$19,313; Sullivan \$75,547; Susquehanna \$119,676; Tioga \$286,972; Union \$35,243; Venango

\$75,770; Warren \$196,824; Washington \$76,428; Wayne; \$136,243; Westmoreland \$26,667; Wyoming \$64,049; York \$34,944.

JAMES M. SEIF,
Chairperson

[Pa.B. Doc. No. 00-1022. Filed for public inspection June 9, 2000, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Compliance Incentive Program for SRBC Regulations

A. *Purpose*

The Susquehanna River Basin Commission (SRBC) approved Resolution 2000-03 on April 18, 2000, establishing a "Compliance Incentive Program" to encourage existing, unapproved water users to come into compliance with the SRBC's water withdrawal and consumptive water use regulations. During the compliance incentive period, the SRBC will not assess penalties provided that applications are submitted by specified deadlines and the noncompliance has not: 1) adversely affected the environment; or (2) interfered with other water users. Because penalties are being waived, the need for settlements is likewise avoided (including those involving payments for prior consumptive water use). SRBC's objective is to have all water users in the basin compliant with the SRBC's water management regulations. Universal compliance serves to enhance SRBC's ability to properly plan for and manage the basin's water resources.

B. *SRBC's Existing Regulations*

- *18 CFR 803.42—Consumptive Use of Water* (This requirement is currently suspended for agriculture)—more than 20,000 gallons per day (gpd) (averaged over 30 consecutive days) from any ground or surface water sources as of January 23, 1971. This regulation does not apply to projects that existed before January 23, 1971, unless they increased their consumptive water use by more than 20,000 gpd after that date. Consumptive use of water is use in a manner that the water does not return to the river basin, for example, evaporation, incorporation into a product, diversion into another river basin.

- *18 CFR 803.43—Groundwater Withdrawals*—more than 100,000 gpd (averaged over 30 consecutive days) as of July 13, 1978. This regulation does not apply to projects that existed before July 13, 1978, unless they increased their groundwater withdrawals by more than 100,000 gpd after that date.

- *18 CFR 803.44—Surface Water Withdrawals*—more than 100,000 gpd (averaged over 30 consecutive days) as of November 11, 1995. This regulation does not apply to projects that existed before November 11, 1995 unless they increased their groundwater withdrawals by more than 100,000 gpd after that date.

C. *Eligible Applicants*

To be eligible, unapproved water users must submit their water withdrawal and/or consumptive use applications by June 30, 2001 (except for previously notified golf courses that are subject to alternate deadlines). During the eligibility period, the SRBC will not assess penalties.

As noted, because penalties are being waived, the need for settlements is likewise avoided (including those involving payments for prior consumptive water use).

The approved method of compliance for consumptive use will be effective January 1, 2001, regardless of when the SRBC acts on the applications. Application fees are not waived during this compliance incentive period.

D. Where to Obtain Additional Information

To obtain more information, contact the Susquehanna River Basin Commission, 1721 N. Front Street, Harrisburg, PA 17102-2391, (717) 238-0423, fax: (717) 238-2436, e-mail: srbc@srbc.net. Persons may visit the SRBC's website at <http://www.srbc.net> where the text of Resolution 2000-03 and SRBC's regulations and application forms are available.

PAUL O. SWARTZ,
Executive Director

[Pa.B. Doc. No. 00-1023. Filed for public inspection June 9, 2000, 9:00 a.m.]

TURNPIKE COMMISSION

Retention of Engineering Firms

Full Depth Roadway Reconstruction Allegheny County, PA

Reference No. 1-116

The Turnpike Commission (Commission) will retain an Engineering firm for the design of the Full Depth Roadway Reconstruction Project between approximate Mileposts 31.20 and 40.00 in Allegheny County. The selected firm will be responsible for the preliminary and final design of this project.

The engineering services required would include supplemental field surveys, cross sections, evaluation of utility conflicts and potential relocations, development of erosion and sedimentation control plans and specifications, preparation of hydraulic reports for waterway approvals, preliminary and final traffic control plans, structural foundation reports, preparation of Type Size and Location and final bridge plans, preparation of preliminary and final right-of-way plans, geotechnical investigations, preparation of preliminary and final construction plans and specifications in order for the Commission to bid the total reconstruction of the roadway generally between Milepost 31.20 and 40.00. The intent is to rebuild the roadway and widen the existing 10-foot median to a width that will be based on preliminary evaluations. It is anticipated that all of the mainline structures will require widening and that all overhead structures within the project area will be evaluated for rehabilitation, replacement, or elimination. We will consider either rubbilizing the existing concrete roadway and overlay with bituminous material, or removing the existing pavement and replace with full-depth bituminous. An entirely new drainage system will be installed.

In addition, low-level photography will be available in this area to an accuracy of $\pm .05$ feet. Hard copies of the mapping and a disk will be provided to the consultant for their use. A digital terrain model in AutoCAD DWG or Microstation DGN format will also be provided. The consultant will be required to perform supplemental surveys and reestablish the existing centerline of the

Turnpike. Also, cross sections will be cut and plotted from the available information. The design for this project will be performed in English Units. All plans (drawings), including cross-sections, profiles, etc. will be prepared utilizing AutoCAD DWG or Microstation DGN format. Translation of the plans from one format to the other is not acceptable.

Direct inquiries to Michael D. Shaak, P.E., at (717) 939-9551, Ext. 5380; or by E-mail at mshaak@paturndepa.com.

Full Depth Roadway Reconstruction Westmoreland County, PA

Reference No. 1-117

The Commission will retain an Engineering firm for the design of the Full Depth Roadway Reconstruction Project between approximate Mileposts 67.00 and 75.00 in Westmoreland County. The selected firm will be responsible for the prefinal and final design of this project.

The engineering services required would include supplemental field surveys, cross sections, evaluation of utility conflicts and potential relocations, development of erosion and sedimentation control plans and specifications, preparation of hydraulic reports for waterway approvals, preliminary and final traffic control plans, structural foundation reports, preparation of Type Size and Location and final bridge plans, preparation of preliminary and final right-of-way plans, geotechnical investigations, preparation of preliminary and final construction plans and specifications in order for the Commission to bid the total reconstruction of the roadway generally between Milepost 67.00 and 75.00. The intent is to rebuild the roadway and widen the existing 10-foot median to a width that will be based on preliminary evaluations. It is anticipated that all of the mainline structures will require widening and that all overhead structures within the project area will be evaluated for rehabilitation, replacement, or elimination. We will consider either rubbilizing the existing concrete roadway and overlay with bituminous material, or removing the existing pavement and replace with full-depth bituminous. An entirely new drainage system will be installed.

In addition, low-level photography will be available in this area to an accuracy of $\pm .05$ feet. Hard copies of the mapping and a disk will be provided to the consultant for their use. A digital terrain model in AutoCAD DWG or Microstation DGN format will also be provided. The consultant will be required to perform supplemental surveys and reestablish the existing centerline of the Turnpike. Also, cross sections will be cut and plotted from the available information. The design for this project will be performed in English Units. All plans (drawings), including cross-sections, profiles, etc. will be prepared utilizing AutoCAD DWG or Microstation DGN format. Translation of the plans from one format to the other is not acceptable.

Direct inquiries to Michael D. Shaak, P.E., at (717) 939-9551, Ext. 5380; or by E-mail at mshaak@paturndepa.com.

Full Depth Roadway Reconstruction Franklin and Cumberland Counties, PA

Reference No. 3-129

The Commission will retain an Engineering firm for the design of the Full Depth Roadway Reconstruction Project between approximate Mileposts 199.00 and 214.00 in Franklin and Cumberland Counties. The selected firm will be responsible for the prefinal and final design of this project.

The engineering services required would include supplemental field surveys, cross sections, evaluation of utility conflicts and potential relocations, development of erosion and sedimentation control plans and specifications, preparation of hydraulic reports for waterway approvals, preliminary and final traffic control plans, structural foundation reports, preparation of Type Size and Location and final bridge plans, preparation of preliminary and final right-of-way plans, geotechnical investigations, preparation of preliminary and final construction plans and specifications in order for the Commission to bid the total reconstruction of the roadway generally between Milepost 199.00 and 214.00. The intent is to rebuild the roadway and widen the existing 10-foot median to a width that will be based on preliminary evaluations. It is anticipated that all of the mainline structures will require widening and that all overhead structures within the project area will be evaluated for rehabilitation, replacement, or elimination. We will consider either rubblizing the existing concrete roadway and overlay with bituminous material, or removing the existing pavement and replace with full-depth bituminous. An entirely new drainage system will be installed.

In addition, low-level photography will be available in this area to an accuracy of $\pm .05$ feet. Hard copies of the mapping and a disk will be provided to the consultant for their use. A digital terrain model in AutoCAD DWG or Microstation DGN format will also be provided. The consultant will be required to perform supplemental surveys and reestablish the existing centerline of the Turnpike. Also, cross sections will be cut and plotted from the available information. The design for this project will be performed in English Units. All plans (drawings), including cross-sections, profiles, etc. will be prepared utilizing AutoCAD DWG or Microstation DGN format. Translation of the plans from one format to the other is not acceptable.

Direct inquiries to Michael D. Shaak, P.E., at (717) 939-9551, Ext. 5380; or by E-mail at mshaak@paturpike.com.

The following factors will be considered by the Commission during the evaluation of the firms submitting Letters of Interest for these projects:

- a. Specialized experience and technical competence of prime consultant and subconsultants. The Team must clearly demonstrate an ability to analyze available data to make decisions and develop plans to complete the project in a timely and cost effective manner.
- b. Past record of performance with respect to cost control, work quality, ability to meet schedules and previous experience on similar projects. The consultant should identify similar projects that have been completed by that firm as the prime, the magnitude of the project, and the client.
- c. The specific experience and number of individuals who constitute the firm.
- d. Location of consultant's office where the work will be performed.
- e. Workload of the prime consultant and subconsultants for all Department of Transportation and Turnpike Commission projects.
- f. Other factors, if any, specific to the project.

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. The Letters of Interest must include the following:

1. One page transmittal letter clearly identifying the project reference number, brief description of the project from the advertisement, the firm's Federal identification number, the firm's legal name, contact person or project manager, address of corporate office and project office. (If the firm has multiple offices, the location of the office performing the work must be identified.) In addition, identify the CADD format to be used on the Project.

2. A three page expression of interest on the advertised project. Each firm should demonstrate their ability to perform the specific requirements indicated for each project and provide explanation that the firm has successfully completed similar type projects of the same magnitude.

3. An organization chart for the Project, identifying key personnel and any subconsultants and their roles. Any deviation from the subconsultant's listed in the letter of interest will require written approval from the Commission.

4. Tabulation of workload for the prime consultant and all subconsultants for all Department of Transportation and Turnpike Commission projects.

5. An Annual Qualification Package similar to the one submitted to the Department of Transportation for the current year that is in the same District as this project or one that is best suited for this project.

The Annual Qualification Package should contain at a minimum the following information for the prime consultant and all subconsultants and attached to the back of the letter of interest (subs to follow primes):

- Standard Form (SF) 254—Architect-Engineer and Related Services Questionnaire in its entirety, not more than 1 year old as of the date of the advertisement.

- Resumes of key personnel expected to be involved in the project. (limit to one 8 1/2 x 11 page, one side, per person). Only resumes of key personnel should be included.

- Copy of the firm's registration to do business in the Commonwealth as provided by the Department of State for firms with out-of-state headquarters or corporations not incorporated in this Commonwealth.

- A copy of the Department's DBE/WBE Certification, if applicable.

If a Joint Venture responds to a project advertisement, the Commission will not accept separate letters of interest from joint venture constituents. A firm will not be permitted to submit a letter of interest on more than one 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 subconsultant to another firm that responds to the same project advertisement. This does not preclude a firm from being set forth as a designated subconsultant to more than one prime consultant responding to the project advertisement.

The Commission is committed to the inclusion of disadvantaged, minority and woman firms in contracting opportunities. The minimum participation level for DBE/MBE/WBEs in these contracts will be 10% each. Responding firms shall clearly identify DBE/MBE/WBE firms, expected to participate in these contracts, in their letter of interest. If the selected firm does not meet the minimum requirement for DBE/MBE/WBE participation, they will be required to demonstrate good faith efforts to achieve the required level. Proposed DBE/MBE/WBE firms must be certified by the Department of Transporta-

tion at the time of the submission of the letter of interest. If further information is desired concerning DBE/MBE/WBE participation, direct inquiries to the Office of Equal Opportunity Development, Turnpike Commission by calling (717) 939-9551, Ext. 4241.

Firms interested in performing the above services are invited to submit a letter of interest and required information to Barry L. Troup, P.E., Assistant Chief Engineer for Design, at the Turnpike Commission Administration Building located at 176 Kost Road, Carlisle, PA 17013-0779. (FedEx address: 176 Kost Road, Carlisle, PA 17013-0779) (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676).

The letter of interest and required information must be received by 12 noon, local time, Friday, June 30, 2000. Any letters of interest received after this date and time will be time-stamped and returned.

Based on an evaluation of acceptable letters of interest received in response to these solicitations, one firm will be selected for each project. The order of preference will be established for the purpose of negotiating an agreement with the highest ranked firm established by the Technical Review Committee and approved by the Selection Committee. Technical Proposals or Requests for Proposals will not be requested prior to selection.

The Commission reserves the right to reject all letters of interest, to cancel solicitation requested under this notice, and/or to re-advertise solicitation for the work and services.

JAMES F. MALONE, III,
Chairperson

[Pa.B. Doc. No. 00-1024. Filed for public inspection June 9, 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

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:)
Vendor Services Section
717-787-2199 or 717-787-4705

REQUIRED DATA DESCRIPTIONS

① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.

② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.

③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.

④ Department: State Department or Agency initiating request for advertisement.

⑤ Location: Area where contract performance will be executed.

⑥ Duration: Time estimate for performance and/or execution of contract.

⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, *"Frequently Asked Questions About State Contracts,"* explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**

Pennsylvania State Treasury
Room G13 Finance Building
Harrisburg, PA 17120
717-787-2990
1-800-252-4700

BARBARA HAFER,
State Treasurer

1011040 Dog License Certificates. For a copy of bid package fax request to (717) 787-0725.

Department: Agriculture
Location: Various, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

Commodities

6000-05036 Supplies—16 each—CAD/Drafting Table with straight drafting station, reference area, lockable CPU cabinet and parallel straight edge. 1 each—instructor workstation with instructor chair. 16 each—armless contoured pneumatic chair. 1 each—drawing paper storage cabinet. 1 each—drafting storage bench. 2 each—general storage cabinet. 1 each—drafting supply storage cabinet.

Department: Corrections
Location: State Correctional Institution at Pittsburgh, 3001 Beaver Ave., P. O. Box 99901, Pittsburgh, PA 15233
Duration: 60 days upon award of bid
Contact: Carol Schaeffer/Purchasing Agent, (412) 761-1955, Ext. 291

8252400 Sweeper, Hyd, Towed. 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

8252330 Compressor, 125CFM w/Trlr, Portable. For a copy of a bid package fax request to (717) 787-0725.

Department: Transportation
Location: Harrisburg, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

8252320 Chipper, Wood, Articulated. 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

1018110 Caps: Blauer Style, with Ear Flaps. For a copy of bid package fax request to (717) 787-0725.

Department: Corrections
Location: Huntingdon, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

1517049 Rebid—Granulator, Cyclone Blower and Related Accessories. For a copy of bid package fax request to (717) 787-0725.

Department: Agriculture
Location: Harrisburg, PA
Duration: FY 99-00
Contact: Vendor Services, (717) 787-2199

8252380 Trailer, Utility, 7,000 lb., enclosed. 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

Construction—09

DGS570-27IN7 Project Title: Western PA State Correctional Institution. Brief Description: All work necessary to furnish and install hardwood gymnasium flooring, including painted and other markings and floor finishing. Estimated Range: \$100,000 to \$500,000. Gymnasium Flooring, Marking and Finishing Construction. Plans Deposit: \$610 per set payable to P. J. Dick, 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 for \$135 per set or provide your express mail account number to the office listed. Mail requests to: P. J. Dick Inc., SCI Western PA, 421 LaBelle Rd., East Millsboro, PA 15433, Attn: Cindy Nichols, Tel: (724) 785-2066. Bid Date: Tuesday, June 27, 2000 at 2:30 p.m. A Prebid Conference has been scheduled for Tuesday, June 13, 2000 at 10 a.m. at the P. J. Dick Field Office located at the job site, 421 LaBelle Rd., East Millsboro, PA. For directions, call (724) 785-2066. All Contractors who have received Contract Documents are invited and urged to attend this Prebid Conference.

Department: General Services

Location: Western PA SCI, 421 LaBelle Rd., (State Route 4020), Luzerne Township, Fayette County, PA

Duration: 510 Calendar days from date of initial job conference

Contact: Contract and Bidding Unit, (717) 787-6556

DGSA578-24 Project Title: Replace Boulevard Lighting. Brief Description: Remove existing mercury vapor boulevard lighting (series connected) and replace with new metal halide fixtures on 30 foot poles. New fixtures shall operate at 480 volts, single phase. Estimated Range: Under \$100,000. Electrical Construction. Plans Deposit: \$25 per set payable to: Commonwealth of PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed 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 your express mail account number to the office listed. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, Tel: (717) 787-3923. Bid Date: Wednesday, June 21, 2000 at 1 p.m.

Department: General Services

Location: State Correctional Institution, Dallas, Luzerne County, PA

Duration: 120 Calendar days from date of initial job conference

Contact: Contract and Bidding Unit, (717) 787-6556

DGS570-27IN2 Project Title: Western PA State Correctional Institution. Brief Description: All work necessary to provide rough carpentry work not included in other contracts, Div10 Specialties (excluding lockers, wire mesh partitions and operable panel partitions), loading dock equipment, unit kitchens and cabinets, casework, foot grilles and X-ray radiation protection equipment. Estimated Range: \$1,000,000 to \$2,000,000. Carpentry Construction. Plans Deposit: \$610 per set payable to: P. J. Dick 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 for \$135 per set or provide your express mail account number to the office listed. Mail requests to: P. J. Dick, Inc., SCI Western PA, 421 LaBelle Rd., East Millsboro, PA 15433, Attn: Cindy Nichols, Tel: (724) 785-2066. Bid Date: Tuesday, June 27, 2000 at 2:30 p.m. A Prebid Conference has been scheduled for Tuesday, June 13, 2000 at 10 a.m. at the P. J. Dick Field Office located at the job site, 421 LaBelle Rd., East Millsboro, PA. For directions call (724) 785-2066. All Contractors who have secured Contract Documents are invited and urged to attend this Prebid Conference.

Department: General Services

Location: Western PA SCI, 421 LaBelle Rd. (State Route 4020), Luzerne Township, Fayette County, PA

Duration: 510 Calendar days from date of initial job conference

Contact: Contract and Bidding Unit, (717) 787-6556

DGS570-27SC2 Project Title: Western PA State Correctional Institution. Brief Description: All work necessary to detailed design, fabricate and erect an elevated water storage tank. Included are the foundation excavation, construction and backfill, fire water supply pump and all valves, fittings and appurtenances to approximately 5 feet outside of the tower perimeter. Estimated Range: \$500,000 to \$1,000,000. Elevated Water Storage Tank Construction. Plans Deposit: \$610 per set payable to: P. J. Dick, 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 for \$135 per set or provide your express mail account number to the office listed below. Mail requests to: P. J. Dick Inc., SCI Western PA, 421 LaBelle Rd., West Millsboro, PA 15433, Attn: Cindy Nichols, Tel: (724) 785-2066. Bid Date: Tuesday, June 27, 2000 at 1 p.m. A Prebid Conference has been scheduled for Tuesday, June 6, 2000 at 10 a.m. at the P. J. Dick Field Office located at the job site, 421 LaBelle Rd., East Millsboro, PA. For directions, call (724) 785-2066. All Contractors who have secured Contract Documents are invited and urged to attend this Prebid Conference.

Department: General Services

Location: Western PA SCI, 421 LaBelle Rd. (State Route 4020), Luzerne Township, Fayette County, PA

Duration: 450 Calendar days from date of initial job conference

Contact: Contract and Bidding Unit, (717) 787-6556

DGS570-27SC3 Project Title: Western PA State Correctional Institution. Brief Description: All work necessary to detailed design, fabricate and construct a wastewater pretreatment facility (solids removal), including excavation, foundations, channel construction, process mechanical equipment and controls and fiberglass enclosure including electrical power, lighting and ventilation. Estimated Range: Under \$100,000. Wastewater Pretreatment Facility. Plans Deposit: \$610 per set payable to: P. J. Dick, 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 for \$135 per set or provide your express mail account number to the office listed below. Mail requests to: P. J. Dick, Inc., SCI Western PA, 421 LaBelle Rd., East Millsboro, PA 15433, Attn: Cindy Nichols, Tel: (724) 785-2066. Bid Date: Tuesday, June 27, 2000 at 1 p.m. A Prebid Conference has been scheduled for Tuesday, June 6, 2000 at 10 a.m. at P. J. Dick Field Office located at the job site, 421 LaBelle Rd., East Millsboro, PA. For directions, call (724) 785-2066. All Contractors who have secured Contract Documents are invited and urged to attend this Prebid Conference.

Department: General Services

Location: Western SCI, 421 LaBelle Rd., (State Route 4020), Luzerne Township, Fayette County, PA

Duration: 450 Calendar days from date of initial job conference

Contact: Contract and Bidding Unit, (717) 787-6556

DGS570-27SC5 Project Title: Western PA State Correctional Institution. Brief Description: All work necessary to furnish and install the prison industries ovens. Estimated Range: \$100,000 to \$500,000. Prison Industries Ovens. Plans Deposit: \$610 per set payable to: P. J. Dick 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 for \$135 per set or provide your express mail account number to the office listed below. Mail requests to: P. J. Dick Inc., SCI Western PA, 421 LaBelle Rd., East Millsboro, PA 15433, Attn: Cindy Nichols, Tel: (724) 785-2066. Bid Date: Tuesday, June 27, 2000 at 2:30 p.m. A Prebid Conference has been scheduled for Thursday, June 8, 2000 at 10 a.m. at the P. J. Dick Field Office located at the job site, 421 LaBelle Rd., East Millsboro, PA. For directions, call (724) 785-2066. All contractors who have secured contract documents are invited and urged to attend this prebid conference.

Department: General Services

Location: Western PA SCI, 421 LaBelle Rd. (State Route 4020), Luzerne Township, Fayette County, PA

Duration: 510 Calendar days from date of initial job conference

Contact: Contract and Bidding Unit, (717) 787-6556

DGS570-27SW3 Project Title: Western PA State Correctional Institution. Brief Description: All work necessary to construct security fence system for the compound perimeter, including electronic sensors and their connection to the electronic security system. Install and remove, at completion of the project a temporary site perimeter fence. Estimated Range: \$2,000,000 to \$5,000,000. Security Fencing Construction. Plans Deposit: \$610 per set payable to: P. J. Dick, 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 for \$135 per set or provide your express mail account number to the office listed below. Mail requests to: P. J. Dick Inc., SCI Western PA, 421 LaBelle Rd., East Millsboro, PA 15433, Attn: Cindy Nichols, Tel: (724) 785-2066. Bid Date: Tuesday, June 27, 2000 at 1 p.m. A Prebid Conference has been scheduled for Tuesday, June 6, 2000 at 10 a.m. at the P. J. Dick Field Office located at the job site, 421 LaBelle Rd., East Millsboro, PA. For directions, call (724) 785-2066. All Contractors who have secured Contract Documents are invited and urged to attend this Prebid Conference.

Department: General Services

Location: Western PA SCI, 421 LaBelle Rd. (State Route 4020), Luzerne Township, Fayette County, PA

Duration: 570 Calendar days from date of initial job conference

Contact: Contract and Bidding Unit, (717) 787-6556

DGS570-27IN3 Project Title: Western PA State Correctional Institution. Brief Description: All work necessary to provide all gypsum wallboard system surfaces, all ceiling systems, spray applied waterproofing, operable panel partitions and projection screens. Estimated Range: \$2,000,000 to \$5,000,000. Gypsum Wallboard Systems, Ceilings and Fireproofing. Plans Deposit: \$610 per set payable to: P. J. Dick 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 for \$135 per set or provide your express mail account number to the office listed below. Mail requests to: P. J. Dick Inc., SCI Western PA, 421 LaBelle Rd., East Millsboro, PA 15433, Attn: Cindy Nichols, Tel: (724) 785-2066. Bid Date: Tuesday, June 27, 2000 at 2:30 p.m. A Prebid Conference has been scheduled for Tuesday, June 13, 2000 at 10 a.m. at the P. J. Dick Field Office located at the site, 421 LaBelle Rd., East Millsboro, PA. For directions, call (724) 785-2066. All Contractors who have secured contract documents are invited and urged to attend this Prebid Conference.

Department: General Services
Location: Western PA SCI, 421 LaBelle Rd. (State Route 4020), Luzerne Township, Fayette County, PA
Duration: 510 Calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

DGS570-27IN4 Project Title: Western PA State Correctional Institution. Brief Description: All work necessary to furnish and install all security and nonsecurity caulking and sealants for the buildings. Excluded are caulking and sealants for the Precast Concrete Cells as provided for by the ST1.1 Precast Concrete Cell Contractor, for site pavements and concrete and for the concrete foundations and slabs. Estimated Range: \$100,000 to \$500,000. Caulking and Sealants. Plans Deposit: \$610 per set payable to: P. J. Dick, 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 for \$135 per set or provide your express mail account number to the office listed below. Mail requests to: P. J. Dick Inc., SCI Western PA, 421 LaBelle Rd., East Millsboro, PA 15433, Attn: Cindy Nichols, Tel: (724) 785-2066. Bid Date: Tuesday, June 27, 2000 at 1 p.m. A Prebid Conference has been scheduled for Tuesday, June 6, 2000 at 10 a.m. at the P. J. Dick Field Office located at the job site, 421 LaBelle Rd., East Millsboro, PA. For directions, call (724) 785-2066. All Contractors who have secured Contract Documents are invited and urged to attend this Prebid Conference.

Department: General Services
Location: Western PA SCI, 421 LaBelle Rd. (State Route 4020), Luzerne Township, Fayette County, PA
Duration: 570 Calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

DGSA948-334 Project Title: Fire Suppression Improvements. Brief Description: Install DGS furnished automatic sprinkler heads and make modifications to fire pumping and standpipe systems. Replace emergency generator and feed existing fire pumps. Estimated Range: \$100,000 to \$500,000. Electrical and Fire Protection 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 your express mail account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Bid Date: Wednesday, June 21, 2000 at 2 p.m.

Department: General Services
Location: Agriculture Building, Harrisburg, Susquehanna Township, Dauphin County, PA
Duration: 120 Calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

00-002 The contractor shall provide service to cable elevators. Full maintenance with straight-line callbacks. One passenger—Westinghouse. Three Freight—Houghton.

Department: Corrections
Location: Corrections Training Academy, 1451 N. Market Street, Elizabethtown, PA 17022
Duration: 1—3 years
Contact: Diane Moyle, (717) 361-4346

DGS570-27IN5 Project Title: Western PA State Correctional Institution. Brief Description: All work necessary to furnish and install all ceramic and quarry tile. This work includes substrate preparation, within the limits identified in the specifications. Where this contractor's work abuts or otherwise meets the work of other contractors, this contractor shall install the termination strips, or other items as specified. Such work is not this contractor's responsibility only when the specifications or drawings clearly state that another contractor is responsible. Estimated Range: \$100,000 to \$500,000. Ceramic and Quarry Tile Construction. Plans Deposit: \$610 per set payable to: P. J. Dick, 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 for \$135 per set or provide your express mail account number to the office listed below. Mail requests to: P. J. Dick Inc., SCI Western PA, 421 LaBelle Rd., East Millsboro, PA 15433, Attn: Cindy Nichols, Tel: (724) 785-2066. Bid Date: Tuesday, June 27, 2000 at 2:30 p.m. A Prebid Conference has been scheduled for Tuesday, June 13, 2000 at 10 a.m. at the P. J. Dick Field Office located at the job site, 421 LaBelle Rd., East Millsboro, PA. For directions, call (724) 785-2066. All Contractors who have secured Contract Documents are invited and urged to attend this Prebid Conference.

Department: General Services
Location: Western PA SCI, 421 LaBelle Rd. (State Route 4020), Luzerne Township, Fayette County, PA
Duration: 510 Calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

DGS570-27IN8 Project Title: Western PA State Correctional Institution. Brief Description: All work necessary to perform all painting, including block filler and other painting preparation. Estimated Range: \$500,000 to \$1,000,000. Painting, Coatings, Plans Deposit: \$610 per set payable to: P. J. Dick, 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 for \$135 per set or provide your express mail account number to the office listed below. Mail requests to: P. J. Dick Inc., SCI Western PA, 421 LaBelle Rd., East Millsboro, PA 15433, Attn: Cindy Nichols, Tel: (724) 785-2066. Bid Date: Tuesday, June 27, 2000 at 2:30 p.m. A Prebid Conference has been scheduled for Tuesday, June 13, 2000 at 10 a.m. at the P. J. Dick Field Office located at the job site, 421 LaBelle Rd., East Millsboro, PA. For directions, call (724) 785-2066. All Contractors who have secured Contract Documents are invited and urged to attend this Prebid Conference.

Department: General Services
Location: Western PA SCI, 421 LaBelle Rd. (State Route 4020), Luzerne Township, Fayette County, PA
Duration: 510 Calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

00776022 The contractor shall provide all labor, demolition, materials, apparatus, trucking, tools, superintendence and service required for completion of a new bulk storage facility 36' x 24'.

Department: Public Welfare
Location: Allentown State Hospital, 1600 Hanover Avenue, Allentown, PA 18103-2498
Duration: July 1, 2000—June 30, 2001
Contact: Robert Mitchell, (610) 740-4225

DGS570-27IN9 Project Title: Western PA State Correctional Institution. Brief Description: All work necessary to furnish and install all gym lockers and benches. Estimated Range: Under \$100,000. Gym Lockers and Benches Construction. Plans Deposit: \$610 per set payable to: P. J. Dick, 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 for \$135 per set or provide your express mail account number to the office listed below. Mail requests to: P. J. Dick Inc., SCI Western PA, 421 LaBelle Rd., East Millsboro, PA 15433, Attn: Cindy Nichols, Tel: (724) 785-2066. Bid Date: Tuesday, June 27, 2000 at 2:30 p.m. A Prebid Conference has been scheduled for Thursday, June 8, 2000 at 10 a.m. at the P. J. Dick Field Office located at the job site, 421 LaBelle Rd., East Millsboro, PA. For directions, call (724) 785-2066. All contractors who have secured Contract Documents are invited and urged to attend this Prebid Conference.

Department: General Services
Location: Western PA SCI, 421 LaBelle Rd. (State Route 4020), Luzerne Township, Fayette County, PA
Duration: 540 Calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

DGS570-25IN10 Project Title: Western PA State Correctional Institution. Brief Description: All work necessary to furnish and install all gymnasium equipment. Estimated Range: Under \$100,000. Gymnasium Equipment Construction. Plans Deposit: \$610 per set payable to: P. J. Dick, 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 for \$135 per set or provide your express mail account number to the office listed below. Mail requests to: P. J. Dick Inc., SCI Western PA, 421 LaBelle Rd., East Millsboro, PA 15433, Attn: Cindy Nichols, Tel: (724) 785-2066. Bid Date: Tuesday, June 27, 2000 at 2:30 p.m. A Prebid Conference has been scheduled for Thursday, June 8, 2000 at 10 a.m. at the P. J. Dick Field Office located at the job site, 421 LaBelle Rd., East Millsboro, PA. For directions, call (724) 785-2066. All contractors who have secured Contract Documents are invited and urged to attend this Prebid Conference.

Department: General Services
Location: Western PA SCI, 421 LaBelle Rd. (State Route 4020), Luzerne Township, Fayette County, PA
Duration: 510 Calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

DGS570-25IN11 Project Title: Western PA State Correctional Institution. Brief Description: All work necessary to furnish and install all medical equipment. Estimated Range: Under \$100,000. Medical Equipment Construction. Plans Deposit: \$610 per set payable to: P. J. Dick, 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 for \$135 per set or provide your express mail account number to the office listed below. Mail requests to: P. J. Dick Inc., SCI Western PA, 421 LaBelle Rd., East Millsboro, PA 15433, Attn: Cindy Nichols, Tel: (724) 785-2066. Bid Date: Tuesday, June 27, 2000 at 2:30 p.m. A Prebid Conference has been scheduled for Thursday, June 8, 2000 at 10 a.m. at the P. J. Dick Field Office located at the job site, 421 LaBelle Rd., East Millsboro, PA. For directions, call (724) 785-2066. All contractors who have secured Contract Documents are invited and urged to attend this Prebid Conference.

Department: General Services
Location: Western PA SCI, 421 LaBelle Rd. (State Route 4020), Luzerne Township, Fayette County, PA
Duration: 510 Calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

DGS570-27IN12 Project Title: Western PA State Correctional Institution. Brief Description: All work necessary to furnish and install all kitchen equipment. Estimated Range: \$1,000,000 to \$2,000,000. Kitchen Equipment Construction. Plans Deposit: \$610 per set payable to: P. J. Dick, Inc. Refundable upon return of plans and specifications in reusable condition (no marks allowed) 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 \$135 per set or provide your express mail account number to the office listed below. Mail requests to: P. J. Dick Inc., SCI Western PA, 421 LaBelle Rd., East Millsboro, PA 15433, Attn: Cindy Nichols, Tel: (724) 785-2066. Bid Date: Tuesday, June 27, 2000 at 2:30 p.m. A Prebid Conference has been scheduled for Thursday, June 8, 2000 at 10 a.m. at the P. J. Dick Field Office located at the job site, 421 LaBelle Rd., East Millsboro, PA. For directions, call (724) 785-2066. All contractors who have secured Contract Documents are invited and urged to attend this Prebid Conference.

Department: General Services
Location: Western PA SCI, 421 LaBelle Rd. (State Route 4020), Luzerne Township, Fayette County, PA
Duration: 510 Calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

DGS570-27EX3 Project Title: Western PA State Correctional Institution. Brief Description: All work necessary to furnish and install aluminum curtainwalls, including integral doors, windows and glazing. Estimated Range: Under \$100,000. Aluminum Curtainwalls Construction. Plans Deposit: \$610 per set payable to: P. J. Dick, Inc. Refundable upon return of plans and specifications in reusable condition (no marks allowed) 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 \$135 per set or provide your express mail account number to the office listed below. Mail requests to: P. J. Dick Inc., SCI Western PA, 421 LaBelle Rd., East Millsboro, PA 15433, Attn: Cindy Nichols, Tel: (724) 785-2066. Bid Date: Tuesday, June 27, 2000 at 1 p.m. A Prebid Conference has been scheduled for Tuesday, June 6, 2000 at 10 a.m. at the P. J. Dick Field Office located at the job site, 421 LaBelle Rd., East Millsboro, PA. For directions, call (724) 785-2066. All Contractors who have secured Contract Documents are invited and urged to attend this Prebid Conference.

Department: General Services
Location: Western PA SCI, 421 LaBelle Rd. (State Route 4020), Luzerne Township, Fayette County, PA
Duration: 450 Calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

DGS570-27IN13 Project Title: Western PA State Correctional Institution. Brief Description: All work necessary to furnish and install all horizontal louvered window blinds. Estimated Range: Under \$100,000. Horizontal Louvered Window Blinds. Plans Deposit: \$610 per set payable to: P. J. Dick, Inc. Refundable upon return of plans and specifications in reusable condition (no marks allowed) 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 \$135 per set or provide your express mail account number to the office listed below. Mail requests to: P. J. Dick Inc., SCI Western PA, 421 LaBelle Rd., East Millsboro, PA 15433, Attn: Cindy Nichols, Tel: (724) 785-2066. Bid Date: Tuesday, June 27, 2000 at 2:30 p.m. A Prebid Conference has been scheduled for Tuesday, June 13, 2000 at 10 a.m. at the P. J. Dick Field Office located at the job site, 421 LaBelle Rd., East Millsboro, PA. For directions, call (724) 785-2066. All Contractors who have secured Contract Documents are invited and urged to attend this Prebid Conference.

Department: General Services
Location: Western PA SCI, 421 LaBelle Rd. (State Route 4020), Luzerne Township, Fayette County, PA
Duration: 510 Calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

DGS570-27EX2 Project Title: Western PA State Correctional Institution. Brief Description: All work necessary to furnish and install roofs on buildings, except those constructed by the SCI.1 Pre-Engineered Metal Buildings Contractor. Estimated Range: \$2,000,000 to \$5,000,000. Roofing Construction. Plans Deposit: \$610 per set payable to: P. J. Dick, 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 for \$135 per set or provide your express mail account number to the office listed below. Mail requests to: P. J. Dick Inc., SCI Western PA, 421 LaBelle Rd., East Millsboro, PA 15433, Attn: Cindy Nichols, Tel: (724) 785-2066. Bid Date: Tuesday, June 27, 2000 at 1 p.m. A Prebid Conference has been scheduled for Tuesday, June 6, 2000 at 10 a.m. at the P. J. Dick Field Office located at the job site, 421 LaBelle Rd., East Millsboro, PA. For directions, call (724) 785-2066. All Contractors who have secured contract documents are invited and urged to attend this Prebid Conference.

Department: General Services
Location: Western PA SCI, 421 LaBelle Rd. (State Route 4020), Luzerne Township, Fayette County, PA
Duration: 450 Calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

DGS570-27IN6 Project Title: Western PA State Correctional Institution. Brief Description: All work necessary to furnish and install all resilient flooring, carpeting, fluid applied epoxy flooring and the indoor athletic surfaces. This work includes substrate preparation, within the limits identified in the specifications. Estimated Range: \$100,000 to \$500,000. Resilient Flooring, Carpeting, Fluid Applied Epoxy Flooring and Indoor Athletic Surfaces. Plans Deposit: \$610 per set payable to: P. J. Dick, 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 for \$135 per set or provide your express mail account number to the office listed below. Mail requests to: P. J. Dick Inc., SCI Western PA, 421 LaBelle Rd., East Millsboro, PA 15433, Attn: Cindy Nichols, Tel: (724) 785-2066. A Prebid Conference has been scheduled for Tuesday, June 13, 2000 at 10 a.m. at the P. J. Dick Field Office located at the job site, 421 LaBelle Rd., East Millsboro, PA. For directions, call (724) 785-2066. All Contractors who have secured Contract Documents are invited and urged to attend this Prebid Conference.

Department: General Services
Location: Western PA SCI, 421 LaBelle Rd. (State Route 4020), Luzerne Township, Fayette County, PA
Duration: 510 Calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

2-2-00040 This contract will provide manpower, equipment, and incidental guidrail for installation of approximately 5,000 linear feet of strong post at various locations throughout Clearfield County. All guidrail material will be supplied by the Department of Transportation except for the bolts, nuts, washers, rotating brackets, bridge connection plates, anchor bolts, concrete for the end treatment and anchorage. It will be the contractor's responsibility to pick up the material and deliver it to the work sites. A mandatory prebid meeting (only one day) will be held which will include review of the guidrail locations, and a site will be determined for where the guidrail material will be stored. The Department shall be responsible for removal of the cable type guide rail and for any grading of shoulder stabilization prior to the placement of the guidrail by the contractor. All request for bid packages must be received by Fax at (814) 765-0681. Attention: Debbie Swank, Tel No. (814) 765-0524.

Department: Transportation
Location: Various locations within Clearfield County
Duration: One Year Contract
Contact: Debbie Swank, (814) 765-0524

401-BL-584 Upper Campus Student Apartments—Provide all labor, equipment and material necessary to construct 42 new two-story, townhouse style student apartments. Buildings to be wood frame construction with exterior vinyl siding asphalt shingle roof on prefabricated wood roof trusses. Each apartment to be individually heated and cooled, contain kitchen, living area, six bedrooms, one shower/toilet/vanity bathroom downstairs, one shower room upstairs, and one toilet/vanity upstairs. Buildings to be fully sprinklered and connected to the university fire alarm system. All to be provided with built-in light fixtures, as well as power, data, telephone and cable television connections. To obtain a set of bid documents, submit a \$120 nonrefundable deposit to Voith & Mactavish Architects, 1616 Walnut Street, 24th Floor, Philadelphia, PA 19103, telephone (512) 545-4544. Bid documents will contain all prebid and bid specification information. There will be four prime contracts—General, HVAC, Plumbing and Electrical construction.

Department: State System of Higher Education
Location: Bloomsburg University, Bloomsburg, PA
Duration: 420 calendar days
Contact: Joseph C. Quinn, (570) 389-4311

Engineering Services—14

08430AG2566 To provide supplementary construction inspection staff to perform construction inspection services on various Highway Occupancy permit projects in Engineering District 9-0, that is Bedford, Blair, Cambria, Fulton, Huntingdon and Somerset Counties. 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 9-0
Duration: Sixty Months
Contact: N/A

08430AG2565 Multi-phase Agreement to provide environmental studies, preliminary engineering, final design, shop drawing review and consultation during construction on S. R. 4026, Section A00, South Hills Road Extension, in Erie 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

Environmental Maintenance—15

SP-01742002 Vendor to perform an Inspection of Environmental Systems at County Assistance Offices located in the Commonwealth of Pennsylvania. A copy of detailed specifications for this service may be obtained by faxing the Division of Procurement at the following number: (717) 787-3560.

Department: Public Welfare
Location: Division of Office Services, Room 233, Health and Welfare Building, P. O. Box 2675, Harrisburg, PA 17105-2675
Duration: Anticipated term of Contract to be July 1, 2000—June 30, 2005
Contact: Barry Malone, (717) 705-3917

NC 041-201.1 Reach Road Industrial Park Water Extension involves installation of 3/4 inch Type K copper tubing at approximately 14 sites and installation of pressure-regulating devices at approximately 7 of the 14 sites. This project issues June 9, 2000; bid documents are free of charge.

Department: Environmental Protection
Location: Williamsport, Lycoming County
Duration: 100 calendar days after notice to proceed
Contact: Construction Contracts Section, (717) 783-7994

BF 459-101.1 Under the act of October 12, 1984 (P. L. 914, No. 180), the Department of Environmental Protection solicits letters of interest from the landowners and/or licensed mine operators for the reclamation of abandoned strip mine projects. Letters of interest must be received by Roderick A. Fletcher, P. E., Director, Bureau of Abandoned Mine Reclamation, Department of Environmental Protection, 400 Market Street, P. O. Box 8476, Harrisburg, PA 17105-8476, no later than 4 p.m., July 10, 2000, to be considered.

Department: Environmental Protection
Location: 3 acres of reclamation in Elk Lick Township
Duration: N/A
Contact: Ramesh Desai, (717) 783-5641

BF 386-102.1 Under the act of October 12, 1984 (P. L. 914, No. 180), the Department of Environmental Protection solicits letters of interest from the landowners and/or licensed mine operators for the reclamation of abandoned strip mine projects. Letters of interest must be received by Roderick A. Fletcher, P. E., Director, Bureau of Abandoned Mine Reclamation, Department of Environmental Protection, 400 Market Street, P. O. Box 8476, Harrisburg, PA 17105-8476, no later than 4 p.m., July 10, 2000, to be considered.

Department: Environmental Protection
Location: 2 acres of reclamation in Eau Claire Borough
Duration: N/A
Contact: Joseph Schueck, (717) 783-5649

BF 443-101.1 Under the act of October 12, 1984 (P. L. 914, No. 180), the Department of Environmental Protection solicits letters of interest from the landowners and/or licensed mine operators for the reclamation of abandoned strip mine projects. Letters of interest must be received by Roderick A. Fletcher, P. E., Director, Bureau of Abandoned Mine Reclamation, Department of Environmental Protection, 400 Market Street, P. O. Box 8476, Harrisburg, PA 17105-8476, no later than 4 p.m., July 10, 2000, to be considered.

Department: Environmental Protection
Location: 24 acres of reclamation in Bell Township
Duration: N/A
Contact: Ramesh Desai, (717) 783-5641

BF 456-101.1 Under the act of October 12, 1984 (P. L. 914, No. 180), the Department of Environmental Protection solicits letters of interest from the landowners and/or licensed mine operators for the reclamation of abandoned strip mine projects. Letters of interest must be received by Roderick A. Fletcher, P. E., Director, Bureau of Abandoned Mine Reclamation, Department of Environmental Protection, 400 Market Street, P. O. Box 8476, Harrisburg, PA 17105-8476, no later than 4 p.m., July 10, 2000, to be considered.

Department: Environmental Protection
Location: 2 acres of reclamation in Sandy Township
Duration: N/A
Contact: Ramesh Desai, (717) 783-5641

Extermination Services—16

SP10882119 Contractor to provide comprehensive pest elimination service and will insure all buildings listed under contract as well as sewage lines are free of roaches, rodents, flying insects, wood destroying insects, etc. Contractor must be certified in the use of pesticides and document all such use. Contractor will be required to provide 24-hour emergency response when needed.

Department: Public Welfare
Location: South Mountain Restoration Center, 10058 South Mountain Road, South Mountain, PA 17261
Duration: July 1, 2000—December 31, 2000
Contact: Joseph F. Merlina, (717) 749-4030

Firefighting Services—18

1375007147 Inspect fire pump, wet pipe system, foam system and antifreeze system.

Department: Military Affairs
Location: 111CES, PA Air National Guard, Willow Grove Naval Air Station, Willow Grove, PA 19090-5232
Duration: October 1, 2000—September 30, 2003
Contact: Emma Schroff, (717) 861-8518

1375007140 Contract for inspection, testing, and on-call maintenance of water based fire protection systems, and fire notification systems.

Department: Military Affairs
Location: PA Air National Guard, 171st Air Refueling Wing, Pittsburgh International Airport, Coraopolis, PA
Duration: October 1, 2000—September 30, 2003
Contact: Emma Schroff, (717) 861-8518

Food—19

00-006 White milk 2%/eight 5 gallon containers for dispenser unit per week for an annual total of 2,080 containers per year, chocolate milk 1%/three 5 gallon containers for dispenser unit per week for an annual total of 780 containers per year, cottage cheese small curd/25 lbs. per week for an annual total of 1,300 lbs. per year, margarine/30 lb. case—1 lb. individually wrapped—5 cases per week for an annual total of 7,800 lbs. per year, cream cheese/ten 3 lb. blocks per case—one case every 4 weeks for an annual total of 360 lbs. per year ice cream novelties: 4 oz. vanilla cups 24 pack—10 packs per week for an annual total of 500 packs 4 oz. chocolate cups 24 pack—10 packs per week for an annual total of 500 packs 4 oz. strawberry cups 24 pack—10 packs per week for an annual total of 500 packs fudge bars 24 pack—5 packs per week for an annual total of 250 packs orange cream bars 24 pack—5 packs per week for an annual total of 250 packs.

Department: Corrections
Location: DOC Elizabethtown Training Academy, 1451 North Market Street, Elizabethtown, PA 17022
Duration: 1 year
Contact: Diane Moyle, (717) 361-4346

Fuel Related Services—20

1375007125 Repair (maintain) annual inspection of several petroleum pumps at federal buildings, Ft. Indiantown Gap. Emergency and routine services on an on-call basis at 4 buildings. Contractor must have 24 hour service.

Department: Military Affairs
Location: Federal Buildings, Ft. Indiantown Gap, Annville, PA
Duration: October 1, 2000—September 30, 2003
Contact: Emma Schroff, (717) 861-8518

00671030 Provide analytical technical service for the treatment of boiler water.

Department: Public Welfare
Location: Norristown State Hospital, 1001 Sterigere St., Norristown, PA 19401
Duration: Two year period
Contact: Sue Brown, Purchasing Agent, (610) 313-1026

Hazardous Material Services—21

00671031 Provide removal and disposal of electrical equipment. Add nitrogen to six substation transformers. Other related work on the grounds of Norristown State Hospital and Haverford State Hospital.

Department: Public Welfare
Location: Norristown State Hospital, 1001 Sterigere St., Norristown, PA 19401
Duration: Ninety days after receiving approved contract
Contact: Sue Brown, Purchasing Agent, (610) 313-1026

HVAC—22

1375007115 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 via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must 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 the State Armory Board.

Department: Military Affairs
Location: Various Buildings, Ft. Indiantown Gap, Annville, PA
Duration: October 1, 2000—September 30, 2003
Contact: Emma Schroff, (717) 861-8518

1375007144 Provide emergency and routine repair 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 the State Armory Board.

Department: Military Affairs
Location: 111CES, PA Air National Guard, Willow Grove Naval Air Station, Willow Grove, PA 19090-5232
Duration: October 1, 2000—September 30, 2003
Contact: Emma Schroff, (717) 861-8518

1375007132 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 in 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 the State Armory Board.

Department: Military Affairs
Location: Harrisburg International Airport, Middletown, PA
Duration: October 1, 2000—September 30, 2003
Contact: Emma Schroff, (717) 861-8518

1375007131 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 in 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 the State Armory Board.

Department: Military Affairs
Location: Harrisburg International Airport, Middletown, PA
Duration: October 1, 2000—September 30, 2003
Contact: Emma Schroff, (717) 861-8518

1375007116 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 the State Armory Board.

Department: Military Affairs
Location: Various Buildings, Ft. Indiantown Gap, Annville, PA
Duration: October 1, 2000—September 30, 2003
Contact: Emma Schroff, (717) 861-8518

100-00 Supply and install: three 35 foot class III treated ANSI 05.1 STD electric poles with all necessary hardware.

Department: Public Welfare
Location: Norristown State Hospital, 1001 Sterigere St., Norristown, PA 19401
Duration: Sixty days
Contact: Gary Raisner, (610) 313-5465

05-B-00 Furnish and install 1 Bryant 4 ton condensing unit or equal. Old unit must be removed.

Department: Labor and Industry
Location: Social Security Payment Center, 3rd and Spring Garden Streets, Snack Bar, 4th Floor, Philadelphia, PA 19123
Duration: 6 Months
Contact: Norman Kee, (717) 705-0450

1103500004 The State Correctional Institution Graterford is looking for a vendor to provide service to repair and maintain emergency generators and integral switch gear located at the Institution.

Department: Corrections
Location: State Correctional Inst. Graterford, Box 246, Off Rt. 29, Graterford, PA 19426
Duration: July 1, 2000—June 30, 2001
Contact: Kelly Richardson, (610) 489-4151

Janitorial Services—23

064008 Cleaning offices and restroom facilities at the PENNDOT Montgomery County Maintenance Office in Norristown, PA. Requires two individuals, 4 hours per day Monday-Friday. If interested in receiving a bid package, please fax requests to Carol Cowan at (610) 270-1520.

Department: Transportation
Location: P. O. Box 350, Swede Road at Johnson Highway, Norristown, PA 19401
Duration: Multi-year contract with options to renew
Contact: Carol Cowan, (610) 275-2368

Bid No. 8149 Furnish all materials, equipment and labor to perform janitorial services three visits per week at the PA State Police, Newport Station. Detailed work schedule & bid must be obtained from Facility Management Division, (717) 783-5484.

Department: State Police
Location: Newport Station, 52 Red Hill Court, Newport, PA 17074
Duration: September 1, 2000—June 30, 2003
Contact: Donna Enders, (717) 783-5484

Laboratory Services—24

f1486589 SPF Pre-Incubated 9-day old eggs. Total quantity 5,200, 100 delivered weekly*. Unit price per egg \$ _____. SPF Pre-Incubated 7-day old eggs. Total quantity, 5,200 100 delivered weekly* Unit price per egg \$ _____. *Eggs must be delivered every Tuesday morning. Weekly delivery charge \$ _____. Organic (0) Zero day old eggs. Total quantity, 4,032 Unit price per egg \$ _____. Eggs to be delivered when agency calls, usually 19 dozen at a time, approximately seven times throughout the year. Estimated delivery charge \$ _____

Department: Agriculture
Location: PA Veterinary Laboratory, 2305 N. Cameron Street, Harrisburg, PA 17110
Duration: July 1, 2000—June 30, 2001
Contact: Dr. Tewari, (717) 787-8808

Medical Services—29

RFP HGAC 2000-002 The Hiram G. Andrews Center is soliciting bids for a contractor to provide all distributive and non-distributive pharmaceutical services for approximately 350 clients/students. The scope of the contract will include filling approximately 20,000 annual prescriptions, conducting in-service training for the facility skilled nursing staff, attending pharmaceutical committee meetings, and filing of reports. A pharmacist must be at the facility at least 2 to 3 hours daily, Monday through Friday and be on standby for a 24-hour per day basis. Emergency prescriptions must be filled within 30 minutes. A mandatory prebid site visit will be required. To obtain a request for proposal package, submit the written request to the attention of Robert D. Robinson, 727 Goucher St., Johnstown, PA 15905 or fax this request to (814) 255-8370. This will not result in a contract for employment.

Department: Labor and Industry
Location: Office of Vocational Rehabilitation, Hiram G. Andrews Center, 727 Goucher Street, Johnstown, PA 15905
Duration: For a contract term of 5 years
Contact: Robert D. Robinson, Purchasing Agent II, (814) 255-8210

SP 16 0 0391 330 The Scranton State School for the Deaf is seeking the services of a medical doctor specializing in psychiatry to provide part-time on-site services. The contract will be for five 1 year terms. Do not call for information. All data is in bid package. Fax name, address and fax number to (570) 963-4544 for the procedure in obtaining sealed bid package number SP 16 0 0391 330.

Department: Education
Location: Scranton State School for the Deaf, 1800 North Washington Avenue, Scranton, PA 18509-1799
Duration: July 1, 2000—June 30, 2005
Contact: Merrill Mayenschein, (570) 963-4541

Property Maintenance—33

040125 The Pennsylvania Department of Transportation Engineering District 4-0 requires the planting of evergreens, shade trees and ornamental trees, and the preparation and planting of shrub beds in Lackawanna County. The limit of work includes roadsides on Interstate 81 Southbound between exits 54 and 51 including areas of ramps. Interested bidder must be a prequalified landscape contractor. 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 Interstate 81 corridor south
Duration: Eighteen months
Contact: Martha Spaide, (570) 963-4048

1375007138 Lawn maintenance.

Department: Military Affairs
Location: Harrisburg International Airport, Middletown, PA
Duration: October 1, 2000—September 30, 2003
Contact: Emma Schroff, (717) 861-8518

040124 The Pennsylvania Department of Transportation Engineering District 4-0 requires the planting of evergreens, shade trees and ornamental trees, and the preparation and planting of shrub beds in Lackawanna County. The limit of work includes roadsides on Interstate 81 Northbound between exits 51 and 54 including areas of ramps. Interested bidder must be a prequalified landscape contractor. 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 Interstate 81 corridor north
Duration: Eighteen months
Contact: Martha Spaide, (570) 963-4048

040126 The Pennsylvania Department of Transportation Engineering District 4-0 requires the planting of evergreens, shade trees and ornamental trees, and the preparation and planting of shrub beds in Pike County. The limit of work includes roadsides on Interstate 84 between the New York State line and 1/2 mile west of Matamoras exit number 11 and includes areas of ramps. Interested bidder must be a prequalified landscape contractor. 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 Interstate 84
Duration: Eighteen months
Contact: Martha Spaide, (570) 963-4048

Bid No. 8150 Lawn maintenance to cut, trim and maintain grass area four cuttings per month, or as required by the Troop Commander. Trim to include edging along sidewalks and driveways. Detailed Work Schedule & Bid must be obtained from Facility Management Division, (717) 783-5484.

Department: State Police
Location: Montoursville Headquarters, 899 Cherry Street, Montoursville, PA 17754-0068
Duration: September 1, 2000—June 30, 2003
Contact: Donna L. Enders, (717) 783-5484

040127 The Pennsylvania Department of Transportation Engineering District 4-0 requires the planting of evergreens, shade trees and ornamental trees, and the preparation and planting of shrub beds in Susquehanna County. The limit of work includes roadsides on Interstate 81 between the New York State line and exit number 68, Great Bend. Interested bidder must be a prequalified landscape contractor. 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 Interstate 81
Duration: Eighteen months
Contact: Martha Spaide, (570) 963-4048

Real Estate Services—35

373883 Lease Office Space to the Commonwealth of Pennsylvania 2,201 sq. ft. of office space with 14 parking spaces in Venango and Clarion Counties, bounded by: North: Rt. 322, South: Rt. 80, East: Intersection of Rts. 80 and 322 and West: Rt. 8. The Public School Employees' Retirement System will occupy the space. Proposals Due: July 10, 2000 Solicitation No.: 93031

Department: Public School Employees' Retirement System
Location: 505 North Office Building, Harrisburg, PA 17125
Duration: N/A
Contact: Cynthia T. Lentz, (717) 787-0952

Sanitation—36

00-003 The contractor will provide trash removal twice a week and provide a 3 cubic foot yard container and rental of a 15 cubic foot yard frontward compactor and other containers as needed.

Department: Corrections
Location: DOC Elizabethtown Training Academy, 1451 North Market Street, Elizabethtown, PA 17022
Duration: 1 year
Contact: Diane Moyle, (717) 361-4346

1375007126 Remove trash and refuse 36 times per year. 24 hour notification for pick-up. Trash will be in one 30 cu. yd. container.

Department: Military Affairs
Location: Bldg. 10-102, Ft. Indiantown Gap, Annville, PA
Duration: October 1, 2000—September 30, 2003
Contact: Emma Schroff, (717) 861-8518

1375007136 Remove trash and refuse from National Guard facility at Harrisburg International Airport on a weekly basis.

Department: Military Affairs
Location: Harrisburg International Airport, Middletown, PA
Duration: October 1, 2000—September 30, 2003
Contact: Emma Schroff, (717) 861-8518

00-004 The contractor shall remove and haul "fly and bottom ash" from the DOC Training Academy as generated by the coal boiler. The contractor shall possess all necessary licenses and permits to provide such service.

Department: Corrections
Location: Department of Corrections Training Academy, 1451 N. Market Street, Elizabethtown, PA 17022
Duration: 1—2 years
Contact: Diane M. Moyle, (717) 361-4346

Security Services—37

SP-260074 Furnish, install and maintain a leased 24-hour monitored Central Station Security Alarm System (including opening and closing reports) in Pennsylvania Wine and Spirits Shoppes and/or facilities.

Department: Liquor Control Board
Location: Philadelphia, Chester, Montgomery, Delaware and Bucks Counties
Duration: 5 years
Contact: Debbie Brinser, (717) 772-2043

Vehicle, Heavy Equipment—38

1375007123 Repair services of dock levelers, Bldgs. 8-80, 11-11, 11-62 and 11-68, Ft. Indiantown Gap. Emergency and routine on-call services on an on-call basis. Contractor must have 24 hr. service.

Department: Military Affairs
Location: Bldgs. 8-80, 11-11, 11-62 and 11-68, Ft. Indiantown Gap, Annville, PA
Duration: October 1, 2000—September 30, 2003
Contact: Emma Schroff, (717) 861-8518

1375007134 Repair (maintain) overhead doors at Air National Guard facility at Harrisburg International Airport.

Department: Military Affairs
Location: Harrisburg International Airport, Middletown, PA
Duration: October 1, 2000—September 30, 2003
Contact: Emma Schroff, (717) 861-8518

1375007135 On-call maintenance of fire alarm system.

Department: Military Affairs
Location: Harrisburg International Airport, Middletown, PA
Duration: October 1, 2000—September 30, 2003
Contact: Emma Schroff, (717) 861-8518

1375007137 On-call maintenance on air compressor.

Department: Military Affairs
Location: Harrisburg International Airport, Middletown, PA
Duration: October 1, 2000—September 30, 2003
Contact: Emma Schroff, (717) 861-8518

1375007148 Annual inspection and on-call maintenance of hangar doors.

Department: Military Affairs
Location: 111CES, PA Air National Guard, Willow Grove Naval Air Station, Willow Grove, PA 19090-5232
Duration: October 1, 2000—September 30, 2003
Contact: Emma Schroff, (717) 861-8518

1375007122 Repair (maintain) annual inspection of overhead cranes in Bldg. 10-102 and 19-101, Ft. Indiantown Gap. Emergency and routine service on an on-call basis. Contractor must have 24 hr. service.

Department: Military Affairs
Location: Bldg. 10-102 & 19-101, Ft. Indiantown Gap
Duration: October 1, 2000—September 30, 2003
Contact: Emma Schroff, (717) 861-8518

1375007141 On-call maintenance of overhead doors.

Department: Military Affairs
Location: PA Air National Guard, 171st Air Refueling Wing, Pittsburgh International Airport, Coraopolis, PA
Duration: October 1, 2000—September 30, 2003
Contact: Emma Schroff, (717) 861-8518

1375007142 On-call maintenance of oil water separators.

Department: Military Affairs
Location: PA Air National Guard, 171st Air Refueling Wing, Pittsburgh International Airport, Coraopolis, PA
Duration: October 1, 2000—September 30, 2003
Contact: Emma Schroff, (717) 861-8518

1375007124 Repair (maintain) lifts, hoists and air compressors in several buildings at Ft. Indiantown Gap. Emergency and routine services on an on-call basis. Contractor must have 24 hour service.

Department: Military Affairs
Location: Various Buildings, Ft. Indiantown Gap, Annville, PA
Duration: October 1, 2000—September 30, 2003
Contact: Emma Schroff, (717) 861-8518

1375007146 On-call repairs and annual inspection of overhead cranes, hoists.

Department: Military Affairs
Location: 111CES, PA Air National Guard, Willow Grove Naval Air Station, Willow Grove, PA 19090-5232
Duration: October 1, 2000—September 30, 2003
Contact: Emma Schroff, (717) 861-8518

Miscellaneous—39

1375007143 Testing, inspection and services for ten separate water treatment systems.

Department: Military Affairs
Location: PA Air National Guard, 171st Air Refueling Wing, Pittsburgh International Airport, Coraopolis, PA
Duration: October 1, 2000—September 30, 2003
Contact: Emma Schroff, (717) 861-8518

99-12 The Department of Transportation is issuing a Request for Proposals (RFP) to solicit contractors interested in performing highway beautification services (for example, litter and debris removal, sweeping, graffiti removal, landscaping and vegetation management) on sections of primarily high-volume, urbanized highways and to market and recruit individuals or businesses to sponsor sections of these highways. The award of this contract is contingent upon language changes to the Pennsylvania Limited Access Highway Act which is being considered by the General Assembly at this time. Interested contractors may request a copy of the RFP by faxing their name, company name, address, telephone number and fax number to Vikki Mahoney at (717) 783-7971. Please reference RFP 99-12 of the request.

Department: Transportation
Location: Throughout the Commonwealth of Pennsylvania
Duration: Multi-year with option to renew
Contact: Darlene Greenawald, (717) 705-6476

464002 Manufacture and apply vehicle markings to 47 compact and full-size vans that are used by the Department's motor carrier enforcement officers. Includes the removal of old markings, cleaning the surface, manufacturing and applying new markings. Fax bid requests to Shannon M. Devine at (717) 705-5523.

Department: Transportation
Location: Vendor Location
Duration: Approximately 6 months or until work is completed
Contact: Shannon M. Devine, (717) 772-0881

SP 16 0 0391 The Scranton State School for the Deaf is seeking part time on-call sign language interpreters/transliterators. Certification is required in accordance to Management Directive 205.32. The contract will be for five 1 year terms. Do not call for information. All information is in the bid. Fax the name, address and fax number to (570) 963-4544 for the procedure in obtaining sealed bid package number SP 16 0 0391.

Department: Education
Location: Scranton State School for the Deaf, 1800 North Washington Avenue, Scranton, PA 18509-1799
Duration: July 1, 2000—June 30, 2005
Contact: Merrill Mayenschein, (570) 963-4541

3509 The State Correctional Institution Graterford is seeking vendors to supply various amounts and types of yarn used in hosiery, knitting and weaving applications. Included but not limited will be: acrylics, nylon filaments, mercerized combed peeler cotton, 100% cotton, and 50/50 poly/cotton yarns.

Department: Corrections
Location: Correctional Industries State Correctional Inst. Graterford, Box 246, Off Rt. 29, Graterford, PA 19426
Duration: July 1, 2000—June 30, 2001
Contact: Gerald L. Arasin, (610) 489-4151

[Pa.B. Doc. No. 00-1025. Filed for public inspection June 9, 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.	Awarded On	To	In the Amount Of
2420-01 Sup #3	06/05/00	R & S Equip- ment Repair	20,000.00
3830-01	06/01/00	Kennametal Inc	732,553.25
3830-01	06/01/00	Valk Manufac- turing Co	624,925.70
3830-01	06/01/00	Winter Equip- ment Co Inc	114,140.00
6510-01 Sup #1	06/05/00	Xpedx	5,000.00
1269019-01	05/30/00	Ford Motor Co Governor/ Mayor Lease Program	7,848.00
1394219-01	05/30/00	Alpine Towers International Inc	49,500.00
1417159-01	05/30/00	Educational Furniture Solutions LLC	6,247.08
1424229-01	05/30/00	Boston Whaler Inc Govt Products Div	33,874.00
1449119-01	05/30/00	A H Rice Corp	66,000.00
1480119-01	05/30/00	Geovox Secu- rity Inc	215,970.00
1483389-01	05/30/00	Imagineering Services d/b/a Asperline Log Homes	39,500.00

Requisition or Contract No.	Awarded On	To	In the Amount Of
1497389-01	05/30/00	General Sup- ply Corp	8,861.40
1497389-02	05/30/00	Wildfire Pa- cific Inc	43,334.80
1500119-01	05/30/00	Phoenix Con- tract Inc	15,500.00
1504159-01	05/30/00	Whitesides of Cambridges Inc	36,982.00
1515119-01	05/30/00	Ben Thomas Associates Inc	40,043.36
1527119-01	05/30/00	Diverisified Thermal Equipment Inc	37,572.00
1538229-01	05/30/00	Allied Oil & Chemical Sales	28,520.00
1570149-01	05/30/00	Saul Mineroff Electronics Inc	32,835.00
8171620-01	05/30/00	Top Roc Con- crete Prod- ucts Co	37,603.00
8250710-01	05/30/00	International Cybernetics Corp	318,858.00

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 00-1026. Filed for public inspection June 9, 2000, 9:00 a.m.]

RULES AND REGULATIONS

Title 25—ENVIRONMENTAL PROTECTION

ENVIRONMENTAL QUALITY BOARD [25 PA. CODE CHS. 121, 129 AND 139] Surface Coating Processes (RBI #4)

The Environmental Quality Board (Board), by this order amends Chapters 121, 129 and 139 (relating to general provisions; standards for sources; and sampling and testing) to read as set forth in Annex A.

These amendments provide procedures for determining compliance with the volatile organic compound (VOC) emission limits for surface coating processes in § 129.52 (relating to surface coating processes). These amendments include an averaging approach for evaluating VOC emissions; an exemption for small quantities of coatings; and revision of the existing Table I to express VOC content in volume-solids-based and weight-solids-based emission limits. The amendments also establish presumptive reasonably available control technology (RACT) requirements for wood furniture manufacturing operations in §§ 129.101–129.107. The presumptive RACT requirements, based on the Environmental Protection Agency's (EPA) Control Techniques Guidelines (CTG), apply State-wide to VOC-emitting wood furniture manufacturing facilities with actual or potential emissions of 25 tons per year or more of VOCs. These amendments will be submitted to the EPA as a revision to the State Implementation Plan (SIP).

This final-form rulemaking was adopted by the Board at its meetings of December 21, 1999, and March 21, 2000.

A. *Effective Date*

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

B. *Contact Persons*

For further information, contact Terry Black, Chief, Regulation and Policy Development Section, Division of Air Resources Management, Bureau of Air Quality, Rachel Carson State Office Building, 12th Floor, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4310; or Joyce E. Epps, Assistant Counsel, Bureau of Regulatory Counsel, Office of Chief Counsel, Rachel Carson State Office Building, 9th Floor, P. O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060.

Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This final-form rulemaking is available through the Department of Environmental Protection (Department) Web site (<http://www.dep.state.pa.us>).

C. *Statutory Authority*

This final-form rulemaking is being made under the authority of section 5(a)(1) of the Air Pollution Control Act (act) (35 P. S. § 4005(a)(1)), which grants to the Board the authority to adopt rules and regulations for the prevention, control, reduction and abatement of air pollution in this Commonwealth.

D. *Background and Purpose*

These amendments include regulatory changes which implement the Bureau of Air Quality's Regulatory Basics Initiative (RBI) mandated under the "Directive on Review of Existing Regulations and Technical Guidance" issued by Secretary Seif on August 4, 1995, and Executive Order 1996-1 (Regulatory Review and Promulgation). The changes for the surface coating provisions in § 129.52 are the fourth in a series of amendments to the air resources regulations under the RBI. The revisions to § 129.52 delete existing regulatory language to adjust coatings to a standard solvent density of 7.36 pounds per gallon and to a solids basis. The amendments also require the owners and operators of affected facilities to calculate and express the VOC content of the as applied coatings in volume-solids-based and weight-solids-based units and add criteria to allow for emission averaging of VOCs in certain surface coating processes on a 30-day rolling average basis. An exemption for small quantities of coatings used for touch-up and repair is also included in this final-form rulemaking.

These amendments also establish presumptive RACT requirements for certain wood furniture manufacturing operations. Section 183(a) of the Clean Air Act (42 U.S.C.A. § 7511b(a)) requires the EPA to issue CTGs for 11 categories of stationary sources of VOCs. On May 20, 1996, the EPA published a CTG document for control of VOCs from wood furniture manufacturing operations including wood furniture finishing, cleaning and washoff operations (61 FR 25223 (May 20, 1996)). The wood furniture manufacturing operations CTG establishes a "presumptive norm" RACT for the control of affected stationary sources. The standards apply to wood furniture manufacturing facilities located in marginal, moderate, serious and severe ozone nonattainment areas or ozone transport regions that emit or have the potential to emit 25 tons per year or more of VOCs. The CTG and a model rule for wood furniture manufacturing operations were developed by the EPA after reaching consensus among representatives from the environmental community, the wood furniture industry and state permitting agencies.

On September 27, 1996, the EPA published an addendum to the CTG which specified dates for the adoption and implementation of the standards. The notice required states that had not adopted an EPA-approvable RACT rule for wood manufacturing facilities to submit a RACT rule to the EPA on or before May 20, 1997, as a revision to the SIP. State rules should have required affected sources to install and operate control devices or implement procedures to demonstrate compliance no later than May 20, 1998 (61 FR 50823 (September 27, 1996)).

The Department consulted with the Air Quality Technical Advisory Committee (AQTAC) during the development of this final-form rulemaking. On August 23, 1999, the AQTAC recommended that the final-form rulemaking be submitted to the Board for consideration. The Department also discussed the final-form regulations with the Small Business Compliance Advisory Committee. Following promulgation of the amendments to Chapters 121, 129 and 139, the provisions will be submitted to the EPA as a SIP revision.

E. *Summary of Regulatory Requirements and Changes from Proposed to Final*

These amendments implement the fourth series of changes under the Department's RBI for air resources

regulations and establish criteria to implement the presumptive RACT requirements for wood furniture manufacturing operations. The presumptive RACT requirements establish limitations on VOC emissions and the implementation of work practice standards. A summary of the final rulemaking follows:

Chapter 121. General Provisions

§ 121.1. Definitions.

The amendments to § 121.1 (relating to definitions) add the following definitions: "alternative method," "as applied," "as supplied," "basecoat," "CPDS—certified product data sheet," "coating," "coating solids or solids," "compliant coating," "continuous coater," "conventional air spray," "cosmetic specialty coatings," "enamel," "equivalent method," "MSDS—material safety data sheet," "non-permanent final finish," "normally closed container," "pollution prevention," "sealer," "stain," "strippable spray booth coating," "thinner," "touch-up and repair," "washoff operations," "waterborne coating," "wood furniture," "wood furniture component" and "wood furniture manufacturing operations."

The final rulemaking deletes the following terms in § 121.1: "clear sealers," "opaque ground coats and enamels," "other coatings," "semitransparent spray stains" and "semitransparent wiping and glazing stains." The terms were deleted to eliminate inconsistencies between definitions for existing surface coating requirements in § 129.52 and the newly adopted presumptive RACT requirements for wood furniture manufacturing operations in §§ 129.101–129.107. The proposed definition for the term "operating parameter value" has been included in this final rulemaking even though it was recently codified in § 121.1 as part of the final-form regulations for aerospace manufacturing and rework facilities. See 29 Pa.B. 1879 (April 10, 1999).

In addition, the second paragraph in the "CPDS—certified product data sheet" definition has been deleted because it is not consistent with the EPA's CTG and model rule. Information pertaining to the emission of hazardous air pollutants can be obtained under the National Emission Standards for Hazardous Air Pollutants (NESHAP) for wood furniture manufacturing operations in 40 CFR Part 63, Subpart JJ (relating to National emission standards for wood furniture manufacturing operations). The "CPDS—certified product data sheet" definition applies solely to the wood furniture manufacturing requirements in §§ 129.101–129.107.

These amendments also include revisions to the following existing definitions:

"Miscellaneous metal parts and products"—The amendments delete the phrase "but not limited to" and expand the Standard Industrial Classification Codes from 3300 through 3900 to 3999.

"Process"—The revisions to the term "process" correct a grammatical error and include "operations" necessary for the completion and transformation of the materials to produce a physical or chemical change.

"Surface coating process"—The changes to the definition specify that the surface coating process is the application and solidification of a coating onto or into a substrate as the substrate proceeds through the equipment and activities of the manufacturing process.

"Topcoat"—The amendments delete the existing definition of "topcoat" and define the term "topcoat" as the last film-building coating applied, in one or more layers, to

wood furniture or a wood furniture component substrate in a surface coating process. The term does not include nonpermanent final finishes.

"VOC—volatile organic compound"—The revision to the "VOC" definition adds 40 CFR 51.100 (relating to definitions), the Federal citation for VOCs determined by the Administrator of the EPA to have negligible photochemical reactivity.

"Washcoat"—The revisions delete "low solids" and include a solids content by weight of 12.0% or less in accordance with the "washcoat" definition in the CTG and model rule for wood furniture manufacturing operations.

In response to the suggestions of several commentators, clarifying changes were made to the following definitions:

"Coating"—Revisions to the "coating" definition specify that the term applies only to the requirements for wood furniture manufacturing operations in §§ 129.101–129.107. The term does not include adhesives.

"Coating solids or solids"—Changes to the "coating solids or solids" definition clarify that the definition only applies to the requirements in §§ 129.101–129.107. In addition, the term explicitly provides that when the EPA's Reference Method 24 is not used to determine solids content, the use of alternative methodology must be approved by the Administrator of the EPA.

"Continuous coater"—Amendments to the "continuous coater" definition delete the word "roll" and add "roller" for consistency with the "roller" coating definition in § 121.1.

"Dip coating"—The existing definition for "dip coating" has been revised to clarify that components or objects are immersed into the coating. Once dipped, the coating may be recycled to a reservoir.

"Enamel"—The "enamel" definition has been revised to clarify that a coating may be applied as a topcoat over the enamel.

"Stains"—Revisions to the "stain" definition clarify that term is defined for purposes of the wood furniture manufacturing operations provisions in §§ 129.101–129.107.

"Topcoat"—The "topcoat" definition has been revised to clarify that a topcoat can be applied in several layers.

The following definitions were added to provide clarity to the final-form regulations:

"Adhesive"—A chemical substance that is applied for the purpose of bonding two surfaces together other than by chemical means. The term does not include coatings or finishing materials. This definition has been added because the revised coating definition explicitly states that the term "coating" does not include "adhesives."

"Cosmetic specialty coatings"—Materials, including padding stains, shading stains, sap stains, spatter stains, fillers, waxes and inks applied to enhance wood finishes. The definition replaces the ambiguous term "other coatings" used in the existing surface coating provisions in § 129.52. Several commentators indicated that the term "other coatings" is confusing and not consistent with certain definitions in the presumptive RACT requirements.

Chapter 129. Sources of VOCs

§ 129.52. Surface coating processes.

This final-form rulemaking includes the following amendments to this section:

§ 129.52(b)(1)—The amendments delete the existing regulatory language requiring adjustment to a standard solvent density and a solids basis. This adjustment is incorporated into revisions to Table I (relating to allowable content of VOCs in surface coatings by process).

§ 129.52(b)(1)(i)—The final changes add an equation for calculating the VOC content of the as applied coating on the basis of weight of VOC per volume of coating solids to be used in evaluating compliance for Table I, Categories 1—10. This clarification is in response to the RBI report on Regulations Which Lack Clarity. The existing equation in § 129.52(b)(2) is not expressed in a format to allow for easy calculation of compliance.

§ 129.52(b)(1)(ii)—This amendment adds an equation for calculating the VOC content of dip coatings on a 30-day rolling average basis. The methodology for calculating the VOC content includes the gallons of thinner added to the coating in the process over any consecutive 30-day period to replace evaporated solvent.

§ 129.52(b)(1)(iii)—This amendment adds a simple equation for calculating the VOC content on the basis of weight of VOC per weight of coating solids. This methodology is used to evaluate compliance with Table I, Category 11 and with Table IV in §§ 129.101—129.107.

§ 129.52(b)(1)(iv)—The equation proposed for dip-coating operations has been deleted because it would have established more stringent requirements than the CTG for wood furniture manufacturing operations. Subparagraph (v) was renumbered.

§ 129.52(b)(2)—The existing equation for calculating the percentage of emission reductions needed for compliance purposes when using control equipment is deleted. A new equation is added for calculating the overall efficiency of the control system based on the new units of measurement in Table I (weight of VOC per volume of solids and weight of VOC per weight of solids).

§ 129.52(c)—This amendment deletes the existing list of required records and adds recordkeeping requirements that are appropriate to the required analytical methods used to evaluate compliance as specified in the Source Testing Manual. This change also emphasizes the need for facilities to keep records of volume solids content for coatings used in Table I, Categories 1—10.

§ 129.52(e)—Revisions to this subsection clarify that records pertaining to the volume percent of solids are required only for surface coating processes listed in Table I, Categories 1—10.

§ 129.52(f)—Amendments to this subsection add terms that are consistent with the “roller coating” and “cosmetic specialty coatings” definitions specified in § 121.1.

§ 129.52(g)—This amendment moves the existing requirement for maintaining records for 2 years from the existing § 129.52(c) to this subsection to emphasize and add clarity to the amendments.

§ 129.52(h)—This amendment adds an exemption from VOC emission limitations for small quantities of coatings used for determination of product quality and commercial acceptance, touch-up and repair and other small quantity coatings. Subsection (h) requires the facility owner or operator to submit a written request to the Department to exempt quantities of coating which do not exceed 50 gallons a year for a single coating and a total of 200 gallons each year for all coatings combined for the facility. The Department's written approval must be obtained prior to use of the exempted coatings.

Wood Furniture Manufacturing Operations

§ 129.101. General provisions and applicability.

The requirements in § 129.101 (relating to general provisions and applicability) state that §§ 129.101—129.107 apply to each wood furniture manufacturing facility located in a county included in the northeast ozone transport region or in a county classified as severe, serious, moderate or marginal nonattainment for ozone and which emits or has the potential to emit 25 tons or more per year of VOCs from wood furniture manufacturing operations. The most stringent VOC emission limitation will apply to a wood furniture manufacturing operation that meets the applicability threshold limits for both § 129.52 and §§ 129.101—129.107.

Subsection (b) requires the owners or operators of wood furniture manufacturing operations to comply with the requirements of §§ 129.101—129.107 by June 11, 2000, if the actual emissions or potential to emit (PTE) for VOCs are 25 tons per year or greater. The compliance deadline for the presumptive RACT requirements does not apply to wood furniture manufacturing operations that have obtained EPA-approved SIP revisions for case-by-case RACT prior to June 10, 2000. Major VOC-emitting wood furniture manufacturing operations will no longer be subject to the RACT requirements in §§ 129.91—129.95 (relating to stationary sources of NO_x and VOCs) because the EPA has now issued a CTG for the control of VOC emissions from wood furniture manufacturing operations (61 FR 25223 (May 20, 1996)). Therefore, the Department will withdraw any case-by-case RACT determination that has not been EPA-approved as a SIP revision by June 10, 2000.

Subsection (c) provides a compliance deadline for the owner or operator of an existing wood furniture manufacturing facility which increases its actual emissions or PTE to 25 tons per year or more of VOCs from wood furniture manufacturing operations after the effective date of these amendments. Within 1 year after increasing actual VOC emissions or the PTE to 25 tons per year or more, the owner or operator of the affected facility shall comply with §§ 129.101—129.107. The newly adopted presumptive RACT requirements for wood manufacturing operations do not apply to facilities with EPA-approved SIP revisions for case-by-case RACT prior to June 10, 2000.

Subsection (d) establishes a compliance date for existing facilities that install new sources. New sources installed at an existing facility shall meet the VOC emission standards upon installation of the sources.

Subsection (e) describes the interface between the existing surface coating requirements in § 129.52 and the newly adopted presumptive RACT requirements. If actual or potential VOC emissions would subject the facility to both § 129.52 and §§ 129.101—129.107, the owner or operator would only have to demonstrate compliance with the most stringent emissions limitation.

The general provisions also exempt from the VOC emission limits in § 129.102, Table IV, a small quantity of coatings used exclusively for determination of product quality and commercial acceptance, touch-up and repair and other small quantity coatings if the Department provides prior written approval for the use of the coatings. Subsection (f) requires the owner or operator to submit a written request to the Department for exempt quantities of coating which do not exceed 50 gallons per year for a single coating and a total of 200 gallons per

year for all coatings combined for the facility. The Department's written approval must be obtained prior to use of the coatings.

§ 129.102. Emission standards.

This section lists in Table IV (relating to emission limits of VOC for wood furniture manufacturing sealers, topcoats and strippable spray booth coatings, as applied) the emission limits of VOCs for wood furniture manufacturing sealers and topcoats that are actually used for coating the substrate and strippable spray booth coatings. The owner or operator of a facility may demonstrate compliance with the VOC emission standards by applying either waterborne topcoats or a combination of sealers, topcoats and strippable spray booth coatings with a VOC content equal to or less than the standards specified in Table IV. Facility owners or operators may demonstrate compliance with the VOC emission standards by using an emissions averaging approach which meets the requirements of § 129.107 (relating to emissions averaging) or by using a control system that will achieve a reduction in emissions equivalent to 0.8 lb VOC/lb solids for topcoats or 1.8 lb VOC/lb solids for topcoats and 1.9 lb VOC/lb solids for sealers. An allowable emissions limit equal to 2.3 lb VOC/lb solids, as applied, is provided for the use of acid-cured alkyd amino sealers. When using acid-cured alkyd amino conversion varnish topcoats, the VOC emissions limit is 2.0 lb VOC/lb solids, as applied. The emission limits for sealers and topcoats are equivalent to coatings with solids contents of approximately 32 to 35% by weight respectively.

§ 129.103. Work practice standards.

This section establishes work practice standards to reduce VOC emissions from wood furniture manufacturing operations. The work practice standards include the development of a work practice implementation plan and operator training program, leak inspection and maintenance plan, and a cleaning and washoff solvent accounting system. Subsection (a) requires the owner or operator of a facility subject to the requirements in §§ 129.101—129.107 to develop and maintain a work practice implementation plan no later than 60 days after the compliance date. The work practice implementation plan shall include an operator training program, leak inspection and maintenance plan, a cleaning and washoff solvent accounting system, spray booth cleaning requirements, storage requirements and application equipment requirements. The owner or operator of the facility shall comply with each provision of the work practice implementation plan. If the Department determines that the work practice implementation plan does not adequately address the criteria in § 129.103(b)—(j), the owner or operator shall revise the plan.

Subsection (b) describes the elements of the operator training program. A copy of the required operator training program shall be maintained with the work practice implementation plan. All new and existing personnel, including contract personnel, who are involved in coating, cleaning or washoff operations or implementation of the requirements in §§ 129.101—129.107 shall complete the operator training program. The amendments require any new personnel hired after June 10, 2000, to be trained upon hiring. The operator training program must be completed by existing employees by December 11, 2000. For facilities which increase VOC emissions to the applicability threshold limits, new employees shall be trained upon hiring and existing employees shall be trained no later than 6 months before the compliance date.

Subsection (c) contains the requirements for the leak inspection and maintenance plan. The plan must address the required monthly visual inspections of equipment used to transfer or apply coatings or solvents and procedures for documenting the date and results of each inspection and any repairs that were made. The plan shall also include procedures to address the detection and repair of leaks. At a minimum, an attempt to repair the leaks shall begin no later than 5 working days after the leak is detected. Final repairs to the system must be made within 15 working days, unless new equipment is being installed to repair the system. When installing new equipment, repairs shall be completed no later than 3 months from the date a leak is detected.

Subsection (d) describes the requirements pertaining to the cleaning and washoff solvent accounting system. A solvent accounting form shall be developed for recording information pertaining to the solvents used in cleaning and washoff operations. The information recorded on the form shall include the following:

- (1) The total number of pieces washed off each month and the reason for the washoff.
- (2) The names and total quantity of each solvent used each month for cleaning and washoff activities.
- (3) The name and total quantity of each solvent evaporated to the atmosphere each month from cleaning and washoff activities.

The cleaning and washoff solvent accounting information should be maintained onsite. However, the Department may request information pertaining to the cleaning and washoff solvent accounting system for compliance or enforcement purposes.

Subsection (e) provides work practices for spray booth cleaning. The owners or operators may not use compounds containing more than 8.0% by weight of VOC for cleaning spray booth components other than conveyors, continuous coaters and their enclosures, or metal filters unless the spray booth is being refurbished. When a spray booth is being refurbished, no more than 1 gallon of organic solvent may be used to prepare the booth prior to applying the new strippable booth coating. The strippable booth coating shall contain no more than 0.8 lb VOC/lb solids (0.8 kg VOC/kg solids), as applied.

Section 129.103 also includes work practice standards for the storage of coating, cleaning and washoff materials, application equipment requirements, line cleaning, spray gun cleaning and washoff operations. Subsection (g) describes the work practice standards for application equipment and limits the use of conventional air spray guns. The use of conventional air spray guns is prohibited if the conventional air spray guns are not used in accordance with the procedures in § 129.103(g)(1)—(6). Conventional air spray guns may be used: to apply coatings that have a VOC content less than or equal to 1.0 lb VOC/lb solids (1.0 kg VOC/kg solids), as applied; if the spray is automated; or if the emissions from the surface coating process are directed to a VOC control system. The use of conventional air spray guns for touch-up and repair coatings is allowed if the coatings are applied after completion of the wood furniture manufacturing operation. The coatings may also be applied after the stain and before any other type of coating is applied and the coatings are applied from a container that has a volume of no more than 2.0 gallons. These amendments also prohibit the use of conventional air spray guns if the cumulative total coating is more than 5.0% of the total gallons of coating used during a semiannual reporting period.

§ 129.104. Compliance procedures and monitoring requirements.

This section describes compliance procedures and monitoring requirements used to demonstrate compliance with the presumptive RACT regulations for wood furniture manufacturing operations. The owner or operator of a facility subject to the emission standards of § 129.102 must demonstrate compliance through the use of compliant coatings, use of add-on control devices, an emissions-averaging approach or a combination of these compliance methods. When a combination of compliance options is selected, the owner or operator shall demonstrate compliance with each applicable compliance technique. When compliant coatings are being used, the owner or operator shall maintain CPDSs for each coating. If a solvent or other VOC is added to the coating before application, the facility must account for the dilution and maintain documentation showing the VOC content of the coating as applied, in lb VOC/lb solids.

Initial Compliance

Subsection (a) describes the methods and procedures an owner or operator of the facility shall use to demonstrate compliance with the VOC emission standards in § 129.102. The owner or operator shall maintain a CPDS for each coating that is subject to the VOC emission limits and records which demonstrate that each coating as applied meets the applicable VOC emission limit. When a control system is used to meet the VOC emission limits, the overall control efficiency shall be calculated using the equations in § 129.104(a)(2).

Subsection (b) describes the requirements for initial compliance. The owners or operators of a facility demonstrating compliance through the use of compliant coatings shall submit an initial compliance status report in accordance with § 129.106(a). Subsection (b)(1) requires the initial compliance report to specify whether compliant sealers, topcoats and strippable spray booth coatings are being used by the facility.

Subsection (b)(2) explains the initial compliance requirements for facilities using a continuous coater to apply sealers, topcoats or both. To demonstrate initial compliance, the owners or operators are required to submit an initial compliance status report. The report must specify either that compliant sealers, topcoats or both, as determined by the VOC content of the coating in the reservoir and as calculated from records, are being used or that compliant sealers, topcoats or both, as determined by the VOC content of the coating in the reservoir are being used and the viscosity of the coating in the reservoir is being monitored. The data provided shall show a correlation between the viscosity and the VOC content of the coating in the reservoir.

Subsection (b)(3) requires users of control systems to include the operating parameter values to be monitored for the capture device and the results of the initial performance testing in the initial compliance report. The procedures and test methods shall meet the requirements specified in Chapter 139.

Continuous Compliance Demonstrations

The owners or operators of wood furniture manufacturing operations subject to the presumptive RACT requirements in this final-form rulemaking shall submit a compliance certification with the semiannual report required under § 129.106(b). Facilities using compliant coatings to demonstrate compliance shall maintain records that prove that the coatings used in their operations are compliant. The compliance certification must

also state that compliant sealers, topcoats or both and strippable spray booth coatings have been used each day in the semiannual reporting period.

Subsection (c)(2) explains the continuous compliance requirements for facilities using continuous coaters to apply sealers or topcoats. The compliance certification submitted to the Department shall include a statement that compliant sealers, topcoats or both have been used each day in the semiannual reporting period. If the facility has not been in continuous compliance, the certification shall include the days of noncompliance and the reasons for noncompliance.

Subsection (c)(3) specifies the requirements for facilities that demonstrate compliance by using a control system. Owners or operators of affected sources are required to install, calibrate, maintain and operate monitoring equipment that has been approved, in writing, by the Department. If the facility is using a control system that is not described in § 129.104, approval by the Department shall be obtained prior to using the control system. The request for approval of the control system includes the following: a description of the system, test data verifying the performance of the system, the appropriate operating parameter values that will be monitored and the monitoring device that will be used to demonstrate continuous compliance with the standard.

The compliance certification for the control system must specify that the control system has not been operated at a daily average value greater than or less than (as appropriate) the operating parameter value for each day in the semiannual reporting period. If the operating parameter value is not in compliance, the certification shall identify the days of noncompliance and the reasons for noncompliance.

Each owner or operator of a facility that is subject to the work practice standards of § 129.103 shall demonstrate continuous compliance by following the work practice implementation plan. The compliance certification shall state that the work practice implementation plan is being followed, or should otherwise identify the periods of noncompliance with the work practice standards and the reasons for noncompliance.

Subsection (d) requires compliance certifications to be signed by a responsible official of the company. In addition to the certification requirements of this section, the certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the documents are true, accurate and complete.

§ 129.105. Recordkeeping requirements.

This section establishes recordkeeping requirements for wood furniture manufacturing operations. The owners or operators of affected facilities shall keep records adequate to demonstrate compliance with §§ 129.101—129.107. The records shall be maintained for at least 5 years. This section also includes specific recordkeeping requirements for facilities using compliant coatings, continuous coaters, control systems or a combination of these methods. The recordkeeping requirements of subsections (a)—(c) include the following:

(1) CPDS for each coating and strippable spray booth coating.

(2) Records of the VOC content of the as applied coating, lb VOC/lb solids (kg VOC/kg solids), of each coating and strippable spray booth coating and copies of data sheets documenting how the as applied values were

determined. Owners or operators applying sealers, topcoats or both, using continuous coaters shall also keep records of solvent and coating additions to the continuous coater reservoir and viscosity measurements.

Subsection (d) prescribes additional recordkeeping requirements for control systems which include copies of the calculations to support the equivalency of using a control system and records of the daily average value of each continuously monitored parameter for each operating day. If all recorded values for a monitored parameter are within the range established during the initial performance test, the owner or operator may record that all values were within the range rather than calculating and recording an average for that day.

Subsection (e) specifies that a copy of the work practice implementation plan and all records associated with meeting the requirements of that plan shall be maintained onsite. The records kept for the work implementation plan shall also satisfy the recordkeeping requirements for applicable provisions of the work practice implementation plan including the operator training program, the leak inspection and maintenance plan, the cleaning and washoff solvent accounting system and restrictions on the use of conventional air spray guns.

§ 129.106. Reporting requirements.

This section establishes reporting requirements for wood furniture manufacturing operations subject to the presumptive RACT requirements of §§ 129.101–129.107. Subsection (a) requires owners or operators of affected facilities to submit an initial compliance report to the Department no later than 60 days after the compliance date. The report shall include the items required by § 129.104(b).

Subsection (b) requires the submittal of semiannual reports certifying compliance for the previous 6 months of wood furniture manufacturing operations. The first report shall be submitted to the Department within 30 calendar days after the end of the first 6-month period following the compliance date. Subsequent reports shall be submitted within 30 calendar days after the end of each 6-month period following the first report.

§ 129.107. Special provisions for facilities using an emissions averaging approach.

This section allows the owners or operators of manufacturing operations to comply with the VOC emission limitations by averaging emissions across wood furniture finishing lines. The wood furniture manufacturing operation may use stains, basecoats, washcoats, sealers and topcoats in any emissions averaging program that meets the equivalency requirements in § 129.51(a). The facility may use other coatings for its emissions averaging program if the averaging approach meets the equivalency requirements. The emissions averaging program submitted to the Department for approval prior to use must include a summary of the reasons why the facility would like to comply with the emission limitations through an equivalency determination using emissions averaging procedures. The program summary shall also include an explanation of how averaging can be used to meet the emission limitations and a description of the types of coatings that will be included in the facility's emissions averaging program. An additional 10% reduction in emissions is required under subsection (b) for affected facilities using the emissions averaging approach.

Subsection (c) requires the owner or operator of the facility to submit a written summary to the Department explaining why the emissions averaging program should

be used to demonstrate compliance. The written summary shall also explain how emissions averaging can be used to meet the emissions limitations.

Subsection (d) requires the owner or operator of the facility to describe the types of coatings that will be included in the emissions averaging program. Coatings used in an averaging program may include basecoats, sealers, stains, topcoats and washcoats. Coatings in the emissions averaging program cannot be applied using a continuous coater unless the amount of coating used is determined on a daily basis.

Subsection (e) specifies that the baseline for each coating included in the emissions averaging program shall be the lower of the actual or allowable emission rate as of June 10, 2000. The baseline emission rate for the facility cannot be higher than what was presumed in the 1990 emissions inventory for the facility unless the Department has accounted for the increase in emissions as growth.

Subsection (f) provides that the quantification procedures used in the emissions averaging program shall demonstrate that the facility's actual emissions are less than the allowable emissions.

Subsection (g) requires that the emissions averaging program submitted to the Department include monitoring, recordkeeping and reporting procedures that will allow Department inspectors or owners or operators of facilities using an averaging approach to determine the facility's compliance status on a daily basis. The monitoring, recordkeeping and reporting procedures shall also include methods for determining required data when monitoring, recordkeeping and reporting violations result in missing, inadequate or erroneous monitoring and recordkeeping.

Chapter 139. Sampling and Testing

Subchapter A. Sampling and Testing Methods and Procedures

§ 139.4. References.

The revisions to this section reflect name changes for the Department and the Bureau of Air Quality.

§ 139.14. Emissions of VOCs.

The amendments to this section require that the test methods and procedures for the content of total volatiles, solids and exempt solvents be equivalent to those listed in § 139.4(1) and (5).

Changes from the Proposed Rulemaking

In addition to the definitional changes that were summarized earlier in this section, changes from the proposed rulemaking are summarized as follows:

§ 129.91. Control of major sources of NOx and VOCs.

Amendments to § 129.91 address questions raised by several commentators and the Independent Regulatory Review Commission (IRRC) regarding the relationship between existing case-by-case RACT requirements and the newly adopted presumptive RACT requirements for wood furniture manufacturing operations. The amendments to § 129.91(a) state that the section does not apply to the owner or operator of a major VOC emitting facility for which requirements have been established in § 129.52, Table I, Category 11 (relating to surface coating processes) and §§ 129.101–129.107. However, the newly adopted presumptive RACT requirements would not apply to a facility for which the EPA approves a case-by-case RACT determination as a SIP revision prior to June 10,

2000. In these instances, the wood furniture manufacturing operation would continue to be subject to § 129.52 and the existing RACT requirements in §§ 129.91—129.95. See 24 Pa.B. 467 (January 15, 1994).

§ 129.101(b) and (c).

The phrase, “in addition to the requirements in § 129.52 (relating to surface coating processes)” has been deleted because an owner or operator only has to demonstrate compliance with the most stringent provision when subject to § 129.52 and the presumptive RACT provisions in §§ 129.101—129.107.

§ 129.101(e).

Revisions to subsection (e) streamline the existing surface coating requirements in § 129.52 and the newly adopted presumptive RACT requirements. If a facility's actual or potential VOC emissions require compliance with both §§ 129.52 and 129.101—129.107, the owner or operator would only have to demonstrate compliance with the most stringent emissions limitation.

§ 129.101(f).

Changes to this section will require an owner or operator seeking an exemption for small quantities of coating to satisfy the requirements of subsection (f)(1) and (2). The proposed rulemaking erroneously allowed the owner or operator to qualify for the exemption by complying with either of the requirements specified in this subsection.

§ 129.102(1).

Revisions to this paragraph clarify that an owner or operator may either apply waterborne topcoats or a combination of sealers and topcoats and strippable spray booth coatings with VOC contents equal to or less than the standards specified in § 129.102, Table IV.

In addition, the word “vinyl” has been deleted from Table IV. This revision allows owners or operators to use lower VOC content solvents in acid-cured alkyd amino systems.

§ 129.102(3).

Several commentators pointed out that the proposed emission standards in § 129.102(3) were more stringent than the EPA's CTG and model rule. The 1.8 lb VOC/lb solids emission limit for topcoats was inadvertently omitted during the proposed rulemaking. Final changes to this paragraph provide that the control system shall achieve a reduction in emissions equivalent to either 0.8 lb VOC/lb solids for topcoats or 1.8 lb VOC/lb solids for topcoats and 1.9 lb VOC/lb solids for sealers.

§ 129.103(a).

The EPA's CTG and model rule for wood furniture manufacturing operations require affected sources to develop and maintain a work practice implementation plan within 60 days of the compliance date. Revisions to subsection (a) establish the same timeframe for wood furniture manufacturers to develop and maintain a work practice implementation plan.

§ 129.103(b)(1) and (2).

Final changes to subsection (b)(1) require new employees to be trained upon hiring. For wood furniture manufacturing operations that subsequently increase VOC emissions to the applicability thresholds specified in § 129.101(c), new employees shall also be trained upon hiring.

Revisions to subsection (b)(2) clarify that the training schedule for existing employees will vary for existing facilities currently subject to the final-form regulations and facilities that subsequently increase VOC emissions to the applicability thresholds. Owners or operators of wood furniture manufacturing operations meeting the requirements of § 129.101(b) shall train existing employees by December 11, 2000. If a facility increases its VOC emissions to the applicability thresholds, existing employees shall be trained at least 6 months before the compliance date.

§ 129.103(d).

Revisions to this section clarify that the purpose of the cleaning and washoff accounting system is to track the type and quantity of coatings used in wood furniture manufacturing operations. The owner or operator shall record the name and total quantity of each solvent evaporated to the atmosphere each month from cleaning and washoff activities. This information should remain onsite unless requested by the Department for compliance or enforcement purposes. In accordance with the confidentiality provision in section 13.2 of the act (35 P.S. § 4013.2), an owner or operator of the facility may show cause as to why this information should be treated as confidential information.

§ 129.103(g)(6).

The final amendments to this paragraph specify that the Department will provide written notice to an owner or operator concerning a claim of technical or economic infeasibility for spray technology other than a conventional air spray gun. When an owner or operator claims technical or economic infeasibility, the conventional air spray gun cannot be used until the Department notifies the applicant in writing of its determination.

§ 129.103(j)(1).

Final changes to subsection (j)(1) add the terms, “normally closed container” and “washoff operations,” to be consistent with the terms defined in § 121.1.

§ 129.104.

Minor revisions to this section correct typographical errors. In addition, parameter “E” for the equation used to calculate the overall control efficiency for a control system has been revised to indicate that the applicable emission limit is specified in Table IV.

§ 129.105.

Minor changes to this section include corrections needed to address final-form rulemaking changes pertaining to the initial status report and compliance certifications required under § 129.106.

§ 129.106(a).

The proposed initial notification requirement in subsection (a) has been deleted. Information concerning facilities that are subject to the presumptive RACT requirements in §§ 129.101—129.107 can be obtained through the Department's plan approval and operating permit programs. Certain MACT-affected facilities have already provided the initial notification required under 40 CFR Part 63, Subpart JJ (relating to National emission standards for wood furniture manufacturing operations).

§ 129.107(d)(2) and (3).

Final changes to subsection (d)(2) specify that the owner or operator of the facility may choose the coatings

used in an emissions averaging program. A reference to the owner or operator of the facility has also been added in subsection (d)(3).

F. Summary of Comments and Responses on the Proposed Rulemaking

The Board held four public hearings on the proposed rulemaking published at 29 Pa.B. 1299 (March 6, 1999). The hearings were held at Department Regional Offices in the following areas of this Commonwealth: Pittsburgh on April 6, 1999; Harrisburg on April 7, 1999; Conshohocken on April 8, 1999; and Williamsport on April 9, 1999. Five interested persons provided testimony during the public hearings. The public comment period closed on May 10, 1999.

During the 66-day public comment period, written comments on the proposal were submitted to the Board by IRRC and 13 commentators including the EPA and wood furniture manufacturers. All comments submitted to the Board were considered and, when appropriate, the final-form rulemaking was revised to reflect the commentators' suggestions or objections on the proposal. Testimony and written comments received during the public comment period are summarized in the Comment and Response Document that is available electronically at www.dep.state.pa.us. A listing of significant comments concerning the proposal is as follows:

1. Four commentators expressed support for the proposed rulemaking.

Comment: In general, my company supports the proposed rulemaking. We support the use of the presumptive RACT requirements for wood furniture manufacturing operations in this Commonwealth.

Response: The Department appreciates industry support of the proposal published at 29 Pa.B. 1299.

2. Several commentators offered suggestions and objections to certain definitions proposed in § 121.1.

Comment: The definition for the term "CPDS—certified product data sheet" states that the CPDS should include the content of hazardous air pollutants (HAPs). This information should not be required on a data sheet used to determine compliance with a VOC rule.

Response: The "CPDS" definition has been revised to only require information pertaining to the VOC content. Information pertaining to HAPs will be obtained from the CPDS submitted under section 112 of the Clean Air Act (42 U.S.C.A. § 7412) and 40 CFR Part 63, Subpart JJ. The "CPDS—certified product data sheet" definition applies solely to the wood furniture manufacturing requirements in §§ 129.101—129.107.

Comment: It was suggested that the Department clearly indicate that adhesives are not included in the definition of "coatings." As currently written, this could be open to question.

Response: The "coating" definition has been revised to explicitly state that the term does not include adhesives and that the term "coating" applies only to the requirements for wood furniture manufacturing operations in §§ 129.101—129.107. Certain adhesives will continue to be regulated under § 129.52, Table I, for processes in Categories 1—10. However, adhesives are not regulated for VOC content under § 129.52, Table I, Category 11 and §§ 129.101—129.107.

Comment: The definition of the term "coating solids or solids" states that the "Solids content is determined using data from the EPA Reference Method 24 or an alternative

method." It is not clear if the EPA or the Department must approve the alternative method.

Response: The proposed definition of the term "alternative method" states that the EPA shall approve any method of sampling and analyzing for an air pollutant that is not a reference or equivalent method. To address the commentator's concern, the revised definition indicates that EPA approval is required to use an alternative method. The term "coating solids or solids" applies solely to §§ 129.101—129.107.

Comment: The presumptive RACT standard contains no definition for the term "enamel." The proposed "enamel" definition was taken from the EPA's MACT standard. Retaining the definition of "enamel" from the MACT standard will only cause confusion in the field.

Response: The commentators are mistaken. The EPA's "Model Rule for Wood Furniture Finishing and Cleaning Operations" contains the same definition of "enamel" as is included in Pennsylvania's RBI #4 proposal. Therefore, the "enamel" definition in the proposed rule will be retained in the final rulemaking. See pages B-5 and 6, Section B.3 (relating to definitions and nomenclature) of the EPA's model rule.

Comment: The commentator suggested that the term "enamel" be included in the definition of "topcoat" for purposes of the presumptive RACT regulation.

Response: The suggested revisions are not consistent with the presumptive RACT requirements for state programs and will not be included in the final-form regulations. The EPA's model rule provides separate definitions for the terms "enamel" and "topcoat." As proposed, the definitions for the terms "enamel" and "topcoat" are consistent with the EPA's CTG and model rule.

Comment: The definition of the term "spent solvent" in § 129.103(d)(3) is not clear and should be modified. The existing definition would almost always yield a result of zero.

Response: The proposed "spent solvent" provision is based on the EPA's model rule. Changes to spent solvent requirements in § 129.103(d)(3) clarify that the owner/operator of the facility shall document the quantity of each organic solvent evaporated to the atmosphere from cleaning and washoff activities.

Comment: The definition of "stain" conflicts with the definition of "other coatings" in § 121.1. "Other coatings" includes some of the same coatings as "stain." This creates confusion.

Response: The term "other coatings" has been changed to "cosmetic specialty coating" in the final-form regulations. The "stain" definition now applies solely to the presumptive RACT requirements in §§ 129.101—129.107.

3. One commentator indicated that this rulemaking deletes the requirement to adjust VOC content by using a standard solvent density of 7.36 pounds per gallon.

Comment: The deletion of the existing requirement to adjust the VOC content by using a standard solvent density of 7.36 pounds per gallon is a good idea since this concept never had good technical merit as to yield correct values or relationships for compliance.

Response: This rulemaking only deletes the expressed reference to the 7.36 pounds per gallon adjustment. This factor is reflected in the conversion of the VOC content limits in § 129.52, Table I from the gallons of coating less

water basis to the solids basis. The conversion was made using the 7.36 lb VOC/gal VOC standard solvent density factor.

4. The EPA indicated that the proposal did not contain a specific reference to transfer efficiencies.

Comment: The regulations make reference in § 129.52(b)(1) to the limits being "VOC content of each coating as applied is equal to or less than the standard specified in Table I." There is no reference to transfer efficiencies even though the provision infers that you must account for transfer efficiencies.

Response: The term "as applied" means "[t]he VOC and solids content of a coating that is actually used to coat the substrate. The term includes the contribution of materials used for in-house dilution of the coating." Under the "as applied" definition, the owner or operator shall account for the VOC and solids content of the coating after mixing but prior to actual application for compliance purposes. Therefore, the transfer efficiency is not taken into account for "as applied" coatings.

5. The EPA pointed out that the proposal does not state whether compliance is to be determined on an instantaneous or 30-day rolling average basis for processes covered under equations in § 129.52(b)(1)(i) and (iii).

Comment: Since § 129.52(b)(1)(i) and (iii) do not apply to dip coating processes, it is not clear whether the 30-day rolling average applies or if compliance is to be determined on an instantaneous basis.

Response: Evaluation of a coating for compliance with § 129.52(b)(1)(i) and (iii) shall be determined on an instantaneous basis. The VOC content is determined either by review of coating records or by sampling the as applied coating and analyzing the sample by the EPA Reference Method 24 and other methods listed in the Department's *Source Testing Manual*. If the company's reported VOC content and the Department's laboratory analysis for a particular coating differ, the Department's laboratory analysis controls if it shows that the coating exceeds the allowable VOC emissions limit.

6. Several commentators and IRRC raised questions concerning the impact that the presumptive RACT requirements for wood furniture manufacturing facilities would have on the existing case-by-case RACT provisions in §§ 129.91—129.95. A few of the comments and responses pertaining to case-by-case RACT determinations are as follows:

Comment: Neither the Preamble nor the regulations address the issue of the existence of state-only case-by-case RACT permits. These permits are being issued prior to case-by-case RACT plans being approved by the EPA as SIP revisions. The Preamble should address how these State-only case-by-case RACT permits can be rescinded. Otherwise it appears that a manufacturer could be subject to both presumptive RACT and case-by-case RACT. This is clearly not the intent of the Department or the EPA.

Response: Wood furniture manufacturers that currently do not have case-by-case RACT determinations approved by the EPA as SIP revisions shall continue to comply with the case-by-case RACT terms and conditions specified in Federally enforceable permits. If the Board adopts the presumptive RACT requirements prior to a company receiving SIP-approval of its case-by-case RACT determination, the facility would then be subject to the State's presumptive RACT requirements. The SIP submittal would be withdrawn and the permit revised to reflect the

newly adopted RACT requirements for wood furniture manufacturing operations. Following issuance of the revised permit, the case-by-case RACT requirements would no longer be applicable.

Comment: The proposed regulations are silent on how the Department's case-by-case RACT rules (§§ 129.91—129.95) will be affected by the adoption of presumptive RACT. Sections 129.91—129.95 should be amended to reflect the adoption of presumptive RACT, in place of case-by-case RACT, for those facilities subject to presumptive RACT.

Response: The final-form rulemaking adds language to § 129.91(a) to clarify that the existing RACT requirements do not apply to major VOC-emitting facilities for which requirements have been established in § 129.52 Table I, Category 11 and §§ 129.101—129.107. Consequently, the case-by-case RACT provisions would no longer apply to wood furniture manufacturing facilities subject to regulation under the presumptive RACT requirements in §§ 129.101—129.107 if their case-by-case determinations have not been SIP-approved.

Comment: Section 129.101 should be amended to reflect the adoption of presumptive RACT, in place of case-by-case RACT, for those facilities subject to presumptive RACT.

Response: The final-form rulemaking amends § 129.91 to address this concern. As proposed, in § 129.101(b) and (c) contain an exception for facilities that have RACT determinations approved by EPA as a SIP revision prior to June 10, 2000, for surface coating processes.

7. One commentator suggested that the amount of coatings exempted for determination of product quality and commercial acceptance is insufficient for large operations.

Comment: The proposed exemption from VOC content limitations for small quantities of coatings used for determination of product quality and commercial acceptance is excellent in principle. However, the proposed exemptions of 50 gallons for one coating and 200 gallons for all coatings combined at the facility per year are not realistic numbers for large surface coating operations.

Response: The small quantity exemption amounts of 50 gallons for one coating and 200 gallons for all coatings combined will be retained in the final-form rulemaking to ensure that there will be no adverse air quality impacts from these activities.

8. The Board specifically requested comments concerning the need for owners or operators of wood furniture manufacturing facilities with actual emissions or the potential to emit 25 tons per year or more of VOCs to comply with both the surface coating requirements in § 129.52 and the proposed presumptive RACT requirements in §§ 129.101—129.107.

Comment: Relative to the first question posed by the Department in Section J (relating to public comments) of the Preamble, wood furniture manufacturers subject to the proposed §§ 129.101—129.107 should have to comply only with the proposed presumptive RACT requirements. Manufacturers should no longer be subject to the requirements in § 129.52.

Response: The existing wood cabinet and furniture finishing provisions in § 129.52 were adopted by the Board on May 7, 1988, and will continue to apply to all affected wood furniture manufacturing operations. Generally, facilities which are currently regulated under § 129.52 have demonstrated compliance with the applicable VOC con-

tent limits and should therefore have no trouble continuing to comply with the applicable requirements of § 129.52. A facility that is subject to both §§ 129.52 and 129.101—129.107 need only demonstrate compliance with the more stringent emissions limitation or other applicable requirement as specified in § 129.101(e).

Comment: To require wood furniture and cabinet manufacturers to adhere to two different and often conflicting sets of surface coating regulations is inconsistent with Executive Order 1996-1 and the Department's Regulatory Basics Initiative. Additionally, requiring compliance with both the presumptive RACT requirements and § 129.52 places extra restrictions on manufacturing processes (above the Federal CTG requirements), is difficult to understand, largely redundant and requires excessive recordkeeping and reporting.

Response: The surface coating processes proposed rulemaking is consistent with the principles of Executive Order 1996-1 which provides, in relevant part, that "if Federal regulations exist, regulations of the Commonwealth may not exceed Federal standards unless justified by a compelling and articulable Pennsylvania interest or required by State law." The existing provisions in § 129.52 were adopted to "help reduce emissions of VOC which is necessary to meet the ambient air quality standards . . ." See 18 Pa.B. 2098 (May 7, 1988). The entire Commonwealth is included in the Ozone Transport Region established under section 184 of the Clean Air Act. See 42 U.S.C.A. § 7511c. Therefore, retention of § 129.52 is justified by a compelling Pennsylvania interest, achieving and maintaining the NAAQS for ozone.

In addition, retention of the wood cabinet and furniture finishing requirements of § 129.52 is not contrary to applicable requirements of the act. Section 4.2(f) of the act (35 P.S. § 4004.2(f)) provides that the Board may retain existing requirements in § 129.52 if the regulations were adopted prior to July 9, 1992. The existing wood cabinet and furniture finishing requirements in § 129.52 were adopted by the Board on May 7, 1988. These provisions are currently being met by most facilities. Whenever a surface coating process is subject to the presumptive RACT requirements and the requirements of § 129.52, the facility shall demonstrate compliance with the more stringent requirement.

If the requirements in § 129.52 were deleted for larger wood furniture manufacturing operations, facilities with actual VOC emissions greater than 2.7 tons per year, but potential emissions of VOCs less than 25 tons per year, would no longer be regulated. Consequently, those facilities could then legally use noncomplying materials and application equipment, increase VOC emissions and counteract the Department's efforts to comply with the Federal National Ambient Air Quality Standard (NAAQS) for ozone.

Comment: Every major component of § 129.52 is also included in §§ 129.101—129.107. They both have material VOC content limits, application equipment requirements and recordkeeping and reporting obligations. It is our position that at the time a facility reaches the potential to emit of VOCs of 25 tons per year or more, only the more stringent presumptive RACT requirements of §§ 129.101—129.107 should apply.

Response: The proposed language in § 129.101(e) stated that "when subject to § 129.52 and this section and §§ 129.102—129.107, the more stringent limitation applies to the wood furniture manufacturing operation." In the final rulemaking, subsection (e) has been revised to

indicate that facilities subject to § 129.52 and 129.101—129.107 need only demonstrate compliance with the most stringent requirement. Under section 184 of the Clean Air Act (42 U.S.C.A. § 7511(c)), this Commonwealth is included in the Ozone Transport Region established by operation of law. Therefore, retention of the existing requirements in § 129.52 is justified by a compelling Pennsylvania interest, achieving and maintaining the NAAQS for ozone.

In some circumstances, § 129.52 requirements will apply instead of the newly adopted presumptive RACT requirements. Whenever a facility's actual emissions exceed 2.7 tons per year and its potential VOC emissions reach 25 tons per year or more, the facility owner/operator need only demonstrate compliance with the more stringent provision. Title V permits issued to major wood furniture manufacturing operations would contain streamlined permit conditions. The most stringent applicable requirement would be included in the permit. In these instances, the streamlined permit condition would assure compliance with the less stringent provision. Consequently, the permit would not contain duplicative permit conditions.

Comment: The commentator suggested that the term "vinyl" be deleted from the coating systems listed in § 129.102(1), Table IV, Category 3. Acid cured sealers and topcoats are primarily based on what is known as alkyd amino technology. Resins such as vinyl or nitrocellulose are sometimes added to the alkyd amino base to help dry the surface of these otherwise slow systems. Specifying the term "vinyl" severely limits the resin choices for modifying the alkyd amino base. The solvents needed to dissolve the vinyl in the coating system may be more active, higher VOC or HAPs containing solvents. Modifying resins other than vinyls can and are used to produce acid-cured alkyd amino systems at equal or lower pounds of VOC per pound of coating solids than are produced with vinyls.

Response: The Department concurs with this recommendation and has deleted the term "vinyl" from the acid-cured alkyd amino systems category specified in § 129.102(1), Table IV, Category 3.

Comment: In the discussion relating to § 129.103(d), it would be helpful to explain that the sensitive data generated by the cleaning and washoff solvent accounting system is not required to be submitted to the Department in any type of report. There is concern in the regulated community that this data could be made publicly available.

Response: The Department has revised the "cleaning and washoff solvent accounting system" requirements in the final-form rulemaking. Section 13.2 of the act (35 P.S. § 4013.2) authorizes the Department to treat certain information obtained by the Department as confidential information if a person shows cause as to why the records, report, data or information should be considered confidential by the Department. Under no circumstances, however, is emissions data kept confidential. Although data obtained from records for the cleaning and washoff solvent accounting system would not routinely be submitted to the Department, this data could be obtained during inspections or for enforcement purposes. If the "sensitive data" obtained by the Department is emissions data, it cannot be considered confidential information.

9. The Board specifically requested comments on whether the reporting requirements in 40 CFR 63.7—63.10 should be adopted. These general reporting provi-

sions specify time frames for reporting performance test results, monitoring parameter values and excess performance test results. Under the EPA's model rule for wood furniture manufacturing operations, the general MACT reporting requirements are an optional State presumptive RACT program component.

Comment: Relative to question two posed in paragraph J of the Preamble of the proposed rulemaking, the commentator endorsed the adoption of the MACT reporting requirements that were developed during the EPA Regulatory Negotiation.

Response: The adoption of the MACT reporting requirements for major wood furniture manufacturing operations reporting VOC emissions under the presumptive RACT rule would be duplicative if the facility is already subject to the MACT reporting requirements. When issuing Title V permits, applicable reporting requirements will be streamlined and the most stringent requirement included as a permit condition. For example, if the MACT reporting requirements are more stringent than other applicable reporting provisions, the permit will contain the MACT reporting requirements and explicitly state that the streamlined permit condition assures compliance with other applicable reporting requirements.

G. *Benefits and Costs*

Executive Order 1996-1 requires a cost/benefit analysis of the final-form regulations.

Benefits

Compliance with these amendments will reduce VOC emissions to the atmosphere. Implementation of the work practice standards will reduce VOC emissions from cleaning operations. The restrictions on the use of conventional air spray guns will result in less overspraying and will, therefore, reduce the amount of solid waste and VOC emissions generated from overspraying. Emission reductions resulting from these regulations are also expected to reduce worker exposure to VOC emissions and other pollutants.

Compliance Costs

These amendments will affect approximately 450 surface coating facilities, including 80 wood furniture manufacturing facilities that are currently subject to recordkeeping and reporting requirements. Approximately 20 of the major wood furniture manufacturing operations that could be subject to these regulations have submitted case-by-case RACT determinations to the EPA for approval as SIP revisions.

The amendments to § 129.52 will result in estimated savings of \$5.625 million for approximately 450 affected facilities. These cost savings are based on a reduction of .25 full time equivalent per facility per year in recordkeeping and reporting efforts, at an average salary of \$50,000, for a total of \$5.625 million for the current fiscal year.

Compliance Assistance Plan

Compliance assistance will be provided to affected facilities that are engaged in surface coating processes or the manufacture of wood furniture or wood furniture components. The Department will utilize the Pennsylvania Small Business Assistance Program and its ongoing regional compliance assistance program to assist small businesses in understanding and complying with Chapter 129.

Pollution Prevention

The work practice standards adopted for the wood furniture manufacturing industry will reduce VOC emissions from affected sources. The restrictions on the use of conventional air spray guns imposed by these final-form regulations will also reduce the amount of VOCs emitted and the amount of solid waste generated from wood finishing operations. In addition, the implementation of operator training programs will reduce emissions and prevent pollution from wood finishing, clean-up and washoff operations.

Paperwork Requirements

These amendments contain recordkeeping and reporting provisions needed to demonstrate compliance with the requirements for surface coating processes and wood furniture manufacturing requirements. The owner or operator of an affected facility that complies with the wood furniture manufacturing provisions in §§ 129.101—129.107 shall prepare and maintain a work practice implementation plan including work practices for operator training, leak inspection and maintenance planning, and cleaning and washoff solvent accounting. The owners or operators of affected facilities shall also prepare and maintain records of work practice plan activities, use of compliant coatings or an alternative methodology. The owners or operators shall also validate and verify information used to demonstrate compliance and prepare and maintain compliance certification records.

Any wood furniture manufacturing facility complying with the case-by-case RACT determinations or the National Emission Standards for Hazardous Air Pollutants (NESHAP) will have the same work practice standards and application equipment requirements. The Board expects that the majority of the remaining 60 wood furniture manufacturing facilities will be subject to the NESHAP for wood furniture manufacturing operations in 40 CFR Part 63, Subpart JJ. These facilities will already have developed and implemented the paperwork requirements associated with the work practice standards such as operator training, inspection and maintenance planning, cleaning and washoff solvent accounting prior to June 10, 2000.

H. *Sunset Review*

These final-form regulations will be reviewed in accordance with the sunset review schedule published by the Board to determine whether the regulations effectively fulfill the goals for which they were intended.

I. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 17, 1999, the Board submitted a copy of the proposed rulemaking, published at 29 Pa.B. 1299, to IRRC and to the Chairpersons of the Senate and House Environmental Resources and Energy Committees for review and comment.

In compliance with section 5(c) of the Regulatory Review Act, the Board also provided IRRC and the Committees with copies of the comments as well as other documentation. In preparing the final-form regulations, the Board has considered the comments received from IRRC and the public. The Committees did not provide comments on the proposed rulemaking.

Under section 5.1(d) of Regulatory Review Act (71 P. S. § 745.5a(d)), these final-form regulations were deemed approved by the House and Senate Committees on April 17, 2000. Under section 5.1(e) of the Regulatory Review Act, IRRC met on April 27, 2000, and approved the final-form regulations.

J. Findings

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and regulations promulgated thereunder at 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period and public hearings were provided as required by law and all comments were considered.

(3) These final-form regulations do not enlarge the purpose of the proposal published at 29 Pa.B. 1299.

(4) These final-form regulations are necessary and appropriate for administration and enforcement of the authorizing act identified in Section C of this Preamble.

(5) These final-form regulations are necessary to satisfy related Clean Air Act requirements as they specifically relate to this Commonwealth and are reasonably necessary to achieve and maintain the NAAQS.

K. Order

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

(a) The regulations of the Department, 25 Pa. Code Chapters 121, 129 and 139, are amended by amending §§ 121.1, 129. 52, 129.91, 139.4 and 139.14 and by adding §§ 129.101—129.107 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

(c) The Chairperson of the Board shall submit this order and Annex A to IRRC and the Senate and House Committees as required by the Regulatory Review Act.

(d) The Chairperson of the Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

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

JAMES M. SEIF,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 30 Pa.B. 2430 (May 13, 2000).)

Fiscal Note: 7-339. No fiscal impact; (8) recommends adoption.

Annex A

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

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE III. AIR RESOURCES

CHAPTER 121. GENERAL PROVISIONS

§ 121.1. Definitions.

The definitions in section 3 of the act (35 P. S. § 4003) apply to this article. In addition, the following words and terms, when used in this article, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

Adhesive—A chemical substance that is applied for the purpose of bonding two surfaces together other than by mechanical means. The term does not include coatings or finishing materials.

* * * * *

Alternative method—A method of sampling and analyzing for an air pollutant that is not a reference or equivalent method but has been demonstrated to the satisfaction of the Administrator of the EPA to, in specific cases, produce results adequate for a determination of compliance.

* * * * *

As applied—The VOC and solids content of a coating that is actually used to coat the substrate. The term includes the contribution of materials used for in-house dilution of the coating.

As supplied—The VOC and solids content of a coating as sold and delivered to the end user.

* * * * *

Basecoat—A coat of colored material, usually opaque, that is ordinarily applied before graining inks, glazing coats or other opaque coatings and is usually covered with an application of topcoat for protection.

* * * * *

CPDS—Certified Product Data Sheet—For purposes of wood furniture manufacturing operations under §§ 129.101—129.107 (relating to wood furniture manufacturing operations), documentation furnished by a coating supplier or an outside laboratory for a coating, strippable spray booth coating or solvent that provides the VOC content as pounds of VOC per pound of coating solids calculated from data measured using the EPA Reference Method 24 or an equivalent or alternative method. Batch formulation data may be used if it is demonstrated to the satisfaction of the Administrator of the EPA that the coating does not release additional VOC as reaction byproducts during the cure. The VOC content stated should represent the maximum VOC emission potential of the coating, strippable spray booth coating or solvent.

* * * * *

Clear coat—A coating which lacks opacity or which is transparent and uses the undercoat as a reflectant base or undertone color, except for extreme performance coatings.

Closed charging—The introduction of coal into a coke oven without exposing or opening the receiving coke oven to the atmosphere during charging.

* * * * *

Coating—For purposes of wood furniture manufacturing operations under §§ 129.101—129.107, a protective, decorative or functional material applied in a thin layer to a surface.

(i) The term includes paints, topcoats, clear coats, varnishes, sealers, stains, washcoats, basecoats, inks and temporary protective coatings.

(ii) The term does not include adhesives.

Coating solids or solids—For purposes of wood furniture manufacturing under §§ 129.101—129.107, the part of the coating which remains after the coating is dried or cured. Solids content is determined using data from the EPA Reference Method 24 or an alternative method approved by the Administrator of the EPA.

* * * * *

Compliant coating—A coating that meets the applicable emission limits specified in Chapter 129 (relating to standards for sources).

* * * * *

Continuous coater—A surface coating process that continuously applies coatings onto parts moving along a conveyor. Coatings that are not transferred to the part are recycled to a reservoir. Several types of application methods can be used with a continuous coater including spraying, curtain coating, roller coating, dip coating and flow coating.

* * * * *

Conventional air spray—A spray coating application method in which the coating is atomized by mixing it with compressed air and applied at an air pressure greater than 10 pounds per square inch (gauge) at the point of atomization. The term does not include:

- (i) Airless and air assisted airless spray technologies.
- (ii) Electrostatic spray technology.

* * * * *

Cosmetic specialty coatings—Materials including padding stains, shading stains, sap stains, spatter stains, fillers, waxes and inks applied to enhance wood finishes.

* * * * *

Dip coating—The application of a coating by immersing an object into the coating.

* * * * *

Enamel—A coat of colored material, usually opaque, that is applied as a protective topcoat over a basecoat, primer or previously applied enamel coat. Another coating may be applied as a topcoat over the enamel.

* * * * *

Equivalent method—A method of sampling and analyzing for an air pollutant that has been demonstrated to the satisfaction of the Administrator of the EPA to have a consistent and quantitatively known relationship to the reference method under specific conditions.

* * * * *

Final repair coat—Liquids applied to correct imperfections or damage to the topcoat.

* * * * *

MSDS—Material Safety Data Sheet—The documentation required for hazardous chemicals by the Occupational Safety and Health Administration (OSHA) Hazard Communication Standard—29 CFR Part 1910 (relating to occupational safety and health standards)—for a solvent, cleaning material, coating or other material that identifies select reportable hazardous ingredients of the material, safety and health considerations and handling procedures.

* * * * *

Miscellaneous metal parts and products—Items made of ferrous or nonferrous metals, including large farm machinery, small farm machinery, small appliances, commercial and industrial machinery, fabricated metal products and items listed under the *Standard Industrial Classification Codes* 3300—3999. The term does not include cans, coils, automobiles, light-duty trucks, metal furniture, magnet wire, large appliances, aerospace vehicles or components and automobile refinishing and customized top coating of automobiles and trucks, if production since January 1, 1987, has not exceeded 34 vehicles per day.

* * * * *

Nonpermanent final finish—A material such as a wax, polish, nonoxidizing oil or similar substance that must be periodically reapplied to a substrate over its lifetime to maintain or restore the material's effect.

* * * * *

Normally closed container—A container that is closed unless an operator is actively engaged in activities such as emptying or filling the container.

* * * * *

Opacity—The degree to which emissions reduce the transmission of light and obscure the view of an object in the background.

Open burning—A fire, the air contaminants from which are emitted directly into the outdoor atmosphere and not directed thereto through a flue.

* * * * *

Open top vapor degreaser—A batch-loaded device used to clean metal parts through the condensation or organic solvent on colder metal parts.

Operating parameter value—A minimum or maximum value established for a control equipment process parameter that, if achieved by itself or in combination with one or more other operating parameter values, determines whether an owner or operator has complied with an applicable emission limitation.

Optical antireflection coating—A coating, applied to aerospace vehicles or components, with a low reflectance in the infrared and visible wavelength ranges that is used for antireflection on or near optical and laser hardware.

Organic liquid cargo vessel—A tanker, freighter, barge, vessel, ship or boat used for the bulk transport of organic liquid cargo.

Outer zone of the southeast Pennsylvania air basin—The political subdivisions in the southeast Pennsylvania air basin which are not in the inner zone of the southeast Pennsylvania air basin.

* * * * *

Pollution prevention—Source reduction and other practices that reduce or eliminate the creation of pollutants through changes within the production process, including process modifications, feedstock substitutions, improvements in feedstock purity, shipping and packing modifications, housekeeping and management practices, increases in the efficiency of machinery and recycling within a process. The term does not include out-of-process recycling, treatment and safe disposal.

* * * * *

Process—A method, reaction or operation in which materials are handled or whereby materials undergo physical change—that is, the size, shape, appearance, temperature, state or other physical property of the material is altered—or chemical change—that is, a substance with different chemical composition or properties is formed or created. The term includes all of the equipment, operations and facilities necessary for the completion of the transformation of the materials to produce a physical or chemical change. There may be several processes in series or parallel necessary to the manufacture of a product.

* * * * *

Sealer—A coating used to seal the pores of a wood substrate before additional coatings are applied.

* * * * *

Semiaqueous cleaning solvent—A solution in which water is a primary ingredient (>60% by weight of the solvent solution as applied is water).

Serious ozone nonattainment area—A region with an ozone design value greater than or equal to 0.160 but less than 0.180 ppm as designated by the Administrator of the EPA. A designation is based on data from the 3-year period of 1987–1989 and may not be changed until the region demonstrates attainment of the NAAQS except in accordance with section 181 of the Clean Air Act.

* * * * *

Stain—For purposes of wood furniture manufacturing operations under §§ 129.101–129.107, a color coat having a solids content by weight of no more than 8.0% that is applied in single or multiple coats directly to the substrate. The term includes nongrain raising stains, equalizer stains, sap stains, body stains, no-wipe stains, penetrating stains and toners.

* * * * *

Strippable spray booth coating—A coating that meets the following requirements:

- (i) Is applied to a spray booth wall to provide a protective film to receive overspray during a surface coating process including wood furniture manufacturing operations.
- (ii) Is subsequently peeled off and disposed.
- (iii) Reduces or eliminates the need to use solvents to clean spray booth walls by meeting the conditions of subparagraphs (i) and (ii).

* * * * *

Substrate—The surface onto which a coating is applied or into which a coating is impregnated.

* * * * *

Surface coating process—The application and solidification of a coating onto or into a substrate as the substrate proceeds through the equipment and activities of the manufacturing process.

* * * * *

Thinner—A volatile liquid that is used to dilute coatings (to reduce viscosity, color strength or solids content or to modify drying conditions). The term includes diluent, makeup solvent or reducer.

* * * * *

Topcoat—The last film-building coating that is applied, in one or more layers, to wood furniture or a wood furniture component substrate in a surface coating process. The term does not include nonpermanent final finishes.

* * * * *

Touch-up and repair—The application of coatings to cover minor finishing imperfections.

* * * * *

VOC—volatile organic compound—An organic compound which participates in atmospheric photochemical reactions; that is, an organic compound other than those which the Administrator of the EPA designates in 40 CFR 51.100 (relating to definitions) as having negligible photochemical reactivity.

* * * * *

Washcoat—Clear liquids having a solids content by weight of 12% or less, applied over stains and toners to protect the color coats and to set the fibers for subsequent sanding or to separate spray stains from wiping stains to enhance color depth.

* * * * *

Washoff operations—Operations in which solvent is used to remove coating from a substrate.

* * * * *

Waterborne coating—A coating that contains more than 5% water by weight in its volatile fraction.

* * * * *

Wood furniture—A product made of wood, a wood product such as rattan or wicker or an engineered wood product such as particleboard that is manufactured under the following *Standard Industrial Classification Codes*: 2434 (Wood kitchen cabinets), 2511 (Wood household furniture, except upholstered), 2512 (Wood household furniture, upholstered), 2517 (Wood television, radio, phonograph, and sewing machine cabinets), 2519 (Household furniture, not elsewhere classified), 2521 (Wood office furniture), 2531 (Public building and related furniture), 2541 (Wood office and store fixtures, partitions, shelving, and lockers), 2599 (Furniture and fixtures, not elsewhere classified) or 5712 (Furniture stores).

Wood furniture component—A part that is used in the manufacture of wood furniture. The term includes drawer sides, cabinet doors, seat cushions and laminated tops.

Wood furniture manufacturing operations—The coating, cleaning and washoff operations associated with the production of wood furniture or wood furniture components.

* * * * *

CHAPTER 129. STANDARDS FOR SOURCES

SOURCES OF VOCs

§ 129.52. Surface coating processes.

(a) This section applies to a surface coating process category, regardless of the size of the facility, which emits or has emitted VOCs into the outdoor atmosphere in quantities greater than 3 pounds (1.4 kilograms) per hour, 15 pounds (7 kilograms) per day or 2.7 tons (2,455 kilograms) per year during any calendar year since January 1, 1987.

(b) A person may not cause or permit the emission into the outdoor atmosphere of VOCs from a surface coating process category listed in Table I, unless one of the following limitations is met:

(1) The VOC content of each as applied coating is equal to or less than the standard specified in Table I.

(i) The VOC content of the as applied coating, expressed in units of weight of VOC per volume of coating solids, shall be calculated as follows:

$$VOC = (W_o)(D_c)/V_n$$

Where:

VOC = VOC content in lb VOC/gal of coating solids

W_o = Weight percent of VOC (W_v – W_w – W_{ex})

W_v = Weight percent of total volatiles (100%-weight percent solids)

W_w = Weight percent of water

W_{ex} = Weight percent of exempt solvent(s)
 D_c = Density of coating, lb/gal, at 25°C
 V_n = Volume percent of solids of the as applied coating

(ii) The VOC content of a dip coating, expressed in units of weight of VOC per volume of coating solids, shall be calculated on a 30-day rolling average basis using the following equation:

$$VOC_A = \frac{\sum_i (W_{oi} \times D_{ci} \times Q_i) + \sum_J (W_{oJ} \times D_{dJ} \times Q_J)}{\sum_i (V_{ni} \times Q_i)}$$

Where:

VOC_A = VOC content in lb VOC/gal of coating solids for a dip coating, calculated on a 30-day rolling average basis

W_{oi} = Percent VOC by weight of each as supplied coating (i) added to the dip coating process, expressed as a decimal fraction (that is 55% = 0.55)

D_{ci} = Density of each as supplied coating (i) added to the dip coating process, in pounds per gallon

Q_i = Quantity of each as supplied coating (i) added to the dip coating process, in gallons

V_{ni} = Percent solids by volume of each as supplied coating (i) added to the dip coating process, expressed as a decimal fraction

W_{oJ} = Percent VOC by weight of each thinner (J) added to the dip coating process, expressed as a decimal fraction

D_{dJ} = Density of each thinner (J) added to the dip coating process, in pounds per gallon

Q_J = Quantity of each thinner (J) added to the dip coating process, in gallons

(iii) The VOC content of the as applied coating, expressed in units of weight of VOC per weight of coating solids, shall be calculated as follows:

$$VOC_B = (W_o)/(W_n)$$

Where:

VOC_B = VOC content in lb VOC/lb of coating solids

W_o = Weight percent of VOC ($W_v - W_w - W_{ex}$)

W_v = Weight percent of total volatiles (100%-weight percent solids)

W_w = Weight percent of water

W_{ex} = Weight percent of exempt solvents

W_n = Weight percent of solids of the as applied coating

(iv) Sampling and testing shall be done in accordance with the procedures and test methods specified in Chapter 139 (relating to sampling and testing).

(2) The overall weight of VOCs emitted to the atmosphere is reduced through the use of vapor recovery or incineration or another method which is acceptable under § 129.51(a) (relating to general). The overall efficiency of a control system, as determined by the test methods and procedures specified in Chapter 139 shall be no less than the equivalent overall efficiency calculated by the following equation:

$$O = (1 - E/V) \times 100$$

Where:

V = The VOC content of the as applied coating, in lb VOC/gal of coating solids or lb VOC/lb of coating solids.

E = Table I limit in lb VOC/gal of coating solids or lb VOC/lb of coating solids.

O = Overall control efficiency.

(c) A facility, regardless of the facility's annual emission rate, which contains surface coating processes shall maintain records sufficient to demonstrate compliance with this section. At a minimum, a facility shall maintain daily records of:

(1) The following parameters for each coating, thinner and other component as supplied:

(i) The coating, thinner or component name and identification number.

(ii) The volume used.

(iii) The mix ratio.

(iv) The density of specific gravity.

(v) The weight percent of total volatiles, water, solids and exempt solvents.

(vi) The volume percent of solids for Table I surface coating process categories 1–10.

(2) The VOC content of each coating, thinner and other component as supplied.

(3) The VOC content of each as applied coating.

* * * * *

(f) A person may not cause or permit the emission into the outdoor atmosphere of VOCs from the application of wood furniture coatings unless the coatings are applied using electrostatic, airless, curtain coating, roller coating, hand roller, hand brush, flow coating, dip coating or high volume-low pressure application equipment. Air atomized sprays may be used to apply cosmetic specialty coatings if the volume of the cosmetic specialty coatings is less than 5% by volume of the total coating used at the facility or to apply final repair coatings.

(g) The records shall be maintained for 2 years and shall be submitted to the Department on a schedule reasonably prescribed by the Department.

(h) The VOC standards in Table I do not apply to a coating used exclusively for determining product quality and commercial acceptance, touch-up and repair and other small quantity coatings if the coating meets the following criteria:

(1) The quantity of coating used does not exceed 50 gallons per year for a single coating and a total of 200 gallons per year for all coatings combined for the facility.

(2) The owner or operator of the facility requests, in writing, and the Department approves, in writing, the exemption prior to use of the coating.

Table I

Emission Limits of VOCs in Surface Coatings by Process Category

Weight of VOC per Volume of Coating Solids

Surface Coating Process Category	lbs	kg
	VOC per gal coating solids	VOC per liter coating solids
1. Can coating		
(a) sheet basecoat	4.62	0.55
(b) can exterior	4.62	0.55
(c) interior body spray	10.05	1.20

WOOD FURNITURE MANUFACTURING OPERATIONS

§ 129.101. General provisions and applicability.

(a) Beginning June 10, 2000, this section and §§ 129.102—129.107 apply to each wood furniture manufacturing facility located in a county included in the northeast ozone transport region or in a county designated as severe, serious, moderate or marginal ozone nonattainment that emits or has the potential to emit 25 tons or more per year of VOCs from wood furniture manufacturing operations.

(b) The owner or operator of an existing wood furniture manufacturing facility subject to subsection (a) shall comply with this section and §§ 129.102—129.107 by June 11, 2001, except for those facilities which have RACT determinations approved by the EPA as revisions to the SIP prior to June 10, 2000.

(c) An existing wood furniture manufacturing facility that increases its actual emissions or potential to emit to 25 tons per year or more of VOCs from wood furniture manufacturing operations shall comply with this section and §§ 129.102—129.107 within 1 year after becoming subject to subsection (a), except for those facilities which have RACT determinations approved by the EPA as revisions to the SIP prior to June 10, 2000.

(d) At a minimum, a new source installed at an existing facility that is subject to the requirements of subsection (a) shall comply with the emission standards of § 129.102 (relating to emission standards) upon installation of the new source.

(e) The owner or operator of a wood furniture manufacturing facility subject to this section, §§ 129.52 and 129.102—129.107 shall comply with the more stringent emissions limitation or applicable requirement for wood furniture manufacturing operations in § 129.52 or this section and §§ 129.102—129.107.

(f) The VOC standards in § 129.102 Table IV do not apply to a coating used exclusively for determining product quality and commercial acceptance, touch-up and repair and other small quantity coatings if the coating meets the following criteria:

(1) The quantity of coating used does not exceed 50 gallons per year for a single coating and a total of 200 gallons per year for all coatings combined for the facility.

(2) The owner or operator of the facility requests, in writing, and the Department approves, in writing, the exemption prior to use of the coating.

§ 129.102. Emission standards.

An owner or operator of a facility subject to this section, §§ 129.101 and 129.103—129.107 shall limit VOC emissions from wood furniture manufacturing operations by:

(1) Applying either waterborne topcoats or a combination of sealers and topcoats and strippable spray booth coatings with a VOC content equal to or less than the standards specified in Table IV:

<i>Surface Coating Process Category</i>	<i>lbs VOC per gal coating solids</i>	<i>kg VOC per liter coating solids</i>
(d) two piece can end exterior	10.05	1.20
(e) side-seam spray	21.92	2.63
(f) end sealing compound	7.32	0.88
2. Coil coating	4.02	0.48
3. Fabric coating	4.84	0.58
4. Vinyl coating	7.69	0.92
5. Paper coating	4.84	0.58
6. Automobile and light duty truck coating		
(a) prime coat	2.60	0.31
(b) top coat	4.62	0.55
(c) repair	14.14	1.69
7. Metal furniture coating	5.06	0.61
8. Magnet wire coating	2.16	0.26
9. Large appliance coating	4.62	0.55
Categories 1—9 were adopted on April 17, 1979		
10. Miscellaneous metal parts & products		
(a) top coats for locomotives and heavy-duty trucks	6.67	0.80
(b) hopper car and tank car interiors	6.67	0.80
(c) pail and drum interiors	10.34	1.24
(d) clear coatings	10.34	1.24
(e) air-dried coatings	6.67	0.80
(f) extreme performance coatings	6.67	0.80
(g) all other coatings	5.06	0.61
Category 10 was adopted on April 21, 1981		

Weight of VOC per Weight of Coating Solids

	<i>lbs VOC per lb coating solids</i>	<i>kg VOC per kg coating solids</i>
11. Wood furniture manufacturing operations		
(a) Topcoats and enamels	3.0	3.0
(b) Washcoat	14.3	14.3
(c) Final repair coat	3.3	3.3
(d) Basecoats	2.2	2.2
(e) Cosmetic specialty coatings	14.3	14.3
(f) Sealers	3.9	3.9
Category 11 was adopted on May 7, 1988		

§ 129.91. Control of major sources of NO_x and VOCs.

(a) This section applies to both the owner and the operator of a major NO_x emitting facility or major VOC emitting facility for which no RACT requirement has been established in §§ 129.51, 129.52, 129.54—129.72, 129.81 and 129.82. This section does not apply to the owner and operator of a major VOC emitting facility for which requirements have been established in § 129.52, Table I (11) (relating to surface coating processes) and §§ 129.101—129.107 (relating to wood furniture manufacturing operations).

* * * * *

Table IV <i>Emission Limits of VOC for Wood Furniture Manufacturing Sealers, Topcoats and Strippable Spray Booth Coatings As Applied, in Pounds of VOC Per Pound of Coating Solids (kg VOC/kg of Coating Solids), by Category</i>	
(1) Waterborne Topcoats	0.8
(2) High solids coating systems	
Sealer	1.9
Topcoat	1.8
(3) Acid-cured alkyd amino systems	
(i) Acid-cured alkyd amino sealer	2.3
Acid-cured alkyd amino conversion varnish topcoat	2.0
(ii) Other sealer	1.9
Acid-cured alkyd amino conversion varnish topcoat	2.0
(iii) Acid-cured alkyd amino sealer	2.3
Other topcoat	1.8
(4) Waterborne strippable spray booth coating	0.8

(2) Using an emissions averaging program which meets the requirements in § 129.107 (relating to special provisions for facilities using an emissions averaging approach).

(3) Using a control system that will achieve a reduction in emissions equivalent to 0.8 lb VOC/lb solids for topcoats or 1.8 lbs VOC/lb solids for topcoats and 1.9 lbs VOC/lb solids for sealers.

(4) Using a combination of the methods specified in paragraphs (1)–(3).

§ 129.103. Work practice standards.

(a) *Work practice implementation plan.* Within 60 days after the compliance date specified in § 129.101(b) or (c) (relating to general provisions and applicability), an owner or operator of a facility subject to the requirements in this section and §§ 129.101, 129.102 and 129.104–129.107 shall:

(1) Prepare and maintain a written work practice implementation plan that defines work practices for each wood furniture manufacturing operation and addresses the provisions in subsections (b)–(j). The owner or operator of the facility shall comply with the work practice implementation plan.

(2) Make available the written work practice implementation plan for inspection by the Department upon request. If the Department determines that the work practice implementation plan does not adequately address the criteria specified in subsections (b)–(j), the Department may require that the facility owner or operator modify the plan.

(b) *Operator training program.* New and existing personnel, including contract personnel, who are involved in coating, cleaning or washoff operations or implementation of the requirements of this section, §§ 129.101, 129.102 and 129.104–129.107 shall complete an operator training program.

(1) For a facility subject to § 129.101(b), new personnel hired after June 10, 2000, shall be trained upon hiring. For a facility subject to the requirements of § 129.101(c), new personnel shall be trained upon hiring.

(2) For a facility subject to § 129.101(b), existing personnel hired before June 10, 2000, shall be trained by December 11, 2000. For a facility subject to § 129.101(c), existing personnel shall be trained at least 6 months before the compliance date.

(3) Personnel shall be given refresher training annually.

(4) A copy of the written operator training program shall be maintained with the work practice implementation plan. The operator training program shall include the following:

(i) A list of all current personnel by name and job description that are required to be trained.

(ii) An outline of the subjects to be covered in the initial and annual refresher training sessions for each position or group of personnel.

(iii) Lesson plans for courses to be given at the initial and annual refresher training sessions that include, at a minimum, appropriate application techniques, appropriate cleaning and washoff procedures, appropriate equipment setup and adjustment to minimize coating usage and overspray and appropriate management of cleanup wastes.

(iv) A description of the methods to be used at the completion of the initial or annual refresher training sessions to demonstrate and document successful completion.

(v) A record of the date each employe is trained.

(c) *Leak inspection and maintenance plan.* An owner or operator of a facility shall prepare and maintain with the work practice implementation plan a written leak inspection and maintenance plan which shall include the following:

(1) A minimum visual inspection frequency of once per month for all equipment used to transfer or apply coatings or solvents.

(2) An inspection schedule.

(3) The methods for documenting the date and results of each inspection and any repairs that were made.

(4) The time frame between identifying a leak and making the repair, which shall adhere to the following schedule:

(i) A first attempt at repairs, including tightening of packing glands, shall be made within 5 working days after the leak is detected.

(ii) Final repairs shall be made within 15 working days, unless the leaking equipment is to be replaced by a new purchase, in which case repairs shall be completed within 3 months.

(d) *Cleaning and washoff solvent accounting system.* A solvent accounting form shall be developed to account for solvents used in cleaning and washoff operations. The information recorded on the form shall include the following:

(1) The total number of pieces processed through washoff operations each month and the reason for the washoff operations.

(2) The name and total quantity of each solvent used each month for:

(i) Cleaning activities.

(ii) Washoff operations.

(3) The name and total quantity of each solvent evaporated to the atmosphere each month from:

(i) Cleaning activities.

(ii) Washoff operations.

(e) *Spray booth cleaning.* An owner or operator of a facility may not use compounds containing more than 8.0% by weight of VOC for cleaning spray booth components other than conveyors, continuous coaters and their enclosures, or metal filters, unless the spray booth is being refurbished. If the spray booth is being refurbished, that is, the spray booth coating or other material used to cover the booth is being replaced, the facility shall use no more than 1.0 gallon of solvent to prepare the booth prior to applying the booth coating.

(f) *Storage requirements.* An owner or operator of a facility shall use normally closed containers for storing coating, cleaning and washoff materials.

(g) *Application equipment requirements.* An owner or operator of a facility may not use conventional air spray guns to apply coatings except under any of the following circumstances:

(1) To apply coatings that have a VOC content no greater than 1.0 lb VOC/lb solids (1.0 kg VOC/kg solids), as applied.

(2) For touch-up and repair coatings under one of the following circumstances:

(i) The coatings are applied after completion of the wood furniture manufacturing operation.

(ii) The coatings are applied after the stain and before any other type of coating is applied, and the coatings are applied from a container that has a volume of no more than 2.0 gallons.

(3) The spray is automated, that is, the spray gun is aimed and triggered automatically, not manually.

(4) The emissions from the surface coating process are directed to a VOC control system.

(5) The conventional air spray gun is used to apply coatings and the cumulative total usage of those coatings is no more than 5.0% of the total gallons of coating used during each semiannual reporting period.

(6) The conventional air spray gun is used to apply stain on a part for which the Department notifies the operator, in writing, of its determination that it is technically or economically infeasible to use any other spray application technology. To support the facility's claim of technical or economic infeasibility, a videotape, a technical report or other documentation shall be submitted to the Department showing either independently or in combination, the following:

(i) The production speed is too high or the part shape is too complex for one operator to coat the part, and the application station is not large enough to accommodate an additional operator.

(ii) The excessively large vertical spray area of the part makes it difficult to avoid sagging or runs in the stain.

(h) *Line cleaning.* The solvent used for line cleaning shall be pumped or drained into a normally closed container.

(i) *Spray gun cleaning.* The solvent used to clean spray guns shall be collected into a normally closed container.

(j) *Washoff operations.* The emissions from washoff operations shall be controlled by the following:

(1) Using normally closed containers for washoff operations.

(2) Minimizing dripping by tilting or rotating the part to drain as much solvent as possible.

§ 129.104. Compliance procedures and monitoring requirements.

(a) *Compliance methods.* An owner or operator of a facility subject to the emission standards in § 129.102 (relating to emission standards) shall demonstrate compliance with those provisions by using one or more of the following methods:

(1) To support that each sealer, topcoat and strippable spray booth coating meets the requirements of § 129.102(1) (relating to emission standards):

(i) Maintain CPDSs for each of the coatings.

(ii) Maintain documentation showing the VOC content of the as applied coating in lbs VOC/lb solids, if solvent or other VOC is added to the coating before application.

(iii) Perform sampling and testing in accordance with the procedures and test methods in Chapter 139 (relating to sampling and testing).

(2) To comply through the use of a control system as described in § 129.102(3):

(i) Calculate the required overall control efficiency needed to demonstrate compliance using the following equation:

$$O = (1 - E/C) \times 100$$

Where:

C = the VOC content of the as applied coating, lbs VOC/lb solids

E = the Table IV emission limit which shall be achieved by the affected emission point(s), lbs VOC/lb solids

O = the overall control efficiency of the control system, expressed as a percentage

(ii) Document that the value of C in the equation in subparagraph (i) is obtained from the VOC and solids content of the as applied coating.

(iii) Determine the overall control efficiency of the control system using the procedures and test methods in Chapter 139 and demonstrate that the value of O calculated by the following equation is equal to or greater than the value of O calculated by the equation in subparagraph (i):

$$O = (F \times N) (100)$$

Where:

F = the control device efficiency, expressed as a fraction

N = the capture device efficiency, expressed as a fraction

(b) *Initial compliance.*

(1) *Compliant coatings.* An owner or operator of a facility subject to § 129.102(1) that is complying through the procedures in subsection (a)(1) shall submit an initial compliance status report as required by § 129.106(a) (relating to reporting requirements), stating that compliant sealers, topcoats and strippable spray booth coatings are being used by the facility.

(2) *Continuous coaters.* An owner or operator of a facility subject to § 129.102(1) that is complying through the procedures in subsection (a)(1) and is applying sealers, topcoats, or both, using continuous coaters shall demonstrate initial compliance by either:

(i) Submitting an initial compliance status report as required by § 129.106(a) stating that compliant sealers,

topcoats, or both, as determined by the VOC content of the coating in the reservoir and as calculated from records, are being used.

(ii) Submitting an initial compliance status report as required by § 129.106(a) stating that compliant sealers, topcoats, or both, as determined by the VOC content of the coating in the reservoir, are being used and the viscosity of the coating in the reservoir is being monitored. The facility shall also provide data that demonstrates the correlation between the viscosity and the VOC content of the coating in the reservoir.

(3) *Control systems.* An owner or operator of a facility using a control system to comply with this section and §§ 129.101—129.103 and 129.105—129.107 shall demonstrate initial compliance by submitting a report to the Department that:

(i) Identifies the operating parameter value to be monitored for the capture device and discusses why the parameter is appropriate for demonstrating ongoing compliance.

(ii) Includes the results of the initial performance testing using the procedures and test methods specified in Chapter 139.

(iii) Includes calculations of the overall control efficiency (O) using the equation in subsection (a)(2)(iii).

(iv) Defines those operating conditions of the control system critical to determining compliance and establishes operating parameter values that will ensure compliance with the standard:

(A) For compliance with a thermal incinerator, minimum combustion temperature shall be the operating parameter value.

(B) For compliance with another control system, the operating parameter value shall be established using the procedures identified in subsection (c)(3)(iv).

(v) An owner or operator of a facility complying with this paragraph shall calculate the site-specific operating parameter value as the arithmetic average of the maximum or minimum operating parameter values, as appropriate, that demonstrate compliance with the standards, using the procedures in Chapter 139.

(4) *Work practice implementation plan.* An owner or operator of a facility subject to the work practice standards of § 129.103 (relating to work practice standards) shall submit an initial compliance status report as required by § 129.106(a), stating that the work practice implementation plan has been developed and procedures have been established for implementing the provisions of the plan.

(c) *Continuous compliance demonstrations.* An owner or operator of a facility subject to the requirements of this section and §§ 129.101—129.103 and 129.105—129.107 shall submit, in writing, to the Department a compliance certification with the semiannual report required by § 129.106(b).

(1) *Compliant coatings.* An owner or operator of a facility subject to § 129.102 that is complying through the procedures specified in subsection (a)(1) shall demonstrate continuous compliance by the following:

(i) Using compliant coatings.

(ii) Maintaining records that demonstrate the coatings are compliant.

(iii) Submitting a compliance certification which states that compliant sealers, topcoats, or both, and strippable

spray booth coatings have been used each day in the semiannual reporting period or should otherwise identify the days of noncompliance and the reasons for noncompliance.

(2) *Continuous coaters.* An owner or operator of a facility subject to § 129.102 that is complying through the procedures specified in subsection (a)(1) and is applying sealers, topcoats, or both, using continuous coaters shall demonstrate continuous compliance by either:

(i) Using compliant coatings as determined by the VOC content of the coating in the reservoir and as calculated from records, and submitting a compliance certification which states that compliant sealers, topcoats, or both, have been used each day in the semiannual reporting period or should otherwise identify the days of noncompliance and the reasons for noncompliance.

(ii) Using compliant coatings, as determined by the VOC content of the coating in the reservoir, maintaining a viscosity of the coating in the reservoir that is no less than the viscosity of the initial coating by monitoring the viscosity with a viscosity meter or by testing the viscosity of the initial coating and retesting the viscosity of the coating in the reservoir each time solvent is added, maintaining records of solvent additions and submitting a compliance certification which states that compliant sealers, topcoats, or both, as determined by the VOC content of the coating in the reservoir, have been used each day in the semiannual reporting period. Additionally, the certification shall state that the viscosity of the coating in the reservoir has not been less than the viscosity of the initial coating, that is, the coating that is initially mixed and placed in the reservoir, for any day in the semiannual reporting period or should otherwise identify the days of noncompliance and the reasons for noncompliance.

(3) *Control systems.* An owner or operator of a facility subject to § 129.102 that is complying through the use of a control system shall demonstrate continuous compliance by the following:

(i) Installing, calibrating, maintaining and operating monitoring equipment approved, in writing, by the Department.

(ii) Using a device to monitor the site-specific operating parameter value established in accordance with subsection (b)(3)(i).

(iii) When a thermal incinerator is used, a temperature monitoring device equipped with a continuous recorder is required and shall be installed in the firebox or in the ductwork immediately downstream of the firebox at a location before any substantial heat exchange occurs.

(iv) An owner or operator using a control system not listed in this section shall submit, in writing, to the Department a description of the system, test data verifying the performance of the system, the appropriate operating parameter values that will be monitored and the monitoring device that will be used to demonstrate continuous compliance with the standard and receive, in writing, the Department's approval prior to use.

(v) An owner or operator of a facility may not operate the control system at a daily average value greater than or less than (as appropriate) the operating parameter value. The daily average value shall be calculated as the average of all values for a monitored parameter recorded during the operating day.

(vi) Submitting a compliance certification which states that the control system has not been operated at a daily average value greater than or less than (as appropriate)

the operating parameter value for each day in the semiannual reporting period or should otherwise identify the days of noncompliance and the reasons for noncompliance.

(4) *Work practice implementation plan.* An owner or operator of a facility subject to the work practice standards of § 129.103 shall demonstrate continuous compliance by following the work practice implementation plan and submitting a compliance certification which states that the work practice implementation plan is being followed, or should otherwise identify the periods of noncompliance with the work practice standards and the reasons for noncompliance.

(d) *Compliance certification requirements.* The compliance certification shall be signed by a responsible official of the company that owns or operates the facility. In addition to the certification requirements of this section, the certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the documents are true, accurate and complete.

§ 129.105. Recordkeeping requirements.

(a) *Requirement.* The owner or operator of a wood furniture manufacturing operation shall keep records to demonstrate compliance with this section and §§ 129.101–129.104, 129.106 and 129.107. The records shall be maintained for at least 5 years.

(b) *Compliant coatings.* The following records shall be maintained to demonstrate compliance with § 129.102 (relating to emission standards).

(1) A certified product data sheet for each coating and strippable spray booth coating subject to the emission limits of § 129.102.

(2) The VOC content as applied, lbs VOC/lb solids (kg VOC/kg solids), of each coating and strippable spray booth coating subject to the emission limits of § 129.102, and copies of data sheets documenting how the as applied values were determined.

(c) *Continuous coaters.* The owner or operator of a facility subject to the emission limits of § 129.102 that is complying through the procedures specified in § 129.104(a)(1) (relating to compliance procedures and monitoring requirements) and is applying sealers, top-coats, or both, using continuous coaters shall maintain the records required by subsections (a) and (b) and records of the following:

(1) Solvent and coating additions to the continuous coater reservoir.

(2) Viscosity measurements.

(d) *Control systems.* The owner or operator of a facility complying through the procedures in § 129.104(a)(2) by using a control system shall maintain the following records:

(1) Copies of the calculations to support the equivalency of using a control system, as well as the data that are necessary to support the calculation of C and E in § 129.104(a)(2)(i) and O in § 129.104(a)(2)(iii).

(2) Records of the daily average value of each continuously monitored parameter for each operating day. If all recorded values for a monitored parameter are within the range established during the initial performance test, the owner or operator may record that all values were within the range rather than calculating and recording an average for that day.

(e) *Work practice implementation plan.* The owner or operator of a facility subject to the work practice standards of § 129.103 (relating to work practice standards) shall maintain onsite copies of the work practice implementation plan and all records associated with fulfilling the requirements of that plan, including:

(1) Records demonstrating that the operator training program is in place.

(2) Records maintained in accordance with the leak inspection and maintenance plan.

(3) Records associated with the cleaning and washoff solvent accounting system.

(4) Records associated with the limitation on the use of conventional air spray guns showing total coating usage and the percentage of coatings applied with conventional air spray guns for each semiannual reporting period.

(5) Records showing the VOC content of compounds used for cleaning booth components, except for solvent used to clean conveyors, continuous coaters and their enclosures or metal filters.

(6) Copies of logs and other documentation developed to demonstrate that the other provisions of the work practice implementation plan are followed.

(f) In addition to the recordkeeping requirements of subsection (a), the owner or operator of a facility that complies with § 129.103 or § 129.104(a)(1) shall maintain a copy of the compliance certifications submitted in accordance with § 129.106(b) (relating to reporting requirements) for each semiannual period following the compliance date.

(g) The owner or operator of a facility shall maintain a copy of the other information submitted with the initial status report required by § 129.106(a) and the semiannual reports required by § 129.106(b).

§ 129.106. Reporting requirements.

(a) *Initial compliance report date.* The initial compliance report shall be submitted to the Department within 60 days after the compliance date specified in § 129.101(b) and (c) (relating to general provisions and applicability). The report shall include the items required by § 129.104(b) (relating to compliance procedures and monitoring requirements).

(b) *Semiannual compliance report dates.* When demonstrating compliance in accordance with § 129.104(a)(1) or (2), a semiannual report covering the previous 6 months of wood furniture manufacturing operations shall be submitted to the Department according to the following schedule:

(1) The first report shall be submitted within 30 calendar days after the end of the first 6-month period following the compliance date specified in § 129.101(b) and (c).

(2) Subsequent reports shall be submitted within 30 calendar days after the end of each 6-month period following the first report.

(3) Each semiannual report shall include the information required by § 129.104(c) and (d), a statement of whether the facility was in compliance or noncompliance and, if the facility was in noncompliance, the measures taken to bring the facility into compliance.

§ 129.107. Special provisions for facilities using an emissions averaging approach.

(a) *Emissions averaging approach.* An owner or operator of a facility subject to the emission limitations in

§ 129.102 (relating to emission standards) may use an emissions averaging approach which meets the equivalency requirements in § 129.51(a) (relating to general) to achieve compliance with § 129.52 (relating to surface coating processes) or this section and §§ 129.101—129.106.

(b) *Additional requirement.* When complying with the requirements of § 129.52 or this section and §§ 129.101—129.106 through emissions averaging, an additional 10% reduction in emissions shall be achieved when compared to a facility using a compliant coatings approach to meet the requirements of this section and §§ 129.101—129.106.

(c) *Program goals and rationale.* When using an emissions averaging program, the following shall be submitted to the Department in writing:

(1) A summary of the reasons why the facility would like to comply with the emission limitations through an equivalency determination using emissions averaging procedures.

(2) A summary of how averaging can be used to meet the emission limitations.

(d) *Program scope.* A description of the types of coatings that will be included in the facility's emissions averaging program shall also be submitted to the Department in writing:

(1) Stains, basecoats, washcoats, sealers and topcoats may all be used in the emissions averaging program.

(2) The owner or operator of the facility may choose other coatings for its emissions averaging program, if the program meets the equivalency requirements in § 129.51(a).

(3) Coatings that are applied using continuous coaters may only be used in an emissions averaging program if the owner or operator of the facility can determine the amount of coating used each day.

(4) A daily averaging period shall be used, except under the following conditions:

(i) A longer averaging period may be used if the owner or operator of the facility demonstrates in writing to the satisfaction of the Department that the emissions do not fluctuate significantly on a day-to-day basis.

(ii) The owner or operator of the facility requests in writing and the Department approves in writing the longer averaging period.

(e) *Program baseline.* The baseline for each coating included in the emissions averaging program shall be the lower of the actual or allowable emission rate as of June 10, 2000. The facility baseline emission rate may not be higher than what was presumed in the 1990 emissions inventory for the facility unless the Department has accounted for the increase in emissions as growth.

(f) *Quantification procedures.* The emissions averaging program shall specify methods and procedures for quantifying emissions. Quantification procedures for VOC content are included in Chapter 139 (relating to sampling and testing). The quantification procedures shall also include methods to determine the usage of each coating and shall be accurate enough to ensure that the facility's actual emissions are less than the allowable emissions.

(g) *Monitoring, recordkeeping and reporting.* A written summary of the monitoring, recordkeeping and reporting procedures that will be used to demonstrate compliance on a daily basis, when using an emissions averaging approach, shall be submitted to the Department.

(1) The monitoring, recordkeeping and reporting procedures shall be structured so that inspectors and facility owners or operators can determine a facility's compliance status for any day.

(2) The monitoring, recordkeeping and reporting procedures shall include methods for determining required data when monitoring, recordkeeping and reporting violations result in missing, inadequate or erroneous monitoring and recordkeeping.

CHAPTER 139. SAMPLING AND TESTING

Subchapter A. SAMPLING AND TESTING METHODS AND PROCEDURES

GENERAL

§ 139.4. References.

The references referred to in this chapter are as follows:

* * * * *

(5) Source Testing Manual, Commonwealth of Pennsylvania, Department of Environmental Protection, Bureau of Air Quality, Post Office Box 8468, Harrisburg, Pennsylvania 17105-8468, including future revisions as noted in § 139.5(b) (relating to revisions to the source testing manual and continuous source monitoring manual).

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STATIONARY SOURCES

§ 139.14. Emissions of VOCs.

(a) The following are applicable to tests for determining volatile organic content:

(1) Test methods and procedures for the total volatiles content, solids content, exempt solvent content, water content and density of surface coatings shall be equivalent to those specified in § 139.4(1) and (5) (relating to references).

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