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# PENNSYLVANIA BULLETIN

Volume 28

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Pages 3243—3362

**Agencies in this issue:**

The Courts  
Department of Banking  
Department of Conservation and Natural  
Resources  
Department of Environmental Protection  
Department of General Services  
Department of Public Welfare  
Department of Revenue  
Department of Transportation  
Environmental Hearing Board  
Health Care Cost Containment Council  
Independent Regulatory Review Commission  
Insurance Department  
Liquor Control Board  
Pennsylvania Commission for Women  
Pennsylvania Public Utility Commission  
Philadelphia Regional Port Authority  
Public School Employes' Retirement Board  
Securities Commission  
State Architects Licensure Board  
State Board of Dentistry  
State Board of Osteopathic Medicine  
State System of Higher Education  
Turnpike Commission

**Detailed list of contents appears inside.**

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

**No. 284, July 1998**

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**PENNSYLVANIA**



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# Contents

## THE COURTS

### CIVIL PROCEDURAL RULES

Proposed amendments governing production of medical records; proposed recommendation no. 148 ..... 3253

### JUDICIAL SYSTEM GENERAL PROVISIONS

Promulgation of Consumer Price Index pursuant to 15 Pa.C.S.A. § 153(a)(8)(vii), 42 Pa.C.S.A. §§ 1725.1(f) and 3571(c)(4); no. 1941; doc. no. 1 ..... 3253

Promulgation of financial regulation pursuant to 42 Pa.C.S.A. § 3502(a); no. 195; doc. no. 1 ..... 3252

### LOCAL COURT RULES

#### Beaver County

Amendments to local rules of civil procedure; no. 10912 or 1998 ..... 3255

#### Blair County

Custody Education Program; no. 668 MS, 1998 ..... 3257

#### Carbon County

Adoption of procedure under Pa.R.C.P. 1910.21-5 alternative procedure for record hearing and report and exceptions for contempt proceedings; no. 4M98 ..... 3258

#### Somerset County

Consolidated rules of court; no. 52 miscellaneous 1998 ..... 3258

## EXECUTIVE AGENCIES

### DEPARTMENT OF BANKING

#### Notices

Action on applications ..... 3304

### DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

#### Notices

Conservation and Natural Resources Advisory Council meeting ..... 3306

### DEPARTMENT OF ENVIRONMENTAL PROTECTION

#### Notices

Applications, actions and special notices ..... 3306

Availability of technical guidance ..... 3333

Recycling Fund Advisory Committee; meeting change ..... 3334

### DEPARTMENT OF GENERAL SERVICES

#### Notices

Contract awards ..... 3360

State contracts information ..... 3354

### DEPARTMENT OF PUBLIC WELFARE

#### Statements of Policy

Statement of claim for recipients in managed care .. 3301

### Notices

Availability of the Low-Income Home Energy Assistance Program; proposed State plan and public hearing schedule ..... 3334

### DEPARTMENT OF REVENUE

#### Notices

Pennsylvania \$25,000 Slots instant lottery game. . . . 3334

### DEPARTMENT OF TRANSPORTATION

#### Notices

Contemplated sale of land no longer needed for transportation purposes ..... 3336

Laurel Ridge Curve Safety Improvement Project; public meeting ..... 3336

### ENVIRONMENTAL HEARING BOARD

#### Notices

Zinc Corporation of America v. DEP; EHB doc. no. 97-054-MG ..... 3337

### HEALTH CARE COST CONTAINMENT COUNCIL

#### Notices

Mandated benefits (2 documents) ..... 3337, 3338

### INDEPENDENT REGULATORY REVIEW COMMISSION

#### Notices

Actions taken by the Commission ..... 3338

Notice of filing of final-form rulemakings ..... 3342

### INSURANCE DEPARTMENT

#### Notices

Alleged violation of insurance laws: Kenneth A. Moraski, Jr.; doc. no. SC98-06-032 ..... 3342

Appeal of Michael P. Lynady; order to show cause; doc. no. SC98-01-011 ..... 3343

Application for approval to redomesticate ..... 3343

Application for consolidation of two domestic mutual fire insurance corporations ..... 3343

Timothy L. Dietrich; doc. no. AG98-06-031 ..... 3343

### LIQUOR CONTROL BOARD

#### Notices

Expiration of leases ..... 3344

### PENNSYLVANIA COMMISSION FOR WOMEN

#### Notices

Meeting notice ..... 3345

### PENNSYLVANIA PUBLIC UTILITY COMMISSION

#### Rules and Regulations

Reporting requirements for quality of service benchmarks and standards ..... 3283

#### Notices

Borough of Swissvale v. Consolidated Rail Corporation—railroad ..... 3345

Service notice of motor carrier applications ..... 3345

---

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Telecommunications:

Bell Atlantic-Pennsylvania, Inc. and CAT Communications International, Inc. d/b/a C.C.I. . . . . 3348  
 Bell Atlantic-Pennsylvania, Inc. and Focal Communications Corporation of Pennsylvania. . . . . 3348  
 Bell Atlantic-Pennsylvania, Inc. and Frontier Local Services, Inc. . . . . 3349  
 Bell Atlantic-Pennsylvania, Inc. and InterActive Communications, Inc. . . . . 3349  
 Bell Atlantic-Pennsylvania, Inc. and Jerry LaQuiere. . . . . 3349  
 Bell Atlantic-Pennsylvania, Inc. and NuStar Communications Corp. . . . . 3349  
 Bell Atlantic-Pennsylvania, Inc. and Penn Telecom, Inc. . . . . 3350  
 Bell Atlantic-Pennsylvania, Inc. and Talk Time Communications Ltd. . . . . 3350  
 Bell Atlantic-Pennsylvania, Inc. and Teligent, Inc. 3350  
 Bell Atlantic-Pennsylvania, Inc. and Tel-Link, L.L.C. . . . . 3350

**PHILADELPHIA REGIONAL PORT AUTHORITY**

**Notices**

Request for proposals . . . . . 3351

**PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD**

**Notices**

Hearings scheduled . . . . . 3351

**SECURITIES COMMISSION**

**Statements of Policy**

Internet use . . . . . 3302

**STATE ARCHITECTS LICENSURE BOARD**

**Rules and Regulations**

General revisions . . . . . 3273

**STATE BOARD OF DENTISTRY**

**Proposed Rulemaking**

Continuing dental education and biennial renewals . 3293  
 Expanded function dental assistants . . . . . 3296

**STATE BOARD OF OSTEOPATHIC MEDICINE**

**Rules and Regulations**

Prescribing, administering and dispensing controlled sympathomimetic amines. . . . . 3282

**STATE SYSTEM OF HIGHER EDUCATION**

**Notices**

Request for interest; SSHE-SH-01-98. . . . . 3351

**TURNPIKE COMMISSION**

**Notices**

Request for proposals (2 documents) . . . . . 3351, 3352  
 Retention of engineering firm. . . . . 3352

# READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

## ***Pennsylvania Bulletin***

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

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

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

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

## **Adoption, Amendment or Repeal of Regulations**

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

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

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

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

## **Citation to the *Pennsylvania Bulletin***

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

## ***Pennsylvania Code***

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

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

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

## **How to Find Documents**

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

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

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

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

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

#### **Fiscal Notes**

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

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

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# List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 1998.

## 4 Pa. Code (Administration)

### Adopted Rules

1	466
5	471, 1746, 2128, 2366
7	356

### Proposed Rulemaking

116	2817
117	2822

### Statements of Policy

9	49, 382, 1640, 1842, 2045, 2414, 2511, 2929
---	---

## 10 Pa. Code (Banks and Banking)

### Adopted Rules

11	14
13	14
17	14
35	14
41	14, 2687

### Proposed Rulemaking

41	44
----	----

### Statements of Policy

41	1956
81	2049

## 12 Pa. Code (Community and Economic Development)

### Proposed Rulemaking

33	1530
----	------

### Statements of Policy

61	1139
----	------

## 19 Pa. Code (Corporations and Business Associations)

### Adopted Rules

41	799
----	-----

## 22 Pa. Code (Education)

### Adopted Rules

14	1002
101	2580
213	2688
342 (with correction)	1004, 1135

### Proposed Rulemaking

44	2148
121	1535
201	1543
211	1543
213	1543
215	1543

## 25 Pa. Code (Environmental Protection)

### Adopted Rules

77 (with correction)	619, 801
78	1234
79	1234
80	1234
86	15, 2227
87	2215, 2227
88	2215, 2227
89	2227, 2761

90	2227
93	137, 1633
103	18
139	2035
245 (with correction)	1135
901	1136

### Proposed Rulemaking

86	941
93	1635
102	769
109	2265
215	881
217	881
219	881
220	881
224	881
225	881
226	881
230	881
232	881
1021	807

## 28 Pa. Code (Health and Safety)

### Adopted Rules

51	2643
136	2643
138	2643
139	2643
158	2643

### Proposed Rulemaking

6	485, 1008
---	-----------

## 31 Pa. Code (Insurance)

### Adopted Rules

27	2406
71 (with correction)	1401, 1518
73 (with correction)	1401, 1518, 1941
113	1235, 1518
131	1314
137	1237

## 34 Pa. Code (Labor & Industry)

### Adopted Rules

65	21
122	329
123	329
127	329
131	329

### Proposed Rulemaking

61	2925
63	2925
65	2925

## 37 Pa. Code (Law)

### Adopted Rules

81	2500
93	2501
203	2924



**Proposed Rulemaking**

31 ..... 2037  
 33 ..... 2037  
 203 ..... 2925

**40 Pa. Code (Liquor)**

**Adopted Rules**

3 ..... 1418  
 5 ..... 1418  
 9 ..... 279  
 11 ..... 279  
 13 ..... 1418  
 15 ..... 1418

**Proposed Rulemaking**

11 ..... 2591  
 13 ..... 488

**49 Pa. Code (Professional and Vocational Standards)**

**Adopted Rules**

9 ..... 3273  
 16 ..... 1315, 1316  
 23 ..... 2586  
 25 ..... 3282  
 33 ..... 2589  
 36 ..... 1941  
 41 ..... 2412

**Proposed Rulemaking**

1 ..... 1559  
 16 ..... 814  
 21 ..... 2693  
 31 ..... 2289, 2927  
 33 ..... 3293, 3296  
 36 ..... 2036  
 41 ..... 1421

**Statements of Policy**

61 ..... 382

**52 Pa. Code (Public Utilities)**

**Adopted Rules**

1 ..... 647  
 3 ..... 647  
 5 ..... 647, 801  
 21 ..... 647  
 23 ..... 647  
 29 ..... 647  
 31 ..... 647  
 37 ..... 801  
 53 ..... 801  
 54 ..... 3283  
 55 ..... 801  
 56 ..... 801  
 58 ..... 25  
 59 ..... 3050  
 65 ..... 801, 804  
 69 ..... 801  
 71 ..... 801

**Proposed Rulemaking**

3 ..... 2143  
 5 ..... 2143  
 32 ..... 2146  
 53 ..... 508  
 53a ..... 508  
 54 ..... 490, 493, 501, 508, 514, 518, 2139  
 57 ..... 493  
 63 ..... 3059

**Proposed Statements of Policy**

69 ..... 1425

**55 Pa. Code (Public Welfare)**

**Adopted Rules**

181 ..... 2810

**Proposed Rulemaking**

140 ..... 1531  
 141 ..... 2287  
 147 ..... 2287  
 181 ..... 1531  
 289 ..... 2287  
 3480 ..... 1079  
 3490 ..... 1079  
 3680 ..... 953, 1320  
 3710 ..... 953, 1320  
 3760 ..... 953, 1320  
 3800 (with correction) ..... 953, 1138, 1320  
 3810 ..... 953, 1320  
 5310 ..... 953, 1320  
 6400 ..... 953, 1320

**Statements of Policy**

259 ..... 3301  
 1101 ..... 138  
 1163 ..... 2150  
 1187 ..... 138

**58 Pa. Code (Recreation)**

**Adopted Rules**

21 ..... 1238  
 51 ..... 30, 1521, 1753  
 53 ..... 30  
 63 ..... 1753  
 65 ..... 1754, 1755  
 93 ..... 30, 34, 40, 1006  
 109 ..... 30  
 135 ..... 2504  
 139 ..... 2504  
 141 ..... 2504  
 143 ..... 1316  
 147 ..... 1316

**Proposed Rulemaking**

53 ..... 1837  
 61 ..... 45, 1322, 1322, 1758, 1840  
 65 ..... 45, 1322, 1322, 1758, 1937, 3058  
 91 ..... 1533  
 93 ..... 1837, 3057  
 95 ..... 1533  
 97 ..... 1533  
 109 ..... 1533, 1954  
 103 ..... 1533  
 135 ..... 1243  
 139 ..... 1243  
 141 ..... 1243, 2814  
 143 ..... 2814

**61 Pa. Code (Revenue)**

**Adopted Rules**

6 ..... 1522  
 8a ..... 1522  
 35 (with correction) ..... 1522, 1836  
 71 ..... 979  
 72 ..... 979  
 73 ..... 979  
 75 ..... 979  
 76 ..... 979  
 77 ..... 979  
 79 ..... 979

83 ..... 979  
 85 ..... 979

**Proposed Rulemaking**

7 ..... 366  
 31 ..... 366  
 32 ..... 366, 1320  
 33 ..... 366  
 34 ..... 366  
 42 ..... 366  
 44 ..... 366  
 45 ..... 366  
 46 ..... 366  
 47 ..... 366  
 58 ..... 366  
 101 ..... 1946  
 155 ..... 380

**64 Pa. Code (Securities)**

**Adopted Rules**  
 203 ..... 2509

**Statements of Policy**

604 ..... 3302

**67 Pa. Code (Transportation)**

**Adopted Rules**  
 71 ..... 364  
 75 ..... 364  
 83 ..... 364

**Proposed Rulemaking**

60 ..... 2139  
 63 ..... 2139  
 255 ..... 2814  
 449 ..... 2510

**70 Pa. Code (Weights, Measures and Standards)**

**Statements of Policy**  
 39 ..... 2416

**201 Pa. Code (Rules of Judicial Administration)**

**Adopted Rules**  
 7 ..... 2283

**204 Pa. Code (Judicial System General Provisions)**

**Adopted Rules**  
 29 ..... 3252  
 83 ..... 2024  
 89 ..... 1834  
 91 ..... 1933  
 211 ..... 3253

**207 Pa. Code (Judicial Conduct)**

**Adopted Rules**  
 1 ..... 1632  
 5 ..... 359  
 7 ..... 2806

21 ..... 1388  
 119 ..... 2131  
 303 ..... 2283

**Proposed Rulemaking**

1 ..... 795  
 3 ..... 1632  
 7 ..... 2025  
 119 ..... 646

**225 Pa. Code (Rules of Evidence)**

Unclassified ..... 2369

**231 Pa. Code (Rules of Civil Procedure)**

**Adopted Rules**  
 200 ..... 359  
 1900 ..... 1391  
 2950 ..... 2026  
 3000 ..... 2026  
 4000 ..... 2026, 2131

**Proposed Rulemaking**

200 ..... 3253  
 1910 ..... 1216  
 4000 ..... 2032, 3253

**234 Pa. Code (Rules of Criminal Procedure)**

**Adopted Rules**  
 50 ..... 1126  
 100 ..... 1126  
 1400 ..... 480

**Proposed Rulemaking**

20 ..... 475, 1505  
 50 ..... 1510  
 100 ..... 1505  
 300 ..... 475  
 305 ..... 276  
 1100 ..... 475

**246 Pa. Code (Minor Court Civil Rules)**

**Proposed Rulemaking**  
 100 ..... 2685  
 300 ..... 2685

**249 Pa. Code (Philadelphia Rules)**

Unclassified ..... 997, 1516, 2919, 2920, 3021

**252 (Allegheny County Rules)**

Unclassified ..... 133, 135, 1936

**255 Pa. Code (Local Court Rules)**

Unclassified ..... 8, 9, 10, 135, 136, 277, 481,  
 482, 646, 795, 796, 798, 1000, 1128, 1132, 1233,  
 1312, 1516, 1750, 1751, 1834, 1835, 1939, 2033,  
 2132, 2283, 2285, 2403, 2404, 2405, 2499, 2578,  
 2685, 2686, 2806, 2808, 2921, 2922, 2923, 3024,  
 3048, 3255, 3257, 3258

# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART II. GENERAL ADMINISTRATION [204 PA. CHODE CH. 29]

#### Promulgation of Financial Regulation Pursuant to 42 Pa.C.S.A. § 3502(a); No. 195; Doc. No. 1

##### Order

Per Curiam:

And now, this 23rd day of June, 1998, it is Ordered pursuant to Article V, Section 10(c) of the Constitution of Pennsylvania and Section 3502(a) of the Judicial Code, 42 Pa.C.S.A. § 3502(a), that the Court Administrator of Pennsylvania is authorized to promulgate the following Financial Regulation. The fees outlined in the Financial Regulations are effective as of January 1, 1999.

To the extent that notice of proposed rulemaking may be required by Pa.R.J.A. 103, the immediate promulgation of the regulation is hereby found to be in the interests of efficient administration.

This Order is to be processed in accordance with Pa.R.J.A. 103(b) and is effective immediately.

##### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART II. GENERAL ADMINISTRATION

#### CHAPTER 29. MISCELLANEOUS PROVISIONS

##### Subchapter K. COSTS, FINES AND FEES

#### § 29.402. Costs under 42 Pa.C.S. § 1725.1.

(a) *Civil cases.*—In calendar year [1997] 1999, the costs to be charged by district justices in every civil case, except as otherwise provided in this section, shall be as follows:

- (1) Actions involving \$500 or less... [ \$33.50 ] \$35.50
- (2) Actions involving more than \$500 but not more than \$2,000 ..... [ \$45.00 ] \$47.00
- (3) Actions involving more than \$2,000 but not more than \$4,000..... [ \$56.00 ] \$58.50
- (4) Actions involving more than \$4,000 but not more than \$8,000..... [ \$83.50 ] \$88.00
- (5) Landlord-tenant actions involving less than \$2,000 ..... [ \$50.50 ] \$53.00
- (6) Landlord-tenant actions involving more than \$2,000 but not more than \$4,000 ..... [ \$61.50 ] \$64.50
- (7) Landlord-tenant actions involving more than \$4,000 but not more than \$8,000 ..... [ \$83.50 ] \$88.00
- (8) Order of execution..... [ \$25.50 ] \$26.50
- (9) Objection to levy ..... [ \$11.50 ] \$12.00
- (10) Reinstatement of complaint.....\$6.00
- (11) Entering Transcript on Appeal or Certiorari ..\$3.00

(b) *Criminal cases.*—In calendar year [1997] 1999, the costs to be charged by the minor judiciary or by the court of common pleas where appropriate in every criminal case, except as otherwise provided in this section, shall be as follows:

- (1) Summary conviction, except motor vehicle cases ..... [ \$32.00 ] \$33.50
- (2) Summary conviction, motor vehicle cases, other than paragraph (3).. [ \$25.50 ] \$26.50
- (3) Summary conviction, motor vehicle cases, hearing demanded..... [ \$30.50 ] \$31.50
- (4) Misdemeanor ..... [ \$36.50 ] \$38.50
- (5) Felony..... [ \$42.00 ] \$44.00

(c) *Unclassified costs or charges.*—In calendar year [1997] 1999, the costs to be charged by the minor judiciary in the following instances not readily classifiable shall be as follows:

- (1) Entering transcript of judgment from another member of the minor judiciary.....\$6.00
- (2) Marrying each couple, making record thereof, and certificate to the parties ..... [ \$28.00 ] \$29.50
- (3) Granting emergency relief pursuant to 23 Pa.C.S. Ch. 61 (relating to protection from abuse) ..... [ \$11.50 ] \$12.00
- (4) Issuing a search warrant (except as provided in subsection (d))..... [ \$11.50 ] \$12.00
- (5) Any other issuance not otherwise provided in this subsection ..... [ \$11.50 ] \$12.00

#### § 29.403. Fines under 42 Pa.C.S. § 3571.

\* \* \* \* \*

- (2) Amounts payable to the Commonwealth:
  - (i) Summary conviction, except motor vehicle cases ..... [ \$11.24 ] \$11.76
  - (ii) Summary conviction, motor vehicle cases other than subparagraph (iii) ..... [ \$11.24 ] \$11.76
  - (iii) Summary conviction, motor vehicle cases, hearing demanded.. [ \$11.24 ] \$11.76
  - (iv) Misdemeanor..... [ \$14.60 ] \$15.40
  - (v) Felony ..... [ \$22.40 ] \$23.47
  - (vi) Assumpsit or trespass involving:
    - (A) \$500 or less ..... [ \$13.96 ] \$14.79
    - (B) More than \$500 but not more than \$2,000 ..... [ \$22.50 ] \$23.50
    - (C) More than \$2,000 but not more than \$4,000 ..... [ \$33.60 ] \$35.10
    - (D) More than \$4,000 but not more than \$8,000 ..... [ \$55.66 ] \$58.67
  - (vii) Landlord-tenant proceeding involving:
    - (A) \$2,000 or less..... [ \$22.44 ] \$23.56
    - (B) More than \$2,000 but not more than \$4,000 ..... [ \$27.96 ] \$29.32
    - (C) More than \$4,000 but not more than \$8,000 ..... [ \$38.97 ] \$41.07
  - (viii) Objection to levy..... [ \$ 5.75 ] \$ 6.00
  - (ix) Order of execution ..... [ \$17.00 ] \$17.67

- (i) Summary conviction, except motor vehicle cases . . . . . [ \$11.24 ] \$11.76
- (x) Issuing a search warrant (except as provided in section 1725.1(d) (relating to costs)) . . . . . [ \$ 8.05 ] \$ 8.40

(Editor's Note: Ellipses refer to the text of 42 Pa.C.S. § 3571.)

**§ 29.404. Fee schedule under 15 Pa.C.S. § 153.**

(a) *General rule.* [ **The** ] **In calendar year 1999, the fees of the Corporation Bureau of the Department of State, including fees for the public acts and transactions of the Secretary of the Commonwealth administered through the bureau, and of county filing officers under Title 13 (relating to commercial code), shall be as follows:**

\* \* \* \* \*

- (8) Uniform Commercial Code:
- (i) Financing statement—per debtor name:
  - (A) Fee charged by Department of State . . . \$12.00
  - (B) Fee charged by County . . . . . [ \$53.50 ] \$56.50
  - Amount payable to Commonwealth . . . . . [ \$40.10 ] \$42.35
  - Amount payable to County . . . [ \$13.40 ] \$14.15
- (ii) Each ancillary transaction:
  - (A) Fee charged by Department of State . . . \$12.00
  - (B) Fee charged by County . . . . . [ \$53.50 ] \$56.50
  - Amount payable to Commonwealth . . . . . [ \$40.10 ] \$42.35
  - Amount payable to County . . . [ \$13.40 ] \$14.15
- (iii) Search—per debtor name:
  - (A) Fee charged by Department of State . . . \$12.00
  - (B) Fee charged by County . . . . . [ \$53.50 ] \$56.50
  - Amount payable to Commonwealth . . . . . [ \$40.10 ] \$42.35
  - Amount payable to County . . . [ \$13.40 ] \$14.15
- (iv) Additional fee for each financing statement found and for each statement of assignment reported therein:
  - (A) Fee charged by Department of State . . . . \$1.00
  - (B) Fee charged by County . . . . . [ \$4.50 ] \$5.00
  - Amount payable to Commonwealth . . . . . [ \$3.35 ] \$3.75
  - Amount payable to County . . . [ \$1.15 ] \$1.25
- (v) For each financing statement or ancillary transaction not filed on standard forms approved by the Department of State, in addition to the fee provided above, there shall be charged a per filing fee of:
  - (A) Fee charged by Department of State . . . \$28.00
  - (B) Fee charged by County . . . . . [ \$125.00 ] \$131.00
  - Amount payable to Commonwealth . . . . . [ \$93.75 ] \$98.25
  - Amount payable to County . . . [ \$31.25 ] \$32.75

\* \* \* \* \*

(Editor's Note: Ellipses refer to the text of 15 Pa.C.S. § 153.)

[Pa.B. Doc. No. 98-1088. Filed for public inspection July 10, 1998, 9:00 a.m.]

**PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS**

[204 PA. CODE CH. 211]

**Promulgation of Consumer Price Index Pursuant to 15 Pa.C.S.A. § 153(a)(8)(vii), 42 Pa.C.S.A. §§ 1725.1(f) and 3571(c)(4); No. 194; Doc. No. 1**

**Order**

*Per Curiam:*

And now, this 23rd day of June 1998, it is *Ordered* pursuant to Article V, Section 10(c) of the Constitution of Pennsylvania and Section 3502(a) of the Judicial Code, 42 Pa.C.S.A. § 3502(a), that the Court Administrator of Pennsylvania is authorized to obtain and publish in the *Pennsylvania Bulletin* on or before November 30 the percentage increase in the Consumer Price Index for the immediately preceding calendar year as required by Act 167 of 1992, 15 Pa.C.S.A. § 153(a)(8)(vii), 42 Pa.C.S.A. §§ 1725.1(f) and 3571(c)(4) (as amended).

**Annex A**

**TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS**

**PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS**

**CHAPTER 211. CONSUMER PRICE INDEX**

**§ 211.1. Consumer Price Index.**

Pursuant to Article V, Section 10 of the Pennsylvania Constitution, and 42 Pa.C.S.A. § 1721, the Supreme Court has authorized the Court Administrator of Pennsylvania to obtain and publish in the *Pennsylvania Bulletin* on or before November 30 the percentage increase in the Consumer Price Index for the immediate preceding calendar year as required by Act 167 of 1992, 15 Pa.C.S.A. § 153(a)(8)(vii), 42 Pa.C.S.A. §§ 1725.1(f) and 3571(c)(4) (as amended). See No. 194 Judicial Administration Docket No. 1.

The Court Administrator of Pennsylvania reports that the percentage increase in the Consumer Price Index, All Urban Consumers, U.S. City Average, for calendar year 1997, was 1.7 percent. (See, U.S. Department of Labor, Bureau of Labor Statistics, Series CUUROOOSAO, February 25, 1998.)

[Pa.B. Doc. No. 98-1089. Filed for public inspection July 10, 1998, 9:00 a.m.]

**Title 231—RULES OF CIVIL PROCEDURE**

**PART I. GENERAL**

[231 PA. CODE CHS. 200 AND 4000]

**Proposed Amendments Governing Production of Medical Records; Proposed Recommendation No. 148**

The Civil Procedural Rules Committee proposes that Rules of Civil Procedure 234.1 and 4007.1 be amended to provide for the production of medical records. The proposed recommendation is being submitted to the bench

and bar for comments and suggestions prior to its submission to the Supreme Court.

All communications in reference to the proposed recommendation should be sent not later than September 1, 1998 to:

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

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

**Annex A**

**TITLE 231. RULES OF CIVIL PROCEDURE**

**PART I. GENERAL**

**CHAPTER 200. BUSINESS OF COURTS**

**Rule 234.1. Subpoena to Attend and Testify.**

\* \* \* \* \*

**(d)(1) If a subpoena is used to compel a health care provider or an employee of a health care facility to attend and to produce documents or things, the following notice shall be attached to the front of the subpoena:**

**Notice to Health Care Provider/  
Health Care Facility**

The enclosed subpoena orders you to come to a courtroom or other place at a specific date and time and to bring with you certain medical charts or records. Unless you have received a written authorization from the patient or the patient's attorney permitting the release of these medical charts or records beforehand, you may not deliver any medical charts or records described in the subpoena to any party prior to the date set forth in this subpoena.

**(2) If a health care provider or an employee of a health care facility mistakenly furnishes medical charts or records to a party prior to the time and place set forth in the subpoena, the party, as soon as the mistake is discovered, shall place the records in a sealed envelope without further review and shall notify all other parties by the next business day that the records were prematurely produced.**

**Official Note: Subdivision (d)(2) is not intended to provide guidance as to the responsibility of an attorney who in any other setting receives documents inadvertently disclosed.**

**CHAPTER 400. DEPOSITIONS AND DISCOVERY**

**Rule 4007.1. Procedure in Deposition by Oral Examination.**

\* \* \* \* \*

(d)(1) If the person to be examined is a party, the notice may include a request made in compliance with Rule 4009.1 et seq. [ , ] for the production of documents and tangible things at the taking of the deposition.

(2) If the person to be examined is not a party, and is to be served with a subpoena duces tecum to produce designated materials, the notice shall specify the materials to be produced. The materials shall be produced at the deposition and not earlier, except upon the consent of all parties to the action.

**Official Note: See Rule 234.2(d) for the form of notice to be attached to the front of the subpoena when it is used to compel the production of medical charts or records by a health care provider or facility.**

**Section 6152(c) of the Judicial Code provides that upon electing to proceed under Section 6151 et seq., a health care provider or facility, "upon payment of its expenses by the party causing service of the subpoena, or by any other party, shall within 30 days deliver copies of all medical charts or records specified in the subpoena." In accordance with Rule 133 and the Constitution of 1968. Section 6152(c) of the Judicial Code is suspended to the extent that it is inconsistent with Rule 4007.1(d)(2) in authorizing production of the subpoenaed documents earlier than the time specified in the subpoena.**

\* \* \* \* \*

**Explanatory Comment**

Section 6152(c) of the Judicial Code relating to the subpoena of medical records provides:

(c) *Delivery of records.*—Following this election, the health care provider or facility shall hold the originals available, and, upon payment of its expenses by the party causing service of the subpoena, or by any other party, shall within 30 days deliver, by first class mail, certified mail, return receipt requested, or by personal delivery, legible and durable copies, certified by the health care provider or facility of all medical charts or records specified in the subpoena. However, a district attorney shall not be required to pay for copies of medical charts or records before receipt and the charts or records shall be delivered on or before the date specified on the subpoena duces tecum.

Rule of Civil Procedure 4007.1(d)(2) provides that records may not be provided to the party issuing the subpoena before the date specified in the subpoena. The Code conflicts with the rules to the extent that it authorizes the health care provider or facility to deliver the records prior to the date set forth in the subpoena. However, pursuant to the Constitution of 1968 and Rule 133, a statute which is inconsistent with a general rule is suspended to the extent of the inconsistency. Section 6152(c) is suspended to the limited extent of the inconsistency and a note to this effect is added to Rule 4007.1(d)(2).

To assure compliance with Rule 4007.1(d)(2), it is proposed that new subdivision (d) be added to Rule 234.1 governing subpoenas to attend and testify. Subdivision (d) requires that, when medical records are to be produced in connection with the subpoena to attend and testify, a special notice be attached to the front of a subpoena advising that the records are not to be produced before the date set forth in the subpoena in the absence of an authorization from the plaintiff or the plaintiff's attorney. In the event that the records are mistakenly provided in advance, proposed subdivision (d)(2) provides that the party receiving the records "as soon as the mistake is discovered, shall place the records in a sealed envelope

without further review and shall notify all other parties by the next business day that the records were prematurely produced.”

*By the Civil Procedural  
Rules Committee*

EDWIN L. KLETT,  
*Chairperson*

[Pa.B. Doc. No. 98-1090. Filed for public inspection July 10, 1998, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### BEAVER COUNTY

#### Amendments to Local Rules of Civil Procedure; No. 10912 of 1998

##### Order

It is ordered that Local Rule Nos. 212.1, 212.2 and 220.1, the texts of which follow hereto, are adopted. All local rules or parts thereof which are inconsistent are rescinded.

This Order shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin*. The Court Administrator of Beaver County shall submit seven certified copies of this Order and the attachments to the Administrative Office of Pennsylvania Courts, two certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, one certified copy to the Civil Procedural Rules Committee of the Pennsylvania Supreme Court and one with the Prothonotary of Beaver County to be kept for public inspection and copying.

*By the Court*

ROBERT C. REED,  
*President Judge*

##### Local Rule 212.1. Civil Actions.

A. All civil actions which are to be tried by a jury may be tried, at the earliest, during the term of trials next following the filing of a Certificate of Readiness for Trial.

##### Note

This provision is intended to constitute the Notice required by Pa.R.C.P. No. 212.1(a).

B. (1) A civil action shall be certified for trial by filing with the Prothonotary of Beaver County a Certificate of Readiness for Trial. A copy of the Certificate of Readiness for Trial shall likewise be transmitted by the moving party to the Court Administrator of Beaver County.

(2) No case may be certified for trial without having first given at least sixty (60) days written notice of intention to do so to all other parties or their counsel of record.

(3) After a case has been certified for trial, no motion for judgment on the pleadings or for summary judgment may be filed without having first secured leave of court to do so for cause shown.

(4) After a case has been certified for trial, no discovery, including an independent medical examination, may

be initiated without having first secured leave of court to do so for cause shown.

(5) Any other party may file exceptions to the certificate of readiness within ten (10) days of the filing thereof. The exceptions shall be presented to the judge assigned to receive civil motions after notice pursuant to Rule L206B has been given.

##### Local Rule 212.2.

A. A pre-trial conference shall be scheduled by the Court Administrator for every case certified for jury trial unless otherwise directed by the court. Pre-trial conferences shall be scheduled on those dates designated for that purpose on the court calendar and on such other dates as may from time to time be designated by the court.

(1) Prior to the pre-trial conference, a party shall provide the opposing party with a copy of all documents or records secured through an authorization of the opposing party. Any such documents or records not so provided may not be used at trial for any purpose.

(2) Pre-trial statements which comply with Pa.R.C.P. No. 212.2 shall be submitted to the judge assigned to conduct the pre-trial conference not later than five (5) business days prior thereto. In addition to the requirements of Pa.R.C.P. No. 212.2, the pre-trial statement shall contain:

(a) a statement of legal and evidentiary issues which are anticipated to arise together with a citation to authority;

(b) an itemized statement of all medical and hospital and other bills and expenses claimed;

(c) an itemized statement of lost earnings and impairment of earning power together with the basis therefore.

(d) a statement, if applicable, as to the plaintiff's selection of the limited or full tort option. If a limited tort option applies, a statement to support eligibility for recovery of non-economic damages shall be included.

##### Note

Although Pa.R.C.P. No. 212.2(5) requires the inclusion of an expert report or proper answer to interrogatory and the note thereto permits physician notes or records in lieu of a report, neither copies of hospital records nor illegible office notes are to be included.

All trial exhibits are to be marked for identification but need not be attached to the pre-trial statement.

(3) The pre-trial conference shall be attended by trial counsel as well as the plaintiff, a representative of the defendant's insurance carrier who has settlement authority, as well as any defendant whose personal approval of a settlement offer is required.

(4) After the pre-trial conference has concluded, no supplemental pre-trial statement may be filed without leave of court for cause shown.

##### Local Rule 220.1. Voir Dire of Prospective Jurors.

Voir Dire of Prospective Jurors shall include the use of a written questionnaire and oral examination. Oral examination shall be conducted by an employee of the county who shall be designated from time to time by the court. Such oral examination shall consist of the voir dire questions attached hereto.

Questions may be deleted or revised to accommodate the particular case either by agreement of counsel for the parties or by leave of court. Additional questions may be submitted by agreement of counsel for the parties or by leave of court. All deletions, revisions and additions to the

list of questions shall be submitted in writing prior to the commencement of voir dire and, unless agreed upon by counsel for all parties, shall not be propounded to prospective jurors without court approval.

VOIR DIRE QUESTIONS

The following questions shall be propounded to the entire panel of prospective jurors or to each prospective juror selected for each case:

1. The attorneys in this lawsuit and their respective law firms are:

For Plaintiff(s), \_\_\_\_\_ from \_\_\_\_\_  
Attorney Law Firm

For Defendant(s) \_\_\_\_\_ from \_\_\_\_\_  
Attorney Law Firm

For \_\_\_\_\_, \_\_\_\_\_ from \_\_\_\_\_  
Attorney Law Firm

For \_\_\_\_\_, \_\_\_\_\_ from \_\_\_\_\_  
Attorney Law Firm

Have (any of) you had any social, business or professional contact with any of these attorneys or their law firms?

2. The parties to this lawsuit include:

Plaintiff(s) \_\_\_\_\_

Defendant(s) \_\_\_\_\_

Do (any of) you know or have you had any social, business or other contact or employment with any of the parties? Are you a stockholder in (Name of Corporation/Defendant)?

3. This lawsuit concerns \_\_\_\_\_

(Brief description to be provided by counsel for the parties).

Do (any of) you know anything about the case?

4. The following individuals may be called to testify on behalf of one or more of the parties. Have you or any of your family members had any social, business or professional contact with any of the potential witnesses?

- (a) \_\_\_\_\_
- (b) \_\_\_\_\_
- (c) \_\_\_\_\_
- (d) \_\_\_\_\_
- (e) \_\_\_\_\_

5. Have you or any members of your family ever been involved in a civil lawsuit, either as a plaintiff, a defendant or as a witness? If so,

- (a) what kind of lawsuit was it?
- (b) were you a party or a witness?
- (c) Would your experience in any way affect your ability to remain fair and impartial in this case?

6. Have you or any member of your family ever been a victim of a crime or a witness in a criminal case? If so,

- (a) what criminal charges were involved?
- (b) were you a victim or witness?
- (c) Would your experience in any way affect your ability to remain fair and impartial in this case?

7. Are you a licensed operator of a motor vehicle?

8. Do you or does any member of your family or household have any kind of relationship, whether personal, professional or social, with law enforcement personnel?

If so, would that relationship prevent you from being fair and impartial in this case?

9. Do you or does any member of your family or household own any stock in an insurance company or ever work in the insurance industry?

- (a) If so, please explain.
- (b) Will that affect your judgment in this case so that you may not be able to be fair and impartial to either party?

10. Have you heard or seen information or advertising that deals with the subject of lawsuits generally or claims for money damages specifically?

(a) As a result, do you have an opinion or belief about lawsuits in general?

(b) If so, what is your opinion?

(c) Will that influence your judgment so that you may not be able to be fair and impartial to either party in this case?

11. Are there any other reasons which cause you to believe you cannot or should not serve as a juror in this case?

[Pa.B. Doc. No. 98-1091. Filed for public inspection July 10, 1998, 9:00 a.m.]

## BLAIR COUNTY

### Custody Education Program; No. 668 MS, 1998

#### Administrative Order

Now, this 17th day of June, 1998, pursuant to the provisions of Pennsylvania Rule of Civil Procedure No. 239, the Court Administrator of Blair County shall take the following actions for accomplishment of implementation of the Rules of this Court relating to custody educational programming as set forth in this Court's Order of June 17, 1998, in order that said Order might take effect Thirty (30) days following the date of its publication in the *Pennsylvania Bulletin*:

1. file in the Administrative Office of Pennsylvania Courts seven (7) certified copies of the Order of June 17, 1998;

2. distribute two (2) certified copies of the Order of June 17, 1998, to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; and,

3. file one (1) certified copy of the Order of June 17, 1998, with the Civil Procedural Rules Committee of the Supreme Court of Pennsylvania.

#### Order

Now, this 17th day of June, 1998, this Court recognizing that it is both necessary and appropriate to the best interests and welfare of the children who are the subjects of custody proceedings in the Court that the litigants and the minor children in all such proceedings be exposed to a program of education regarding such proceedings and the impact of same upon all who are involved—especially the children—and this Court having given careful study to the design of such an educational program which is now ready for use in all custody proceedings filed on or after the effective date of this Order now provides the following:

*It Is Hereby Ordered, Directed and Decreed* that the Rules For Custody Educational Programming (following hereto and made part hereof) are adopted and shall be applicable to all custody proceedings filed in this Court after the thirtieth (30) day after the publication of said Rules in the *Pennsylvania Bulletin* as required by the Supreme Court of Pennsylvania.

*By the Court*

THOMAS G. PEOPLES, Jr.,  
*President Judge*

#### Custody Education Program Rules

##### Preamble

It has become evident that the traditional American system of resolving disputes through litigation is an ineffective methodology for achieving permanent resolution of the complex interpersonal difficulties which manifest themselves in custody actions.

Courts throughout Pennsylvania and in many other states have come to recognize that what is needed is a system of dispute resolution that recognizes that children are entitled to a quality relationship with their parents and grandparents and makes possible such resolution with the least stress for the child/children.

It is the intent of this Court to provide to the parties in custody litigation information regarding the availability of alternative dispute resolution methods.

It is the hope of this Court that the parties will take advantage of opportunities for the avoidance of the trauma of litigation and the achievement of a custody arrangement which best serves the children.

#### Rule 1915.1(a). Scope.

1. These Rules shall be applicable to all actions for custody, partial custody and visitation whether filed as an independent cause of action or as a count in a related proceeding.

2. Any individuals with standing to pursue an action for visitation, partial custody or custody ("Parties") with children from birth to age seventeen (17) shall complete the custody education program for adults known as "Children First" presented by the Altoona Hospital Drug and Alcohol Services (hereinafter called Provider).

3. All subject children of a custody action ages six (6) to seventeen (17) shall participate in an interactive group program for children known as "Sandcastles" and conducted by the Provider.

4. Notwithstanding any provision of these Rules, petitions for special relief remain available in accordance with existing custody procedures.

5. Copies of these Rules and program descriptions for any of the Programs shall be available to the Bar and general public at the Office of the District Court Administrator and the Blair County Custody Office.

#### Rule 1915.3(a). Filing/Scheduling Procedure.

The following procedure shall be utilized to obtain Court orders setting forth mandatory dates for Parties' and Childrens' participation in the programs:

1. at the filing of a divorce complaint containing a count for custody or any complaint for custody, partial custody or visitation, or any other court paper seeking to initiate any proceeding to compel, modify, terminate or otherwise affect contact between Children and Parties (collectively "Custody Action"), the moving party shall attach a copy of the custody notice/scheduling order, accompanied by the program description in form to be published by this Court through the office of the District Court Administrator;

2. the moving party shall serve to all other parties to the action true and correct copies of the court papers initiating the custody action, the Scheduling Order and



the program descriptions in form heretofore mentioned within five (5) days after the date of the Scheduling Order.

In general, the Provider shall schedule separate sessions for the parties participating in the "Children First" program.

Notwithstanding any other portion of this Rule, no party shall be compelled to attend any portion of the Programs with the opposing party in cases where either party or child of either party is or has been a subject of domestic violence or child abuse at any time within the past twenty-four (24) months.

3. the moving party shall be solely responsible for filing with this Court's Prothonotary a proof of service indicating the date, time and manner of service of the aforementioned pleadings and documents upon all other parties.

**Rule 1915.3(b). Payment of Fees.**

1. The fee for "Children First" is Forty Dollars (\$40.00) for each participant. Each participant shall pay his/her own fee prior to admittance to the program.

2. The fee for "Sandcastles" is Five Dollars (\$5.00) for each child. Each party shall pay an equal portion of the total fee. Such fee shall be paid prior to admittance to the program.

3. The fees for "Children First" and "Sandcastles" shall be paid directly to the Provider by cash, cashiers' check or money order made payable to the "Altoona Hospital". Payment by credit card may be accepted for telephone registrations. No personal checks will be accepted. Such fees shall be non-refundable.

4. Under extreme circumstances, the Court may consider waiver or reduction of fees for those unable to pay. Any such request must be presented to the District Court Administrator's Office using the IFP (In Forma Pauperis) form available at the District Court Administrator's Office or at the Prothonotary's Office. Such request must be presented to the District Court Administrator's Office at least ten (10) days prior to the date set for the applicable program. The Court will rule on all such requests.

**Rule 1915.3(c). Failure to Appear/Pay Fees.**

1. Should the moving party fail to pay fees as specified herein; fail to appear for "Children First"; or fail to insure that any child within that party's physical custody appears for "Sandcastles", the Custody action may be dismissed without prejudice and any filing or program fees paid by such party shall be forfeited.

2. Should a non-moving party fail to pay fees as specified herein; fail to appear for "Children First"; or fail to insure that any child within his/her physical custody appears for "Sandcastles", an immediate rule to show cause why such party should not be held in contempt shall issue from this Court. Such rule will be returnable on a date certain within seven (7) days after the date of issue. Such Party shall then be required to appear in court to show cause why they should not be held in contempt and suffer sanctions for failure to pay or appear. Any party failing to appear in court in accordance with the rule to show cause may have a bench warrant for his

or her arrest issued and may be arrested by the Blair County Sheriff's Office and brought before this Court.

[Pa.B. Doc. No. 98-1092. Filed for public inspection July 10, 1998, 9:00 a.m.]

**CARBON COUNTY**

**Adoption of Procedure Under Pa.R.C.P. 1910.21-5 Alternative Procedure for Record Hearing and Report and Exceptions for Contempt Proceedings; No. 4M98**

**Administrative Order No. 11-1998**

*And Now*, this 25th day of June, 1998 in order to provide procedures for processing expedited contempts, it is hereby

*Ordered and Decreed* that the Carbon County Court of Common Pleas hereby *Adopts* the Alternative Procedure for Record Hearing and Report and Exceptions for Contempt Proceedings as governed by Pa.R.C.P. 1910.21-5 effective August 1, 1998.

It is furthered *Ordered and Decreed* that seven (7) certified copies of this Administrative Order shall be filed with the Administrative Office of Pennsylvania Courts; two (2) certified copies shall be distributed to Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; and one (1) certified copy shall be filed with the Pennsylvania Domestic Relations Committee.

*By the Court*

JOHN P. LAVELLE,  
*President Judge*

[Pa.B. Doc. No. 98-1093. Filed for public inspection July 10, 1998, 9:00 a.m.]

**SOMERSET COUNTY**

**Consolidated Rules of Court; No. 52 Miscellaneous 1998**

**Adopting Order**

*Now*, this 25 day of June, 1998, it is hereby *Ordered*:

1. The following designated Somerset County Orphans' Court Rules (Som. O.C.R.) following hereto, are hereby adopted as Rules of this Court, effective thirty (30) days after publication in the *Pennsylvania Bulletin*:

Som. O.C.R. 1.2.1	Som. O.C.R. 6.4.1
Som. O.C.R. 1.2.3	Som. O.C.R. 6.6.1
Som. O.C.R. 1.2.5	Som. O.C.R. 6.9.1
Som. O.C.R. 1.2.6	Som. O.C.R. 6.10.1
Som. O.C.R. 1.2.9	Som. O.C.R. 6.10.2
Som. O.C.R. 2.3.1	Som. O.C.R. 6.10.3
Som. O.C.R. 3.2.1	Som. O.C.R. 6.10.5
Som. O.C.R. 3.2.2	Som. O.C.R. 6.11.1
Som. O.C.R. 3.4.1	Som. O.C.R. 6.11.2
Som. O.C.R. 3.4.2	Som. O.C.R. 6.11.3
Som. O.C.R. 5.1.1	Som. O.C.R. 7.1.1
Som. O.C.R. 5.2.1	Som. O.C.R. 7.1.2
Som. O.C.R. 5.4.1	Som. O.C.R. 7.1.3
Som. O.C.R. 6.1.1	Som. O.C.R. 8.1.1

- Som. O.C.R. 8.1.2
- Som. O.C.R. 8.5.1
- Som. O.C.R. 8.6.1
- Som. O.C.R. 8.7.1
- Som. O.C.R. 8.8.1
- Som. O.C.R. 9.1.1
- Som. O.C.R. 9.1.2
- Som. O.C.R. 10.1.1
- Som. O.C.R. 10.2.1
- Som. O.C.R. 12.1.1
- Som. O.C.R. 12.1.2
- Som. O.C.R. 12.1.3
- Som. O.C.R. 12.2.1
- Som. O.C.R. 12.3.1
- Som. O.C.R. 12.5.1
- Som. O.C.R. 12.5.2
- Som. O.C.R. 12.5.4
- Som. O.C.R. 12.9.1
- Som. O.C.R. 12.9.2
- Som. O.C.R. 12.9.3
- Som. O.C.R. 12.9.4
- Som. O.C.R. 12.10.1
- Som. O.C.R. 12.10.2
- Som. O.C.R. 12.10.4
- Som. O.C.R. 12.11.1
- Som. O.C.R. 12.11.2
- Som. O.C.R. 12.12.1
- Som. O.C.R. 12.12.3
- Som. O.C.R. 12.12.4
- Som. O.C.R. 15.1
- Som. O.C.R. 15.1.1
- Som. O.C.R. 15.1.2
- Som. O.C.R. 15.2.1
- Som. O.C.R. 15.3.1
- Som. O.C.R. 15.3.2
- Som. O.C.R. 15.4.1
- Som. O.C.R. 15.8.1

2. The following old Local Rules are rescinded effective thirty (30) days after publication in the *Pennsylvania Bulletin*:

- Chapter 7
- Chapter 16
- Chapter 16A
- Chapter 21
- Chapter 27
- Chapter 29
- Chapter 37
- Chapter 46
- Chapter 49
- Chapter 54

3. The Somerset County Court Administrator is directed to:

A. File seven (7) certified copies of this Order and the following Rules with the Administrative Office of Pennsylvania Courts;

B. Distribute two (2) certified copies of this Order and the following Rules to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

C. File one (1) certified copy of this Order and the following Rules with the Pennsylvania Orphans' Court Rules Committee; and

D. File proof of compliance with this Order in the docket for these Rules, which shall include a copy of each transmittal letter.

*By the Court*

EUGENE E. FIKE, II,  
*President Judge*

**RULES OF COURT**

**SOMERSET COUNTY ORPHANS' COURT RULES**

**JUDGES AND LOCAL RULES**

**Som. O.C.R. 1.2.1. Citation of Rules.**

These rules shall be known as Somerset County Orphans' Court Rules adopted pursuant to Pa.O.C.R. 1.2 and shall be cited as "Som. O.C.R."

**Som. O.C.R. 1.2.3. Petitions and Motions.**

(a) Every original petition or motion filed shall set forth in its first paragraph the citation of any statute, rule of court, or other authority relied upon to justify the relief requested.

(b) A copy of any notice required to be given shall be attached to the petition or motion.

**Som. O.C.R. 1.2.5. Briefs.**

Briefs will be prepared and filed in accordance with the provisions of Som. R.C.P. 210 and 211, unless otherwise ordered by the Court.

**Som. O.C.R. 1.2.6. Attorneys.**

The name and Supreme Court identification number of any attorney employed by any party in any proceeding pending in this Court shall be marked on the initial pleading or paper filed in the office of the Clerk. Any attorney who has properly entered an appearance will receive notice of all hearings, conferences, and orders.

**Som. O.C.R. 1.2.9. Depository of the Court.**

(a) *Deposit of Money or Securities in Court.* All monies paid or securities delivered into Court shall be deposited immediately in a non-interest bearing account in such bank or trust company as the Clerk may designate, to the credit of the court, in the particular estate or proceeding to which the money or securities may belong; and such depository shall keep a separate account of each payment and delivery, designating the same by name of the estate or proceeding.

(b) *Withdrawals.* No money shall be paid out of Court by the depository, or securities delivered, except on checks or orders of the Clerk accompanied by a certified copy of the Order of Court authorizing such withdrawal or delivery.

(c) *Docket to be maintained.* The Clerk shall maintain a Money in Court Docket in which shall be entered concisely under the name of the respective estates, the Orders of Court directing money to be paid into Court, as well as an accurate account of the money paid in and paid out, so that the record will fully explain itself.

**CONSTRUCTION AND APPLICATION OF RULES**

**Som. O.C.R. 2.3.1. Definitions.**

As used in these rules "P.E.F. Code" shall mean a reference to the Probate, Estates and Fiduciary Code, June 30, 1972, P. L. 508, 20 Pa.C.S.A. § 101, et seq., as amended.

**PLEADINGS AND PRACTICE**

**Som. O.C.R. 3.2.1. Pleadings, Signature and Verification.**

(a) All answers to petitions shall be properly filed pursuant to Som. R.C.P. 206.

(b) A copy of every pleading, including exceptions, shall be promptly served upon counsel of record for all parties in interest, and upon any party who is not represented.

**JUDGES AND LOCAL RULES**

**Som. O.C.R. 1.2.1. Citation of Rules.**

These rules shall be known as Somerset County Orphans' Court Rules adopted pursuant to Pa.O.C.R. 1.2 and shall be cited as "Som. O.C.R."

**Som. O.C.R. 1.2.3. Petitions and Motions.**

(a) Every original petition or motion filed shall set forth in its first paragraph the citation of any statute, rule of court, or other authority relied upon to justify the relief requested.

(b) A copy of any notice required to be given shall be attached to the petition or motion.

**Som. O.C.R. 1.2.5. Briefs.**

Briefs will be prepared and filed in accordance with the provisions of Som. R.C.P. 210 and 211, unless otherwise ordered by the Court.

**Som. O.C.R. 1.2.6. Attorneys.**

The name and Supreme Court identification number of any attorney employed by any party in any proceeding

pending in this Court shall be marked on the initial pleading or paper filed in the office of the Clerk. Any attorney who has properly entered an appearance will receive notice of all hearings, conferences, and orders.

**Som. O.C.R. 1.2.9. Depository of the Court.**

(a) *Deposit of Money or Securities in Court.* All monies paid or securities delivered into Court shall be deposited immediately in a non-interest bearing account in such bank or trust company as the Clerk may designate, to the credit of the court, in the particular estate or proceeding to which the money or securities may belong; and such depository shall keep a separate account of each payment and delivery, designating the same by name of the estate or proceeding.

(b) *Withdrawals.* No money shall be paid out of Court by the depository, or securities delivered, except on checks or orders of the Clerk accompanied by a certified copy of the Order of Court authorizing such withdrawal or delivery.

(c) *Docket to be maintained.* The Clerk shall maintain a Money in Court Docket in which shall be entered concisely under the name of the respective estates, the Orders of Court directing money to be paid into Court, as well as an accurate account of the money paid in and paid out, so that the record will fully explain itself.

**CONSTRUCTION AND APPLICATION OF RULES**

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**PLEADINGS AND PRACTICE**

**Som. O.C.R. 3.2.1. Pleadings, Signature and Verification.**

(a) All answers to petitions shall be properly filed pursuant to Som. R.C.P. 206.

(b) A copy of every pleading, including exceptions, shall be promptly served upon counsel of record for all parties in interest, and upon any party who is not represented.

**Som. O.C.R. 3.2.2. Pleadings, Disposition, Issues of Fact or Law.**

(a) Except in those cases where no responsive pleading is required, if the respondent fails to answer a petition to which an answer is required under the Somerset County Rules of Civil Procedure or the Pennsylvania Orphans' Court Rules or the Pennsylvania Rules of Civil Procedure, within twenty (20) days of service, all material averments of fact in the petition shall be taken as admitted and the Court may, at any time after the return day and upon proof of service of the Citation upon the respondent at least ten (10) days prior to the return date, upon motion, enter a decree granting the prayer of the petition or such other relief deemed appropriate by the Court.

(b) When an issue of fact is raised by the pleadings any party may move for a hearing by filing a scheduling praecipe pursuant to Som. R.C.P. 211.

(c) When the pleadings are closed, any party in interest may move the Court for disposition of a question of law, upon briefs and/or oral argument, as needed, by filing a scheduling praecipe pursuant to Som. R.C.P. 211.

**Som. O.C.R. 3.4.1. Form. Exhibits.**

(a) *Endorsements.* Every pleading shall be endorsed with the name of counsel, if counsel has appeared for a party.

(b) The signature of an attorney to a petition shall constitute a certification by that attorney that all copies of written or printed instruments, records, or documents which are not certified or authenticated, are true and correct copies of the original.

**Som. O.C.R. 3.4.2. Consents. Joinders. Form.**

(a) All petitions shall aver that all parties in interest are petitioners, or that consents or joinders of all necessary parties are attached or, if the petitioner is unable to attach a necessary consent or joinder, this fact shall be stated in the petition together with the reason.

(b) Whenever a party other than a petitioner desires to consent to or join in the prayer of a petition, there shall be appended to the petition a written "Consent" or "Joinder" signed by the party in the following form:

I, \_\_\_\_\_, having read and considered the contents of the foregoing petition, do herewith waive the benefit of all requirements of notice of the presentation, or service upon me, of said petition, do authorize the Court to note my general appearance in said proceeding as though I had appeared personally or by counsel, do herewith waive all objections to the Court's jurisdiction over my person, and do herewith consent to or join in [add specifics of prayer for relief]

All "Consents" and "Joiinders" shall be signed by at least one (1) witness.

**NOTICE**

**Som. O.C.R. 5.1.1. Notice. Legal Publication.**

The *Somerset Legal Journal* shall be the legal periodical for the publication of notice whenever publication in a legal periodical is required by Act of Assembly, by Rule, or by Order of Court.

**SOMERSET COUNTY ORPHANS' COURT RULES**

**Som. O.C.R. 5.2.1. Method. Person under Incapacity. No Guardian or Trustee.**

Whenever notice is given to a person who is not sui juris and for whom there is no guardian or trustee, notice shall be given by serving it upon the person, if over fourteen years of age, and in all cases, upon:

- (a) The person's spouse, if sui juris, or
- (b) The person's next of kin, if sui juris, or
- (c) The person with whom he or she resides or by whom he or she is maintained; or
- (d) The superintendent or other official of the institution having custody of the person; or
- (e) In such manner as the Court, by special order, may direct.

**SOMERSET COUNTY ORPHANS' COURT RULES**

**Som. O.C.R. 5.4.1. Notice. Additional Requirements.**

(a) (1) *Personal Service.* Return of personal service shall set forth the date, time, place and manner of such service, and that a true and correct copy of the petition and notice were handed to the person served.

(2) *Registered or Certified Mail.* Return of notice by registered or certified mail shall set forth the date and place of mailing the petition and notice and shall include the return receipt or a copy thereof.

(3) *Publication.* Return of notice by publication shall set forth the date(s) and newspaper and/or legal periodicals of publication and shall include proofs of publication or copies thereof.

(b) Except as may otherwise be provided, by statute, rule or special order, a return of notice shall be filed with the Clerk prior to the date set for the occurrence of the event of which notice has been given.

**ACCOUNTS AND DISTRIBUTIONS**

**Som. O.C.R. 6.1.1. Accounts. Form. Additional Requirements.**

(a) (1) All accounts shall be in the form approved by the Pennsylvania Supreme Court and as explained by the Uniform Fiduciary Accounting Principles, pursuant to Pa.O.C. Rule 6.1(g). Should the account filed fail to comply with said accounting standards, the Clerk shall notify the Accountant to immediately comply prior to ten (10) days before the date set for confirmation. The corrected account shall be delivered to all parties in interest. A failure to correct the account shall result in the account being stricken.

(2) Accounts shall be stated on 8 1/2" by 11" paper, fastened together at the top and numbered consecutively at the bottom.

(3) Every account filed with the Clerk shall be signed by each accountant and shall be verified by at least one accountant.

**Som. O.C.R. 6.3.1. Notice To Parties In Interest.**

(a) Notice of the filing and of the date and time for confirmation as required by law and Rule of Court shall be given by certified or registered mail, return receipt requested, at least ten days prior to the confirmation date. In lieu of such notice, a written waiver of notice may be filed for any party. The notice shall state that any party may file objections in writing with the Clerk of the Orphans' Court at any time prior to the date and time fixed for confirmation, and that if no objection is filed, the Account and Statement of Proposed Distribution will be confirmed absolutely.

(b) In addition to notices otherwise required by law or statute, the surety on the bond of any fiduciary seeking discharge shall be given written notice of the filing of the petition and of the date and time for presentation for Final Decree, by certified or registered mail, return receipt requested, at least ten days prior to the date scheduled for discharge. In lieu of such notice, a written waiver of notice may be filed. The notice shall state that the surety may file objections in writing with the Clerk of the Orphans' Court at any time prior to the time fixed for Final Decree, and that if no objection is filed, a Final Decree shall be made as of course.

(c) Prior to the date for the call of the account for confirmation, the accountant, or counsel, shall file with the Court a return of notice as prescribed in Rule 5.4.1. hereof, in form approved by the Court.

(d) If it shall appear that timely and proper notice has not been given to all parties entitled to notice or that the requisite affidavit of notice has not been filed, or that all costs have not been paid, no order of confirmation or discharge will then be made and in lieu thereof the procedure shall be as follows:

(1) If the irregularity is remedied within twenty (20) days, the Clerk shall represent the matter to the Motions Judge in Chambers for confirmation or discharge order, provided at least ten (10) days have elapsed after notice

was given to any party and provided that no objection, exception or answer has been filed meanwhile. If any such objection, exception or answer has been filed, the provisions of Rule 6.4.1.(b) shall apply.

(2) If the irregularity has not been so remedied within twenty (20) days, the time for confirmation or for discharge order shall be as of course extended until the next regular scheduled session for confirmation and discharge, and re-advertisement and re-notification of all parties shall be required, unless the fiduciary makes written application to the Court and obtains special relief for cause shown.

(3) In any case now pending or hereafter arising in which an account, statement of proposed distribution, or discharge petition has been filed but remains unconfirmed for unremedied procedural defect, the Clerk may file a petition with the Court stating the essential facts and requesting issuance of a rule to show cause why an order denying confirmation or dismissing the discharge petition should not be made. A copy of such petition shall be furnished by mail to the fiduciary and his or her counsel, and to each party entitled to receive notice and the case shall be placed on the argument schedule for hearing and argument *sec reg.*

(e) The Clerk shall give notice of all accounts filed and of the time and place of the call of the Confirmation List. The notice shall be published once a week during two (2) consecutive weeks immediately before the day on which the Accounts, with accompanying Statement of Proposed Distribution, shall be presented for confirmation in the legal publication designated by these rules and in one daily newspaper of general circulation published within Somerset County, and the Clerk shall also post copies of the Confirmation List in his/her office.

(f) The form of advertisement of Accounts and Statements of Proposed Distribution that have been filed for confirmation by the Court shall be as follows:

*NOTICE OF CONFIRMATION OF FIDUCIARIES  
ACCOUNTS*

To all claimants, beneficiaries, heirs, next-of-kin, and all other parties in interest:

NOTICE is hereby given that the following named fiduciaries of the respective estates designated below have filed their Accounts and Statements of Proposed Distribution in the office of the Register of Wills in and for the County of Somerset, Pennsylvania, and the same will be presented to the Orphans' Court Division, Courtroom No. \_\_\_\_\_, Somerset County Courthouse, Somerset, Pennsylvania, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_ at \_\_\_\_ .m. for confirmation. All objections must be filed in writing in the office of the Clerk of Orphans' Court Division, Court of Common Pleas, Somerset, Pennsylvania, prior to the foregoing stated date and time:

ESTATE	FIDUCIARY	ATTORNEY
X	X	X

\_\_\_\_\_  
Clerk of the Orphans' Court

**Som. O.C.R. 6.4.1. Accounts. Time for Filing.**

(a) The court will regularly convene for confirmation of Accounts and Statements of Proposed Distribution, and for Final Decrees on Petitions for Discharge of Fiduciaries, at 9:30 a.m. on the second Monday of each second or even-numbered month. If such regular session is contin-

ued or falls upon a holiday, presentation shall be made on the next court day. (See, also, Som. R.J.A. 1070).

(b) The Register of Wills/Clerk of Orphans' Court shall fix a filing deadline for each regular session and shall give notice thereof at least two (2) weeks prior to the deadline. The time interval between the deadline and the session shall be sufficient to enable the Register/Clerk to make publication as provided by law and Rules of Court. (See, also, Som. R.J.A. 1070).

(c) The Register of Wills/Clerk of Orphans' Court shall schedule for the next regular session all matters filed before the deadline for that session and shall make the required publication. The notices shall contain a statement that all objections must be filed in writing before the time fixed for confirmation, or final decree of discharge, as the case may be.

(See, also, Som. R.J.A. 1070).

**Som. O.C.R. 6.6.1. Filing Fees and Costs.**

All Accounts, Statements of Proposed Distribution and Petitions for Discharge presented for filing shall be accompanied by the requisite fees and advertising costs.

**Som. O.C.R. 6.9.1. Accounts. Papers to be Submitted.**

(a) *All Accounts.* Counsel for all fiduciaries shall submit:

(1) Copies of all agreements with respect to settlements and compromises;

(2) Accurate description of all real property to be awarded in kind described by metes and bounds in the manner appearing in the last deed of record, together with recital of title into the decedent; and

(3) a Statement of Proposed Distribution.

(b) *Accounts of Trustees.* Counsel for Trustees shall also submit:

(1) a waiver of an income accounting executed by all of the income beneficiaries, if the account does not contain a complete income accounting; and

(2) a Statement of Proposed Distribution.

(c) *Accounts of Guardians of the Estates of Minors.* Counsel for a Guardian of the estate of a minor shall also submit:

(1) where the former minor has attained the age of eighteen (18) years, his/her written stipulation setting forth that he/she attained the age of eighteen (18) years on a certain designated date; that he/she has examined the account and has found it correct; and that he/she has received the balance or balances shown in the account and requests that the guardian be discharged;

(2) where the former minor has attained the age of eighteen (18) years but has not executed the stipulation referred to in paragraph (c)(1) of this Rule, then in place thereof a Statement of Proposed Distribution shall be filed;

(3) where the minor is deceased, or has been adjudged an incapacitated person under the P.E.F. Code, or is an absentee or presumed decedent, or the guardian has resigned or has been removed, a Statement of Proposed Distribution shall be filed.

(d) *Accounts of Guardians of Estates of Incompetents/Incapacitated Persons.* Counsel for a Guardian of the Estate of an Incompetent/Incapacitated Person shall also submit a Statement of Proposed Distribution.

**Som. O.C.R. 6.10.1. Objections. Form and Content.**

(a) Objections to an account, inventory, and statement of proposed distribution shall be in writing; shall be numbered consecutively; shall be signed by the objector or his or her attorney; and where they contain allegations of fact, shall be properly verified in the same manner as a petition.

(b) Each objection shall be specific as to description and amount, shall raise but one issue of law or fact, and shall set forth briefly the reason or reasons in support thereof.

**Som. O.C.R. 6.10.2. Objections. Time for Filing.**

(a) Written objections to an account, inventory, a statement of proposed distribution may be filed as of course with the Clerk at any time prior to, or at, the call of the account for confirmation.

(b) No objections shall be made or filed except as provided in subparagraph (a) unless leave of Court is first obtained.

**Som. O.C.R. 6.10.3. Objections. Service. Return.**

A copy of objections to an account, inventory, or statement of proposed distribution shall be served upon the accountant and all other parties in interest or their attorney of record, immediately after the objections have been filed with the Clerk. Proof of such service shall be filed forthwith with the Clerk. Any unreasonable delay in serving objections shall constitute grounds for dismissal of the same by the Court.

**Som. O.C.R. 6.10.5. Objections. Failure to Make, Effect.**

Any question which can be and is not raised by objections conforming to these rules shall not thereafter be the subject of an exception to an order confirming an account or decreeing distribution.

**Som. O.C.R. 6.11.1. Accounts. Confirmation.**

All accounts on the advertised Confirmation List will be called for Confirmation on the day set for calling the List; but, in cases requiring the taking of considerable testimony or the hearing of argument on legal questions or in which objections have been filed, a special day for hearing will be fixed, only upon the filing of a scheduling praecipe pursuant to Som. R.C.P. 211.

**Som. O.C.R. 6.11.2. Distribution Under Section 3534 Of P.E.F. Code.**

(a) Where at the time of distribution of the estate the personal representative or a distributee requests the Court to divide, partition, and allot the real estate or to direct a sale thereof, an interlocutory decree shall be entered fixing a day certain, not less than twenty (20) days from the date of the interlocutory decree, for hearing; the interlocutory decree to be entered shall be in the form of a notice to all parties in interest that on the day so fixed for hearing the Court will hear the contentions of the parties in interest with respect to:

(1) whether the real estate can be divided among less than all of the parties in interest without prejudice to or spoiling the whole and if so, how; and

(2) whether the Court should direct the personal representative to sell at a sale confined to the distributees or at a private or public sale not so confined.

(b) A copy of the interlocutory decree, duly certified, shall be served by certified or registered mail, by the personal representative, upon all parties in interest, not

less than ten (10) days before the return day fixed in the decree; proof of service of notice, in the form of return receipts, to be filed upon the return day.

**Som. O.C.R. 6.11.3. Settlement of Small Estates. Contents of Petition.**

(a) *Contents of Petition.* A petition for the settlement of small estates under Section 3102 of the P.E.F. Code shall set forth:

(1) the name, date of death, and residence of the decedent;

(2) the petitioner's name and address and his/her relationship to the decedent;

(3) if the petitioner is the surviving spouse, the date and place of marriage to the decedent;

(4) whether the decedent died testate or intestate;

(5) the names, relationship, and interest of all persons entitled to share in the decedent's estate under the Will, if any and the names, relationship and interest, if any, intestate heirs, stating who are minors, incapacitated persons, or decedents, with the names of their fiduciaries, if any, and whether any of them received or retained any property of the decedent by payment of wages, salary or any accrued pension under Section 3101 of the P.E.F. Code or otherwise;

(6) where a claim for family exemption is included, a statement that claimant formed a part of the decedent's household at the date of death and, if the claimant is the surviving spouse, that he or she has not forfeited the right to claim the family exemption;

(7) an itemized statement of the gross personal estate to be distributed and the fair value of each item other than cash, such value to be that given in the inventory filed, and if one was filed, then the fair value, if not readily ascertainable, shall be fixed by two appraisers whose affidavits of value shall be attached to the petition;

(8) the disbursements made prior to the filing of the petition; the date and name of the person to whom paid; and the nature and amount of each payment;

(9) the names of all unpaid claimants of whom the petitioner has notice, the nature and amount of each claim, and whether such claims are admitted;

(10) that a schedule of assets and deductions for inheritance tax purposes has been filed with the Register of Wills, the amount of any inheritance tax assessed, and the date of payment thereof; or the reasons why no such schedule was filed; and

(11) a statement that ten (10) days written notice of intention to present the petition has been given to every beneficiary, heir, or unpaid claimant who has not joined in the petition, or to the Attorney General, if the decedent's heirs are unknown.

(b) *Exhibits.* The following exhibits shall be attached to the petition:

(1) a copy of the decedent's Will;

(2) the consents of unpaid beneficiaries, heirs, and claimants; and

(3) the inheritance tax voucher, or in lieu thereof a statement from the inheritance tax department that no tax is due.

**EXCEPTIONS**

**Som. O.C.R. 7.1.1. Exceptions. Form and Contents.**

(a) No exceptions shall be filed to orders or decrees entered in proceedings unless the right to except thereto is expressly conferred by Act of Assembly, by general rule, or by special order; and all decrees other than those to which exceptions are so allowed to be taken are FINAL.

(b) Exceptions to findings of fact and conclusions of law contained in adjudications, orders and decrees shall be in writing, shall be numbered consecutively, and shall be signed by the exceptant or his attorney.

(c) Each exception shall be specific, shall raise but one question and shall set forth briefly the reason or reasons in support thereof.

(d) Questions which were the proper subject of objections to accounts, inventory, or statements of proposed distribution and were not raised when the account was called for confirmation, or questions which might properly have been raised by an answer to or during a hearing on a petition, shall not be subject of exceptions, and if so made shall be subject to dismissal.

**Som. O.C.R. 7.1.2. Exceptions. Time for Filing.**

Except as otherwise provided, exceptions shall be filed as of course with the Clerk within ten (10) days from service of a copy of the adjudication, order, or decree complained of, and a true and correct copy of the exceptions served upon all parties in interest, or their counsel of record, who shall have ten (10) days to respond. Proof of service as aforesaid shall be filed with the Clerk prior to any disposition of the exceptions.

**Som. O.C.R. 7.1.3. Exceptions. Partial Distribution.**

When the matters which are the subject of an adjudication, schedule of distribution, or the report of an auditor or master, are so separate and distinct that an exception to any one or more, whether sustained or dismissed, cannot affect the remainder, and the accountant will not be prejudiced by the distribution of such remainder, confirmation of the adjudication, schedule of distribution, or report, shall not be suspended, except as to those matters to which exceptions have been filed; distribution may proceed as to the remainder, and any party from whom such distribution has been withheld may petition the Court to order distribution.

**AUDITORS AND MASTERS**

**Som. O.C.R. 8.1.1. Appointment.**

(a) The Court, on its own motion, or upon petition of the accountant, or of any other party in interest, may appoint an Auditor or Master to assist the Court in the audit of an account or the disposition of an issue of fact in a matter.

(b) Each party in interest shall deposit into the Office of the Clerk an advance payment on account of fees and costs in an amount to be fixed by the Court.

**Som. O.C.R. 8.1.2. Notice of Hearing. Hearings.**

(a) The Clerk shall give written notice of an Auditor's or Master's appointment to all counsel of record and all interested parties not represented by counsel known to the Clerk.

(b) Notice of the hearings shall be given by the Auditor or Master.

(c) The hearing shall be held in an appropriate room at the Somerset County Courthouse at a time and place indicated and not later than forty-five (45) days after the

Auditor's or Master's appointment and shall be extended only upon application to the Court for good cause shown.

**Som. O.C.R. 8.5.1. Transcript of Testimony.**

(a) Testimony given at an Auditor's or Master's hearing shall be stenographically recorded, unless otherwise ordered by the Court upon application by a party, or the Auditor or Master.

(b) The transcript of testimony taken before an Auditor or Master shall be filed with the report.

(c) Fees may be taxed as costs and the Auditor or Master shall recommend to the Court that the stenographer's fees follow the award as costs in appropriate cases.

**Som. O.C.R. 8.6.1. Notice of Intention to File. Proof of Notice.**

(a) An Auditor or Master shall give ten (10) days notice in writing to all parties in interest or their counsel of record of intention to file the report with the Clerk on a day certain and shall file proof of the giving of notice with the Clerk. A copy of said report together with the proposed Decree of Confirmation Nisi shall accompany the notice to each party in interest or counsel of record. A copy thereof together with the transcript of testimony shall be made available in the office of the Clerk for inspection during the notice period.

(b) The Auditor or Master shall file the original Report and proposed Decree with the Clerk upon expiration of the ten (10) day notice period.

**Som. O.C.R. 8.7.1. Report of Auditor or Master. Disposition. Procedure.**

(a) Subject to the provisions of Som. O.C.R. 8.8.1.(b), the report of an Auditor or Master shall be transmitted to the Court for Confirmation Nisi upon filing with the Clerk and shall become FINAL unless written exceptions thereto are filed within ten (10) days after the date of filing the report.

(b) *Exceptions.* Any party in interest shall have the right to file exceptions to the report of an Auditor or Master within ten (10) days after the filing and Confirmation Nisi thereof.

**Som. O.C.R. 8.8.1. Compensation and Security.**

(a) Any Auditor or Master appointed by the Court under these rules shall be compensated by reasonable fees as fixed by the Court and paid from such sources as the Auditor or Master shall recommend and the Court shall direct.

(b) A motion to the Court to require additional security for payment of fees and expenses may be filed with the Clerk at any time by the Auditor or Master, Accountant or any party in interest. The report shall not be filed with the Clerk until all fees and expenses have been paid.

**OFFICIAL EXAMINERS**

**Som. O.C.R. 9.1.1. Official Examiners.**

Whenever an examination of assets is ordered in connection with an accounting, the special order of appointment will be included in the adjudication of the account, and the examiner shall make the examination after the schedule of distribution has been filed and approved so that the assets distributable to fiduciaries, which are the assets to be examined, will have been determined.

**Som. O.C.R. 9.1.2. Official Examiners. Compensation.**

Each estate shall be liable for the compensation of the examiner and the amount of such compensation shall be fixed by special Order of the Court.

**REGISTER OF WILLS**

**Som. O.C.R. 10.1.1. Form of Appeal from Register of Wills' Decision.**

When an appeal is taken from a judicial act or proceeding before the Register of Wills, the appellant shall do so by petition which sets forth:

(1) the nature of the proceedings before the Register of Wills;

(2) the reasons for the appeal;

(3) the names and addresses of all parties in interest, including those who have not been made parties to the record and their counsel; and

(4) A request that a Citation be issued directed to all parties in interest including those not represented on the record to show cause why the Appeal should not be sustained and the judicial act or proceeding complained of be set aside and reversed.

Upon the issuance of the Citation, the Register of Wills shall certify the record.

**Som. O.C.R. 10.2.1. Inheritance Tax Appeals.**

Practice and procedure in inheritance tax appeals shall be in accordance with the Inheritance and Estate Tax Act, 71 P. S. § 9101 et seq.

**SPECIAL PETITIONS**

**Som. O.C.R. 12.1.1. Family Exemption. Appraisal.**

(a) Where the exemption is claimed from personal property included in the inventory filed, the value of each item so claimed shall be that given in the inventory filed.

(b) Where the exemption is claimed from personal property forming part of a Small Estate and no inventory has been filed, the value of each item claimed shall be the fair value thereof.

(c) Unless otherwise directed by the Court, no appraisal shall be required if the exemption is claimed;

(1) in money;

(2) from personal property and the gross value of the estate does not exceed the amount of the exemption;

(3) in real or personal property at valuations agreed upon by all parties in interest.

**Som. O.C.R. 12.1.2. Family Exemption. Allowance.**

(a) *Personal Property.* If the petitioner requests the exemption prior to confirmation, the petitioner shall file a petition with the Clerk and thereupon shall give ten (10) days written notice of intention to request the exemption on a stated Citation Returnable date to the personal representative, if any, and to all persons adversely affected thereby who do not join the prayer of the petition. In the absence of any objection, on presentation of a verified return of notice on the stated citation returnable date, an appropriate decree may be entered. Where all parties adversely affected have joined in the prayer of the petition and ten days prior notice of the filing of the petition has been given to the personal representative, if any, the petitioner may present the petition to the Court on a citation returnable date, whereupon, in the absence

of objections and on presentation of a verified return of notice upon the personal representation, an appropriate decree may be entered.

(b) *Real Property.* If the Petitioner requests the exemption prior to the Confirmation, the appraisers shall, within thirty (30) days after their appointment, file with the Clerk an appraisal of the property claimed, and written notice of such filing shall be given to the personal representative and to the next of kin, or, if there be neither personal representative nor next of kin, to the Attorney General. The notice shall contain a copy of the petition and the appraisal, and a statement that confirmation of the appraisal and the setting apart of the real estate to the petitioner will be requested and may be allowed by the Court at a stated Citation Returnable date, of which not less than ten (10) days notice is given therein, unless objections are filed. If the address or whereabouts of any of the next of kin is unknown, notice shall be given in such manner as the Court may direct.

**Som. O.C.R. 12.1.3. Family Exemption. Risk Distribution Prior to Confirmation.**

When the personal representative at his or her own risk delivers assets of the estate in satisfaction of the exemption he shall set forth the same as a disbursement in the account under the subheading "Family Exemption." Such delivery may be the subject of objection by any claimant or party in interest.

**Som. O.C.R. 12.2.1. Allowance to Surviving Spouse of Intestate. Appraisal.**

If an appraisal of property is needed, the manner of appraising the property, of filing and confirming the appraisal, and of advertising or giving notice thereof shall be by special order in each case.

**Som. O.C.R. 12.3.1. Election of Surviving Spouse. Filing of Petition for Extension of Time.**

(a) A petition for the extension of time in which the surviving spouse may file an Election to Take Against the Will shall include the requirements for a petition under Pa.O.C. Rule 12.3(a) and the facts relied upon to justify an extension of time in which to file the election.

(b) The petitioner shall file the petition with the Clerk and thereafter give ten (10) days written notice of intention to request the extension at a stated citation returnable day to all persons adversely affected thereby who do not join the prayer of the petition.

(c) In the absence of objection, on the presentation of an appropriate motion and verified return of notice at the citation returnable day designated in the petition, an appropriate decree may be entered.

**Som. O.C.R. 12.5.1. Appointment of Guardian for Minor. Consents Required.**

(a) *Consent of Parents or Person in Loco Parentis.* Written consent of the parents or surviving parent of the minor to the appointment of a guardian of the estate or person is required. If both parents are deceased, such consent is required of the adult person with whom the minor resides or of the superintendent or other official in charge of the institution having custody of the minor. If such consent is not obtained, the petitioner shall set forth the reason and give such notice of the petition as the Court may direct.

(b) *Consent of Guardian. Individual.* When the proposed guardian is an individual, written consent to act as such shall contain the following:

- (1) the individual's business, and domicile;
- (2) a statement that the individual is a citizen of the United States, able to speak, read, and write the English language; and
- (3) a statement that the individual is not the fiduciary or an officer or employee of the corporate fiduciary of an estate in which the minor has an interest nor the surety or an officer or an employee of the corporate surety of such a fiduciary; and
- (4) a statement that the individual has no interest adverse to the minor.

(c) *Consent of Guardian. Corporate.* When the proposed guardian is a corporation authorized to act as fiduciary, its written consent to act as such shall contain a statement that it is not the fiduciary of an estate in which the minor has an interest nor the surety of such a fiduciary and that it has no interest adverse to the minor.

NOTE: The foregoing rules relating to the appointment of a guardian of a minor's estate are subject to the powers given to persons to appoint a guardian by Will, by inter vivos trust agreement, etc. (See Section 2519 of the P.E.F. Code.)

**Som. O.C.R. 12.5.2. Guardians. Minors. Bond. Restricted Account.**

(a) If funds are placed in a restricted account in accordance with the Probate, Estates and Fiduciaries Code, the decree of the Court may contain a further provision that if no withdrawals are made from the account prior to the minor reaching his majority, the institution may pay over the funds when the minor attains age eighteen (18) years, upon the joint requests of the guardian and the former minor without further Order of the Court.

(b) A guardian who has received assets in addition to the deposit or investment made in accordance with this rule, shall account as if the restricted account did not form part of the estate.

**Som. O.C.R. 12.5.4. Minor's Estate. Allowances. Approval of Court.**

(a) *Mandatory Approval by the Court.* No payments shall be made by the guardian of the estate, unless approval by the Court is first obtained, when payment is to be made from principal, or, when special services have been performed by counsel and the guardian is in doubt as to the reasonableness of the fee.

(b) *Contents of Petition. Allowances for Maintenance, Support, or Education.* A petition for an allowance from a minor's estate, for the maintenance, support, or education of the minor, the minor's spouse or children, shall be presented by the guardian of the estate and shall set forth:

- (1) the manner of the guardian's appointment and the date thereof; and, where appropriate, the terms of the instrument creating the estate;
- (2) the age and residence of the minor; whether his or her parents are living; the name of the person with whom he or she resides; and, if married, the name and age of his or her spouse and children;
- (3) the value of the minor's estate, real and personal, and the net annual income;
- (4) the circumstances of the minor, whether employed or attending school; if the minor's parents are living, the reason why the parents cannot support and educate the minor without resorting to the minor's estate;



(5) the date and amount of any previous allowances by the Court;

(6) a recommendation to the Court of the amount of the allowance the petitioner believes should be decreed; and

(7) if the petition is presented by someone other than the guardian of the estate, that demand was made upon the guardian to act, and the reason, if any, given for failure to do so.

(c) *Contents of Petition. Joinder.* Attached to the petition shall be the joinder of the minor, if over fourteen years of age, and of the parents or surviving parent; or, if both parents are deceased, the joinder of the adult person with whom the minor resides, or the superintendent or other official in charge of the institution having custody of the minor.

(d) *Allowance for More than One Minor.* A single petition may be used for an order of allowance for care, maintenance and education of more than one minor or for funeral expenses of a deceased child, spouse, or indigent parent where the minors are members of the same family, have the same guardian, and substantially the same reasons in support of the petition apply to all of the minors.

(e) *Allowance From Sequestered Account.* Whenever a sequestered deposit has been created for the benefit of a minor, whether or not a guardian has been named, allowances therefrom may be upon petition of anyone interested in the welfare of the minor. Such a petition shall conform as nearly as may be to the requirements of these rules and shall, in addition, set forth the interest of the petitioner in the matter.

**Som. O.C.R. 12.9.1. Public Sale of Real Property. Contents of Petition.**

(a) *Personal Representative.* A petition by a personal representative to sell real property at public sale, under the P.E.F. Code, shall set forth in separate paragraphs:

(1) name, residence, and date of death of the decedent; whether he or she died testate or intestate, and the date of grant of letters;

(2) that the personal representative is not otherwise authorized to sell by the P.E.F. Code, or that the personal representative is not authorized or is denied the power to do so by the Will; or that it is desirable that the sale have the effect of a judicial sale, stating the reasons;

(3) the total value of the personal estate and all of the real property, respectively, as shown in the inventory filed, including the value at which the real property to be sold was included therein;

(4) a full description of the real property to be sold, improvements thereon, by whom it is occupied;

(5) if the personal representative entered bond with the Clerk, the amount of such bond and the name of the surety;

(6) the names of all parties in interest, as heirs, devisees, legatees, or lienholders, who will be affected by the granting of the petition and the interest of each; whether any of them are minors, incompetents/incapacitated persons, or deceased, and if so, the names and the record of the appointment of their fiduciaries;

(7) the liens and charges, if any, of record against the property to be sold;

(8) the terms of the proposed sale; and

(9) any additional facts which may aid the Court to determine that the sale is desirable for the proper administration and distribution of the estate.

(b) *Trustee.* A petition by a trustee to sell real property at public sale under the P.E.F. Code shall set forth in separate paragraphs:

(1) a statement, in substance, of the provisions of the instrument creating the trust, particularly the powers, if any, therein given to the trustee in respect of real property;

(2) a copy of the instrument creating the trust, in the form of an exhibit, or if too lengthy, the relevant portions;

(3) the total value of the personal property and the real property, respectively, forming the corpus of the trust;

(4) the amount of the bond, if any, filed;

(5) the names of all parties interested as beneficiaries, including life tenants and remaindermen, who will be affected by the granting of the petition, whether any of them are minors, incompetents/incapacitated persons, or deceased, and if so, the names and the record of appointment of their fiduciaries;

(6) a full description of the real property proposed to be sold, the improvements thereon, by whom it is occupied;

(7) the reason the sale of the real property involved is necessary or desirable for the proper administration of the trust estate;

(8) the liens and charges, if any of record against the real property to be sold;

(9) that the trustee is not otherwise authorized to sell by the P.E.F. Code, or is denied the power by the trust instrument; or that it is advisable that the sale have the effect of a judicial sale, stating the reason; and

(10) the terms of the proposed sale.

(c) *Guardian. Incapacitated Person's Estate.* A petition by a guardian of an incapacitated person's estate to sell real property at public sale under the P.E.F. Code shall set forth in separate paragraphs:

(1) the name, age, marital status and domicile of the incapacitated person; the date of appointment of the guardian and by what Court; and the amount of bond filed;

(2) the total value of the personal estate and all of the real property, respectively, as shown in the inventory filed;

(3) a full description of the real property proposed to be sold, the improvements thereon, by whom occupied;

(4) the names of the parties in interest as heirs and/or next of kin;

(5) why the sale of the real property involved is necessary or desirable for the administration of the incapacitated person's estate;

(6) the liens and charges, if any, of record against the property to be sold; and

(7) the terms of the proposed sale.

(d) *Guardian. Minor's Estate.* A petition by a guardian of a minor's estate to sell real property at public sale under the P.E.F. Code shall set forth in separate paragraphs:

(1) the name, age, and domicile of the minor; the date of appointment of the guardian and the amount of the bond filed;

(2) the total value of the personal estate and all of the real property, respectively, as shown in the inventory, if filed, otherwise the value of each as received by the guardian and how and from whom received;

(3) a full description of the real property proposed to be sold, the improvements thereon, by whom occupied, and how title was acquired by the minor;

(4) the name and relationship of the person with whom the minor lives;

(5) where the proposed sale is of an undivided interest, whether the owners of the other undivided interests join in the proposed sale;

(6) why the sale of the real property involved is necessary or desirable for the administration or distribution of the minor's estate and whether the proposed sale is for the best interest of the minor's estate;

(7) the lien and charges, if any, of record against the real property to be sold; and

(8) the terms of the proposed sale.

**Som. O.C.R. 12.9.2. Notice of Public Sale of Real Property.**

(a) Public notice of any proposed sale under Order of Court shall be given by advertisement one (1) time in at least one newspaper of general circulation published in the County of Somerset and in the legal publication designated by these rules, and shall be placed under a general heading as follows:

COURT OF COMMON PLEAS OF SOMERSET COUNTY  
ORPHANS' COURT DIVISION  
PUBLIC SALE OF REAL ESTATE

IN PURSUANCE OF AN ORDER OF THE ORPHANS' COURT DIVISION, THE REAL ESTATE INDICATED BELOW WILL BE OFFERED FOR SALE AT THE TIME AND PLACE STATED. THE TERMS AND CONDITIONS OF SALE ARE OF RECORD IN THE OFFICE OF THE CLERK OF THE ORPHANS' COURT AT THE SOMERSET COUNTY COURTHOUSE, SOMERSET, PENNSYLVANIA, WHERE THEY MAY BE EXAMINED BY THE PARTIES INTERESTED.

(b) the advertisement shall give the name of the decedent, trust beneficiary, minor, or incapacitated person, the municipality in which he or she resided, the place in which lies the real estate to be offered for sale, an abridged description of the real estate (including, where possible, the street and house number, and block and lot number), the improvements thereon erected, the place, date, and time of sale, the name and title of the personal representative directed to make the sale, and the name of the attorney representing the fiduciary.

(c) At least ten (10) days written notice shall be given to all non-joining parties interested (1) as heirs, devisees, legatees, or lien holders, where the property to be sold is that of a decedent's estate; or (2) as heirs and/or the next of kin, where the property to be sold is that of an incapacitated person; or (3) as beneficiaries, including life tenant and remaindermen, of the trust estate where the sale is to be by a trustee; or (4) as the parents or other person maintaining the minor where the property to be sold is that of a minor; or (5) as claimants.

The written notice herein provided for shall be by personal service or by any form of mail requiring a receipt signed by the person to be notified, mailed to the last known address of the person to be notified.

**Som. O.C.R. 12.9.3. Public Sale of Real Property. Return of Sale.**

All returns of sale of real estate sold at public sale shall be in writing and sworn to and shall include:

(a) proofs of publication of the notice required by Som. O.C.R. 12.9.2.(a);

(b) when and to whom written notice was given under Som. O.C.R. 12.9.2.(c); and

(c) the name of the purchaser and the purchase price.

**Som. O.C.R. 12.9.4. Public Sale of Real Property. Decree.**

Upon return of sale under Som. O.C.R. 12.9.3, the Court may enter a Decree of Confirmation Nisi and fix the amount of security or additional security which the personal representative, trustee, or guardian shall be required to enter or the Court may excuse the fiduciary from entering additional security; and the Decree of Confirmation Nisi so entered is FINAL unless exceptions are filed within ten (10) days of the date signed.

**Som. O.C.R. 12.10.1. Private Sale of Real Property.**

A petition of a fiduciary to sell real property at private sale shall also conform as closely as practicable to the requirements of Som. O.C.R. 12.9 with regard to a petition to sell real property at public sale by the same fiduciary and shall also be supported by the affidavits required under Pa.O.C. Rule 12.10(b).

**Som. O.C.R. 12.10.2. Private Sale of Real Property. Public Notice of Sale. Form of Notice.**

Public notice of any proposed private sale under Order of Court shall be given by advertisement one (1) time in at least one newspaper of general circulation published in the County of Somerset and in the legal publication designated by these rules; unless excused by Order of Court, notice shall also be given by personal service or registered mail to the last known address of all non-joining interested parties as specified in Som. O.C.R. 12.9.2(c); and shall be in the following form:

COURT OF COMMON PLEAS OF SOMERSET COUNTY  
ORPHANS' COURT DIVISION  
PRIVATE SALE OF REAL ESTATE

In the matter of the Estate of (deceased—a minor—incapacitated person). To the heirs, legatees, devisees, next of kin, and all other persons interested in said estate:

Notice is hereby given that \_\_\_\_\_

\_\_\_\_\_  
(personal representative—trustee—guardian) has filed in the office of the Clerk of the said Court a petition praying for an order of sale of the real estate of said (decedent—minor—incapacitated person) situate \_\_\_\_\_

\_\_\_\_\_ at private sale to \_\_\_\_\_ for the sum of \$ \_\_\_\_\_ for the purposes in the petition set forth. If no exceptions are filed thereto or objections are made to granting the same, the Court will be asked to take action upon the petition on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ a.m., at the Somerset County Courthouse, Somerset, Pennsylvania.

\_\_\_\_\_  
Attorney for Petitioner

**Som. O.C.R. 12.10.4. Confirmation of Sale.**

If no exceptions are filed, objections made, the Court may enter a decree:

(1) fixing the amount of security or additional security which the personal representative, trustee, or guardian shall be required to enter or excusing the fiduciary from entering additional security; and

(2) confirming the sale absolutely effective immediately or as of the time the required security or additional security, if any, is approved and filed.

**Som. O.C.R. 12.11.1. Mortgage of Real Property.**

A petition to mortgage real property by a personal representative, trustee, or guardian shall conform as closely as practicable to the requirements of Som. O.C.R. 12.10.1 with regard to a petition to sell real property at private sale by the same fiduciary.

**Som. O.C.R. 12.11.2. Pledge, Lease, or Exchange of Real Property.**

The practice and procedure governing petitions by a personal representative, trustee, or guardian to pledge, lease, or exchange, or to grant an option for the pledge, lease, or exchange of property under the P.E.F. Code, shall be governed by Som. O.C.R. 12.10.1, governing the private sale of real property by such fiduciary.

**Som. O.C.R. 12.12.1. Inalienable Property. Public Sale.**

(a) A petition to sell real property at public sale under Chapter 83 of the P.E.F. Code shall, in addition to other requirements of the statute and Supreme Court Orphans' Code Rules, set forth in separate paragraphs:

(1) How title was acquired, stating the date and place of probate of the Will or recording of the deed, as applicable;

(2) If presented by a guardian, the method, date and record of appointment, if any, or if none, identity of the petitioner stating the relationship of the petitioner to the person owning the property;

(3) A full description of the real property, its improvements, by whom it is occupied, its rental income, if any, and the liens and charges to which it is subject;

(4) The interest of the petitioner, if any;

(5) A recital and history of the trust, if any; the relevant provisions of the Will or deed pertaining to the real property to be sold; the interest of a minor, if any; and the names of other parties interested in the real estate and the nature of their interest;

(6) If for the benefit of a minor, the age of the minor, the names of the minor's next of kin and that notice has been given to them of the presentation of the petition;

(7) The names of all parties in interest, their addresses, the nature and extent of their interests, stating which, if any, are minors or incapacitated persons, and giving the names and record of appointment of their guardians, if any,

(8) That the purpose of the proceeding is to obtain a decree stating that the title transferred to the purchaser will be indefeasible by any person ascertained or unascertained, or by any class of persons mentioned in the petition or decree having a present or expectant interest in the premises, and unprejudiced by any error in the proceedings of the court;

(9) Sufficient facts to enable the court to determine whether the proposed sale will be to the interest and advantage of the parties, and whether the proposed sale may be made without prejudice to any trust, charity, or purpose for which the real property is held, and without violation of any laws which may confer an immunity or exemption from sale or alienation; and

(10) The names of any parties who do not voluntarily appear.

(b) The petitioner shall attach as exhibits the consents to the sale signed by those parties in interest who consent, and the notice which was given to those parties who do not consent or voluntarily appear.

(c) If all parties having an interest do not voluntarily appear as petitioners or respondents, petitioner shall request issuance of a citation directed to all parties who have not appeared.

(d) The practice and procedure with respect to notice, confirmation and entry of security shall conform to the appropriate provisions of the P.E.F. Code and Som. O.C.R. 12.9.2, 12.9.3 and 12.9.4.

**Som. O.C.R. 12.12.3. Inalienable Property. Private Sale.**

(a) A petition to sell real property at private sale under Chapter 83 of the P.E.F. Code, shall set forth in separate paragraphs:

(1) The information required under Som. O.C.R. 12.12.1.(a) and (b), to the extent applicable;

(2) The name and address of the proposed purchaser, the price to be paid; the terms of the proposed sale; and that the price offered is better than can be obtained at a public sale; and

(3) When the proposed sale is of an undivided interest, that the other parties in interest desire the sale to be made and are willing to join in the deed.

(b) In addition to exhibits referred to in Som. O.C.R. 12.12.1.(b), the petition shall have attached affidavits of 2 real estate appraisers setting forth the information required by Pa.O.C.R. 12.10.(b).

(c) If all parties having an interest do not voluntarily appear as petitioners or respondents, petitioners shall request issuance of a citation directed to all parties who have not appeared.

(d) The court, in the decree approving or confirming the sale, will fix the amount of security which the fiduciary shall be required to enter.

**Som. O.C.R. 12.12.4. Inalienable Property. Mortgage.**

(a) *Contents of Petition.* A petition by a fiduciary to mortgage real property, under Chapter 83 of the P.E.F. Code, shall conform as closely as practicable to the requirements of Som. O.C.R. 12.9 with regard to a petition to sell real property at public sale by the same fiduciary; shall set forth the amount and terms of the proposed loan; and shall provide sufficient facts to enable the Court to determine whether the proposed loan should be approved.

(b) *Exhibits. Security.* The exhibits required by Som. O.C.R. 12.12.3.(b) shall be attached to the petition, with the proviso regarding consents, that if all parties having an interest do not voluntarily appear as petitioners or respondents, a citation will be granted directed to all parties who have not appeared, as provided by the P.E.F. Code. Security shall be fixed as provided by Rule 12.12.3.(d).

**RULE 15—ADOPTIONS****Som. O.C.R. 15.1. Local Rules.**

The practice and procedure with respect to adoptions shall be as provided by Act of Assembly and to the extent not inconsistent therewith shall conform with the pertinent provisions of these rules or special order of the Orphans' Court, or, in the absence thereof, with the provisions of Pa.O.C. 15.

**Som. O.C.R. 15.1.1. Local Practice and Procedure.**

Practice and procedure with respect to all proceedings under the Adoption Act, 23 Pa.C.S.A. §§ 2101—2910, shall be as provided by this local Rule 15, and, also, in accordance with the provisions of Pa.O.C.R. 15, to the extent the latter is not inconsistent with the provisions of the current Adoption Act, 23 Pa.C.S.A. §§ 2101—2910 (the "Adoption Act").

**Som. O.C.R. 15.1.2. Exhibits.**

Appended to all petitions for voluntary relinquishment, involuntary termination and adoption shall be the following:

(a) A birth certificate or certificate of registration of birth of the subject child which contains the child's name, sex, date of birth and parents' names.

(1) Whenever a birth certificate has been filed with the Clerk in a companion proceeding, reference to the companion case term and number shall be sufficient.

(2) A notice of birth registration is not an acceptable substitute for a certified copy of a birth certificate or a certification of registration of birth.

(b) When required by the Court, certified copies of marriage licenses regarding the biological parent or parents of the subject child and the proposed adoptive parents, as proof of the following:

(1) The marital status of the biological mother at the birth of the subject child and for one year prior thereto.

(2) The marriage of the proposed adoptive parents to each other.

**Som. O.C.R. 15.2.1. Voluntary Relinquishment to Agency.****(a) Petition.**

A Petition under section 2501 of the Adoption Act to relinquish parental rights and duties with respect to a child who has been in the care of an Agency shall be in a form approved by the court, and shall include the following allegations:

(1) The name, address, age, racial background and religious affiliation of each petitioner.

(2) The information required in subparagraph (1) as to any parent who is not a petitioner, or the reason why such information is unavailable.

(3) The marital status of the mother as of the time of the birth of the child and during one year prior thereto, and, if the mother was married, the name of her husband or husbands, and her maiden name.

(4) The name, age, date of birth, racial background, sex and religious affiliation of the child.

(5) The name and address of the Agency having care of the child.

(6) The date when the child was placed with the Agency and the circumstances surrounding the placement.

(7) When the child's parents are not married to each other, whether they intend to marry each other.

(8) The reason for seeking relinquishment.

(9) That each petitioner understands the petition, has considered the alternatives, and has executed the petition voluntarily to promote what the petitioner believes to be in the petitioner's and the child's best interests.

(10) Whether either natural parent of the child is entitled to the benefits of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended (50 U.S.C.A. § 501, et. seq.).

**(b) Exhibits.**

The petition shall have attached to it the following exhibits, in addition to those specified in Rule 15.1.2:

(1) The joinder of a parent who is not a petitioner, if obtainable.

(2) If the other parent is deceased, a certified copy of the death certificate.

(3) The joinder of the Agency having care of the child and its consent to accept custody of the child until such time as the child is adopted.

The joinder of the Agency shall be executed and acknowledged by an official authorized to do so, and proof of such authority shall be kept on file with the court (see Som. O.C.R. 15.8.1, infra.).

(4) A proposed decree in a form approved by the court.

**(c) Disposition of Petition.**

(1) The petition shall be filed with the Clerk, and a scheduling praecipe shall be filed in accordance with Som. R.J.A. 1090, with copy to the Court Administrator, who shall place the matter on the next available hearing list, unless otherwise directed by the court.

(2) Absent exceptional circumstances, or unless the other parent is deceased, the court will not entertain a petition by one parent where the rights of the other parent have not been previously terminated or cannot be terminated at the hearing.

(3) Information concerning any proposed adoption of the child who is the subject of the petition shall be made available to the court at the hearing.

**(d) Notice and Hearing.**

(1) If a parent has not relinquished his or her rights and duties in and to the child, or joined in the other parent's petition hereunder, then notice of the hearing, together with a copy of the petition, shall be served upon the non-petitioning/non-joining parent.

(2) Unless excused by the court, at or prior to the hearing, each petitioner and each person whose consent or joinder is attached to the petition shall be examined under oath at the hearing.

**Som. O.C.R. 15.3.1. Voluntary Relinquishment to Adult Intending to Adopt Child.****(a) Petition.**

A Petition under section 2502 of the Adoption Act to relinquish parental rights with respect to a child who has been in the exclusive care of an adult or adults who have filed a report of Intention to Adopt shall be in a form approved by the Court, and shall include the allegations required under subparagraphs (1), (2), (3), (4), (7), (8), (9), and (10) of Som. O.C.R. 15.2.1.(a), and

(1) The date when the Report of Intention to Adopt was filed.

(2) The date when the child was placed with the adult or adults and the circumstances surrounding the placement.

(b) *Exhibits.*

The petition shall have attached to it the following exhibits, in addition to those specified in Rule 15.1.2:

(1) The joinder of a parent who is not a petitioner, if obtainable.

(2) If the other parent is deceased, a certified copy of the death certificate.

(3) The separate consent of the adult or adults to accept custody of the child.

(4) A proposed decree in a form approved by the Court.

(c) *Disposition of the Petition.*

(1) The petition shall be filed with the Clerk, and a scheduling praecipe shall be filed in accordance with Som. R.J.A. 1090, with copy to the Court Administrator, who shall place the matter on the next available hearing list, unless otherwise directed by the Court.

(2) Absent exceptional circumstances, or unless the other parent is deceased, the Court will not entertain a petition by one parent where the rights of the other parent have not been previously terminated or cannot be terminated at the hearing.

(3) Absent exceptional circumstances, a petition for voluntary relinquishment to an adult intending to adopt will not be entertained by the Court unless a petition for adoption under section 2701 of the Adoption Act with respect to the subject child has also been filed.

(d) *Notice and Hearing.*

(1) If a parent has not relinquished his or her right in the child or joined in the petition hereunder, then notice of the hearing on a parent's petition to voluntarily relinquish rights, together with a copy of the petition, shall be served upon such non-petitioning/non-joining parent.

(2) Each petitioner and each person whose joinder or consent is attached to the petition shall be examined under oath at the hearing unless excused by the court.

**Som. O.C.R. 15.3.2. Alternative Procedure for Relinquishment.**

(a) *Petition to Confirm Consent.*

A petition under Section 2504(a) of the Adoption Act shall be in a form approved by the court, and shall include the following allegations:

(1) The name, address and standing of the petitioner or petitioners, and the date on which the report of intention to adopt and/or the petition for adoption was filed.

(2) The name, age, address and current marital status of the natural parent or parents.

(3) The name, sex, date of birth and the child proposed to be adopted, and the date on which the child was placed with the proposed adoptive parents.

(4) The date on which the petition or petitions for voluntary relinquishment were filed.

(5) The date of the execution of the consent or consents to the adoption by the natural parent or parents.

(6) That a period of forty (40) days has elapsed since the execution of the consent to the adoption and that the consenting parent has not filed or proceeded with a petition for voluntary relinquishment of parental rights as provided for in sections 2501 and 2502 of the Adoption Act.

(7) Whether either natural parent of the child is entitled to the benefits of the Soldiers and Sailors' Civil Relief Act of 1940, as amended (50 U.S.C.A. § 501, et seq.).

(b) *Exhibits to Petition to Confirm Consent.*

The petition shall have attached to it the following exhibits, in addition to those specified in Som. O.C.R. 15.1.2:

(1) The original consent of the natural parent in the form prescribed by section 2711(d)(1) and (2) of the Adoption Act.

(2) A proposed decree in a form approved by the court.

(c) *Petition for Termination of Parental Rights of Non-Consenting Putative Father.*

A petition under section 2504(c) of the Adoption Act shall be in a form approved by the court, and shall include the following allegations:

(1) The name, address and standing of the petitioner or petitioners, and the dates on which the report of intention to adopt and/or the petition for adoption was filed.

(2) The name, age, address and marital status of the biological parents as of the birth of the child and during one year prior thereto.

(3) The name, sex, date of birth of the proposed adoptee and the date on which the child was placed with the proposed adoptive parents.

(4) That the biological mother of the adoptee was unmarried at the child's birth.

(5) That the putative father has refused to execute a written consent to the adoption of the proposed adoptee and has not filed an acknowledgment of paternity.

(6) Whether the putative father is entitled to the benefits of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended (50 U.S.C.A. § 501, et seq.).

(d) *Exhibits to Petition for Termination of Parental Rights of Non-Consenting Putative Father.*

The petition shall have attached to it the following exhibits, in addition to those specified in Som. O.C.R. 15.1.2:

(1) A birth certificate of the proposed adoptee which indicates that no acknowledgment or claim of paternity has been filed.

(2) A proposed decree in a form approved by the Court.

(e) *Disposition of Petitions Under Section 2504.*

(1) The petition shall be filed with the Clerk, and a scheduling praecipe shall be filed in accordance with Som. R.J.A. 1090, with copy to the Court Administrator, who shall place the matter on the next available hearing list, unless otherwise directed by the court.

(2) Absent exceptional circumstances, the Court will not entertain a petition to confirm the consent of only one biological parent, unless the other parent is the petitioner or the spouse of a petitioner in an adoption pending in this court; or the other parent is a putative father who (i) has refused to execute a consent, and has not filed an acknowledgment of paternity, or (ii) is deceased.

(3) Absent exceptional circumstances, a petition to confirm consent will not be entertained by the court unless petition for adoption under section 2701 of the Adoption Act has been filed with this court.

(f) *Notice and Hearing.*

(1) Notice of the hearing on the petition to confirm consent, in the form prescribed by section 2513(b) of the Adoption Act, together with a copy of the petition omitting all references to the proposed adoptive parents, shall be served upon the natural parent or parents whose consent is sought to be confirmed, the other parent, a putative father whose rights are sought to be terminated, and to the parents or guardian of a consenting parent who has not reached 18 years of age.

(2) Each petitioner shall be examined under oath at the hearing.

**Som. O.C.R. 15.4.1. Involuntary Termination of Parental Rights.**

(a) *Petition.*

A petition for involuntary termination of parental rights under sections 2511 and 2512 of the Adoption Act shall be in the form approved by the court, and shall include the following allegations:

(1) The name and address of the petitioner and his or her standing.

(2) The name, sex, date of birth, racial background and religious affiliation of the child.

(3) The name, age, address, racial background and religious affiliation of the parent or parents of the child.

(4) The marital status of the mother as of the time of the birth of the child and during one year prior thereto and, if the mother was married during that time, the name of her husband or husbands, and her maiden name.

(5) The date when the child was placed in the care of the petitioner.

(6) Facts constituting grounds for the involuntary termination under section 2511 of the Adoption Act, and a reference to the applicable subsection or subsections.

(7) Whether either natural parent of the child is entitled to the benefits of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended (50 U.S.C.A. § 501, et seq.).

(8) That the petitioner will assume custody of the child until such time as the child is adopted.

(b) *Exhibits.*

The petition shall have attached to it the following exhibits, in addition to those specified in Som. O.C.R. 15.1.2:

(1) The joinder of the agency having care of the child and its consent to accept custody of the child until such time as the child is adopted. The joinder shall satisfy the requirements of Som. O.C.R. 15.2.1(b)(3).

(2) A proposed decree in a form approved by the court.

(c) *Disposition of Petition.*

(1) The petition shall be filed with the Clerk and a scheduling praecipe shall be filed in accordance with Som. R.J.A. 1090, with copy to the Court Administrator and a copy thereof shall be served upon the respondent. This shall be in addition to the notice of hearing required by Rule 15.4.1(e).

(2) At the time when the petition is filed with the Clerk, the matter shall be placed on the next available hearing list by the Clerk. However, the matter shall not be heard before the time for filing responsive pleadings has elapsed (O.C. Rule 3.2). Notice thereof shall be given by the Clerk of counsel and by counsel to the respondent as required by Som. O.C.R. 15.4.1(e).

(3) Absent exceptional circumstances, or unless the other parent is deceased, the court will not entertain a petition for involuntary termination of parental rights filed by an agency or an adult intending to adopt where the parental rights of the other parent have not been previously terminated, or cannot be terminated at the hearing.

(4) If the court is satisfied that, after reasonable investigation, the identity of a natural parent is unknown, no notice under this rule will be necessary with respect to such parent.

(5) To establish a "reasonable investigation" a "Petition for Leave to Forego Involuntary Termination Proceedings Regarding the Unknown Parent of (name of child)" shall be presented to the Motions Judge and shall contain the following allegations:

(i) the circumstances surrounding the conception of the child including the approximate date and location;

(ii) all of the information regarding the unknown parent that is known by the other natural parent or petitioner; and

(iii) the efforts made by the identical natural parent or petitioner, by anyone acting on behalf of the identified parent, by petitioning adoptive parents and/or anyone acting on their behalf, to attempt to identify, locate, or contact the unknown natural parent based on the information provided in subsections (i) and (ii) above; or

(iv) the reasons why any of the above information cannot be provided.

(6) if a natural parent is not the petitioner there shall be attached to the petition as an exhibit:

(i) the consent and joinder of the identified natural parent;

(ii) a certified copy of the death certificate of the identified natural parent; or

(iii) the affidavit of the identified natural parent that the allegations in the petition are true and correct and that the identity and whereabouts of the other natural parent are unknown to the affiant.

(7) If the requirements of subparagraph (7) above cannot be satisfied, the petition shall contain an allegation explaining the reasons therefor.

(d) *Representation for Minors.*

(1) Counsel.

When a petition for involuntary termination is being contested by one or both parents, counsel for the petitioners shall file with the petition or present, to the Motions Judge, prior to the scheduled hearing, a motion for the appointment of counsel to represent the minor child or children, together with a proposed order in a form approved by the court.

(2) *Guardian Ad Litem.*

When the termination of the parental rights of a minor parent is sought, the court, if it finds that the minor

parent is not adequately represented, may appoint a guardian ad litem to represent the interests of the minor parent.

(e) *Notice and Hearing.*

(1) Notice of the hearing on the petition for involuntary termination of parental rights, in the form and manner prescribed by section 2513 of the Adoption Act, shall be served upon the following persons:

(i) the parent or parents whose rights are sought to be terminated; and

(ii) the parent or parents and the guardian ad litem, if any, of a natural parent who is under the age of 18 years.

(2) Each petitioner shall be examined under oath at the hearing unless excused by the court.

(3) The notice of hearing required in this rule shall be in addition to the requirement of service of the petition in accordance with Som. O.C.R. 15.4.1.(c)(1).

(f) *Decrees of Termination of Parental Rights; Form.*

When a petition for involuntary termination of parental rights is uncontested by the respondent, the court, after hearing, shall issue an order setting forth its findings regarding the grounds for involuntary termination of parental rights and either granting or denying the termination. All such decrees of termination of parental rights in uncontested matters shall be final orders.

**Som. O.C.R. 15.8.1. Registration with the Court of Authorized Persons.**

Any agency licensed by the Department of Public Welfare which proposes to accept custody of any child for purposes of relinquishment or adoption under these rules, shall file with the Clerk a copy of the resolution, certified by the secretary of the agency, setting forth the names and titles of all persons authorized to act or testify on behalf of the Agency in any proceeding before the court.

[Pa.B. Doc. No. 98-1094. Filed for public inspection July 10, 1998, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE ARCHITECTS LICENSURE BOARD

[49 PA. CODE CH. 9]

General Revisions

The State Architects Licensure Board (Board) amends Chapter 9 (relating to State Architects Licensure Board) to read as set forth in Annex A.

### A. *Effective Date*

The amendments are effective upon publication in the *Pennsylvania Bulletin*.

### B. *Statutory Authority*

The amendments are made under sections 6(a), (b) and (d), 8(b), 13(h) and 14 of the Architects Licensure Law (act) (63 P. S. §§ 34.6(a), (b) and (d), 34.8(b), 34.13(h) and 34.14).

### C. *Background and Purpose of Amendments*

Executive Order 1996-1 dated February 6, 1996, directed executive agencies, including the Board, to commence a program of review of regulations to ensure that regulations were consistent with the principles and requirements of the order. By these amendments, the Board implements its review of its existing regulations conducted under Executive Order 1996-1. In accordance with the principles of the Executive Order, the Board has deleted many regulations which it has determined are either unnecessary, outdated or for which viable nonregulatory alternatives exist. In revisions to existing regulations, the Board has clarified and simplified requirements for licensure by examination and reciprocity. The Board deleted regulations which embody former procedures and standards of the National Council of Architectural Registration Boards (NCARB) which have undergone changes since its last major revision to these regulations in 1986. Finally, the Board amended its regulations regarding complaints to conform to court decisions regarding the separation of prosecutorial and adjudicatory functions.

### D. *Persons Affected*

These final-form regulations affect individuals who are in architectural schools and architectural intern programs, applicants for licensure either by examination or reciprocity, Pennsylvania licensed architects and persons who practice architecture or a component of the practice of architecture as defined in section 3 of the act (63 P. S. § 34.3).

### E. *Summary of Comments and Responses to Proposed Rulemaking*

Proposed rulemaking was published at 27 Pa.B. 1566 (March 29, 1997). The Board received comments from ten public commentators, the House Professional Licensure Committee (HPLC) and the Independent Regulatory Review Commission (IRRC).

Changes in the final-form regulations in response to commentators in a section-by-section description to each of the comments and the Board's response.

### *General Comments*

Preliminarily, commentator Robert Shusterman and the Pennsylvania Society of Architects (PSA) requested that the Board withdraw the proposal in its entirety, redraft the proposal and submit a new regulatory proposal based upon the quantity of comments received in addition to those of the PSA. In the same comment, however, the PSA endorsed Mr. Shusterman's suggestions for changes and additional recommendations for additional regulation. The PSA noted that it also has endorsed amending the act to govern design-build.

The Board has considered the PSA's request to withdraw the amendments in light of other comments received and the overall purposes and objectives of the rulemaking. As noted in Section C of this Preamble, a principal purpose of the amendments is to execute Executive Order 1996-1, particularly with regard to the deletion of unnecessary and outdated regulations. The Board notes that no objections were made to the Board's proposal in this regard. Furthermore, for the reasons more fully explained in this section, the Board believes that its responses to commentators address concerns in a manner which allows the Board to proceed with final rulemaking, while reserving other concerns to future rulemaking. For these reasons, the Board declines to adopt the suggestion to withdraw these final-form regulations at this time.

Mr. Shusterman's comments were initially made to the PSA, in a letter commenting on a draft of the rulemaking as published in the *Pennsylvania Bulletin*. Although Mr. Shusterman's comments to the draft proposal were not provided to the Board prior to publication of proposed rulemaking, Mr. Shusterman provided these comments, based upon his view that the draft version was in all material respects identical as published in the *Pennsylvania Bulletin*.

In addition to a section by section analysis, Mr. Shusterman suggested that given the extensive nature of his comments, the best interest of the profession and the Board would be served if the Board would put the proposed amendments on hold until he could meet with the drafters of the proposal to resolve his concerns. For the reasons set forth in the Board's response to the PSA's identical suggestion, and for the reasons set forth in this Preamble, the Board has determined that it is not necessary to repropose a new regulatory document at this time. Many comments and suggestions made by Mr. Shusterman have been addressed in changes to the proposed rulemaking. With respect to other suggestions which the Board has not adopted, the Board has determined that many fall outside the scope of proposed rulemaking.

The act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1101—1602), limits the subject matter of final rulemaking to the subjects fairly encompassed in proposed rulemaking. See, *Brocal v. Department of Transportation*, 528 A.2d 114 (Pa. 1987). State agencies are required to submit proposed rules to the public and the regulatory review bodies to assure that the public, particularly the regulated community, has an opportunity to comment on the wisdom of the methods chosen by the agency to deal with a problem. See, *Department of Environmental Resources v. Rushton Mining Co.*, 591 A.2d 1168 (Pa. Cmwlth. 1991).

The Board is hesitant to adopt in final rulemaking a solution to the problem of firm regulation without allow-



ing licensees and firms, who would be paying a fee, an opportunity to comment. Also, detailed Board and Departmental discussion is necessary to factor costs and necessary reviews before the fee could be calculated.

IRRC noted that amendments were needed throughout the regulations to more fully implement the Board's intent to use the term "licensure" when referring to individuals who practice architecture and "registration" when referring to architectural firms which are required to register with the Board before practicing architecture in this Commonwealth. In this regard generally, throughout the final-form regulations, the Board has adopted IRRC's recommendations.

The following is a description of changes made to specific sections in response to commentator suggestions and regulatory review.

*§§ 9.2, 9.166 and 9.167. Design-Build and Construction Management.*

In proposed §§ 9.2 and 9.166 and 9.167, an architect's participation in design-build projects and construction management would be regulated.

The HPLC expressed the opinion that the Board lacks legislative authority to promulgate regulations relating to either construction management or design-build. Construction management associations and entities representing construction management firms commented on these sections. These public commentators expressed dissatisfaction with the Board's rulemaking in these two categories either on identical grounds to the HPLC or based on the regulatory scheme and language chosen by the Board. IRRC suggested that the provisions regarding design-build and construction management be deleted, and that the Board work with the Legislature to revise the act to deal with these issues. The Board agrees with the suggestion and has deleted both sections from final rulemaking.

*§§ 9.71—9.73, 9.81 and 9.116—9.117. Examinations.*

IRRC requested that the Board explain how the procedures of §§ 9.71—9.73 changed as a result of the change of the Architect Registration Examination (ARE) to a computerized format. When the ARE was administered in written form, the National Council of Architectural Registration Boards (NCARB), provided the examinations to State boards which either administered the examinations or contracted with a third party to do so. A candidate for NCARB certification (but not State licensure) took the ARE by applying to one of the states to do so. Under the computerized program, NCARB now contracts with a testing agency to administer the computer examination throughout the United States. Therefore, candidates for NCARB certification no longer need apply to sit for the examination in any given state.

IRRC noted that language regarding cheating appeared in §§ 9.116 and 9.117. The Board has adopted IRRC's recommendation to place this language in § 9.117 only.

The Board has made editorial changes to § 9.81 as to where applications may be obtained.

*§§ 9.141—9.143. Seals.*

IRRC, the PSA, Mr. Shusterman and Robert Kimball and Associates questioned whether proposed § 9.141, which provides that an identical stamp may be used in lieu of a seal, would require previously licensed architects to obtain new seals. Commentator Kimball also suggested that the section should explicitly so provide, and further recommended that the Board permit a computer image of

the seal to be used in the same manner as permitted under regulations for engineers in § 37.58(d) (relating to seal).

In response, the Board notes that the section tracks section 12(a) of the act (63 P. S. § 34.12(a)), which requires that an architect obtain a seal which has been approved by the Board. Section 12(b) of the act provides that an architect may use a stamp of the design of the seal and use it in lieu of the seal. The amendments would not effect a repeal of existing regulations. Therefore, there is no need for an architect who has been licensed under the regulations prior to the amendment to obtain a new seal.

In response to the suggestion that the Board include in its regulations a provision for sealing documents by use of a computer image, the Board reviewed research conducted by the NCARB Electronic Technology Task Force. It is the Board's understanding that the NCARB Task Force has been researching issues which will affect the practice of architecture due to electronic technology, including the use of a computer image to seal documents. The use of a computer image seal would be a part of standards regarding the use of electronic technology in the practice of architecture. That study is not yet completed. The Board, therefore, has chosen to defer rulemaking in this area until research and recommendations have been made by the task force to the NCARB membership.

Finally, with regard to §§ 9.142 and 37.58, IRRC commented that the phrase "direct supervision" could imply that the architect must directly perform the architectural work. IRRC recommended that the Board replace this phrase with NCARB's preferred terminology, which is "responsible control."

In researching this issue, the Board notes that in 1996, the NCARB Electronic Technology Task Force recommended, and the NCARB adopted, a change in the NCARB's model law to replace the requirement that architectural designs not personally prepared by an architect be prepared under the architect's "direct supervision" with the requirement that designs not directly prepared by an architect be prepared under the architect's "responsible control." In making this change, the NCARB commented that it intended to loosen restrictions, because the term "direct supervision" was generally interpreted as to require that architectural work could only be performed by employees of a registered architect and only on the architect's premises.

The Board notes in response that the language of sections 12(a) and 15(1) of the act (63 P. S. §§ 34.12(a) and 34.15(1)), both require that work done by others be prepared under the architect's personal supervision. In contrast, section 5(a) of the Engineers, Land Surveyor and Geologist Registration Law (Engineer Law) (63 P. S. § 152(a)), provides for an exemption from licensure for persons who do not assume "responsible charge" of designs or supervision. Section 6 of the Engineer Law (63 P. S. § 153) requires directing heads or employees of firms or corporations to be "in responsible charge of" its activities in the practice of the profession, including sealing design documents issued by the firm.

In the Board's view, the Legislature's use of the words "personal supervision" in the 1982 version of the act, demonstrates an intent to follow the language of the NCARB Model Law in place at that time. To avoid departing from the intent of the Legislature with regard to the regulation of architects, the Board intends to

employ the legislative language of the act in its regulations, rather than the language employed by the Legislature with reference to engineers.

However, with regard to other suggestions made by IRRC concerning modeling §§ 9.141 and 9.142 after the regulations of the State Registration Board for Professional Engineers, Land Surveyors and Geologists, the suggestions have been adopted and are incorporated in the final rulemaking.

*§ 9.151. Standards of professional conduct.*

As proposed, § 9.151 was amended by the Board, and four new standards were added. Commentators to the final-form regulations, including IRRC, questioned why the Board does not instead adopt the NCARB Model Rules of Professional Conduct for the American Institute of Architects (AIA) Code of Ethics and Professional Conduct.

Informational material available to the Board from the NCARB and AIA indicate that the Ethical Standards and Rules of Conduct of both NCARB and AIA were developed after the Rules of Conduct of the Board had been placed in regulation under the statutory authority of the Architects Registration Law (63 P. S. §§ 21—33) (Repealed). Amendments to the Board's regulations in 1986 were designed to update the regulations to conform to the 1982 law.

While the Commonwealth's law is somewhat similar to the NCARB's Model Law as it existed in 1982, the NCARB has revised its model law substantially in the intervening years. Its model regulations have undergone similar changes to reflect the changes in its Model Law. For these reasons, the model regulations do not follow the structure or content of the regulations which the Board is here amending.

With regard to the Code of Ethics of the AIA, the Board's review of that organization's 1993 Code of Ethics indicates, as well, that the structure of the AIA Code is substantially different than the structure of the Board's regulations here. Proposed rulemaking was intended to revise the language of § 9.151 to provide architects with clear guidance and direction as to the conduct which the Board believes would constitute a violation of its standards of professional conduct, consistent with the act. Adopting the AIA Code of Ethics or the NCARB Model Rules would not accomplish this objective.

IRRC recommended that overlapping standards found in § 9.151(3) and (10), and (9) and (13), be combined. Paragraph (10) has been deleted in accordance with IRRC's suggestion and the subsequent paragraphs renumbered. With regard to paragraphs (9) and (13) as proposed, the Board believes that the proscriptions cover sufficiently distinct conduct as to justify separate subsections. Further, the Board believes architects will benefit from the notice that is provided in the two subsections.

IRRC also recommended that final-form regulations specify the statutes and regulations which are related to the practice of architecture. In response, the Board notes that architects' standards of professional practice require them to be aware of the building codes which apply to a project which they are undertaking in a given municipality or political subdivision.

Citations to all statutes and regulations which apply to the practice of architecture would be cumbersome and unwieldy, particularly with regard to statutes pertaining to building and construction standards. Local ordinances may vary from municipality to municipality, and are

subject to revision on an ongoing basis. The Board has modified § 9.151(3) to provide sufficient notice to the architect of his professional responsibilities in this regard. Accordingly, the Board does not specify any particular statute or regulation.

*§§ 9.163—9.177. Professional and Corporate Practice.*

As proposed, § 9.175 (relating to firm or business names) requires that an architect engaged in the practice of architecture, individually or as a firm, notify the Board upon his discontinuance, retiring or withdrawing from practice. IRRC commented that the difference between the terms "discontinuance" and "retiring from practice" is unclear. As proposed, the Board intended that "discontinuance" was to refer to a short term leave of absence. IRRC suggested that to improve the clarity of the regulation, the Board define each of the terms in the definitional section of § 9.2, or, in the alternative, IRRC recommended that the Board replace "discontinuance" with "leave of absence." The Board has adopted the latter suggestion.

With regard to § 9.163(2) (relating to prior approval by the Board), IRRC, Shusterman and the PSA commented that the definition of "principal" as stated in the proposal is confusing. IRRC recommended that the Board revise the definition of "principal" to clarify the meaning of the phrase as "a person who is in charge of the architectural practice." The Board has revised that paragraph to define "principal" as an officer, principal stockholder or a person having a substantial interest or management responsibility for the architectural practice.

Mr. Shusterman indicated that a review of the regulations in his opinion showed six key areas that should be resolved to make the regulations and the practice of architecture in this Commonwealth both reasonable for both the practitioners and the Board. These areas included firm practice; licensure certificates and registration; standards of professional conduct; use of a seal; conflict with the licensure law; and inconsistent terminology.

With regard to firm practice, Mr. Shusterman characterized the regulation of firm practice as the most serious regulatory problem. He suggested that the absence of a physical firm license which, in his view, was contemplated in the enactment of the licensure law, creates uncertainty in the practice of architecture. He also maintains that the Board's current method of handling firm records precludes it from weeding out those firms which were once in compliance, but have ceased to comply with the licensure law.

The Board does not agree that the Legislature authorized licensure of firms which must register under section 13 of the act. In accordance with section 13(h) of the act, the Board has promulgated regulations which require prior approval of the Board in regard to certain information concerning firm governance and ownership. Section 9.163(4) provides that all owners of a firm certify that notice will be given to the Board of any changes in firm ownership prior to the firm practicing under those changes. It is the Board's experience that firms which have registered do give the Board notice of changes in ownership and firm governance. Nonetheless, the Board is aware that there are some architects who practice in firm settings without registration. The Board takes action to assure compliance and enforce the requirement of the law when appropriate.

Mr. Shusterman also suggested that the regulations treat differently sole practitioners who practice as a sole

proprietorship and sole proprietorships which employ others. He suggests that the current regulatory language can be construed so as to require a sole practitioner to get approval of his "ownership of the firm" prior to practicing architecture. Prior approval is indeed required under § 9.163 for business firms. However, §§ 9.162, 9.163—9.165, read together, indicate that prior approval is necessary for business firms composed of architects and others practicing under a business structure and single name.

The commentator also suggested that the firm practice section should address the issue of limited liability corporations and limited liability partnerships, although he expressed concern that because these corporate formations are not explicitly authorized in the act, amendments to permit the formations might be required. A suggestion was also made that provisions on firm practice address businesses such as joint ventures.

The different forms of business associations in Title 15 of the *Pennsylvania Consolidated Statutes*, include general partnerships under 15 Pa.C.S. §§ 8301—8365 (relating to Uniform Partnership Act); limited partnerships under 15 Pa.C.S. §§ 8501—8594 (relating to the Uniform Limited Partnership Act); registered limited liability partnerships under 15 Pa.C.S. §§ 8201—8221 (relating to registered limited liability partnerships); and limited liability companies under 15 Pa.C.S. §§ 8901—8998 (relating to Limited Liability Company Law of 1994). The official comment to the Limited Liability Company Law by the Pennsylvania Bar Association's Title 15 Task Force Committee concluded that no policy reason exists to differentiate between the various forms of organization authorized by Title 15 for purposes of determining the appropriate form for conduct of a profession subject to any limitations in individual licensure laws. Accordingly, architects should be permitted to practice and organize their firms as a limited liability company or as a limited liability partnership because section 13 of the act does not prohibit these business forms. Joint ventures are not one of the business forms which the Board is permitted to regulate under section 13 of the act.

With regard to licensure, certificates and registration, the commentator expressed a view that, however well intended, the reservation of the word "licensure" for individuals and the reservation of the word "registration" for firm practice causes unnecessary confusion and potentially burdens the Board with a host of interpretative issues. The Board has attempted to clarify the language in its regulations by using these terms consistently. Although the commentator correctly notes that words are used interchangeably in the statute, the Board believes that the use of these terms consistently in the regulations will assist readers and practitioners in complying with the regulatory requirements. The Board does not perceive its action with regard to the amendments as being contrary to the statute's overall scheme and intent. Also, with regard to the use of the word "certification," the Board notes that it has reserved the word "certification" for instances relating to the NCARB certification.

In addition to these general comments, Mr. Shusterman has offered additional amendments which would add new definitions and rewrite the proposed language.

The Board believes Mr. Shusterman's comments and suggestions with regard to the need for additional rule-making should be more fully considered. In the Board's review of the need of additional rulemaking to further implement the act, the Board will consider Mr. Shusterman's comments in making these proposals.

#### F. Fiscal Impact

The amendments will have no ascertainable fiscal impact on the Commonwealth or local governments. With regard to the regulated population and candidates for licensure, the amendments will result in fewer regulatory requirements and eliminate some restrictions of existing regulations pertaining to corporate practice and filings.

#### G. Paperwork Requirements

The amendments add no additional paperwork requirements for the Commonwealth, its local governments or the regulated population.

#### H. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Board submitted a copy of the notice of proposed rulemaking, published at 27 Pa.B. 1566, to IRRC and the Chairpersons of the HPLC and the Senate Consumer Protection and Professional Licensure Committee for review and comment. In compliance with section 5(c) of the Regulatory Review Act, the Board also provided the IRRC and the Committees with copies of all comments received, as well as other documentation.

In preparing these final-form regulations, the Board has considered the comments received from IRRC, the Committees and the public.

These final-form regulations were approved by the Committees on May 11, 1998. IRRC met on June 4, 1998, and approved the final-form regulations in accordance with section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(a)).

#### I. Public Information

Interested persons may obtain information regarding the amendments by writing to Dorna Thorpe, Board Administrator, State Architects Licensure Board, P. O. Box 2649, Harrisburg, PA 17105-2649.

#### 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 the regulations promulgated thereunder at 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and all comments were considered.

(3) These amendments do not enlarge the purpose of proposed rulemaking published at 27 Pa.B. 1566.

(4) These amendments are necessary and appropriate for administration and enforcement of the authorizing act identified in Part B of this Preamble.

#### K. Order

The Board, acting under its authorizing statutes, orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 9, are amended, by amending §§ 9.2, 9.11, 9.21, 9.27, 9.41, 9.46, 9.49a, 9.61, 9.62, 9.81, 9.84, 9.88, 9.90, 9.93, 9.101—9.103, 9.116, 9.131, 9.132, 9.141—9.143, 9.145, 9.151, 9.161, 9.163, 9.165, 9.171, 9.175—9.177, 9.181, 9.182, 9.185, 9.190, 9.202 and 9.211; by deleting §§ 9.12—9.17, 9.22—9.26, 9.28—9.35, 9.42, 9.43, 9.45, 9.47, 9.48, 9.63, 9.71—9.73, 9.87, 9.89, 9.91, 9.120, 9.144, 9.152, 9.172 and 9.173; and by adding § 9.50 to read as set forth in Annex A.

*(Editor's Note: The amendment of §§ 9.41 and 9.81 was not included in the proposal at 27 Pa.B. 1566. The proposal to add §§ 9.166 and 9.167 has been withdrawn by the Board.)*

(b) The Board shall submit this order and Annex A to the Office of General Counsel and to the Office of Attorney General as required by law.

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

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

ROBERT J. CROWNER,  
*President*

**Fiscal Note:** Fiscal Note 16A-413 remains valid for the final adoption of the subject regulations.

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 28 Pa.B. 2869 (June 20, 1998).)*

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 9. STATE ARCHITECTS LICENSURE BOARD**

**GENERAL PROVISIONS**

**§ 9.2. Definitions.**

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

*ARE*—Architect Registration Examination of the NCARB approved by the Board as the architecture licensure examination.

*Accredited program*—A program accredited by the National Architectural Accrediting Board to provide courses in architecture and related subjects and empowered to grant professional and academic degrees in architecture.

*Act*—The Architects Licensure Law (63 P. S. §§ 34.1—34.22).

*Administrative Code*—The Administrative Code of 1929 (71 P. S. §§ 51—732).

*Board*—The Architects Licensure Board as defined in section 4 of the act (63 P. S. § 34.4).

*Board prosecutor*—An attorney employed through the Office of General Counsel to act as the prosecutor for the Commonwealth before the Board.

*Bureau*—The Bureau of Professional and Occupational Affairs.

*Commissioner*—The Commissioner of the Bureau.

*Examination*—The examination as referred to in this chapter is the examination for architectural registration approved by the Board.

*IDP*—Intern Development Program of NCARB.

*IDP council record*—A detailed authenticated record of an individual's education, training and character maintained by NCARB.

*NAAB*—National Architectural Accrediting Boards, Inc.

*NCARB*—National Council of Architectural Registration Boards, 1735 New York Avenue, NW, Suite 700, Washington, DC 20006.

*Plans and models*—Drawings, graphic representations or scaled models, or a combination of drawings, graphic representations or models, or reproduction thereof, prepared for the purpose of illustrating proposed or intended designs for the construction, enlargement or alteration of a building or project.

*Specifications*—A written instruction or reproduction thereof describing a material or method of construction proposed or intended to be employed in the construction, enlargement or alteration of a building or project.

**AFFILIATION WITH NCARB**

**§ 9.11. NCARB membership.**

The Board will maintain membership in NCARB and the Middle Atlantic Regional Conference of NCARB. The necessary costs for the membership will be paid for under section 11 of the act (63 P. S. § 34.11).

**§ 9.12. (Reserved).**

**§ 9.13. (Reserved).**

**§ 9.14. (Reserved).**

**§ 9.15. (Reserved).**

**§ 9.16. (Reserved).**

**§ 9.17. (Reserved).**

**FUNCTIONS OF THE BOARD**

**§ 9.21. Board meetings.**

In addition to the one regular meeting per year prescribed by law, the Board will hold additional meetings as may be necessary to conduct the business of the Board. The administrative assistant, in conjunction with the administrative office of the Bureau, will give notice of the time and place of each meeting at which formal action will be taken, under section 9 of the Sunshine Act (65 P. S. § 279). Meetings of the Board will be conducted in accordance with the Sunshine Act (65 P. S. §§ 271—286), and Roberts Rules of Order, Revised.

**§ 9.22. (Reserved).**

**§ 9.23. (Reserved).**

**§ 9.24. (Reserved).**

**§ 9.25. (Reserved).**

**§ 9.26. (Reserved).**

**§ 9.27. Inactive records.**

Records of candidates for licensure that are inactive for 5 years will be destroyed. A record will be considered inactive if a candidate does not correct a deficiency in an application, or pass the entire examination within 5 years of notice from the Board of the deficiency or eligibility to take the examination.

**§ 9.28. (Reserved).**

**§ 9.29. (Reserved).**

**§ 9.30. (Reserved).**

**§ 9.31. (Reserved).**

**§ 9.32. (Reserved).**

**§ 9.33. (Reserved).**

**§ 9.34. (Reserved).**

**§ 9.35. (Reserved).**

**EXAMINATION****§ 9.41. General requirements.**

Licensure may be granted to an applicant who has successfully passed the ARE examination. The subject matter is described in detail in the NCARB's Circular of Information No. 2 which is available from the Board or from the National Council of Architectural Registration Boards, 1735 New York Avenue, N.W., Suite 700, Washington, D.C. 20006.

**§ 9.42. (Reserved).****§ 9.43. (Reserved).****§ 9.45. (Reserved).****§ 9.46. Requirements for examination eligibility.**

A candidate for the examination shall have:

(1) A professional degree in architecture from an accredited program.

(2) Three years of diversified training experience demonstrated by training requirements of the IDP.

(3) An architectural degree candidate applying for first time licensure is required to pass the entire professional licensure examination of the Board within 5 years of the date of notice by the Board of eligibility to take the examination. The Board may waive this requirement upon proof of medical hardship or other extraordinary circumstances.

**§ 9.47. (Reserved).****§ 9.48. (Reserved).****§ 9.49a. Diversified training requirements.**

(a) The Board has adopted NCARB Training Requirements for IDP as set forth in Appendix B to the 1985-1986 NCARB Circular of Information No. 1. The 1985-1986 NCARB Circular of Information No. 1 is available from: National Council of Architectural Registration Boards, 1735 New York Avenue, N. W., Suite 700, Washington, D. C. 20006.

(b) The candidate shall keep records of required diversified training experience in accordance with NCARB IDP requirements. The candidate is responsible for having NCARB transmit a certificate of completion of IDP as part of the candidate's application. An application which does not contain a certificate will not be reviewed.

**§ 9.50. Reapplications.**

Candidates required to file new applications under §§ 9.27 and 9.46(3) (relating to inactive records; and requirements for examination eligibility) shall meet the requirements of the act and regulations in effect at the time the new application is filed.

**LICENSURE BY RECIPROCITY****§ 9.61. General requirements.**

Licensure may be granted to an applicant who holds a license to practice architecture in another state, territory or country where the qualifications required for licensure are equal to the requirements for licensure in this Commonwealth at the time of licensure in the original jurisdiction and the applicant is of good moral character. Possession of an NCARB Certificate is prima facie evidence that the individual meets the requirements of the Commonwealth.

**§ 9.62. Reciprocal licensure.**

(a) An applicant for reciprocal licensure shall submit a completed application on forms provided by the Board containing:

(1) A letter of good standing, or the equivalent from the licensing entity of the state or country where the architect currently practices.

(2) Information relative to training, education and experience as an employe or as a practicing principal.

(b) An applicant who has qualified for original licensure by having passed the ARE in or after 1992 shall submit certification of having met the training requirements for IDP.

(c) A candidate in another recognized and approved jurisdiction and seeking to practice within this Commonwealth who has not lawfully practiced architecture for more than 10 years is required to submit a detailed summary of professional or business activities, or both, during the inactive period. It is within the discretion of the Board to determine whether the activities are substantially equivalent to the continuing practice of architecture.

(d) An applicant licensed on the basis of education, experience or examination not equal to the requirements of the Commonwealth shall submit satisfactory evidence of at least 10 years of continuous practice of architecture while holding a valid license as an architect. An applicant who has not taken a licensure examination shall provide the Board with a list of not less than three nor more than ten examples of architectural services designed and supervised by the applicant, giving location, name of owner, use and purpose, and date of completion.

(e) An applicant may be required to appear before the Board for a personal interview and may be requested to submit detailed information about training and experience, or both.

**§ 9.63. (Reserved).****NCARB CERTIFICATION****§ 9.71. (Reserved).****§ 9.72. (Reserved).****§ 9.73. (Reserved).****APPLICATION PROCEDURES****§ 9.81. Place of application.**

An application for license shall be submitted to the Board, Box 2649, Harrisburg, Pennsylvania 17105-2649 on forms available from the Board.

**§ 9.84. Experience.**

The candidate shall be of good moral character. A candidate for first-time licensure shall reside in or be employed in this Commonwealth by a Commonwealth licensed architect, practicing as a principal in this Commonwealth and having a permanent Commonwealth address.

**§ 9.87. (Reserved).****§ 9.88. Verification of IDP.**

The candidate shall keep records of required diversified training experience in accordance with NCARB recordkeeping procedures on NCARB IDP Recordkeeping Forms. These forms are available from NCARB. The candidate is responsible for having NCARB transmit to the Board offices, a certificate of completion of IDP

requirements as part of the candidate's application. An application which does not contain submissions of verification will not be reviewed.

**§ 9.89. (Reserved).**

**§ 9.90. Board member as reference.**

No Board member shall act as a reference on the application of a candidate for licensure except as an employer. A Board member may act as a reference of a candidate applying for certification by NCARB, whether the Board member is or was the employer or not.

**§ 9.91. (Reserved).**

**§ 9.93. Reporting of disciplinary actions, criminal convictions and other licenses.**

(a) An applicant for a license issued by the Board shall apprise the Board of the following:

(1) A license, certificate, registration or other authorization to practice a profession issued, denied or limited by another state, territory or possession of the United States, a branch of the Federal government or another country.

(2) Disciplinary action instituted against the applicant by a licensing authority of another state, territory or possession of the United States, a branch of the Federal government or another country.

(3) A finding or verdict of guilt, an admission of guilt or a plea of nolo contendere with respect to a felony offense or an offense involving moral turpitude.

(b) After the Board has issued a license, the licensee shall report any disciplinary action or criminal convictions, or both, to the Board in writing within 90 days after its occurrence or on the biennial renewal application, whichever occurs first.

**REACTIVATION OF LAPSED AND EXPIRED LICENSES**

**§ 9.101. Reactivation.**

An architect who has been licensed by the Board and who has discontinued the practice of architecture in this Commonwealth, and who has allowed his license to lapse by failing to pay the biennial renewal fee, may apply to the Board for reactivation of licensure.

**§ 9.102. Requirements.**

An architect applying to return to active status shall submit an application on the form prescribed by the Board, the current renewal fee, reactivation fee and a notarized affidavit stating that the candidate did not practice architecture in this Commonwealth during the period of inactive status.

**§ 9.103. Lapsed licenses.**

An architect who practices architecture in this Commonwealth and who has allowed his license to lapse by failing to pay a biennial renewal fee, may reactivate his license by submitting to the Board an application on the form prescribed by the Board. The application shall be accompanied by the reactivation fee in § 9.3 (relating to fees), along with, past due biennial renewal fees, including the biennial renewal fee for the current period and penalty fees in section 225 of the Bureau of Professional and Occupational Affairs Fee Act (63 P.S. § 1401-225). The payment of any of these fees does not preclude the Board from taking disciplinary action against the architect for practicing architecture without a current license.

**THE EXAMINATION**

**§ 9.116. Admittance.**

A candidate shall present his admission letter and form of positive identification for admittance to the examination. Candidates shall comply with examination procedures and conduct standards as established by NCARB.

**§ 9.120. (Reserved).**

**GRADING AND REVIEW**

**§ 9.131. Examination grading.**

The ARE shall be graded using procedures developed by NCARB in consultation with a professional testing organization. Examination results shall be recorded by the Board in the record of the candidate and shall be maintained in accordance with § 9.27 (relating to inactive records).

**§ 9.132. Grading compilation.**

To qualify for licensure, a candidate shall receive a passing grade on each part or division of the examination. Grades received in individual parts or divisions will not be averaged. A candidate will have unlimited opportunities, subject to § 9.46(3) (relating to requirements for examination eligibility), to retake those portions of the examination which were failed.

**ARCHITECT'S SEAL OF LICENSURE**

**§ 9.141. Requirement.**

(a) A licensee shall, upon licensure, obtain a metal seal, of the design authorized by the Board, bearing the licensee's name and license number and the legend, "Architect." A stamp design identical to the prescribed seal may be obtained and used in lieu of, or in conjunction with, a seal.

(b) The following rules govern the proper use of an architect's seal:

(1) An architect may use his seal and signature only when the work being sealed and signed was prepared by the architect or under the architect's personal supervision, direction and control.

(2) When an architect issues final or complete documents to a client for the client's records, or when an architect submits final or complete documents to public or governmental agencies for final review, the seal and signature of the architect who prepared or who personally supervised the preparation of the documents, along with the date of issuance, shall be prominently displayed on the first page of all documents. Facsimile seals shall appear on all subsequent pages of plans.

(3) When an architect's signature is applied, it shall be applied near or across the seal, but not in a location that obliterates the license number.

(4) An architect may not affix or permit a seal and signature to be affixed to a document if the architect's license has lapsed, or for the purpose of aiding or abetting another person to evade or attempt to evade a provision of the act or this chapter.

**§ 9.142. Unlawful use of seal or stamp.**

(a) An architect may not seal or stamp a document unless his license is current with the Board.

(b) An architect may not impress the seal or stamp, or knowingly permit it to be impressed or affixed, on drawings, specifications or other design documents which were not prepared by the architect or under his direct supervision.

**§ 9.143. Design.**

(a) A licensee may not design his own seal or stamp except as provided in this chapter.

(b) A seal or stamp combining the names of a number of architects in a firm may be used in lieu of individual seals or stamps, if the names of the individual licensees, their license numbers and the legend "Architects" appear on the combined seal or stamp, and the members of the firm are licensed to practice architecture in this Commonwealth. If one or more members of the firm are not licensed by the Board, the individual architect who is professionally responsible for the work of the firm in this Commonwealth is required to use his individual seal or stamp on that work.

(c) A reproduction of a stamp identical to the prescribed stamp may be used.

(d) This section does not relieve an individual architect whose name appears on the combined seal or stamp of a responsibility mandated in the act and this chapter.

**§ 9.144. (Reserved).****§ 9.145. Surrender of seals and stamps.**

(a) If an architect voluntarily surrenders or is required to surrender his seal and stamp to the Board, the surrender shall be made in person or by registered mail to the office of the Board. If the cause of the surrender is forfeiture or revocation, the seal or stamp, or both, will be destroyed by the Board. The destruction will be noted for the record in the file of the architect named on the seal or stamp, or both. If the cause of surrender is suspension, the seal or stamp will be held in security by the Board until the period of the suspension is concluded or the conditions of the suspension have been complied with to the satisfaction of the Board, or both.

(b) Upon the death of an architect, written notice of the death shall be submitted to the Board by the architect's personal representative. Upon receipt of the notice, the Board will declare the license number and the stamp or seal, or both, of the deceased architect void.

**CONDUCT OF LICENSED ARCHITECT****§ 9.151. Standards of professional conduct.**

An architect who fails to adhere to the standards of professional conduct in this section is subject to disciplinary action under section 19(4) of the act (63 P.S. § 34.19(4)). Unprofessional conduct includes, but is not limited to, the following:

(1) Failure to exercise due regard for the safety, life and health of the public, an employe or other individual who may be affected by the professional work for which he is responsible.

(2) Knowingly permitting, without proper authorization, substantial deviation from plans or specifications by a contractor or supplier, when professional observation of the work is the architect's contractual responsibility.

(3) Knowingly practicing architecture in violation of relevant State and municipal building laws and regulations.

(4) Knowingly permitting, aiding or abetting an unlicensed or an unregistered person, partnership, association or corporation to perform activities requiring a license as an architect or registration.

(5) Knowingly engaging in or condoning dishonest or fraudulent activity.

(6) Paying or offering to pay, either directly or indirectly, a gift, bribe, kickback or other consideration to influence the award of a commission for work, or to secure payment on or the continuation of work in progress.

(7) Accepting or soliciting a substantial gift, bribe, commission or other consideration, either directly or indirectly, from a contractor, supplier or other party attempting to influence or otherwise affect the architect's professional relationship with a client or employer.

(8) Having a financial interest in the earnings of a contractor or supplier on work for which the architect has assumed professional responsibility, without full disclosure to and the approval of a client or employer.

(9) Knowingly making or issuing a statement that is misleading, deceptive or fraudulent in regard to any aspect of his professional responsibilities or capabilities.

(10) Using an architect's seal or stamp in violation of section 12 of the act (63 P.S. § 34.12) and §§ 9.141—9.143 and 9.145 (relating to architect's seal of licensure).

(11) Verifying a candidate's IDP Council record that work was performed with skill, diligence and care when the architect knows that the work was not performed or was performed without skill, diligence and care.

(12) Knowingly misrepresenting his qualifications to a prospective or existing client or employer.

**§ 9.152. (Reserved).****PROFESSIONAL AND CORPORATE PRACTICE****§ 9.161. Compliance with applicable statutes.**

An architect or group of architects may elect to practice architecture professionally as a sole proprietorship, a partnership, a professional association, a professional corporation or a business corporation. A practice so elected shall be formed and conducted under the act and this chapter. In addition, the practice shall comply as follows:

(1) In the case of a sole proprietorship, the owner for the practice of architecture as defined at section 3 of the act (63 P.S. § 34.3) shall be an architect licensed by the Board.

(2) In the case of a partnership, with 15 Pa.C.S. Chapter 83 (relating to the Uniform Partnership Act).

(3) In the case of a professional corporation, with 15 Pa.C.S. Chapter 29 (relating to professional corporations).

(4) In the case of a business corporation, with 15 Pa.C.S. Part II, Subpart B (relating to the Business Corporation Law of 1988).

(5) In the case of a professional association, with 15 Pa.C.S. Chapter 93 (relating to the Professional Association Act of 1988).

(6) The business form chosen by an architect may not affect the statutes of the Commonwealth applicable to the professional relationship or the contract, tort or other legal rights, duties and liabilities between the architect and the person receiving architectural services.

**§ 9.163. Prior approval by the Board.**

The practice of architecture may not be conducted in one of the business forms specified at § 9.162 (relating to firm practice) without first receiving the written approval of the Board. Written approval shall be sought by filing the following documents with the Board:

(1) A copy of the completed Fictitious Name Application, Articles of Incorporation, Articles of Association, Partnership Agreement, Certificate of Authority or other relevant agreement or contract of association. If none of these documents apply to the particular business structure, composition or name of the firm, the rest of the filing requirements in this section shall be complied with.

(2) A copy of the proposed letterhead, containing thereon the names of the principals, followed by credentials indicating their respective professions, as well as the word "architect" or some derivation thereof as part of the name of the business, or as a subtitle thereto. At least one of the principals listed shall be a licensee of the Board. For purpose of this paragraph, "principal" means an officer, principal stockholder or person having a substantial interest in or management responsibility for an architectural practice.

(3) A complete list of the names of the individuals interested in the business as proposed, with specification for each as to profession, license number and state of licensure, if applicable, and percent of ownership. The list shall contain or have appended to it certification that the referenced licensed professionals are currently licensed by and in good standing with their state of licensure.

(4) Certification in writing that the owners will notify the Board prior to changes in the proposed ownership of the business, whenever the changes are contemplated. Proposed changes shall be reviewed and approved in writing by the Board prior to their implementation.

**§ 9.165. Architect as employe.**

(a) Nothing in this chapter prevents the employment of an architect by a business which is not engaged in the practice of architecture as defined in section 3 of the act (63 P. S. § 34.3), if the work performed by the employed architect concerns the modification of or the origination and supervision of the design or the construction of structures, or both, which the employer intends to utilize for its nonarchitectural business purpose. The employed architect shall be a licensee of the Board.

(b) This section does not prevent registered engineers from performing, or employing architects to perform, architectural services incidental to the practice of engineering, as provided in section 15(2) of the act (63 P. S. § 34.15(2)).

**USE OF NAMES**

**§ 9.171. The title "Architect."**

(a) Neither the title "architect" nor "architects" may be affixed or otherwise used in conjunction with a surname, word or business title when the use would imply that an individual, associate, partner, corporate officer or business is engaged in the practice of architecture when, in fact, the individual, associate, partner, corporate officer or business is not a person or business licensed or registered and approved by the Board under § 9.163 (relating to prior approval by the Board).

(b) Candidates for examination or awaiting the results of an examination may not use the title "architect."

**§ 9.172. (Reserved).**

**§ 9.173. (Reserved).**

**§ 9.175. Firm or business names.**

(a) An architect, group of architects or business organized for the practice of architecture under section 13 of the act (63 P. S. § 34.13) and § 9.162 (relating to firm practice) may use a firm name which incorporates the

surnames of the owners or use a fictitious name if the firm files a certificate with the Board stating the name of the firm and the name and address of each person engaging in the practice.

(1) If a fictitious name is used, the name chosen shall contain the word "architect" or some derivation thereof, or shall be directly modified by a subtitle indicating that the purpose of the business is the practice of architecture.

(2) By use of a fictitious name, a firm may not use a surname, word, letters or figures indicating or intended to imply that the firm is engaged in a professional practice other than the practice of architecture and other professions as may be allowed under this chapter.

(b) An architect engaged in the practice of architecture individually or as a firm shall notify the Board upon his retiring or withdrawing from practice.

**§ 9.176. The use of associates or unlicensed persons in firm names.**

The name of an architectural firm may also carry the words associate or associates, or may include the name of an unlicensed person, if approval of the name under § 9.163 (relating to prior approval by the Board) has been secured from the Board. If associates or unlicensed persons are used in the name or upon the stationery, letterhead, title block, specifications or another document prepared by the firm, the use may not imply that the unlicensed individual is licensed.

**§ 9.177. Use of names of deceased, withdrawn or retired persons in firm names.**

The names of deceased, withdrawn or retired sole owners, partners or shareholders may be retained in the firm name after their death, withdrawal or retirement only if:

(1) There is a written agreement providing for the continued use of the names between the deceased, withdrawn or retired persons and the succeeding owners of the firm.

(2) The parties to the written agreement have been active partners, association members or shareholders for at least 5 years at the time of death, withdrawal or retirement.

(3) The names of deceased, withdrawn or retired owners, partners, professional association members or shareholders are appropriately included on the firm stationery with suitable indication of status.

(4) The names of deceased, withdrawn or retired owners, partners, professional association members or shareholders are not carried in the firm name for more than 2 years after the death, withdrawal or retirement, unless the written agreement between the parties specifies otherwise.

(5) A copy of the written agreement is filed with the Board at the time of the death, withdrawal or retirement, and the agreement receives the written approval of the Board.

**PROCEDURES FOR COMPLAINTS**

**§ 9.181. Filing of complaints.**

Any person, firm, corporation or public officer may submit a written complaint regarding the practice of architecture to the Complaints Office of the Bureau.

**§ 9.182. Records of charges against an architect.**

A written statement under § 9.181 (relating to filing of complaints) shall be formally filed, and referred to the



Office of Prosecution of the Bureau, which shall cause an investigation to be conducted.

**§ 9.185. Hearings.**

(a) Investigations into charges raised in filed complaints may result in a determination to proceed to a formal hearing to consider disciplinary action against the person charged.

(b) Every phase of a proceeding shall be conducted under § 9.184 (relating to applicability of general rules).

(c) If a licensee is called before the Board, the licensee has the right to have counsel present.

**§ 9.190. Return of license.**

In the event of revocation or suspension of a license, the licensee shall be required to immediately return his license and his current biennial renewal card. The licensee's seal and stamp will also be impounded by the Board.

**CHARGES AGAINST A NONARCHITECT**

**§ 9.202. Records of charges.**

(a) A written statement under § 9.201 (relating to charges and complaints) shall be formally filed, and referred to the Board Prosecutor, for treatment under § 9.182 (relating to records of charges against an architect).

(b) A determination as to whether to proceed further on the filed charges shall be made by the Office of Prosecution of the Bureau. Licensed architects may be employed as necessary to provide expertise required for the review of the architectural aspects of a complaint and to assist in the prosecution of individual cases.

**ROSTER OF ARCHITECTS**

**§ 9.211. Identification of classes of licensure.**

Classes of licensure as an architect in this Commonwealth shall be limited to Classes X and B.

(1) *Class X.* Licensure by examination.

(2) *Class B.* Licensure by reciprocity may be granted to a practicing architect who holds a current license, in good standing, in any other state or country whose requirements for obtaining licensure are equal to those required under the act.

[Pa.B. Doc. No. 98-1095. Filed for public inspection July 10, 1998, 9:00 a.m.]

**STATE BOARD OF OSTEOPATHIC MEDICINE**

**[49 PA. CODE CH. 25]**

**Prescribing, Administering and Dispensing Controlled Sympathomimetic Amines**

The State Board of Osteopathic Medicine (Board) is deleting § 25.211 to read as set forth in Annex A. The objective of this amendment is to effectuate the sunset provision in § 25.211(g).

Notice of proposed rulemaking has been omitted under section 204(3) of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204(3)) (CDL), because notice of proposed rulemaking is unnecessary.

This regulation sunsetted by its own terms on January 17, 1992. The Board has determined not to take any action to revise or reestablish the regulation.

Accordingly, in this rulemaking, the Board deletes § 25.211.

*Compliance with Executive Order 1996-1*

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

*Statutory Authority*

This rulemaking is adopted under section 16 of the Osteopathic Medical Practice Act (63 P. S. § 271.16).

*Fiscal Impact and Paperwork Requirements*

This rulemaking will have no fiscal impact on the Commonwealth or its political subdivisions.

*Regulatory Review*

Under section 5.1(c) of the Regulatory Review Act (71 P. S. § 745.5a(c)), on May 28, 1998, a copy of the rulemaking was submitted to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the Senate Committee on Consumer Protection and Professional Licensure and the House Committee on Professional Licensure. In addition, at the same time, the rulemaking was submitted to the Office of Attorney General for review and comment under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

Under section 5.1(d) of the Regulatory Review Act, the rulemaking was deemed approved by the House and Senate Committees on June 17, 1998. IRRC met on June 18, 1998, and approved the rulemaking.

*Additional Information*

Individuals who desire information are invited to submit inquiries to Gina Bittner, Board Administrator, State Board of Osteopathic Medicine, Post Office Box 2649, Harrisburg, PA 17105-2649. The telephone number of the Board is (717) 783-4858.

*Findings*

The Board finds that:

(1) Public notice of intention to amend its regulations as adopted by this order under the procedures specified in sections 201 and 202 of the CDL (45 P. S. §§ 1201 and 1202), has been omitted under the authority contained in section 204(3) of the CDL, because the Board has, for good cause, found that the procedures specified in sections 201 and 202 of the CDL are, in this circumstance, unnecessary because the section repealed is ineffective by the sunset provision in § 25.211(g).

(2) The deletion of the regulation of the Board in the manner provided in this order is necessary and appropriate for the administration of its authorizing statute.

*Order*

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

(a) The regulations of the Board, 49 Pa. Code Chapter 25, are amended by deleting § 25.211 to read as set forth in Annex A.

(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 approval as to legality as required by law.

(c) The Chairperson of the Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall become effective immediately upon publication in the *Pennsylvania Bulletin*.

SILVIA M. FERRETTI, D.O.,  
Chairperson

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 28 Pa.B. 3338 (July 11, 1998).)*

**Fiscal Note:** 16A-538. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 25. STATE BOARD OF OSTEOPATHIC MEDICINE**

**Subchapter F. MINIMUM STANDARDS OF PRACTICE**

**§ 25.211. (Reserved).**

[Pa.B. Doc. No. 98-1096. Filed for public inspection July 10, 1998, 9:00 a.m.]

**Title 52—PUBLIC UTILITIES**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**[52 PA. CODE CH. 54]**

[L-970131]

**Reporting Requirements for Quality of Service Benchmarks and Standards**

The Pennsylvania Public Utility Commission (Commission) on April 23, 1998, adopted a final rulemaking to establish uniform measurements and reporting requirements to allow the Commission to monitor the level of the electric distribution companies' (EDC) customer service performance. The contact persons are Stephen Gorka, Law Bureau, (717) 772-8840 and Mary Frymoyer, Bureau of Consumer Services, (717) 783-1628.

*Executive Summary*

On December 3, 1996, Governor Tom Ridge signed into law 66 Pa.C.S. §§ 2801—2812 (relating to Electricity Generation Customer Choice and Competition Act) (act). Section 2807(d) of the act (relating to duties of electric distribution companies) is clear in its intent that utilities are to maintain, at a minimum, the current levels of reliability and customer service to their customers as they move toward competition. The purpose of these regulations is to establish uniform measurements and reporting requirements to allow the Commission to monitor the level of the EDCs' customer service performance. After the Commission has received and analyzed an adequate supply of data from the proposed uniform measurements, it will develop quality of service benchmarks and standards which will be the subject of a future rulemaking.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on January 16, 1998, the Commission submitted a copy of the final rulemaking, which was published as proposed at 28 Pa.B. 514 (January 31, 1998) to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of House Committee on Consumer Affairs and the Senate Committee on Consumer Protection and Professional Licensure for review and comment. Under section 5(c) of the Regulatory Review Act, the Commission also provided IRRC the Committees with copies of all comments received, as well as other documentation.

In preparing these final-form regulations, the Commission has considered all comments received from IRRC, the Committees and the public.

Under section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), these final-form regulations were deemed approved by the House and Senate Committees on June 8, 1998, and were approved by IRRC on June 18, 1998, in accordance with section 5.1(e) of the Regulatory Review Act.

Public Meeting held  
April 23, 1998

*Commissioners Present:* John M. Quain, Chairperson; Robert K. Bloom, Vice-Chairperson; John Hanger; David W. Rolka; and Nora Mead Brownell

**Final Rulemaking Order**

*By the Commission:*

At public meeting of December 4, 1997, the Commission issued an order adopting and directing publication of proposed regulations to establish a means by which the Commission can develop uniform measurement and reporting requirements to assure that the customer services of EDCs are maintained, at a minimum, at the same level of quality under retail competition.

*Background*

By order adopted March 13, 1997, at Docket No. M-00960890F0007 (March Order), the Commission solicited comments on a variety of potential quality of service measures such as business office access, complaint resolution, posting customer payments, billing adjustments, installation of service, investigations and repairs, appointments kept with customers, meter reading, service reliability indices and customer satisfaction surveys. The order asked the EDCs to describe their current monitoring of customer service performance, performance standards and historic service performance.

In November 1997, the Bureau of Consumer Services (BCS) met with EDC representatives to clarify the information provided by the EDCs in response to the March order and to identify the benchmarks currently used by the EDCs to evaluate their own performance.

Based on the review of the comments and recommendations to the March order and the discussion with the EDC representatives, the Commission instituted a rulemaking proceeding to establish a means by which the Commission can assure that the quality of each EDC's customer service performance is being maintained. The proposed regulations set forth uniform measures and standard data reporting requirements for various components of an EDC's customer service performance and established effective dates for the reporting requirements.

After the Commission has experience with receiving data, it will embark on a separate proceeding to establish

performance benchmarks and standards for the EDCs. The Commission will also consider establishing reporting for the electric generation suppliers (EGSs) on applicable customer service performance measures.

The proposed regulations were published at 28 Pa.B. 514 (January 31, 1998) and a 30-day comment period set. The 30-day comment period for public comments ended March 2, 1998. The proposed rulemaking was served on all jurisdictional electric companies, the Office of Consumer Advocate, the Office of Small Business Advocate, participants in the Commission's electric competition investigation at Docket No. I-00940032, the Electric Competition Legislative Stakeholders, all parties of record and the Universal Service and Energy Conservation Work Group. The Commission order was also posted on the Commission's Internet website.

We received comments from the Pennsylvania Electric Association (PEA) on behalf of its member companies; the Office of the Consumer Advocate (OCA); Duquesne Light Company (Duquesne); GPU Energy (GPU); PECO Energy (PECO); PP&L, Inc. (PP&L); UGI Utilities, Inc. - Electric Division (UGI); Columbia Gas of Pennsylvania, Inc. (Columbia); Equitable Gas Company (Equitable); the Pennsylvania Gas Association (PGA); Lawrence G. Spielvogel, Inc. (Spielvogel); the Mid-Atlantic Power Supply Association (MAPSA); the Environmentalists on behalf of the Clean Air Council, the Sierra Club, Citizen Power, the Energy Coordinating Agency, and the Nonprofits Energy Savings Investment Program; and IRRC.

We have considered all these comments. We appreciate and thank the commentators for suggestions to improve the proposed reporting requirements.

We have identified certain issues that were common to a number of the comments and will address them in a combined fashion. We begin by addressing the comments to specific sections. We address other nonsection specific comments after our response to the specific section-by-section comments. For example, several commentators addressed future actions of the Commission as far as what the Commission will do with the data obtained as a result of the reporting requirements and the establishment of similar reporting requirements for the EGSs. We address these comments under the "Other Issues" section of this order.

*§ 54.151. Purpose.*

We received no comments specific to § 54.151. However, we felt it appropriate to respond to one of the PEA's introductory comments regarding the collection of data by the EDCs. The PEA commented that the EDCs do not use the same method or have the same system capabilities to collect, measure and report data. Duquesne, UGI and GPU commented along similar lines. It is important to point out that the primary objective of this rulemaking is to establish a common set of measures for which performance data will be uniformly collected and reported to the Commission in a standard format. As a result of this effort, we expect that the EDCs will report data that has been gathered in a uniform way. Uniform data collection and reporting is the foundation which this rulemaking seeks to establish for the Commission and is essential to the Commission's future consideration of standards and benchmarks.

We are firmly committed to working toward the establishment of benchmarks and will do so based on the data reported in compliance with this rulemaking. Therefore, we strongly recommend to the EDCs and to the PEA that they take the necessary steps to make sure that they

collect and report the data required by this rulemaking in a uniform manner. We will coordinate one or more meetings with representatives of the EDCs to work out the details of the reporting requirements.

*§ 54.152. Definitions.*

We have revised and clarified the language of the definitions based on comments of the interested parties. Consistent with the recommendations of the OCA, we have added the term "business office" and revised the definition of "call center." In addition, we agree with the OCA that "calls that were received" is the appropriate denominator in the calculation of the busy-out rate and have revised the language of the regulation accordingly. We have clarified justified informal complaint rate and justified payment arrangement request rate by inserting "residential" into the definitions.

We did not agree with Columbia's suggestion that abandoned calls should be calculated as abandoned only if the call is abandoned after 45 seconds and thus did not revise the definition of "call abandonment rate."

We rejected the PGA's recommendations related to infractions and infraction rates. The BCS does not limit its investigation or citation of infractions to Chapter 56; it investigates infractions of all Commission regulations discovered during its investigation of informal complaints and payment arrangement requests. We also reject the PGA's suggestion to replace "apparent" with "alleged" in the infraction definition because the BCS uses the term "alleged" to refer to infractions gleaned from its investigation of consumer complaints that are referred to the offending company for response. This has been the meaning of the term "alleged" for more than 15 years.

As recommended by many parties, including IRRC, we revised the label and definition of "small commercial customer" to the following: "small business customer"—a person, sole proprietorship, partnership, corporation, association or other business entity that receives electric service under a small commercial, small industrial or small business rate classification, and whose maximum registered peak load was less than 25 kW within the last 12 months. This definition is consistent with the recommendations and mirrors the definition developed by Commission staff for the Customer Information Disclosure Requirements for Electricity Providers final order and rule.

Some of the commentators recommended the deletion of certain definitions that pertain to sections of the reporting requirements that they suggested be deleted. We will address these comments as we address the applicable sections of the rule.

*§ 54.153. Reporting Requirements.*

The PEA, Duquesne, PP&L, GPU and UGI-Electric suggested changing the reporting requirements to annual reporting requirements. They argued that there is no need for biannual reporting, especially because this new requirement would create additional expense under capped rates. Further, the PEA argued that the Commission review of customer complaints will alert them to developing problems.

IRRC asked the Commission to estimate the cost of submitting a report twice a year. IRRC recommended comparing the estimated costs with the benefits identified by the Commission to determine whether the report should be submitted annually or twice a year. We cannot estimate a dollar figure to produce the required reports. Each EDC has different pay scales for its employees and

can track and report data using different computer packages. Some of the EDCs already have these statistics on hand and others need to make some changes to accommodate the reporting requirements. Thus, the cost for one company could be far different than the cost for another. However, we believe that the EDCs can have this data each month and the cost differential of compiling it into a report twice a year as compared to once a year should be quite small. The EDCs should be producing this data regularly for their own analysis and work plans and may have this information available daily. The Commission plans to design an electronic reporting format that will allow the companies to plug in the numbers and deliver them to the Commission.

With the significant changes that are taking place in the electric industry, we believe that it is very important that the Commission receive reports on these important issues more than once each year during the transition to full competition. As electric generation becomes a competitive industry, these regulations are designed to ensure that the continuing regulated customer services of an EDC do not deteriorate. The Commission must monitor the effect of EDC reengineering efforts. If an EDC were to experience a deterioration in service that would begin in February, with annual reporting, the Commission would not become aware of the problem until the following February. Due to the significant changes that are taking place within the industry at this time, we believe that semiannual reporting will be beneficial during the early stages of competition. On the other hand, we think it is important that the reporting requirements are not overly burdensome. In consideration of both these positions, we have amended the rulemaking to allow for semiannual reporting in the first year, followed by annual reporting thereafter.

The OCA suggested amendment of this section to make clear that the data be provided for each performance area each month. We agree with this suggestion and have revised this section to require that the reports include data compiled and reported for each month as well as a 6-month cumulative average for the first report and a 12-month cumulative average for the reports that follow.

The OCA also recommended requiring utilities to analyze and compare, to the extent possible, their previous service quality with that reflected in the EDC's first report to the Commission. We agree with this recommendation. However, we believe it important to require the EDCs to compare and analyze the quality of their performance regularly. We have added this requirement to § 54.153(c).

#### *Subsection (a). Telephone Access*

Columbia Gas commented that the provisions on telephone access should distinguish between emergency calls and all other customer inquiries. We do not agree with Columbia's suggestions. All companies will have a certain percentage of calls that are generated as a result of emergencies. Similarly, PP&L recommended that the access statistics reflect the impact of storms because call volume increases significantly during major storms and despite steps to increase capability, the large volume of calls restricts customers' access to the call center. PP&L commented that storm-related calls should be excluded from the report or provided in a separate report on telephone access during a major storm. We do not agree with these recommendations. Responsiveness during a storm or an emergency is a central part of service quality. If an emergency is of such proportion as to greatly affect the access statistics in a particular reporting period, the

EDC can explain the situation in its report to the Commission under § 54.153(c).

Columbia also proposed that data for nonemergency calls measure the percent of calls answered within 60 seconds rather than 30 seconds. However, the measurement of 30 seconds is recognized as the time period by which to measure access throughout the Nation. Further, in their responses to the March order several EDCs reported measuring access by percentage of calls answered within 30 seconds. We note the Commission's Chapter 63 regulations in § 63.59(b)(1) require local exchange carriers to answer 85% of customer calls within 20 seconds. We believe businesses should strive to answer the vast majority of calls from their customers in half a minute or less and thus we did not revise this section.

The OCA suggested that the EDC report data for each call center or business office when there is more than one because company-wide data may mask localized performance failures even of a substantial nature. IRRC agreed with the OCA. We concur with these suggestions and have amended the regulation to require that an EDC provide separate reports for each call center and business office available to respond to calls from customers. The EDC is to provide two sets of data: data for each individual call center and/or business office and data that provides overall statistics for the EDC.

PP&L suggested the Commission consider different performance standards for routine customer calls versus bill collection-related calls. We do not agree with PP&L's suggestion. An EDC should offer reasonable access to all customers, especially to those who need to get through to the company to discuss payment terms to avoid termination of service. When an EDC makes the policy decision to increase collection activity, we believe the EDC should take the necessary steps to make sure all customers are able to reach the company.

Spielvogel commented that the reporting requirements in this section are not adequate and some other means to measure telephone access must be provided. The access measures included in this section are commonly accepted measures of access for utilities and for other businesses. In addition, based on our guiding principle to measure customer service performance by using established measures, we will not seek other measures of access performance.

In its comments IRRC requested an explanation as to why the various measures in the reporting requirements are necessary to measure service quality. We included telephone access to the EDC as a measurement because we believe customers must be able to readily contact their EDCs with questions, complaints, requests for service and to report service outages and other problems. This component is second only to service reliability in importance to consumers. Other states such as New York include telephone access to a utility's call center or business office as an important measure of service quality. Access statistics are used or proposed throughout the nation as a measure of performance, not only for the electric industry but in the telephone industry as well. As mentioned earlier, Pennsylvania has regulations governing access rates to telephone utilities in § 63.59 (relating to operator-handled calls) relating to handling calls from customers, which specify the timeframe in which telephone companies must answer calls from customers seeking repair service.

We proposed three measures of access as important to produce an accurate, overall picture of telephone access

based on information provided by EDC representatives who pointed out that one measure of access could be manipulated to produce favorable results at the expense of other components.

The reporting requirements will assist the Commission to assure quality customer service by producing measurement statistics to monitor the performance of the EDCs. As a result of the data produced, the Commission will be aware of and able to investigate deterioration in performance, and assure remedial action on the part of the company.

*Subsection (b). Billing*

The PGA and Columbia recommended eliminating billing data for small business customers. The reporting requirements are based on existing regulation and statute. The statute relating to billing procedures in 66 Pa.C.S. § 1509 (relating to billing procedures) specifies that all customers, including small business customers, be permitted to receive bills monthly. It is important to monitor this aspect of customer service performance for the small business customers.

A typical quality of service measurement in billing may include billing error rates (percent canceled and rebilled). Responses to the March order revealed that this information is not available from the EDC for past performance and that seeking it in the future would require new record keeping on the part of the EDCs. Thus, for this paragraph, we determined that it would be appropriate to rely on existing regulations and statutes, that is, § 56.11 (relating to billing frequency) for residential customers and 66 Pa.C.S. § 1509 for small business customers. Both require companies to bill customers once each billing period or once each month.

We believe the customer bill is extremely important to customers in that it is often the only communication between the company and a customer. We believe that a company must be able to produce and send this very fundamental statement to customers at regular intervals. The Chapter 56 regulations have been in effect for more than 20 years and thus the EDCs, in compliance with these regulations, have taken steps to achieve this basic requirement as part of their commitment to provide adequate service to customers; thus, this section is retained.

*Subsection (c). Meter Reading*

The Environmentalists, Spielvogel and OCA recommended that the meter reading data be reported for both the residential and small commercial classes. Based on the principle that we would strive to use information that is readily available in establishing quality of service reporting requirements, we formulated the quality of service reporting requirements on established regulation—primarily Chapter 56 regulations. There are currently no regulations that spell out the frequency at which companies must read the meters of small business customers.

The Environmentalists recommended reducing the timeframe in which the EDCs obtain the readings, either customer supplied or actual. We crafted the reporting requirements to correspond with the meter reading sections of Chapter 56 and thus did not change the timeframes as proposed.

The Environmentalists also recommended that the EDC's be directed to track and report on meter reading mistakes as well. We believe that the measurements on meter reading as proposed will adequately monitor meter

reading performance. In response to the March order, only a few of the EDCs reported monitoring meter reading errors and thus this requirement would require new data collection on the part of the EDCs. Further, historical data would not be available on this measurement. The Commission's experience is that lack of meter readings generates a large number of complaints from residential customers.

Equitable and Columbia suggested that this reporting requirement may not be an appropriate measurement since some customers fail to provide access or submit meter readings. We counter that the Chapter 56 regulations on meter reading have been in effect for 20 years. The companies are well aware they are required to obtain readings at specified intervals and have procedures when customers refuse to grant access, including the threat of and actual termination of service. We believe that the EDCs should have worked this problem out by now and should be able to obtain readings as required by the meter reading sections.

As indicated earlier, we based the meter reading reporting requirements on Chapter 56 regulations. During its 20 years investigating consumer complaints, the BCS has learned that this very fundamental activity, or lack thereof, produces numerous complaints to both companies and to the BCS. Regular meter reading is important to produce accurate bills for customers who expect to receive bills based on the amount of service they have used. We are concerned that regular meter reading may be one of the customer service areas where, as the generation function becomes competitive, EDCs may reduce service resulting in more bills being estimated. We appreciate that from time to time companies may need to estimate customer bills, but we also have seen the effects of too many estimates. The Chapter 56 regulations require one company or customer-supplied reading within a 6-month period and an actual (company) reading at least once every 12 months. We believe that these minimum requirements can be met and therefore have retained them in the reporting requirements.

*Subsection (d). Response to Disputes.*

The OCA suggested that the Commission track the EDC's timeliness in responding to customer disputes for both small commercial and residential customers. The OCA also suggested the Commission require that the EDCs track and report a residential and small commercial dispute ratio by key categories. This section mirrors Chapter 56 regulations and thus does not address the disputes of small business customers. We did not accept the OCA's suggestion about commercial customers because the EDCs have had no mandate to track this information up to this point. We believe that to add this additional requirement would be onerous and burdensome. We have the same basic rationale for not incorporating into the regulation the OCA's suggestion about tracking by key categories. The EDCs have not had any requirement to track disputes by category in the past and we do not believe we should require any additional tracking at this point. We do believe the interaction survey results will serve as indicators of service quality problems in various categories and expect that the EDCs will use them. In addition, the Commission's BCSs will continue to track complaints to the Commission by category which will give a good indication of areas that need the attention of EDC management. The BCS supplies company specific information to each EDC on a quarterly basis and includes similar statistics for the major EDCs in its annual report.

Columbia Gas recommended that data concerning responses to disputes be categorized between solely utility disputes and disputes which involve suppliers. Columbia believes that the number of contacts that are defined as disputes may increase as customers contact the utility with billing questions that ultimately involve the gas supplier. According to Columbia, if performance benchmarks are to be set based upon this data, the utility's ability to respond to disputes within 30 days should take into account possible delays occasioned by an increase in customer calls related to choice issues. We agree that customer choice issues may generate an increase in customer calls; however, we do not want to burden the EDCs with additional tracking. It is reasonable that EDC management would monitor the volume of these types of calls and alert the Commission to any associated problems by a written report explaining increases in the statistics reported.

When a customer contacts a company with a dispute or complaint, the customer deserves a prompt investigation and response from the company. As with the two previous reporting requirements, § 54.153(4) is based on Chapter 56 requirements. We believe that this particular requirement will be an excellent indicator of the timeliness and promptness of an EDC's interaction with residential customers.

This particular measurement partially replaces at least two potential measures for which we solicited comments in the March order: length of time to resolve complaints and length of time to complete nonemergency investigations and reports. These two measures are generally recognized by other states as accepted measures of customer service performance. However, due to the EDCs' lack of historical data on these measures and due to our desire not to place additional burdens on the EDCs to collect new data, we rely on Chapter 56. We believe this measure combined with the findings of the transaction surveys and the statistics from the BCS will produce a fairly accurate picture of the quality of an EDC's interactions with residential customers.

#### § 54.154. Customer Surveys.

The Environmentalists expressed concern that the customer surveys take the place of objective data regarding EDC performance. The PGA agreed with this concern. The Environmentalists suggested the Commission increase the collection of objective data to measure customer service quality as originally proposed in the March order. We agree that in some instances the transaction surveys have taken the place of the objective data that we considered in the March order. Our review of the EDC responses to the data requests in that order and our subsequent meeting with representatives of the EDCs led us to conclude that the objective data we were seeking was not available and that to require its collection would be unduly burdensome to the companies. Although the collection of actual data for measures such as number of appointments kept and prompt and timely installation of new service would be desirable, we believe that the use of transaction survey results is the next best alternative to actual data. The survey results will give the Commission and the companies a good idea of where service is good and where improvement is needed.

Columbia Gas and Equitable expressed concern about all EDCs using the same customer survey. Columbia commented that "a one size fits all" survey may restrict a utility's ability to measure pertinent data. In our opinion, EDCs may incorporate their own questions onto the Commission-approved surveys. We would require that the

Commission survey questions be asked first, followed by the company-specific questions. Further, this regulation does not preclude any EDC from undertaking its own separate surveys of customers.

The original intention in collecting customer service data from companies was to request records from the companies on number of appointments kept, response time to installation of service requests and emergency and nonemergency investigations and repairs, as well as the speed with which the EDCs posted customer payments. All these measures are commonly accepted as measures of customer service performance by experts in the field and are used in other states, particularly in New York. However, the EDC responses to the March Order and discussion with the EDC representatives led us to agree that requiring the EDCs to report on the above measures would be unduly burdensome to the EDCs. We agreed with the EDCs who suggested that we could monitor the EDC performance in these areas by asking specific and appropriate questions of a sample of the EDC customers who have had recent interactions with the EDCs regarding these and other issues. Thus, we are requiring each EDC to conduct transaction surveys of customers who have had recent interactions with the EDC so the Commission can monitor the responses.

#### (a) General Survey.

The PEA, the individual EDCs that commented to the proposed rulemaking and the PGA all recommended the deletion of the general survey requirement. They argued that the purpose of the general survey is to evaluate customer perceptions about EDCs and is not a reliable measurement of performance of the EDC. In addition they cited that conducting a general survey is expensive for the EDCs who are all operating under a rate cap at this time. IRRC also questioned the usefulness of the general survey to the Commission and asked us to provide an estimate of the costs to conduct the general survey and an explanation of how its findings will be used.

We believe that the general survey would be valuable to the Commission and to the EDCs to assess the overall satisfaction of customers with the EDC. Research has shown that if the EDCs pay attention to general survey results they can take steps to resolve customer dissatisfaction and thus avoid many of the problems that are associated with customer dissatisfaction. However, we agree that the value of a uniform general survey for all EDCs may not outweigh the expense associated with its administration. Therefore we have deleted the requirement for a general survey from the rulemaking.

#### (b) Transaction survey.

The OCA suggested we require this survey to be statistically valid within plus or minus 5 percentage points. We agree the survey should, at a minimum, be statistically valid within this range and inserted appropriate language into the regulation.

The OCA also recommended that the transaction survey be limited to residential and small business customers. We do not agree with this recommendation and have not revised the language. For the most part, we believe that industrial customers will have a specific contact within the company with whom to discuss problems, requests, and so forth. The majority of the customers surveyed will be residential customers, however we believe that it is important to survey a sample of all customers that had recent interactions with the EDC. The EDC may choose to have the results reported by

customer class if it desires. We intend to form a working group to decide the details of the sampling techniques of the survey procedures and do not believe it is necessary to include this information in the regulation.

Based on comments submitted by the PEA and some of its member companies about the importance of using predefined core attributes to measure customer satisfaction, we revised the language of the section on transaction surveys. In addition to the other areas that were in the proposed version, this section reads that survey questions shall measure the promptness by which the EDC responded to the customer's request and the EDC's timeliness of the response or visit. The surveys are also to include questions to measure satisfaction with the company's handling of the interaction. The addition of the language regarding satisfaction with the company's handling of the interaction will clarify that we realize that a customer may not be satisfied with the outcome of the interaction but be satisfied with the company's handling of the interaction. We believe that the majority of consumers are sophisticated enough to be able to recognize this difference. The language of the transaction survey questions will be crafted by the working group established to work on the surveys after the regulation is final.

All of the parties agreed that the survey questionnaire should be uniform for all EDCs; however, several parties commented that we should allow the EDCs the freedom to carry out the surveys in their own fashion, using their own methodology and, some suggested, their own consultant. IRRC indicated that there is merit in allowing the EDCs flexibility in how to conduct the surveys. We have found the comments of IRRC and several of the EDCs to be constructive regarding the administration of the transaction surveys.

An overall primary objective of the Commission for this rulemaking is to have the EDCs gather and report uniform quality of service data that can be compared among the Pennsylvania EDCs. We believe that it is of paramount importance that the survey instrument, sampling procedures, method of conducting the survey, analysis of results and reporting format be sufficiently uniform to support the Commission's overall primary objective. Although, as we stated earlier, the establishment of benchmarks will necessitate a separate proceeding, we do not want to automatically preclude the establishment of a standard that could be set for all EDCs. Without the prescribed uniformity, the Commission will not have a valid way of comparing the customer service performance of the EDCs in many important areas.

We believe that we can obtain the standardization necessary to achieve the Commission's overall objective while allowing flexibility as to the entities that may actually conduct the transaction surveys. Building on the suggestions of GPU, PEA and UGI-Electric, we will convene and facilitate a working group to provide recommendations as how to best achieve standardization in the areas of case selection, sampling, survey instrumentation, conducting the survey, analysis of results and reporting that are sufficiently uniform to ensure that the Commission can directly compare customer service performance among the EDCs using the transaction survey data reports. We will not require that a single, independent third party conduct, analyze and report results of the survey for all EDCs. We will allow EDCs to conduct their own surveys or contract with a third party to conduct the

survey under terms that the working group and the Commission agree will result in standard, comparable information being reported to the Commission. The Commission will also permit EDCs to incorporate additional questions into the transaction surveys as suggested by GPU, to the extent that they will not interfere with the Commission obtaining standard information on the content areas required by this rulemaking.

The OCA and IRRC pointed out that the proposed language was not clear as to how often the transaction survey must be conducted. It is our intention that the transaction surveys be conducted at least monthly, or possibly on an ongoing basis. This is a matter that will be addressed by the working group. However, we do believe that a sample of consumers should be surveyed within 30 days after the company/consumer interaction has taken place because we think it is imperative that the interaction be fresh in the consumer's mind. We agree with the OCA and IRRC that the language needed to be revised and have added a subsection that stipulates this requirement.

The OCA questioned why EDCs are given an extra year to submit survey results and suggested a uniform reporting requirement for all data that is, in August and February of each year. The OCA requested that the final rule require customer surveys to be conducted in 1999 and results reported beginning in August 1999. We purposely prepared the requirement with the proposed timeline because we realized that forming a working group and working out the details associated with the transaction surveys will take time. We also believe that it will take time to analyze and report the survey results from each 6-month period and thus have included a 3-month period for this work. In March 1998, the Commission issued a Secretarial letter asking the EDCs to supply results from their current surveys to the Commission for 1997, 1998 and 1999. In this way, the Commission will still have some opportunity to monitor customer satisfaction until the uniform surveying procedures are fully implemented.

Under the timetable section, we amended the rulemaking to require that the EDCs should report the transaction survey results by month in their reports to the Commission as well as reporting 6- and 12-month average statistics. Transaction surveys are to be submitted every 6 months for the first year and annually thereafter. This will aid the Commission in monitoring seasonal fluctuations and other occurrences that may affect survey results.

#### *§ 54.155. Regulatory Performance.*

We have changed the section heading of § 54.155 to "Informal Complaints to the BCSs." In our opinion this heading more appropriately denotes the features of this section. All of the reporting requirements in this section are based on informal consumer complaints to the Commission's BCSs, either consumer complaints about billing, service delivery, repairs, metering and so forth or requests for payment arrangements. Further, we want to clarify that the performance being measured through the investigation of consumer complaints and the informal compliance process is that of the EDCs and not of the regulatory agency. We believe that the new heading better conveys the intention of this section.

PP&L agreed with the reporting components of this section but recommended that the BCS statistics be reported by April 1 each year. The processing of BCS cases is not completed by April 1 of each year and thus, we did not accept this suggestion. The BCS does produce quarterly reports that it sends to the EDCs that can give an indication of where problems in EDC complaint handling are. The Commission, of course, has access to any of these reports.

Duquesne suggested using justified percentage as a measure of regulatory performance because volume of complaints is often indicative of how well company representatives provide customers with appeal rights during the complaint resolution process. The Bureau of Consumer Services agrees with Duquesne to a certain extent but believes that justified rates, which take into account both volume of complaints and justified percent, are the more appropriate measures. Duquesne also recommended that the BCS publish the rules and procedures to determine if a case is justified. The BCS has met with EDC representatives on several occasions to explain its rules for determining whether or not a case is justified. The BCS will meet with the EDC representatives again to go over its rules, although the companies should be well aware of them by this time.

The PGA suggested that the Commission should add a fifth element: the total number of customer contacts annually answered by a distribution company to provide a useful backdrop for assessing the four other elements to measure regulatory performance. Responses to the March order indicated that the majority of EDCs do not have this information available. Thus we have no historical base by which to judge future statistics. To require that the EDCs report this would require new data collection processes on the part of most of the EDCs and would likely add to their expenses.

GPU suggested that benchmarking an EDC's customer service quality based upon infractions and infraction rate is not relevant. GPU argued that the Commission must analyze definitive, verified data rather than informally verified infractions identified through investigation of informal complaint and payment arrangement requests to the BCS. We counter that the significance of these infractions is that they frequently represent systematic errors that are widespread and affect many utility customers. The BCS compliance process helps EDCs and other utilities pinpoint and voluntarily correct deficiencies. The utilities have the opportunity to affirm or deny the allegation of an infraction and the BCS makes a determination based on the company's position. The BCS believes that the informally verified infractions would hold up under a lengthy, formal process but in most cases has not chosen to pursue this route. The design of the compliance process is to help utilities identify errors and take corrective action. In several instances when utilities have not taken correction action to improve compliance with Commission regulations, the BCS has taken formal action and the infraction citations have stood up under the formal scrutiny. We reject GPU's argument and retained number of infractions and infraction rate in the reporting requirements.

*§ 54.156. Public Information.*

Based on the recommendations of the Environmentalists and IRRC, we added a new section that requires the Commission to release the information collected by the reporting requirements to the public. The Environmentalists suggested that the individual EDC reports be made public, be sent to the OCA and to the Office of Small

Business Advocate, and be posted on the Commission's Internet web site. We do not believe that the individual EDC reports should be released to the public for a variety of reasons, including the fact that often data needs to be verified and sometimes revised after the Commission has carefully reviewed the submissions. We also believe that individual reports will be of limited use to the public or to the specified agencies. In our opinion, a report that summarizes: 1) the individual reports of the EDCs; 2) the survey findings; and 3) the BCS statistics will have the greatest value to those interested in the customer service performance of the EDCs. Therefore, the language of the regulation reads that the Commission will annually produce a document that summarizes and reports quality of service information, by the EDC. We agree that posting the document on the Commission's Internet web site is "user friendly" and we included language to that effect. The language also requires that the Commission will supply the report to any interested party, rather than limiting the recipients to the OCA and OSBA. We believe that a comprehensive report produced annually will adequately satisfy the needs of the public and will accommodate the different reporting timetables of the various sections of the requirements.

*Other Issues*

Several of the commentators including the PEA, several EDCs and the OCA suggested that the EGSs be required to adhere to similar reporting requirements. Section 2809(e) of the act (relating to requirements for electric generation supplies) mandates that the Commission is empowered to regulate EGSs to insure that quality of service is maintained. We agree with these comments. The Commission plans to institute proceedings to require the EGSs to report appropriate data regarding customer service performance. In addition, the Commission will consider the establishment of benchmarks and standards for suppliers. However, these are not the subject of the instant rulemaking and so we did not address them in this order except to say that we will consider them in the future.

The MAPSA recommended that the EDCs be required to designate a portion of their customer service center to working with the EGSs acting as representatives for customers. The MAPSA further suggested that it is important to track matters brought by the EGSs to a customer service center. The MAPSA argued that the concept of an EDC "customer" must include an EGS acting as the representative for individual customers. The purpose of this rulemaking is not to address the EDC and EGS interactions; rather the purpose is to gather data on existing measures of customer service to existing end use customers. Thus, we have retained this section as written.

IRRC recommended that the Commission consider tracking the quality of service provided to the EGSs by the EDCs for a future rulemaking. We agree with this recommendation. As we progress through the pilot phase of electric competition and the phase-in period, the Commission is closely monitoring and attempting to resolve the problems of all parties. The Commission's monitoring will determine the necessity of future rulemakings related to electric competition.

The preliminary and concluding remarks in many of the comments we received pertained to several issues outside the scope of this rulemaking. We received a number of comments regarding the setting of benchmarks and standards. Our response to these comments is that the Commission does plan to establish benchmarks for



the EDCs at a later date. This rulemaking is to establish uniform reporting on several important quality of service measures. The establishment of benchmarks or bands of acceptable performance will be the subject of a separate, future proceeding, based on the data collected.

We also received several comments regarding the linking of the measures to financial rewards or penalties, or both. The Commission recognizes that information provided by EDCs under the requirements of these new regulations is being provided solely for the purpose of insuring that quality of service is maintained. Financial implications linked to quality of service measures, or implementation of performance-based rates or alternative regulations, or both, would be the subject of a separate proceeding.

To fulfill our legislative mandate to ensure that the level of quality regarding customer service will not deteriorate in this Commonwealth, we amend our regulations to establish reporting requirements for quality of service benchmarks and standards. Accordingly, under sections 501 and 2807 of the Public Utility Code, 66 Pa.C.S. §§ 501 and 2807(a) and (d), and the Commonwealth Documents Law (45 P.S. § 1202 et seq.) and the regulations promulgated thereunder at 1 Pa. Code §§ 7.1—7.4, we adopt the regulations at 52 Pa. Code §§ 54.151—54.156, as noted above and as set forth in Annex A; *Therefore,*

*It is Ordered that:*

(1) The regulations of the Commission, 52 Pa. Code Chapter 54, are amended by adding §§ 54.151—54.156 to read as set forth in Annex A.

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

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

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

(5) The Secretary shall deposit the original certified order and Annex A with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

(6) A copy of this order and Annex A shall be served upon all persons who submitted comments in this rule-making proceeding.

(7) The regulations adopted with this order are effective upon publication in the *Pennsylvania Bulletin*.

*By the Commission*

JAMES J. MCNULTY,  
*Secretary*

*(Editor's Note:* The addition of § 56.156 (relating to public information) was not included in the proposal at 28 Pa.B. 514 (January 31, 1998). For the text of the order of the Independent Regulatory Review Commission relating to this document, see 28 Pa.B. 3338 (July 11, 1998).)

**Fiscal Note:** Fiscal Note 57-192 remains valid for the final adoption of the subject regulations.

## Annex A

### TITLE 52. PUBLIC UTILITIES

#### PART I. PENNSYLVANIA PUBLIC UTILITY COMMISSION

##### Subpart C. FIXED SERVICE UTILITIES

#### CHAPTER 54. ELECTRICITY GENERATION CUSTOMER CHOICE

##### Subchapter F. REPORTING REQUIREMENTS FOR QUALITY OF SERVICE BENCHMARKS AND STANDARDS

Sec.	
54.151.	Purpose.
54.152.	Definitions.
54.153.	Reporting requirements
54.154.	Customer surveys.
54.155.	Informal complaints to the BCS.
54.156.	Public information.

##### § 54.151. Purpose.

This subchapter establishes a means by which the Commission can develop uniform measurement and reporting to assure that the customer services of the EDCs are maintained, at a minimum, at the same level of quality under retail competition. This subchapter sets forth uniform measurements and reporting requirements for monitoring the level of the EDCs' customer service performance. This subchapter also establishes the effective dates of the reporting requirements.

##### § 54.152. Definitions.

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

*BCS*—The Bureau of Consumer Services of the Commission.

*Business office*—A centralized service group which receives small commercial or residential billing inquiries, or both, and requests for service, whether or not equipped with an automated call distribution system.

*Busy-out rate*—The number of calls to an EDC's call center or business office that received a busy signal divided by the number of calls that were received.

*Call abandonment rate*—The number of calls to an EDC's call center or business office that were abandoned divided by the total number of calls received at the EDC's telephone call center or business office.

*Call center*—A centralized facility established by a utility for transactions concerning installation and repair of service, billing and other inquiries between residential and small commercial customers and EDC representatives, but not including special purpose call centers established to respond to service emergencies and operating for a temporary period of time.

*Code*—The Public Utility Code, 66 Pa.C.S. §§ 101—3316.

*Commission*—The Pennsylvania Public Utility Commission.

*Customer*—A retail electric customer as defined in section 2803 of the code (relating to definitions).

*EDC*—*Electric Distribution Company*—The term defined in section 2803 of the code.

*Informal consumer complaint*—An appeal by a consumer to the BCS about a utility's proposed resolution of

a dispute related to billing, service delivery, repairs and all other issues not related to requests for payment arrangements.

*Informally verified infraction*—An apparent misapplication of Commission regulations as determined by the BCS through its examination of information obtained as part of its review of informal consumer complaints and payment arrangement requests:

(i) The informal verification process implemented by the BCS notifies a utility of the information which forms the basis of an alleged infraction, affords the utility the opportunity to affirm or deny the accuracy of the information, and concludes with a BCS determination regarding the alleged infraction.

(ii) An informally verified infraction is not equivalent to a formal violation under section 3301 of the code (relating to civil penalties for violations) unless otherwise determined through applicable Commission procedures.

*Infraction*—A misapplication of a Commission regulation, particularly the standards and billing practices for residential service.

*Infraction rate*—The number of informally verified infractions per 1,000 residential customers.

*Justified informal consumer complaint*—A complaint where the BCS has determined that an EDC did not follow Commission procedures or regulations.

*Justified informal consumer complaint rate*—The number of justified informal, residential consumer complaints per 1,000 residential customers.

*Justified payment arrangement request*—A payment arrangement request where an EDC did not follow Commission negotiation procedures or regulations.

*Justified payment arrangement request rate*—The number of justified payment arrangement requests from residential customers per 1,000 residential customers.

*Payment arrangement request*—A customer request for payment terms to the BCS.

*Small business customer*—A person, sole proprietorship, partnership, corporation, association or other business that receives electric service under a small commercial, small industrial or small business rate classification, and whose maximum registered peak load was less than 25 kW within the last 12 months.

*Transaction survey*—A survey targeted toward individuals that have had a recent interaction with an EDC. A transaction includes filing a complaint, inquiring about a bill, having a repair completed, installation of service or an appointment for a special meter reading.

**§ 54.153. Reporting requirements.**

(a) *Reporting requirements.*

(1) Unless otherwise specified in this subchapter, each EDC shall file its first report with the Commission on or before August 1, 1999. The August report shall contain data, reported by month, from the first 6 months of the calendar year, as well as a 6-month cumulative average.

(2) Each EDC shall file its second report on or before February 1, 2000. The February report shall contain data, reported by month, from the second 6 months of the year as well as 6-month cumulative average and a 12-month cumulative average for the preceding calendar year.

(3) Thereafter, the EDCs shall file reports annually with the Secretary of the Commission on or before February 1. Each report shall contain data, reported by

month, as well as a 12-month cumulative average for the preceding calendar year. Each report shall include the name and telephone number of the utility contact person responsible for the report.

(b) *Records.* Each EDC shall take measures necessary and keep sufficient records to report the following data to the Commission:

(1) *Telephone access.*

(i) The percent of calls answered at each EDC's call center or business office, or both, within 30 seconds with the EDC representative ready to render assistance and to accept information necessary to process the call. An acknowledgment that the customer or applicant is waiting on the line does not constitute an answer. If the EDC reports data for more than one call center or business office, the EDC should also provide the combined percent of calls answered within 30 seconds for the EDC as a whole.

(ii) The average busy-out rate for each call center business office, or both. If the EDC reports data for more than one call center or business office, the EDC should also provide the combined busy-out rate for the EDC as a whole.

(iii) The call abandonment rate for each call center or business office, or both. If the EDC reports data for more than one call center or business office, the EDC should also provide the combined call abandonment rate for the EDC as a whole.

(2) *Billing.*

(i) The number and percent of residential bills that the EDC failed to render once every billing period to residential ratepayers under § 56.11 (relating to billing frequency).

(ii) The number and percent of bills that the EDC failed to render once every billing period to small business customers.

(3) *Meter reading.*

(i) The number and percent of residential meters for which the company has failed to obtain an actual or ratepayer supplied reading within the past 6 months to verify the accuracy of estimated readings in accordance with § 56.12(4)(ii) (relating to meter reading; estimated billing; or ratepayer readings).

(ii) The number and percent of residential meters for which the company has failed to obtain an actual meter reading within the past 12 months to verify the accuracy of the readings, either estimated or ratepayer read in accordance with § 56.12(4)(iii).

(iii) The number and percent of residential remote meters for which it has failed to obtain an actual meter reading under the time frame in § 56.12(5)(ii).

(4) *Response to disputes.* The actual number of disputes as described in Chapter 56, Subchapter F (relating to disputes; termination disputes; informal and formal complaints) for which the company did not provide a response to the complaining party within 30 days of the initiation of the dispute under § 56.151(5) (relating to general rule).

(c) *Comparison of service quality.* Each EDC report to the Commission shall contain an analysis and comparison of the quality of service data in each performance area during the past 6 months with its previous service quality in these areas.

**§ 54.154. Customer surveys.**

(a) *Results of telephone transaction surveys.* Each EDC shall report to the Commission the results of telephone transaction surveys of customers who have had interactions with the EDC.

(1) The purpose of the transaction surveys is to assess the customer perception regarding the most recent interaction with the EDC. Survey questions shall measure access to the utility, employe courtesy, employe knowledge, promptness of EDC response or visit, timeliness of EDC response or visit and satisfaction with the handling of the interaction.

(2) The transaction survey questions shall specifically address the circumstances that generated the most recent transaction. Interaction categories include the following:

- (i) Service installation.
- (ii) Premise visit by company field personnel for an activity other than service installation.
- (iii) Service interruption.
- (iv) Billing balance inquiry or dispute.
- (v) Request for discontinuance of service.
- (vi) Application for service.
- (vii) Other similar interactions.

(3) The EDCs shall carry out the transaction survey process using instruments and procedures that provide the Commission with uniform data that can be used to directly compare customer service performance among EDCs in this Commonwealth.

(4) A customer or consumer being surveyed shall be contacted within 30 days of the date that the interaction with the EDC took place.

(5) The sampling plan shall be designed so that the results are statistically valid within plus or minus 5%.

(b) *Commission approval.* The survey instrumentation, as well as procedures for case selection, sampling, conducting the survey, analyzing results and reporting to the

Commission shall be subject to the review and approval of the Commission.

(c) *Timetable.*

(1) The first report on survey results shall be submitted to the Commission on or before October 1, 2000. The October report shall contain survey results, reported by month, from the first 6 months of the calendar year.

(2) The second report shall be submitted on or before April 1, 2001. The April report shall contain results, reported by month, from the second 6 months of the previous year as well as cumulative 12-month results.

(3) Thereafter, the EDC shall submit survey results annually, on or before April 1. Each annual report shall contain results reported by month as well as cumulative 12-month results.

**§ 54.155. Informal complaints to the BCS.**

(a) The BCS will review and analyze residential informal consumer complaints and payment arrangement requests filed with the Commission and will report the justified consumer complaint rate and the justified payment arrangement request rate to the Commission on an annual basis.

(b) The BCS will report to the Commission the number of informally verified infractions of applicable statutes and regulations relating to the treatment of residential accounts by each EDC. The BCS will calculate and report to the Commission an "infraction rate" for each EDC.

**§ 54.156. Public information.**

The Commission will annually produce a summary report on the customer service performance of each EDC using the statistics collected as a result of these reporting requirements. The reports will be public information. The Commission will provide the reports to any interested party and post the reports on the Commission's Internet website.

[Pa.B. Doc. No. 98-1097. Filed for public inspection July 10, 1998, 9:00 a.m.]

# PROPOSED RULEMAKING

## STATE BOARD OF DENTISTRY

[49 PA. CODE CH. 33]

### Continuing Dental Education and Biennial Renewals

The State Board of Dentistry (Board) proposes to amend §§ 33.1, 33.105 and 33.106 and add §§ 33.401—33.404 to read as set forth in Annex A relating to biennial renewals and continuing education requirements.

#### A. Effective Date

The proposed amendments would be effective upon publication of final-form regulations in the *Pennsylvania Bulletin*. The continuing education requirement will apply to the 1999-2001 renewal period.

#### B. Statutory Authority

The proposed amendments for continuing education, certification in cardiopulmonary resuscitation (CPR) and restoration are governed by sections 3(j.1) and (j.2) and 3.1 of the Dental Law (act) (63 P. S. §§ 122(j.1) and (j.2) and 122.1).

#### C. Background and Purpose

Section 3 of the act was amended in 1996, to require two conditions of biennial license or certification renewal for dentists, dental hygienists and expanded function dental assistants:

1. Licensees and certificate holders must obtain current certification in CPR from a bona fide charitable organization.

2. Dentists must complete 30 hours of continuing education credit, dental hygienists must complete 20 hours of continuing education credit and expanded function dental assistants must complete 10 hours of continuing education credit.

The amendments also added section 3.1 to the act setting forth additional requirements for restoration of licenses and certificates. The CPR and continuing education requirements for the lapsed period must be satisfied before a license or certificate may be restored. Also, licensees and certificate holders who fail to renew their licenses/certificates for more than 5 years, may be required to take the licensure examination.

The proposed amendments implement these provisions.

#### D. Description of Amendments

##### Definitions

Section 33.1 (relating to definitions) would be amended to add definitions of "certificate of completion," "credit hour," "individual study" and "program sponsor."

##### Biennial renewals/reactivation

New § 33.105(b) (relating to biennial renewal of licenses and certificates) would implement section 3(j) of the act (63 P. S. § 122(j)), setting forth two additional conditions for biennial renewal: maintain current certification in CPR from the American Heart Association or the American Red Cross, and effective with the 1999-2001 renewal period, satisfy the continuing education requirements specified in §§ 33.401—33.404.

New § 33.106 would implement section 3.1 of the act relating to reactivation. In addition to the existing requirements for reactivation, proposed subsection (a) requires that dentists, dental hygienists and expanded function dental assistants maintain current CPR certification. Effective with the 1999-2001 renewal period, licensees and certificate holders would also be required to complete all of the continuing education required for the renewal periods during which the license or certificate was not renewed. Proposed subsection (b) specifies that applicants who have failed to renew for more than 5 years may be subject to reexamination.

##### Continuing Education

Proposed § 33.401 (relating to credit-hour requirements) establishes the parameters of the continuing education requirement. Subsection (a) delineates the number of credit hours which must be completed in the preceding biennium. Because the Board believes that the credit hour requirement is not onerous, licensees/certificate holders would be precluded from a carry forward of excess credit hours in subsequent biennial periods. Subsection (b) specifies that the credit hours must be completed in the subject areas permitted under § 33.402 (relating to continuing education subject areas) from the program sponsors listed in § 33.403 (relating to program sponsors).

Proposed subsections (c) and (d) identify four sources of continuing education credit: lecture or clinical presentations, individual study, serving as an instructor and authoring a book, article or continuing education program. The Board believes that interacting with an instructor and other participants is beneficial to the learning process. Therefore, the Board believes that at least 50% of the required credit hours should be taken in lecture or clinical presentations.

The proposed amendments would allow instructors to account for the time preparing their presentations as satisfying the continuing education requirement. In the Board's judgment, instructors routinely spend 2 hours of preparation to every 1 hour of class instruction. Proposed paragraph (1) would permit instructors to claim an additional 2 credit hours as preparation time for each credit hour of instruction.

Proposed paragraph (2) sets out the credit calculation for authorship of professional works. Like the credit awarded to instructors, authors of books, continuing education programs and professional articles would be permitted to claim up to one-half of the required hours. The Board proposes to cap these awards at 50% because it believes that the legislative intent of the new amendments was to require licensees and certificate holders to learn from others.

Proposed subsection (f) sets forth the exceptions to the credit hour requirement. Licensees and certificate holders would be exempt from the credit hour requirement for the biennial period during which the applicant passed the licensure/certification examination. In addition, licensees and certificate holders who cannot meet the continuing education requirement due to illness, emergency or hardship would be able to seek a waiver from the Board. Licensees or certificate holders whose licenses or certificates are suspended would not be exempt from the continuing education requirement.

Section 33.402 requires licensees and certificate holders to complete their credit hours in subjects which contribute directly to the maintenance of clinical competence.

In accordance with section 3(j.2)(1) of the act, credit will not be awarded for billing, office management and practice building. Also, credit will not be awarded for money management, business matters, insurance reimbursement, finance, communication, memory training, speed reading or computer training. The Board acknowledges that these subjects may be personally beneficial to dentists, dental hygienists and expanded function dental assistants, however, the Board believes because they do not enhance clinical competency, they fall within the gamut of the topic areas prohibited by section 3(j.2)(1) of the act.

Section 3(j.2)(1) of the act requires the Board to approve program sponsors by regulation. Section 33.403(a) identifies the 11 preapproved sponsors. The Board has selected these sponsors because of the quality of their programs, the comprehensive review process which their programs undergo, and the availability of their programs. In addition, people who develop programs routinely use these entities as sponsors. This rulemaking will allow new programs to obtain sponsorship. Included within these 11 selected are the state, district, local and constituent professional societies.

Proposed subsection (b) delineates program sponsor responsibilities. In addition to assuring quality programs, presenters, facilities and materials, program sponsors would be required to provide participants with a certificate of completion after assuring satisfactory completion and attendance of the programs. A program sponsor's approval could be withdrawn under proposed subsection (c), in accordance with 2 Pa.C.S. §§ 501-508 (relating to practice and procedure of Commonwealth agencies).

Section 33.404 (relating to reporting continuing education credit hours) describes the reporting requirements. Licensees and certificate holders would be required to certify that they have met the continuing education requirements on their application for biennial renewal. In addition, they would be required to list the title of the course, the program sponsor, the dates attended and the credit hours claimed. Documentation, listed in § 33.404(c), which would evidence completion of the continuing education requirement, would only have to be provided to the Board upon request. Failure to provide documentation when requested or falsification of the requested information would constitute a violation of the act and could result in disciplinary action.

E. *Compliance with Executive Order 1996-1.*

In accordance with the requirements of Executive Order 1996-1 (February 6, 1996), in drafting the proposed amendments the Board solicited input and suggestions from the regulated community by providing drafts to organizations and entities which represent the professions, educational institutions and interested individuals.

F. *Fiscal Impact and Paperwork Requirements*

1. *Commonwealth*—The proposed amendments will require the Board to assure compliance with the continuing education requirement before renewing a license or certificate. The costs associated with implementing these amendments, including an audit, will be borne by the general licensee/certificate holder population through biennial renewal fees which generate revenue for all Board activities. Additional paperwork will be incurred by the Board to amend renewal application forms.

2. *Political subdivisions*—There will be no adverse fiscal impact or paperwork requirements imposed.

3. *Private sector*—There will be no adverse fiscal impact or paperwork requirements imposed.

G. *Sunset Date*

The Board continuously monitors its regulations. Therefore, no sunset date has been assigned.

H. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on July 1, 1998, the Board submitted a copy of these proposed amendments to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee. In addition to submitting the proposed amendments, the Board has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Board in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

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

I. *Public Comment*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed amendments to Judith Pachter Schulder, Counsel, State Board of Dentistry, 116 Pine Street, Post Office Box 2649, Harrisburg, PA 17105-2649, within 30 days of publication of this proposed rulemaking. Please reference No. 16A-464 (Continuing Education), when submitting comments.

EDWIN F. WEAVER, III, D.D.S.,  
*Chairperson*

**Fiscal Note:** 16A-464. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 33. STATE BOARD OF DENTISTRY**

**Subchapter A. GENERAL PROVISIONS**

**§ 33.1. Definitions.**

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

\* \* \* \* \*

***Continuing education certificate***—A document prepared by the program sponsor which contains the title of the course, the dates attended or completed and the hours of education completed.

**Credit hour**—A minimum unit of continuing education consisting of 60 minutes of instruction. Programs longer than 60 minutes will be credited in 30 minute increments.

\* \* \* \* \*

**Individual study**—A course of continuing education which permits the participant to learn without interacting with an instructor or interactive learning methodologies and which requires a passing grade on a written examination or workbook.

\* \* \* \* \*

**Program sponsor**—The party responsible for the development and presentation of the continuing dental education program approved by the Board.

\* \* \* \* \*

**Subchapter B. LICENSURE OF DENTISTS AND DENTAL HYGIENTS.**

**§ 33.105. Biennial renewal of licenses and certificates.**

(a) Licenses and certificates are renewable for a 2-year period beginning April 1 of each odd-numbered year. The fee for the biennial renewal is set by the Board. See § 33.3 (relating to fees). Upon **[renewing their licenses]** renewal, licensees and certificate holders receive new biennial renewal licenses or certificates, as appropriate, and wallet-size **[license]** cards **[that show the next]** which include the expiration date **[of the license. These documents are the only evidence of valid, current licensure]**.

(b) As a condition of biennial renewal, licensees and certificate holders shall maintain current certification in cardiopulmonary resuscitation from the American Heart Association continuing education requirements specified in Subchapter F (relating to continuing dental education).

(c) Dentists and dental hygienists who fail to renew their licenses and **expanded function dental assistants who fail to renew their certificates** are prohibited from practicing their profession in this Commonwealth.

**§ 33.106. Reactivation of licenses and certificates.**

(a) Dentists and dental hygienists who have failed to renew their licenses and **expanded function dental assistants who have failed to renew their certificates** may apply for reactivation **[of licensure]** on forms prescribed by the Board. The applicant for reactivation **[of licensure]** shall pay the current biennial renewal fee, **maintain current certification in cardiopulmonary resuscitation from the American Heart Association or the American Red Cross**, and shall submit a notarized affidavit identifying the period of time in which the applicant did not practice in this Commonwealth. **Effective with the 1999-2001 renewal period, licensees and certificate holders shall also complete the continuing education requirements for the renewal periods during which the license or certificate was not renewed.**

(b) **[An]** In addition to the requirements in subsection (a), an applicant for reactivation who has failed to renew for more than 5 years may be subject to reexamination under section 3 of the act (63 P. S. § 122).

(c) An applicant for reactivation **[of licensure]** who practiced in this Commonwealth without a current license or certificate shall pay a late renewal fee of \$5 for each month or part of a month during which the unauthorized practice occurred, as provided in section 225 of the Bureau of Professional and Occupational Affairs Fee Act (63 P. S. § 1401-225). In addition, the applicant shall pay the biennial renewal fee for each biennium during which unauthorized practice occurred. The payment of late fees and biennial renewal fees does not preclude the Board from taking disciplinary action against a dentist or dental hygienist who practiced without a current license or **an expanded function dental assistant who practiced without a current certificate.**

*(Editor's Note: The following subchapter is new. It has been printed in regular type to enhance readability.)*

**Subchapter F. CONTINUING DENTAL EDUCATION**

- Sec. 33.401. Credit-hour requirements.
- 33.402. Continuing education subject areas.
- 33.403. Program sponsors.
- 33.404. Reporting continuing education credit hours.

**§ 33.401. Credit-hour requirements.**

(a) An applicant shall complete the following continuing education credit hours during the preceding biennial period:

- (1) Dentists—30 hours.
- (2) Dental hygienists—20 hours.
- (3) Expanded function dental assistants—10 hours.

(b) The required hours shall be taken in the subject areas listed in § 33.402 (relating to continuing education subject areas) from a program sponsor listed in § 33.403 (relating to program sponsors).

(c) At least 50% of the required credit hours shall be taken in lecture or clinical presentations.

(d) A maximum of 50% of the required credit hours may be taken through individual study, serving as an instructor or author of a book, article or continuing education program.

(1) Instructors will be awarded two additional credit hours as preparation time for each credit hour of instruction up to 50% of the required hours.

(2) Authors will be awarded up to 25% of the required hours on a self-declaration basis. Additional credit, up to 50% of the required hours, may be awarded based on the complexity of the subject matter or work.

(e) Credit will not be awarded for repeating a program in the same renewal period unless the subject matter has substantially changed during that period.

(f) A licensee or certificate holder suspended for disciplinary reasons is not exempt from the continuing education requirements in subsection (a).

(g) Exceptions are as follows:

(1) An applicant is exempt from the continuing education requirement in subsection (a) for only the biennial period during which the applicant passed the licensure or certification examination.

(2) An applicant who cannot meet the continuing education requirement due to illness, emergency or hardship may apply to the Board in writing for a waiver. The request shall explain why compliance is impossible. Waiver requests will be evaluated by the Board on a case-by-case basis.

**§ 33.402. Continuing education subject areas.**

(a) The required credit hours shall be completed in subjects which contribute directly to the maintenance of clinical competence of a dentist, dental hygienist or expanded function dental assistant. Examples of acceptable subjects include:

- (1) Diagnosis and treatment of oral pathosis.
  - (2) Clinical and technological subjects.
  - (3) Emergency procedures.
  - (4) Infection control.
  - (5) Abuse and neglect.
  - (6) Medical and scientific subjects.
  - (7) Laws and regulations pertaining to dentists, dental hygienists and expanded function dental assistants.
- (b) Credit hours will not be awarded in nonclinical subjects, including:

- (1) Billing.
- (2) Office management.
- (3) Practice building.
- (4) Insurance reimbursement.
- (5) Communication skills.

**§ 33.403. Program sponsors.**

(a) The Board has approved the following as program sponsors:

- (1) An accredited dental, dental hygiene or expanded function dental assisting school or program.
- (2) Medical or osteopathic medical school or college accredited by an accrediting body recognized by the State Board of Medicine or the State Board of Osteopathic Medicine.
- (3) The American Dental Association Continuing Education Review Program, the American Dental Association's speciality associations, the American Dental Hygienists Association and the American Dental Assistants Association.
- (4) The National Dental Association and its speciality societies and the National Dental Hygienists Association.
- (5) The American Medical Association and the American Osteopathic Medical Association.
- (6) The Pennsylvania Academy of Dental Hygiene Studies.
- (7) The Academy of General Dentistry National Sponsor Approval Program.
- (8) The Veterans' Administration.
- (9) The United States military services.
- (10) The National Institutes of Health.
- (11) The United States Public Health Services.

(b) Program sponsors shall:

- (1) Disclose in advance to prospective participants the objectives, prerequisites, experience level, content, required advanced preparation, teaching method and number of continuing education credits involved in the program.
- (2) Conduct programs in subjects which contribute directly to the maintenance of clinical competence of a dentist, dental hygienist or expanded function dental assistant.

(3) Provide program materials which are accurate and consistent with currently accepted standards relating to the program's subject matter. Prior to developing errata sheets, the instructor is responsible for informing participants of changes.

(4) Provide sufficient physical facilities for the number of participants and the teaching methods to be utilized.

(5) Evaluate the program, through questionnaires of the participants and instructors, to determine its effectiveness.

(6) Retain accurate attendance records and written outlines for a 5-year period.

(7) Provide participants with a continuing education certificate after assuring satisfactory completion and attendance of the program.

(c) The Board may, following notice and hearing under 2 Pa.C.S. §§ 501—508 (relating to practice and procedure of Commonwealth agencies), withdraw the approval of a program sponsor for cause.

**§ 33.404. Reporting continuing education credit hours.**

(a) The applicant shall provide the requested information concerning the required hours on an application for biennial renewal.

(b) The applicant shall provide a copy of the documentation supporting the completion of the required hours when requested to do so by the Board.

(c) Acceptable documentation consists of the following:

- (1) A continuing education certificate or sponsor-generated printouts.
- (2) A certified transcript of courses taken for credit in an accredited university or college. For noncredit courses taken, a statement of hours of attendance, signed by the instructor.
- (3) Evidence of publication for published articles, books or continuing education programs.
- (4) Evidence obtained from the program sponsor of having been an instructor, including an agenda.
- (d) The responsibility for documenting the continuing education requirements rests with the applicant. The documentation shall be maintained for 4 years after the completion of the program.
- (e) Falsification of information required under subsection (a) constitutes a violation of § 33.212(1) (relating to misleading, deceptive, untrue or fraudulent representations).
- (f) Failure to comply with subsection (b) may result in disciplinary or corrective action.

[Pa.B. Doc. No. 98-1098. Filed for public inspection July 10, 1998, 9:00 a.m.]

**[49 PA. CODE CH. 33]****Expanded Function Dental Assistants**

The State Board of Dentistry (Board) proposes to amend §§ 33.101—33.104, 33.107—33.109, 33.201, 33.209 and 33.211—33.212 and by adding §§ 33.120 and 33.205a, to read as set forth in Annex A relating to expanded function dental assistants.

### A. Effective Date

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

### B. Statutory Authority

The proposed amendments are governed by sections 2—5.1, 10, 10.1, 11, 11.5 and 11.7 of the Dental Law (act) (63 P. S. §§ 121—124.1, 129—129.1, 130, 130e and 130h).

### C. Background and Purpose

On December 27, 1994, the act was amended throughout to provide for Board certification and regulation of expanded function dental assistants. The proposal will incorporate the certification process into the Board's regulations and conform existing regulations to the act by including the new certification class of expanded function dental assistants.

### D. Description of Amendments

#### Substantive Amendments

New § 33.102(c) (relating to professional education) would implement section 3(d.1)(1) of the act. Expanded function dental assistants would be required to satisfy one of three educational pathways:

1. Graduate from an expanded function dental assisting program at an accredited 2-year college or institution which offers an associate degree.
2. Graduate from an accredited dental hygiene school requiring the successful completion of at least 75 hours of clinical and didactic instruction in restorative functions.
3. Complete a certification program in expanded function dental assisting of at least 200 hours of clinical and didactic instruction from an accredited dental assisting program.

In developing these proposed amendments, the Board considered requiring accreditation by the Commission on Dental Accreditation of the American Dental Association (CODA) for each educational pathway, to parallel the requirements for dentists and dental hygienists. However, section 3(d.1)(1) of the act, recognizes varying accrediting bodies. Therefore, under the Board's proposal, 2-year colleges, under subsection (c)(1)(i), would be accredited by an accrediting agency approved by the United States Department of Education Council on Postsecondary Accreditation. Dental hygiene schools, under subsection (c)(1)(ii), would receive CODA accreditation. Dental assisting programs, under subsection (c)(1)(iii), would be accredited by either CODA or an accredited agency approved by the United States Department of Education Council on Postsecondary Accreditation whose expanded function educational standards are approved by the Board.

Proposed § 33.114 (relating to first certification examination), which implements section 11.7(b) of the act would establish the procedure for temporary permit holders to take the certification examination. All temporary permit holders would be first required to take that examination. Those who fail would be required to cease practicing and return their permits to the Board. Those who register for the examination and fail to appear would be deemed to have failed the examination, unless they have received a waiver from the Board due to illness or bereavement. Those who pass will be permitted to continue practicing pending receipt of their certificate.

New § 33.205a (relating to practice as an expanded function dental assistant) which implements section 2 of

the act, would delineate the scope of practice. Proposed subsection (a) lists the procedures which expanded function dental assistants are statutorily authorized to perform. Each of these procedures may only be performed under the direct supervision of a dentist. Proposed subsection (b) would list the procedures which expanded function dental assistants are statutorily prohibited from performing.

#### Technical Amendments

Sections 33.101—33.104, 33.107—33.109, 33.201, 33.209 and 33.211—33.212 would be amended to add provisions for expanded function dental assistants similar to those currently in existence for dentists and dental hygienists.

### E. Compliance with Executive Order 1996-1

In accordance with the requirements of Executive Order 1996-1 (February 6, 1996), in drafting and promulgating the regulation the Board solicited input and suggestions from the regulated community by providing drafts to organizations and entities which represent the professions, educational institutions and interested individuals.

### F. Fiscal Impact and Paperwork Requirements

1. *Commonwealth*—There will be no adverse fiscal impact in creating this certification class because expanded function dental assistant applicants will be charged initial certification and biennial renewal fees. Additional paperwork will be incurred by the Board to generate and file application forms.

2. *Political subdivisions*—There will be no adverse fiscal impact or paperwork requirements imposed.

3. *Private sector*—The amendments should impose no additional fiscal requirements. Additional paperwork will be required of expanded function dental assistants in filing initial and renewal applications.

### G. Sunset Date

The Board continuously monitors its regulations. Therefore, no sunset date has been assigned.

### H. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on July 1, 1998, the Board submitted a copy of these proposed amendments to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee (Committees). In addition to submitting the proposed amendments, the Board has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Board in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

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

### I. Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed



amendments to Judith Pachter Schuller, Counsel, State Board of Dentistry, 116 Pine Street, Post Office Box 2649, Harrisburg, PA 17105-2649, within 30 days of publication of this proposed rulemaking. Please reference No. 16A-465 (Expanded function dental assistant), when submitting comments.

EDWIN F. WEAVER, III, D.D.S.,  
*Chairperson*

**Fiscal Note:** 16A-465. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 33. STATE BOARD OF DENTISTRY**

**Subchapter B. LICENSURE OF DENTISTS AND DENTAL HYGIENISTS**

**AND CERTIFICATION OF EXPANDED FUNCTION DENTAL ASSISTANTS**

**§ 33.101. General information.**

\* \* \* \* \*

(b) Only persons holding a certificate issued by the Board may practice as an expanded function dental assistant in this Commonwealth.

(c) To secure a license [to practice dentistry or to practice as a dental hygienist] or certificate, an applicant shall satisfy the requirements of the act and of this subchapter.

[(c)] (d) Applications for licensure or certification shall be made on forms supplied by the Board and shall be accompanied by the application fee in § 33.3 (relating to fees).

**§ 33.102. Professional education.**

\* \* \* \* \*

(c) *Expanded function dental assistants.*

(1) Candidates for certification as expanded function dental assistants shall show compliance with 3(d.1) of the act (63 P. S. § 120(d.1)) by submitting verification of one of the following:

(i) Graduation from an expanded function dental assisting program at a 2-year college or other institution accredited or provisionally accredited by an accrediting agency approved by the United States Department of Education Council on Postsecondary Accreditation which offers an associate degree.

(ii) Graduation from a dental hygiene school which required the successful completion of at least 75 hours of clinical and didactic instruction in restorative functions accredited or provisionally accredited by the Commission on Accreditation of the American Dental Association.

(iii) Completion of a certification program in expanded function dental assisting of at least 200 hours of clinical and didactic instruction from a dental assisting program accredited by the Commission on Dental Accreditation of the American Dental Association or an accrediting agency approved by the United States Department of Educa-

tion Council on Postsecondary Accreditation whose expanded function educational standards are approved by the Board.

(2) Candidates for certification who receive their professional education outside the United States may satisfy the education requirement by submitting their credentials to a program listed in paragraph (1) and obtaining additional training that will lead to the awarding of a degree by that school.

**§ 33.103. Examinations.**

\* \* \* \* \*

(c) *Expanded function dental assistants.* Candidates for certification shall pass an examination comprised of both a written and a clinical component acceptable to the Board.

(d) [NERB] *Recognition of examinations.* The Board will recognize successful completion of the NERB Dental or Dental Hygiene Examination or the expanded function dental assistant clinical examination for up to 5 years from the date scores are reported to the Board. After 5 years, the Board will accept [NERB] passing scores on the examinations only if the candidate for licensure has been engaged in [post-graduate] post graduate training or in the practice of dentistry [or], as a dental hygienist or as an expanded function dental assistant in another jurisdiction.

[(d)] *Effective date.* Subsection (c) is effective June 24, 1996. ]

**§ 33.104. Initial licensure/certification; licensure/certification documents.**

\* \* \* \* \*

(b) Each new certificate holder is issued a wall certificate indicating initial certification and a registration packet including a biennial renewal certificate and a wallet-size certification card that show the expiration date of the certificate. Certificates expire on March 31 of each odd-numbered year, regardless of the date of issuance.

(c) Fees as prescribed by the Bureau of Professional and Occupational Affairs Fee Act (63 P. S. §§ 1401-101—1401-501), shall be charged for duplicate wall certificates and biennial renewal documents. A duplicate will be issued only upon submission by the licensee or certificate holder of a notarized statement specifying why the original is unavailable and stating that the duplicate will be returned if the original is recovered.

**§ 33.107. Licensure and certification by criteria approval.**

Dentists [and], dental hygienists and expanded function dental assistants who are currently licensed or certified in another state or territory or in Canada may be granted licensure or certification in this Commonwealth if the credentials submitted meet the requirements of the act and of this subchapter. Licensure and certification by criteria approval will be granted only to applicants whose licensing boards confirm that they reciprocate with [Pennsylvania] the Commonwealth. An applicant shall cause the licensing authority of each state where the applicant has practiced to submit to the Board a letter of good standing. The Board may grant a personal interview to resolve questions concerning an applicant's qualifications.

§ 33.108. Transfers out-of-State.

Dentists [ and ], dental hygienists and expanded function dental assistants who wish their licensure, certification or grades certified to another state shall pay the [ certification of licensure ] fee [ set out ] in § 33.3 (relating to fees).

§ 33.109. Licensee's and certificate holder's change of name or address; service of process and legal papers.

(a) A licensee's or certificate holder's name on file with the Board shall be the name that appears on the license or certificate unless that name is legally changed, in which case the licensee or certificate holder shall report the change to the Board in writing within 10 days.

(b) A licensee or certificate holder who changes an address on file with the Board shall notify the Board in writing within 10 days. Licensees or certificate holders who do not comply with this subsection shall bear full responsibility for failure to receive correspondence, including biennial renewal notifications, from the Board or the Department.

(c) A licensee's or certificate holder's most recent name and address on file with the Board will be deemed the licensee's or certificate holder's official name and address for purposes of service of process and other legal papers.

§ 33.114. First certification examination.

(a) Temporary permit holders shall register and take the first expanded function dental assistant examination.

(b) Temporary permit holders who fail to register for the first examination shall immediately cease practicing as an expanded function dental assistant in this Commonwealth and return their temporary permits to the Board.

(c) Temporary permit holders who fail the first examination shall, upon notice, immediately cease practicing as an expanded function dental assistant in this Commonwealth and return their temporary permits to the Board.

(d) Temporary permit holders who register but fail to sit for the examination, shall be deemed to have failed the examination and shall forfeit their temporary permits unless granted a waiver under subsection (d).

(e) Temporary permit holders who fail to appear for the examination by reason of illness or bereavement shall apply to the Board for a waiver within 10 days of the examination. Documentation, including a letter from a physician supporting the applicant's claim of illness or bereavement, shall accompany the request for a waiver. A waiver which is granted will extend the temporary permit until the results of the next scheduled examination.

Subchapter C. MINIMUM STANDARDS OF CONDUCT AND PRACTICE

§ 33.201. Use of titles and other designations.

(a) Dentists [ and ], dental hygienists and expanded function dental assistants may use only the following titles when formally holding themselves out to the public as members of their respective professions:

\* \* \* \* \*

(3) Expanded function dental assistants. "Expanded function dental assistant" or "EFDA" when preceded by the certificate holder's name.

\* \* \* \* \*

(c) References in this section to the licensee's or certificate holder's name shall be interpreted to mean the name appearing on the licensee's or certificate holder's current [ biennial renewal registration ] license or certificate but to allow for the use of initials preceding the licensee's or certificate holder's surname.

§ 33.205a. Practice as an expanded function dental assistant.

(a) Scope of professional practice.

(1) An expanded function dental assistant may offer to perform or perform the following services:

- (i) Placing and removing rubber dams.
- (ii) Placing and removing matrices.
- (iii) Placing and removing wedges.
- (iv) Applying cavity liners and bases.
- (v) Placing and condensing amalgam restorations.
- (vi) Carving and contouring amalgam restorations.
- (vii) Placing and finishing composite resin restorations.

(2) Each of the professional services identified in paragraph (1) shall be performed under the direct supervision of a dentist.

(b) Prohibitions. An expanded function dental assistant may not:

- (1) Examine, diagnose or plan treatment.
- (2) Cut hard or soft tissue.
- (3) Prescribe drugs, medicaments or lab authorizations.
- (4) Evaluate or adjust final occlusion.
- (5) Perform pulp capping, pulpotomy and other endodontic procedures.
- (6) Place or adjust fixed and removable prosthetic appliances.
- (7) Administer local anesthesia, parenteral or inhalational sedation, nitrous oxide analgesia or general anesthesia.

§ 33.209. Preparing, maintaining and retaining patient records.

(a) A dentist shall maintain a dental record for each patient which accurately, legibly and completely reflects the evaluation and treatment of the patient. A patient dental record shall be prepared and maintained regardless of whether treatment is actually rendered or whether a fee is charged. The record shall include, at a minimum, the following:

\* \* \* \* \*

(4) A description of the treatment or service rendered at each visit and the identity of the [ dentist or dental auxiliary ] person rendering it.

\* \* \* \* \*

(8) The date of each entry into the record and the identity of the person providing the service if not the

dentist of record—for example, dental hygienist, **expanded function dental assistant**, dental assistant, and the like.

\* \* \* \* \*

**§ 33.211. Unprofessional conduct.**

\* \* \* \* \*

**(c) Expanded function dental assistants. Unprofessional conduct, as defined in section 4.1(a)(8) of the act (63 P. S. § 123.1(a)(8)), includes the following conduct by an expanded function dental assistant:**

- (1) Practicing as an expanded function dental assistant without the direct supervision of a dentist.**
- (2) Performing a service that the expanded function dental assistant is not competent or not authorized to perform.**
- (3) Physically, sexually or verbally abusing a patient.**
- (4) Failing to follow current infection-control recommendations issued by the Federal Centers for Disease Control.**

**(5) Providing ionizing radiation in violation of § 33.302 (relating to auxiliary personnel performing radiologic procedures).**

**§ 33.212. Misleading, deceptive, untrue or fraudulent representations.**

As used in section 4.1(a)(2) of the act (63 P. S. § 123.1(a)(2)), the phrase “misleading, deceptive, untrue or fraudulent representations” includes the following conduct by dentists **[ and ]**, dental hygienists **and expanded function dental assistants**.

- (1) Misrepresenting or concealing a material fact in obtaining **[ or ]**, renewing **[ a license to practice dentistry or as a dental hygienist ]** or **[ in ]** seeking reinstatement of **[ the ] a license or certificate**.

\* \* \* \* \*

[Pa.B. Doc. No. 98-1099. Filed for public inspection July 10, 1998, 9:00 a.m.]

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# STATEMENTS OF POLICY

## Title 55—PUBLIC WELFARE

DEPARTMENT OF PUBLIC WELFARE

[55 PA. CODE CH. 259]

### Statement of Claim for Recipients in Managed Care

#### *Purpose*

The purpose of this statement of policy is to clarify how the Department of Public Welfare (Department) will compute statements of claim for reimbursement of Medical Assistance (MA) funds from liable third parties when clients receive MA through a managed care organization (MCO) under contract with the Department.

#### *Scope*

This statement of policy applies to all providers enrolled in the MA Program and all managed care plans under contract with the Department.

#### *Background*

Section 1902(a)(25) of the Social Security Act (42 U.S.C.A. § 1396a(a)(25)), requires the Department to operate a program to recover the costs of MA expenditures from liable third parties. Section 1912(b) of the Social Security Act (42 U.S.C.A. § 1396k(b)), requires that third-party liability reimbursement be pursued for MA services provided on behalf of an individual client. When MA services are delivered through MCOs, Federal policy requires that either the Department or the MCO fulfill Federal third-party liability requirements.

#### *Discussion*

The Department's contracts with MCOs throughout this Commonwealth give the Department responsibility for pursuing casualty related postpayment recoveries from third parties who are liable for medical costs paid by the MA program. However, since MCOs are paid by the Department on a capitated basis it is impossible to directly compute a statement of claim for MA expenditures attributable to a specific illness or injury. Accordingly, the Department must implement a methodology to estimate the liability of third parties when services are paid for by an MCO.

The Department has considered and rejected the option of recovering only the amount of the capitation payment paid by the Department to the MCO. The capitation fee is a discounted estimate of average per member costs across the entire MA population. Use of the capitation fee to compute liability in injury cases would not fairly allocate increased costs resulting from injuries in individual cases to the liable third parties. Additionally, section 1912(b) of the Social Security Act requires the Department to seek reimbursement from third parties for the cost of care attributable to individual MA clients. The capitation fee is an inappropriate statistic to estimate the costs attributable to an individual MA client.

In computing its claim for services paid through an MCO, the Department will use the amount of the payment made by the MCO to the medical provider as a reasonable estimate of the actual MA costs which are the responsibility of a third party. If the MCO makes a capitated payment to the provider, the Department will use its analogous fee schedule amount as a reasonable substitute for the actual amount attributable to a particu-

lar service. The Department interprets State law provisions found in section 1409(b)(7)(i) and (8) of the Public Welfare Code (62 P.S. § 1409(b)(7)(i) and (8)) to be consistent with this approach. The Department considers an MCO under contract with the Department to be an agent of the Department for the purposes of making MA expenditures subject to recovery under section 1409. Accordingly, expenditures of the MCO will be considered to be expenditures of the Department for purposes of applying section 1409(b)(7)(i) and (8).

If the MCO fails to provide the Department with information necessary to compute the statement of claim within contractual deadlines, the Department will use the amount of the capitation payments made to the MCO since the date of the injury as its claim against the third party until sufficient information is provided to compute a statement of claim in accordance with the foregoing policy. When the Department is forced to use the capitation payment to compute its statement of claim, the MCO will be liable to the Department for the amount of the Department's diminished recovery in accordance with the terms of the MCO's contract with the Department.

#### *Effective Date*

This statement of policy takes effect upon publication in the *Pennsylvania Bulletin* and applies retroactively to February 1, 1997.

#### *Contact Person*

Comments and questions regarding this statement of policy should be directed to: Third Party Liability Section, Department of Public Welfare, P. O. Box 8486, Harrisburg, PA 17105-8486, (717) 772-6257.

(*Editor's Note:* The regulations of the Department, 55 Pa. Code, are amended by adding a statement of policy in § 259.1 (relating to statement of claim; managed care organizations—statement of policy).)

FEATHER O. HOUSTON,  
*Secretary*

**Fiscal Note:** 14-BUL-55. No fiscal impact; (8) recommends adoption.

#### Annex A

#### TITLE 55. PUBLIC WELFARE

#### PART II. PUBLIC ASSISTANCE MANUAL

#### Subpart G. RESTITUTION AND REIMBURSEMENT

#### CHAPTER 259. THIRD-PARTY LIABILITY

#### § 259.1. Statement of claim; managed care organizations—statement of policy.

(a) With respect to claims against third parties for the costs of Medical Assistance (MA) services delivered through a Managed Care Organization (MCO) contract, the Department will recover the actual payment to the hospital or other medical provider for the service. If no specific payment is earmarked by the MCO for the service, such as in the example of a capitated payment to physicians, the Department will recover its fee schedule amount for the service.

(b) If the MCO fails to provide the Department with information necessary to compute the statement of claim within contractual deadlines, the Department will use the amount of the capitation payments made to the MCO since the date of the injury as its claim against the third

party until sufficient information is provided to compute a statement of claim in accordance with subsection (a). When the Department is forced to use the capitation payment to compute its statement of claim, the MCO will be liable to the Department for the amount of the Department's diminished recovery in accordance with the terms of the MCO's contract with the Department.

[Pa.B. Doc. No. 98-1100. Filed for public inspection July 10, 1998, 9:00 a.m.]

## Title 64—SECURITIES

### SECURITIES COMMISSION

[64 PA. CODE CH. 604]

#### Internet Use

The Securities Commission (Commission) has adopted a statement of policy in § 604.020 (relating to broker-dealers, investment advisers, broker-dealer agents and investment adviser representatives using the Internet for general dissemination of information on products and services—statement of policy) to read as set forth in Annex A.

#### A. Effective Date

The statement of policy shall be effective upon publication in the *Pennsylvania Bulletin*.

#### B. Statutory Reference

Section 301 of the Pennsylvania Securities Act of 1972 (70 P.S. § 1-301) (act) requires registration with the Commission of persons acting as a broker-dealer, investment adviser, broker-dealer agent or investment adviser representative in this Commonwealth, subject to certain limited exemptions. Broker-dealers, investment advisers, broker-dealer agents and investment adviser representatives increasingly are using the Internet, including individual home pages, to disseminate information on investment products and services which they offer. This information may be accessed by any Pennsylvania citizen with a computer and a connection to the Internet.

#### C. Summary and Purpose

The purpose of the statement of policy is to make available publicly the views of the Commission concerning when broker-dealers, investment advisers, broker-dealer agents and investment adviser representatives using the Internet to provide information on products and services are subject to the registration requirements of section 301 of the act. The statement of policy outlines the types of general information that may be disseminated on the Internet by broker-dealers, investment advisers, broker-dealer agents and investment adviser representatives without registration under the act if certain disclaimers are stated and authorizations obtained. This statement of policy is identical to one adopted by the North American Securities Administrators Association (NASAA), an organization of state securities regulators. This uniform policy is intended to be adopted by all state jurisdictions and is similar to another NASAA position concerning securities offered on the Internet which the Commission adopted in § 203.190 (relating to certain Internet offers exempt).

M. JOANNA CUMMINGS,  
*Secretary*

*(Editor's Note: The regulations of the Securities Commission, 64 Pa. Code Chapter 604, are amended by adding a statement of policy in § 604.020 to read as set forth in Annex A.)*

**Fiscal Note:** 50-111. No fiscal impact; (8) recommends adoption.

#### Annex A

### TITLE 64. SECURITIES

#### PART I. PENNSYLVANIA SECURITIES COMMISSION

#### Subpart F. ADMINISTRATION

#### CHAPTER 604. INTERPRETIVE OPINIONS OF COMMISSION—STATEMENT OF POLICIES

#### § 604.020. Broker-dealers, investment advisers, broker-dealer agents and investment adviser representatives using the Internet for general dissemination of information on products and services—statement of policy.

(a) Section 301(a) of the act (70 P.S. § 1-301(a)) provides that “[i]t is unlawful for any person to transact business in this State as a broker-dealer or agent unless he is registered under this act.”

(b) Section 301(c) of the act provides that “[i]t is unlawful for any person to transact business in this State as an investment adviser unless he is so registered or registered as a broker-dealer under this act or unless he is exempted . . .” Section 301(c) further provides that: “[i]t is unlawful for any person to transact business in this State as an associated person unless he is so registered or exempted from registration . . .”

(c) The Commission acknowledges that the Internet, the World Wide Web and similar proprietary or common carrier electronic systems (collectively, the “Internet”) have facilitated greatly the ability of broker-dealers, investment advisers, broker-dealer agents and associated persons of investment advisers to advertise and otherwise disseminate information on products and services to prospective customers and clients.

(d) The Commission also acknowledges that certain communications made on the Internet are directed generally to anyone having access to the Internet and may be transmitted through postings on Bulletin Boards, displays on “Home Pages” or similar methods (hereinafter, “Internet Communications”).

(e) The Commission further acknowledges that in certain instances, by distributing information on available products and services through Internet Communications available to persons in this Commonwealth, broker-dealers, investment advisers, agents and associated persons, as defined under section 102 of the act (70 P.S. § 1-102), could be construed as “transacting business” for purposes of section 301(a) and (c) of the act so as to require registration in this Commonwealth under section 301 of the act, since the Internet Communications would be received in this Commonwealth regardless of the intent of the person originating the communication.

(f) Broker-dealers, investment advisers, broker-dealers; agents (hereinafter BD agents) and associated persons (hereinafter IA reps) who use the Internet to distribute information on available products and services through Internet Communications directed generally to anyone having access to the Internet, will not be deemed to be “transacting business” in this Commonwealth for purposes of section 301(a) and (c) of the act based solely on that fact if all the following conditions are met:

(1) The Internet Communication contains a legend in which it is clearly stated that:

(i) The broker-dealer, investment adviser, BD agent or IA rep in question may only transact business in this Commonwealth if first registered, excluded or exempted from State broker-dealer, investment adviser, BD agent or IA rep registration requirements.

(ii) Follow-up, individualized responses to persons in this Commonwealth by the broker-dealer, investment adviser, BD agent or IA rep that involve either effecting or attempting to effect transactions in securities, or rendering personalized investment advice for compensation, will not be made absent compliance with State broker-dealer, investment adviser, BD agent or IA rep registration requirements, or an applicable exemption or exclusion.

(2) The Internet Communication contains a mechanism, including and without limitation, technical "fire walls" or other implemented policies and procedures, designed reasonably to ensure that prior to any subsequent, direct communication with prospective customers or clients in this Commonwealth, the broker-dealer, investment adviser, BD agent or IA rep is first registered in this Commonwealth or qualifies for an exemption or exclusion from the requirement. Nothing in this paragraph relieves a broker-dealer, investment adviser, BD agent or IA rep registered in this Commonwealth from any applicable securities registration requirement in this Commonwealth.

(3) The Internet Communication does not involve either effecting or attempting to effect transactions in securities or the rendering of personalized investment advice for compensation in this Commonwealth over the Internet, but is limited to the dissemination of general information on products or services.

(4) In the case of a BD agent or IA rep, the following apply:

(i) The affiliation of the BD agent or IA rep with the broker-dealer or investment adviser is prominently disclosed within the Internet Communication.

(ii) The broker-dealer or investment adviser with whom the BD agent or IA rep is associated retains responsibility for reviewing and approving the content of any Internet Communication by a BD agent or IA rep.

(iii) The broker-dealer or investment adviser with whom the BD agent or IA rep is associated first authorizes the distribution of information on the particular products and services through the Internet Communication.

(iv) In disseminating information through the Internet Communication, the BD agent or IA rep acts within the scope of the authority granted by the broker-dealer or investment adviser.

(g) The position expressed in this section extends to broker-dealer, investment adviser, BD agent and IA rep registration requirements within this Commonwealth only, and does not excuse compliance with applicable securities registration, antifraud or related provisions.

(h) Nothing in this statement of policy affects the activities of any broker-dealer, investment adviser, BD agent and IA rep engaged in business in this Commonwealth that is not subject to the jurisdiction of the Commission under the National Securities Markets Improvement Act of 1996 (Pub. L. No. 104-290, 110 Stat. 3416), which will be codified in various sections of 15 U.S.C.

[Pa.B. Doc. No. 98-1101. Filed for public inspection July 10, 1998, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965, the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967, the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code, and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending June 30, 1998.

#### BANKING INSTITUTIONS

##### Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
6-19-98	Dauphin Bancorp, Inc., Harrisburg, To acquire up to 39.16% of the voting shares of The First National Bank of Liverpool, Liverpool	Harrisburg	Approved

##### Conversions

<i>Date</i>	<i>Name of Institution</i>	<i>Location</i>	<i>Action</i>
6-23-98	Bally Building and Loan Association  Bally Berks County <i>To:</i> Bally Savings Bank Bally Berks County	Bally	Filed

Application represents conversion from a State-chartered mutual savings association to a State-chartered mutual savings bank.

##### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-19-98	Financial Trust Company Carlisle Cumberland County  Purchase of assets/assumption of liabilities of seven branch offices of the Pennsylvania National Bank and Trust Company, Pottsville, Located at:  5137 Jonestown Road Harrisburg Dauphin County  1002 N. Seventh Street Harrisburg Dauphin County  5074 Jonestown Road Harrisburg Dauphin County  1661 E. Chocolate Ave. Hershey Dauphin County	Carlisle      N. Front & Market Sts. Harrisburg Dauphin County  2151 Linglestown Road Harrisburg Dauphin County  4231 Trindle Road* Camp Hill Cumberland County  (*Note—This branch was consolidated into the bank's existing branch located at 3805 Trindle Rd., Camp Hill.	Effective

##### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-19-98	PeoplesBank, a Codorus Valley Company Glen Rock York County	Stone Bridge Commerce Center R. D. 2, Wolfe Road Hopewell Township York County	Filed

**NOTICES**

**3305**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-22-98	Prime Bank Philadelphia Philadelphia County	1235 West Chester Pike Havertown Delaware County	Filed
6-29-98	Summit Bank Bethlehem Northampton County	Genuardi's Family Market Roslyn Shopping Center Easton & Susquehanna Rds. Roslyn Montgomery County	Approved
6-30-98	Summit Bank Bethlehem Northampton County	Pathmark Supermarket 140 N. McDade Blvd. Glenolden Delaware County	Filed
6-30-98	Summit Bank Bethlehem Northampton County	Genuardi's Family Market 1925 Norristown Road Maple Glen Montgomery County	Filed

**Branch Relocations**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-30-98	Reeves Bank Beaver Falls Beaver County	<i>To:</i> 1700 Beaver Road Baden Beaver County  <i>From:</i> 280 Ohio River Blvd. Baden Beaver County	Filed

**Branch Discontinuances**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-5-98	Summit Bank Bethlehem Northampton County	18 East Main St. Glen Lyon Luzerne County	Effective

**Articles of Amendment**

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
6-30-98	Suburban Community Bank Chalfont Bucks County	To increase the number of authorized shares of common stock from 2,000,000 shares to 4,000,000 shares	Approved Effective 7-1-98

**SAVINGS ASSOCIATIONS**

**Branch Discontinuances**

<i>Date</i>	<i>Name of Association</i>	<i>Location</i>	<i>Action</i>
6-19-98	American Eagle Savings Bank, PaSA Boothwyn Delaware County	2712 W. Third St. Chester Chester County	Effective

**CREDIT UNIONS**

**Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
6-18-98	Diamond Credit Union, Pottstown, and Mrs. Smith's Pie Company Federal Credit Union, Pottstown Surviving Institution— Diamond Credit Union, Pottstown	Pottstown	Filed



<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
6-19-98	Post Office Employees Credit Union, Pittsburgh, and Mochem Federal Credit Union, Pittsburgh Surviving Institution— Post Office Employees Credit Union, Pittsburgh	Pittsburgh	Filed
6-29-98	Belco Community Credit Union, Harrisburg, and Gettysburg Area Federal Credit Union, Gettysburg Surviving Institution— Belco Community Credit Union, Harrisburg	Harrisburg	Filed

RICHARD C. RISHEL,  
*Secretary*

[Pa.B. Doc. No. 98-1102. Filed for public inspection July 10, 1998, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Conservation and Natural Resources Advisory Council Meeting

The Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources will meet on Tuesday, July 21, 1998. The meeting will be held at 9 a.m. at the Penn Wells Hotel, 62 Main Street, Wellsboro, PA.

Questions concerning this meeting or agenda items can be directed to Kurt Leitholf at (717) 705-0031.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Glenda Miller directly at (717) 772-9087 or through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

RANDY COOLEY,  
*Chairperson*

[Pa.B. Doc. No. 98-1103. Filed for public inspection July 10, 1998, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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### APPLICATIONS

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### 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 standard and regulations the Department of Environmental Protection (Department) proposes to issue a permit to discharge, subject to certain effluent limitations and special conditions. These proposed determinations are tentative.

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

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

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

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

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

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

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

**PA 0020460.** Sewage, **Pennridge Wastewater Treatment Authority**, 180 Maple Avenue, P. O. Box 31, Sellersville, PA 18960.

This application is for renewal of an NPDES Permit to discharge treated sewage from Pennridge Wastewater Treatment Plant in West Rockhill Township, **Bucks County**. This is an existing discharge to the East Branch Perkiomen Creek.

The receiving stream is classified for trout stocking fishery.

The proposed effluent limits for Outfall 001, based on an average flow of 4 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>				
(5-1 to 10-31)	20	30		40
(11-1 to 4-30)	25	40		50
Suspended Solids	30	45		60
Ammonia (as N)				
(5-1 to 10-31)	3.5			7
(11-1 to 4-30)	10			20
Phosphorus (as P)				
(4-1 to 10-31)	2	3		4
Total Residual Chlorine				
(1st and 2nd year)	monitor			monitor
(3rd through 5th year)	0.15			0.5
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			
Cadmium, Total	monitor		monitor	monitor
Chromium, Hexavalent	monitor		monitor	monitor
Copper, Total	monitor		monitor	monitor
Cyanide, Free	monitor		monitor	monitor
Chlorodibromomethane				
(1st and 2nd year)	monitor		monitor	monitor
Dichlorobromomethane				
(1st and 2nd year)	monitor		monitor	monitor
Mercury, Total	0.00003		0.00006	0.000075
Silver, Total	monitor		monitor	monitor
Zinc, Total	monitor		monitor	monitor
Chlorodibromomethane				
(3rd and 5th year)	0.0023		0.0046	0.0058
Dichlorobromomethane				
(3rd and 5th year)	0.0018		0.0036	0.0045

The EPA waiver is not in effect.

Future modifications for Copper, limits based on Water Effect Ratio.

Method Detection Level of 0.0002 mg/l for Mercury.

**PA 0012637.** Industrial waste, **Bayway Refining Company**, 4101 Post Road, Trainer, PA 19061.

This application is for renewal of an NPDES permit to discharge treated process wastewater, cooling water and stormwater from the Trainer oil refinery located in Trainer Borough, **Delaware County**. This is an existing discharge to Marcus Hook Creek, Stony Creek and Delaware Estuary Zone 4.

The receiving stream is classified for the following uses: warm water fishery.

The proposed effluent limits for Outfall 101, based on an average flow of 64.8 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Suspended Solids (Net)	30	60	75
Total Organic Carbon (Net)			5
Total Residual Chlorine (1st Year)	0.5		1.0
(2nd Year through 5th year)	0.16		0.50
Oil and Grease	15		30
Temperature			110°F
Heat Rejection Rate		3.6 x 10 <sup>9</sup> BTU/hr.	
pH	within limits of 6.0—9.0 standard units at all times		

The proposed effluent limits for Outfall 201 based on an average flow of 2.83 mgd without groundwater cleanup wastewater and 3.2 mgd with groundwater clean up wastewater 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 <sub>20</sub>	1,800 lb/day		
BOD <sub>5</sub>	52	107	130
BOD <sub>5</sub> % Removal	89.25%		
Suspended Solids	30	60	75
Total Dissolved Solids	1,000	2,000	2,500
Ammonia as N	35	58	87
Total Residual Chlorine (1 Year)	0.50		1.0
(2nd Year through 5th Year)	0.16		0.5
Oil and Grease	15	30	30
Chemical Oxygen Demand	747	1,440	1,867
Sulfide	0.55	1.27	1.37
Phenolic Compounds (4AAP)	0.47	1.44	1.44
Chromium-Hexavalent	0.04	0.1	0.1
Chromium, Total	0.55	1.57	1.57
Benzene	monitor	monitor	
Ethylbenzene	monitor	monitor	
Toluene	monitor	monitor	
Xylenes, Total	monitor	monitor	
pH	within limits of 6.0—9.0 standard units at all times		

The proposed effluent limits for Outfall 002 based on an average flow of 42.2 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Suspended Solids (Net)	30	60	75
Total Organic Carbon (Net)			5
Total Residual Chlorine	0.17		0.58
Oil and Grease	15		30
Temperature			110°F
Heat Rejection Rate		1.8 X 10 <sup>9</sup> BTU/HR	
Chromium-Hexavalent	monitor	monitor	
pH	within limits of 6.0—9.0 standard units at all times		

The proposed effluent limits for Outfalls 003, 004, 005, 006, 007 and 008 for contaminated stormwater and steam trap condensate discharges are as follows:

<i>Parameter</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Organic Carbon	110
Oil and Grease	15

The proposed effluent limits for Outfalls 011 and 012 for stormwater associated with industrial activities are as follows:

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

<i>Parameter</i>	<i>Average Annual (mg/l)</i>
Iron, Dissolved	monitor

*Other Conditions:*

- The EPA Waiver is not in effect.
- Permit Modifications Based on Estuary Study
- Net Limits for TSS and TOC
- 89.25% reduction of BOD<sub>5</sub> per DRBC requirements
- Thermal Requirements
- Contaminated Stormwater Discharge Limitations
- Monitor Water Source for Temperature
- Approval to use Certain Chemical Additives
- Approval to Discharge Hydrostatic Test Water
- Stormwater Associated with Industrial Activities

*Northeast Regional Office: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2511.*

**PA 0063819.** Industrial waste, SIC: 8221, **Lafayette College**, High Street, Easton, PA 18042-1768.

This proposed action is for issuance of an NPDES permit to discharge treated groundwater into Bushkill Creek in Easton City, **Northampton County**.

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

Effluent requirements were evaluated at the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of .02 mgd are:

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

The EPA waiver is in effect.

**PA 0060712.** Sewerage, **Grace and Truth Evangelistic Association**, Rock Mountain Bible Camp, P. O. Box 66, South Gibson, PA 18842-0064.

This proposed action is for renewal of an NPDES permit to discharge treated sewage into unnamed tributary to Tunkhannock Creek in Gibson Township, **Susquehanna County**.

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

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing proposed downstream potable water supply (PWS) considered during the evaluation is Nicholson Borough Authority on Tunkhannock Creek.

The proposed effluent limits for Outfall 001 based on a design flow of .0233 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
Total Suspended Solids	30	60
NH <sub>3</sub> -N		
(5-1 to 10-31)	5.5	11
(11-1 to 4-30)	16.5	33
Phosphorous as "P"		
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	
pH	6.0—9.0 standard units at all times	
Total Residual Chlorine		
1st Month through 24th Month		monitor and report
25th Month through Expiration	1.2	2.8

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 0037150.** Amendment No. 2. This application is for amendment of an NPDES permit for an existing discharge of treated sewage to Oil Creek, in **Penn Township**, York County.

The proposed changes to effluent limits for Outfall 001 are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Cadmium			Deleted	
Total Copper	0.028	XXX	XXX	0.056
Total Lead	0.007	XXX	XXX	0.014
Total Zinc	0.146	XXX	XXX	0.300

In addition, Part C—Special Conditions for toxics reduction evaluation and total residual chlorine are being deleted since these studies are completed.

The EPA waiver is not in effect.

**PA 0087777.** Industrial waste, SIC: 4951, **Wernersville State Hospital**, P. O. Box 300, Wernersville, PA 19565.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to Hospital Creek, in South Heidelberg Township, **Berks County**.

The receiving stream is classified for trout stock fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Western Berks WTP located below the Blue Marsh Lake. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.002 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow			
pH (S. U.)	monitor and report	monitor and report from 6.0—9.0 inclusive	
Total Suspended Solids	30	60	75
Total Iron	2	4	5
Total Aluminum	4	8	10
Total Manganese	1	2	2.5

The EPA waiver is in effect.

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

**PA 0091758.** Sewage, **Beaver Falls Holiday Inn**, Route 18 North, 7195 Eastwood Road, Beaver Falls, PA 15010.

This application is for renewal of an NPDES permit to discharge treated sewage from the Holiday Inn at Beaver Falls STP in Big Beaver Borough, **Beaver County**.

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

*Outfall 001:* existing 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 <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	5.0			10.0
(11-1 to 4-30)	15.0			30.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine 1st month—36th month	monitor and report			
37th month—expiration	1.4			3.3
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

**PA 0221015.** Sewage. **PA Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17106-7676.

This application is for renewal of an NPDES Permit to discharge treated sewage to unnamed tributary to Beaver River in North Beaver Township, **Lawrence County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Beaver Falls Municipal Authority—Eastvale Plant intake on the Beaver River located at Beaver Falls, approximately 15.5 miles below point of discharge.

The proposed discharge limits, based on a design flow of 0.0004 mgd, are:

*Outfall No. 001*

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	10	20
TSS	20	40
Fecal Coliform	200/100 ml as a geometric average	
Total Residual Chlorine	1.5	2.2
pH	6.0—9.0 at all times	

The EPA waiver is in effect.

**PA 0222841.** Sewage, **Dale E. Wellman**, 13621 Arneman Road, Edinboro, PA 16412.

This application is for a new NPDES permit to discharge treated sewage from a small flow treatment facility to an unnamed tributary of Conneauttee Creek in Washington Township, **Erie County**. This is an existing discharge.

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

The proposed effluent limits for Outfall 001, based on average design flow of 0.0004 mgd, are:

<i>Parameter</i>	<i>Effluent Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	10	20
Total Suspended Solids	20	40
Fecal Coliform	200/100 ml as a geometric average	
pH	6.0—9.0 standard units at all times	

The EPA waiver is in effect.

### **Proposed NPDES Permit Renewal Actions for Minor Sewage Discharges**

The following parties have applied to renew their current NPDES permits to allow the continued discharge of controlled wastewater into the surface waters of this Commonwealth. The Department of Environmental Protection (Department) has made a tentative determination to renew these permits and proposes to issue them, subject to their current permit effluent limitations, and monitoring and reporting requirements, with appropriate and necessary updated requirements to reflect new or changed regulations and other requirements. The updates may include, but will not be limited to, applicable permit conditions and/or requirements addressing combined sewer overflows (CSOs), municipal sewage sludge management and total residual chlorine control (TRC). 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 the Department's file. The documents may be inspected at, or a copy requested from, the Field Office that has been indicated above the application notice.

*Northeast Regional Office: 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 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 0060356	Camp Wayne for Boys, Inc. 55 Channel Drive, Port Washington, NY 11050-1604	Wayne Buckingham Twp.	Lower Twin Lake	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 0083186	SunCo, Inc. (R & M) Sideling Hill Service Plaza 10 Penn Center Philadelphia, PA 19103	Fulton Taylor Twp.	Dry Ditch of Lick Branch	
PA 0027952	SunCo, Inc. (R & M) Lawn Service Plaza 10 Penn Center Philadelphia, PA 19103	Lebanon S. Londonderry Twp.	UNT to Conewago Creek	
PA 0082805	Robert A. Droege 2524 Ironville Pike Columbia, PA 17512	Lancaster W. Hempfield Twp.	Shawnee Run	

### **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 name, address and telephone number of the protester, identification of the plan or application to which the protest is addressed and a concise statement or protest 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 protester will be notified in writing of the time and place of any scheduled hearing or conference concerning the plan or action or application to which the protest relates. To insure consideration by the Department prior to final action or permit application 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.

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

*Northeast Regional Office: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2511.*

**A. 6498401.** Sewerage, **Union Lake Hotel, Inc., t/a Camp Equinunk/Blue Ridge**, R. D. 1, Box 74,

Equinunk, PA 18417. Application to modify aeration system and add clarifier for activated sludge process at existing wastewater treatment plant, located in Manchester Township, **Wayne County**. Application received in the Regional Office—May 26, 1998.

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

**WQM Permit No. 1598414.** Sewerage. **East Vincent Municipal Authority**, 262 Ridge Road, Spring City, PA 19475, construction and operation of a sanitary sewer line to connect to an existing interceptor line located in East Vincent Township, **Chester County**.

**WQM Permit No. 4698424.** Sewerage. **Lower Merion Township**, 75 East Lancaster Avenue, Ardmore, PA 19003, applicant is requesting the approval for installation of a low pressure force main along Panorma Road in Lower Merion Township, **Montgomery County**.

**WQM Permit No. 4698422.** Sewerage. **Plymouth Township**, 700 Belvoir Road, Norristown, PA 19401, construction and operation to upgrade existing pump station to serve Chemical Road Pump Station located in Plymouth Township, **Montgomery County**.

*Southcentral Regional Office: Water Management Program Manager, 909 Elmerton Avenue, 2nd Floor, Harrisburg, PA 17110-8200, (717) 705-4707.*

**A. 2179410 (98-1).** Submitted by **Carlisle Suburban Authority**, 240 Clearwater Drive, Carlisle, PA 17013 in North Middleton Township, **Cumberland County** to construct the Longs Gap Road and Hilltop Manor Area Sewer Extension and Plant Rerating was received in the Southcentral Region on June 22, 1998.

**A. 3698403.** Submitted by **West Earl Sewer Authority**, 157 West Metzler Road, P. O. Box 787, Brownstown, PA 17508-0787 in West Earl Township, **Lancaster County** to construct a submersible pumping station to service the proposed Ephrata Diamond Spring Water new bottling plant to be built in Brownstown was received in the Southcentral Region on June 24, 1998.

**A. 0198404.** Submitted by **Artillery Ridge Camping Resort**, 610 Taneytown Road, Gettysburg, PA 17352 in Cumberland Township, **Adams County** to construct a new sewage treatment facility was received in the Southcentral Region on June 24, 1998.

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

**A. 2670401—Amendment No. 2.** Sewerage, **Bullskin Township Board of Supervisors**, R. R. 2, Box 234G, Connellsville, PA 15425. Application for the Expansion of a Sewage Treatment Plant located in the Township of Bullskin, **Fayette County** to serve the Merit Manor STP.

#### INDIVIDUAL PERMITS

##### (PAS)

The following parties have applied for an NPDES permit to discharge stormwater from a proposed construction activity into the surface waters of this Commonwealth. Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection (Department) proposes to issue a permit to discharge, subject to certain effluent 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 of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the responsible office considers the public response significant.

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

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

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

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

**NPDES Permit PAS10-G011-R.** Stormwater. **The Hankin Group**, 717 Constitution Drive, P. O. Box 562,

Exton, PA 19341, has applied to discharge stormwater from a construction activity located in Uwchlan Township, **Chester County**, to Shamona Creek.

*Northeast Regional Office, Regional Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2511.*

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

**NPDES Permit PAS10Q157.** Stormwater. **JDN Land Development Co.**, John D. Harris, Jr., 359 E. Paces Ferry Rd., NE Ste. 45, Atlanta, GA 30305, has applied to discharge stormwater from a construction activity located in Lower Macungie Township, **Lehigh County**, to Little Lehigh Creek.

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

**NPDES Permit PAS10W068.** Stormwater. **United Washington Associates, L. P.**, P. O. Box 1142, Washington, PA 15301 has applied to discharge from a construction activity located in North Franklin Township, **Washington County** to an unnamed tributary to Little Chartiers Creek.

## SAFE DRINKING WATER

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

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

**A. 0798501.** Public water supply. **Altoona City Authority**, Logan Township, **Blair County**. *Responsible Official:* Lou Bonasso, Executive Director, Altoona City Authority, 20 Greenwood Road, Altoona, PA 16602. *Type of Facility:* Renovation of the existing Horseshoe Curve potable water filter plant. Renovations will include addition of ozonation and modification of rapid mix, flocculation, sedimentation, filtration, disinfection and sludge handling facilities. *Consulting Engineer:* Mark V. Glenn, P.E., Gwin, Dobson & Foreman, Inc., 2121 Fairway Dr., Suite B, Altoona, PA 16602.

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

**6593501-A1. Municipal Authority of Westmoreland County**, Box 730, Greensburg, PA 15601. Installation of Truxall pumps serving Bell Township, **Westmoreland 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 and 303 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 identifies 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 or Statewide health standard to remediate a site must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department must provide a brief description of the location of the site, a list of known contaminants at the site, the proposed remediation measures for the site, and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of the cleanup standards 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 and shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

For further information concerning the content of a Notice of Intent to Remediate, please contact the Department Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

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

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

**Mad Platter**, West Chester Borough, **Chester County**. Mark Fortna, DelVal Soil & Environmental Consultants, Inc., 4050 Skyron Drive, Suite A1, Doylestown, PA 18901, has submitted a Notice of Intent to Remediate site soil contaminated with polycyclic aromatic hydrocarbons. The applicant proposes to remediate the site to meet Statewide health standards.

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

**Ken Sabolovic Auto Service Station**, City of Pittsburgh, **Allegheny County**. Ken Sabolovic, 4608 Mt. Troy Road, Pittsburgh, PA 15214, Pittsburgh Parking Authority, 232 Boulevard of the Allies, Pittsburgh, PA 15222 and Patrick M. Neil, Solar Testing Labs, Inc., 3862 East Street, Pittsburgh, PA 15214 have submitted a Notice of Intent to Remediate soil contaminated with Lead and BTEX. The applicant proposes to remediate the site to meet the Statewide health standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 2

**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 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 a site-specific standard or who intend to remediate a site in a Special Industrial Area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known contaminants at the site, the proposed remediation measures for the site, and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of the cleanup standards 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 and 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 cleanup standard, in whole or in part, and for sites determined to be located in Special Industrial Areas. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area by the person conducting remediation. For the sites identified below, a municipality 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 a municipality may request that the person identified below, as the remediator of a site, develop and implement a public involvement plan. Requests to be involved, and comments, should be directed to the remediator of a site. For further information concerning the content of a Notice of Intent to Remediate, please contact the Department Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

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

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

**Heintz Corporation Property (Former)**, City of Philadelphia, **Philadelphia County**. Ted Haldis, General Manager, HBR Heintz Associates, L. P., 826 E. Erie Ave., Philadelphia, PA 19134, has submitted a Notice of Intent to Remediate site soil contaminated with solvents, BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons; and groundwater contaminated with solvents, BTEX and petroleum hydrocarbons. The applicant proposes to remediate the site to meet site-specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in *Philadelphia Daily News* on June 19, 1998.

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

**Crown American Logan Valley Mall**, Logan Township, **Blair County**. Crown American Properties, L. P., Pasquerilla Plaza, Johnstown, PA 15907 has resubmitted a Notice of Intent to Remediate site soils and groundwa-

ter contaminated with lead, BTEX, and PAHs. The applicant proposes to remediate the site to meet the site-specific standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Altoona Mirror* on June 26, 1998.

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

**Allegheny Bradford Corporation**, Lewis Run Borough, **McKean County**, 14 Egbert Lane, Lewis Run, PA has submitted a Notice of Intent to Remediate soil and groundwater contaminated with lead, heavy metals and solvents. The applicant proposes to remediate the site to meet the special industrial standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Bradford Era* on April 3, 1998.

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

**Electromelt Corporation Facility**. City of Pittsburgh, **Allegheny County**. Urban Redevelopment Authority of Pittsburgh, 200 Ross Street, 12th Floor, Pittsburgh, PA 15219 and Karen E. Souza, Civil and Environmental Consultants, Inc., 601 Holiday Drive, Foster Plaza III, Pittsburgh, PA 15220 has submitted a Notice of Intent to Remediate soil and groundwater contaminated with lead, heavy metals, solvents, PHCs and PAHs. The applicant proposes to remediate the site to meet a site specific standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Pittsburgh Post-Gazette* on June 19, 1998.

## 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.

Notice is hereby given that 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.

Persons wishing to file protests or comments on the proposed plan approval and/or operating permits must submit the protest or comment within 30 days from the date of this notice. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Any comments or protests filed with the Department Regional Offices must include

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

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

## OPERATING PERMITS

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

*Northeast Regional Office: Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (717) 826-2531.*

**35-318-080. Scranton Army Ammunition Plant** (156 Cedar Avenue, Scranton, PA 18505) for the operation of a zinc phosphate lubrication system in Scranton, **Lackawanna County**.

**40-303-002B. American Asphalt and Paving Co.** (500 Chase Road, Shavertown, PA 18708) for the operation of a batch asphalt plant in Jackson Township, **Luzerne County**.

**48-309-100. Essroc Cement Corp.** (3251 Bath Pike, Nazareth, PA 18064) for the operation of cement packing operations 1 and 2 in Nazareth Borough, **Northampton County**.

**48-309-101. Essroc Cement Corp.** (3251 Bath Pike, Nazareth, PA 18064) for the operation of a cement direct transfer operation in Nazareth Borough, **Northampton County**.

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

**21-03006. Ralston Purina Co.** (6509 Brandy Lane, Mechanicsburg, PA 17055) for the operation of pet food production lines controlled by fabric collectors at the facility located in Hampden Township, **Cumberland County**.

**28-03007. Phil Oberholzer's Garage** (1857 Clay Hill Road, Greencastle, PA 17225) for the operation of an aluminum melting furnace at the facility located in Antrim Township, **Franklin County**.

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

**56-00249. Zubek, Inc.** (173 House Coal Road, Berlin, PA 15530) for operation of coal preparation plant at Stoneycreek Township Facility in Stoneycreek Township, **Somerset County**.

**63-00882. Reliance Electric Company** (320 Reliance Drive, Washington, PA 15301) for the operation of an armature rewinding shop at the Washington Service Center in Washington City, **Washington County**.

**56-00014. Croner, Inc.** (629 Main Street 6, Berlin, PA 15530) for the operation of a coal preparation plant at Goodtown Preparation Plant in Brothersvalley Township, **Somerset County**.

## OPERATING PERMITS

**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).

Copies of the Title V application, proposed permit and other relevant information are available for public inspection and additional information may be obtained by contacting the regional office noted below.

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

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

*Southeast Regional Office: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, Attn: Edward Brown, (610) 832-6242.*

**46-00070. Finnaren & Haley, Inc.** (901 Washington Avenue, Conshohocken, PA 19428) located in Whitemarsh Township, **Montgomery County**. The facility's major emission points include: boilers and paint/lacquer mixing operations which emit major levels of Volatile Organic Compounds (VOCs).

**46-00040. National Label Co.** (2025 Joshua Road, Lafayette Hill, PA 19444) located in Whitemarsh Township, **Montgomery County**. The facility's major emission points include: printing presses which emit major levels of Volatile Organic Compounds (VOCs).

**46-00091. Sun Company, Inc.** (R&M) (3290 Sunset Road, Willow Grove, PA 19090) located in Upper Moreland Township, **Montgomery County**. The facility's major emission points include: refined petroleum storage tanks which emit major levels of Volatile Organic Compounds (VOCs).

**15-00008. Mobil Oil Corp.** (8 South Malin Road, Frazier, PA 19355) located in East Whiteland Township, **Chester County**. The facility's major emission points include: Loading rack, petroleum storage tanks which emit major levels of Volatile Organic Compounds (VOCs) and Hazardous Air Pollutants (HAPs).

**23-00043. Sun Company, Inc.** (R&M) (Hog Island Road, Tincum, PA 19029) located in Tincum Township, **Delaware County**. The facility's major emission points include: blasting operations which emit major levels of Volatile Organic Compounds (VOCs).

**15-00024. Sonoco Products Company** (300 Brandywine Avenue, Downingtown, PA 19335) located in Downingtown Borough, **Chester County**. The facility's major emission points include: a coal-fired boiler and two oil-fired boilers for back-up which emit major levels of Nitrogen Oxides (NO<sub>x</sub>).

**15-00044. Sun Company, Inc.** (R&M) (601 East Lincoln Highway, Exton, PA 19341) located in West Whiteland Township, **Chester County**. The facility's major emission points include: storage tanks for gasoline and distillates with vapor recovery system which emit major levels of Volatile Organic Compounds (VOC) and Hazardous Air Pollutants (HAPs).

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

**36-05072. Mount Joy Wire Corp.** (1000 East Main Street, Mount Joy, PA 17552) located in Mount Joy Borough, **Lancaster County**. The facility's major operations include the cleaning, drawing, patenting, hardening, and plating of steel wire which primarily emit Hydrogen Chloride (HCL).

## PLAN APPROVALS

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

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

**01-310-031A. ISP Materials, Inc.** (P. O. Box O, Blue Ridge Summit, PA 17214) for the installation of a fabric collector in Hamiltonban Township, **Adams County**.

**05-03009A. JLG Industries, Inc.** (1 JLG Drive, McConnellsburg, PA 17233) for the modification of the rotoblast dust collector at the Sunnyside Facility in Bedford Township, **Bedford County**.

**06-5066A. General Battery Corp.** (P. O. Box 14294, Reading, PA 19612-4294) for the installation of a lime slaker controlled by a fabric collector in Laureldale Borough, **Berks County**.

**07-305-001A. Tyrone Synfuels, L. P.** (160 Quality Center Road, Homer City, PA 15748) for the installation of a thermal dryer controlled by a fabric collector at the Tyrone Division facility in Snyder Township, **Blair County**.

**21-317-058A. The Quaker Oats Co.** (P. O. Box 3040, Shiremanstown, PA 17011) for the installation of two Life Cereal Processing Lines in Hampden Township, **Cumberland County**.

**21-320-010C. Fry Communications, Inc.** (800 West Church Road, Mechanicsburg, PA 17055) for the installation of a new heatset printing press controlled by an existing catalytic incinerator at their Building No. 3 facility in Silver Spring Township, **Cumberland County**.

**22-03014. Stewart-Amos Steel, Inc.** (4400 Paxton Street, Harrisburg, PA 17111) for the installation of a paint spraying operation in Swatara Township, **Dauphin County**.

**31-313-001B. Owens Corning** (1200 Susquehanna Avenue, Huntingdon, PA 16652) for the modification of existing Mat Lines 1, 2 and 3 at their facility in Huntingdon Borough, **Huntingdon County**.

**36-05067C. C&D Technologies, Inc.** (82 East Main Street, Leola, PA 17540) for the installation of three

battery grid casting machines and a carbon dioxide curing room in Upper Leacock Township, **Lancaster County**.

**36-313-030F. Warner Lambert Co.** (400 West Lincoln Avenue, Lititz, PA 17543) for modification of the existing labeler/imprinter at their Lititz facility in Lititz Borough, **Lancaster County**.

**67-03018A. Penn-Mar Castings** (500 Broadway, Hanover, PA 17331) for the installation of a new dust collector at Penn-Mar Castings Foundry in Hanover Borough, **York County**.

**67-03031. Pennex Aluminum Co.** (P. O. Box 100, Wellsville, PA 17365) for the installation of a new reverberatory furnace in Wellsville Borough, **York County**.

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

**65-370A. Winco Salvage** (P. O. Box 196, Connellsville, PA 15425) for the installation of an aluminum recycling furnace at Budd's Ferry Road site in Rostraver Township, **Westmoreland County**.

**63-624A. Eagle Construction Co., Inc.** (P. O. Box 157, Eighty Four, PA 15330) for the installation of a crusher and screening deck at the Eighty Four Plant in North Strabane Township, **Washington County**.

**04-006A. Brighton Electric Steel Casting Co.** (P. O. Box 206, Beaver Falls, PA 15010) for the installation of an air compressor engine at Division of J&L Structural in Beaver Falls, **Beaver County**.

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

**42-111A. Ethan Allen Mfg. Corp.,** Eldred Division (Route 1, Eldred, PA 16731) for construction of a wood furniture paint booth (15 wood furniture components/hr) with dry filter control in Eldred Township, **McKean County**.

## APPLICATIONS RECEIVED UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT

### ENCROACHMENTS

The following Dam Safety and Encroachment permit applications, requests for Environmental Assessment approval, and requests for water quality certification have been received by the Department of Environmental Protection. Section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)) requires the State to certify that the involved projects will not violate the applicable provisions of 33 U.S.C.A. §§ 1311—1313, 1316 and 1317, as well as relevant State requirements. Initial requests for 401 certification will be published concurrently with the permit application. Persons objecting to approval of a request for certification under Section 401 or to the issuance of a Dam Safety or Encroachment Permit or the approval of Environmental Assessments must submit 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, please contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1 (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.

*Northeast Regional Office, Regional Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-5485.*

**E45-358. Encroachment. Connaught Laboratories, Inc.,** P. O. Box 187, Swiftwater, PA 18370-0187. To expand the surface area of a spring fed pond by approximately 0.11 acre as part of a landscape enhancement project at Connaught Laboratories. The surface area of the pond will be approximately 0.25 acre after the proposed expansion project. The project is located on the south side of Swiftwater Creek (HQ-CWF), approximately 500 feet downstream of S. R. 0611 (Mount Pocono, PA Quadrangle N: 17.0 inches; W: 9.8 inches), in Pocono Township, **Monroe County** (Philadelphia District, U. S. Army Corps of Engineers).

**E64-193. Encroachment. Paul R. and Bonita M. Mancina,** 1485 Wyoming Avenue, Forty Fort, PA 18704. To construct and maintain a stream enclosure of a tributary to Wallenpaupack Creek (HQ-CWF), consisting of 166 linear feet of 48-inch RCP culvert followed by 26 linear feet of R-5 riprap apron. The enclosure will extend an existing culvert under S. R. 0590. The project is located on the north side of S. R. 0590, approximately 0.6 mile west of the intersection of S. R. 0590 and S. R. 0191/0196 (Lake Ariel, PA Quadrangle N: 5.4 inches; W: 4.9 inches), in Salem Township, **Wayne County** (Philadelphia District, U. S. Army Corps of Engineers).

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

**E15-578. Encroachment. 352 Associates,** 50 Exeter Avenue, Haverford, PA 19041. To perform the following activities associated with the proposed MKS shopping center:

1) To relocate 260 linear foot of an unnamed tributary of Valley Creek (EV) by installing and maintaining approximately 375 linear feet of stream enclosure which will be used to extend an existing enclosure which conveys flow under Lincoln Highway (SR0030). The proposed structure consists of attaching 18 LF of 30-inch CMP at the upstream terminus with manhole/cleanouts, and 308 l. f. of 36 inch HCAL pipe attached to downstream end of aforementioned enclosure. DW endwall and stone energy dissipater sill also to be installed. This site is associated with the construction of a proposed bank and parking facility.

2) The placement and maintenance of a stormwater outfall structure (EW # 1) adjacent to an unnamed tributary of Valley Creek (EV).

3) To place and maintain fill in 0.08 acre of wetland (PEM) for the construction of subterranean stormwater management and parking facility associated with the proposed food market.

The project is located immediately north of intersection of Sproul Road (SR 0352) and Lincoln Highway (SR 0030), (Malvern, PA Quadrangle, N: 6.9-inch; W: 8.40-inch) in East Whiteland Township, **Chester County**.

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

**E07-294.** Encroachment. **PA Department of Transportation**, Engineering District 9-0, Robert Heim, 1620 N. Juniata Street, Hollidaysburg, PA 16648. To remove an existing bridge and to construct and maintain a single span prestressed concrete adjacent box beam bridge having a clear span of 77.29 feet and an underclearance of 11.1 feet across Sinking Run located on SR 1013, Section 009, Segment 0350, Offset 0000 about 0.3 mile west of the Blair and Huntingdon County line (Spruce Creek, PA Quadrangle N: 20.7 inches; W: 7.1 inches) in Tyrone Township, **Blair County**.

**E22-386.** Encroachment. **Dauphin County Commissioners**, Russell Sheaffer, P. O. Box 1295, Harrisburg, PA 17108. To remove an existing bridge and to construct and maintain a bridge having a clear span of 46.08 feet and an underclearance of 4.7 feet across the channel of Powell Creek at a point at Lebo Road (T-446) (Enders, PA Quadrangle N: 14.75 inches; W: 12.25 inches) in Wayne Township, **Dauphin County**.

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

**E03-375.** Encroachment. **PA Department of Transportation**, Engineering District 10-0, P. O. Box 429, Indiana, PA 15701. To remove the existing bridge and to construct and maintain a prestressed concrete adjacent box beam bridge having a single normal span of 68.5 feet and an underclearance of 5.0 feet over Glade Run (CWF) for the purpose of maintaining vehicular traffic. The project is located along SR 0128 approximately 1,000 feet northeast of Cadogan (Kittanning, PA Quadrangle N: 1.2 inches; W: 10.2 inches) in Cadogan Township, **Armstrong County**.

**E11-262.** Encroachment. **Jack Scansaroli**, Ebensburg, PA 15931. To place and maintain fill in 2.35 acres of wetlands (PEM) located in the headwater of an unnamed tributary to South Branch Blacklick Creek (CWF) between SR 22 and SR 3034. The applicant proposes to construct at least 2.35 acres of wetlands (PEM) at an offsite location (Nanty Glo, PA Quadrangle N: 17.5 inches; W: 0.7 inch) in Cambria Township, **Cambria County**.

**E32-392.** Encroachment. **PA Department of Transportation**, Engineering District 10-0, P. O. Box 429, Indiana, PA 15701. To remove the existing structure and to construct and maintain a bridge having a normal clear span of 127.38 feet with an underclearance of 12.3 feet across Two Lick Creek (TSF) located on SR 0954, Section 450, Segment 0100/offset 0000 (Indiana, PA Quadrangle N: 16.6 inches; W: 2.1 inches) in White Township, **Indiana County**.

**E32-393.** Encroachment. **North Mahoning Township**, R. D. 1, Rochester Mills, PA 15771. To remove the existing structure and to construct and maintain a culvert having a span of 72 inches and an underclearance of 44 inches in an unnamed tributary to Mudlick Run (HQ-CWF) located on T-652 at a point approximately 1.5 miles west of SR 119 (Marion Center, PA Quadrangle N: 19.5 inches; W: 7.4 inches) in North Mahoning Township, **Indiana County**.

**E65-699.** Encroachment. **PA Department of Transportation**, Engineering District 12-0, P. O. Box 459, Uniontown, PA 15401. To remove the existing structure and to construct and maintain a 6-span bridge having normal spans of 43.0 feet, 71.0 feet, 92.0 feet, 75.0 feet, 47.5 feet and 26.0 feet with an underclearance of 30.0 feet across Speers Run (WWF) and an unnamed tributary to Speers Run (WWF) located on SR 70, Section 18M,

Station 84 + 93 (Donora, PA Quadrangle N: 2.7 inches; W: 14.5 inches) in Rostraver Township, **Westmoreland County**.

**E65-700.** Encroachment. **PA Department of Transportation**, Engineering District 12-0, P. O. Box 459, Uniontown, PA 15401. To remove existing structures and to construct and maintain the following structures: 1) A 1.0-foot depressed, 138.5-foot long, 8.0-foot x 6.0-foot reinforced concrete box culvert in an unnamed tributary to Beaver Run (HQ-CWF) on SR 0022, Section B03, Station 13 + 55.41, Ramp A. 2) A 1.0-foot depressed, 394.0-foot long, 8.0-foot x 6.0-foot reinforced concrete box culvert in an unnamed tributary to Beaver Run (HQ-CWF) on SR 0022, Section B03, Station 390 + 00.00. 3) A 1.0-foot depressed, 176.5-foot long, 8.0-foot x 6.0-foot reinforced concrete box culvert in an unnamed tributary to Beaver Run (HQ-CWF) on SR 0022, Section B03, Station 21 + 64.02, Ramp D. 4) A 1.0-foot depressed, 484.1-foot long, 8.0 foot x 8.0 foot reinforced concrete box culvert in an unnamed tributary to Beaver Run (HQ-CWF) on SR 0022, Section B03, Station 379 + 99.05. 5) A 1.0-foot depressed, 179.0-foot long, 20.0-foot x 9.0-foot reinforced concrete box culvert in an unnamed tributary to Beaver Run (HQ-CWF) on SR 0022, Section B03, Station 392 + 66.56, SR 0066. This permit application also includes the operation and maintenance of a 1.0-foot depressed, 168.2-foot long, 20.0-foot x 9.0-foot reinforced concrete box culvert in an unnamed tributary to Beaver Run (HQ-CWF) on SR 0022, Section B03, the relocation and maintenance of a 605.0-foot length of an unnamed tributary to Beaver Run (HQ-CWF) on SR 0022, Section B03, Station 390 + 00.00 and the relocation and maintenance of a 670.0-foot length of an unnamed tributary to Beaver Run (HQ-CWF) on SR 0022, Section B03, Station 379 + 99.05. This work is part of the SR 0022, SR 0066 intersection replacement project for the purpose of improving transportation safety and roadway standards. To compensate for wetland impacts, the applicant proposes the replacement of 1.0 acre of PEM/PSS wetlands within the project area (Slickville, PA Quadrangle N: 4.4 inches; W: 10.1 inches) in Salem Township, **Westmoreland County**.

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

**E43-268.** Encroachment. **Mercer County Commissioners**, 503 Mercer County Courthouse, Mercer, PA 16137. To remove the existing structure and to place and maintain a prestressed adjacent plank box beam bridge on existing bridge abutments with a span of 21.89 feet, and an underclearance of 8 feet on a 66 degree skew on T-320 (South Barry Road) across Booth Run (WWF). The project is located on T-320 (South Barry Road) across Booth Run approximately 4,000 feet south of the intersection of T-320 (South Barry Road) and S. R. 0358 (Kinsman OH-PA Quadrangle N: 1.0 inch; W: 0.2 inch) located in West Salem Township, **Mercer County**.

**E43-269.** Encroachment. **Mercer County Commissioners**, 503 Mercer County Courthouse, Mercer, PA 16137. To remove the existing structure and to place and maintain a prestressed adjacent box beam bridge on existing bridge abutments with a span of 32.15 feet, and an underclearance of 6.33 feet on a skew of 54 degrees on T-888 (Tie Line Road) across a tributary to Wolf Creek (CWF, Trout stocked). The project is located on T-888 (Tie Line Road) across a tributary to Wolf Creek approximately 4,000 feet north of the intersection of T-888 (Tie Line Road) and S. R. 0208 (Grove City, PA Quadrangle N: 11.0 inches; W: 5.5 inches) located in Pine Township, **Mercer County**.

**E61-215.** Encroachment. **PA Electric Company**, 2800 Pottsville Pike, Reading, PA 19640. To modify and maintain an existing 34.5 kV aerial electric transmission line across the Allegheny River approximately 350 feet downstream of the Petroleum Street bridge (Oil City, PA Quadrangle N: 9.8 inches; W: 12.1 inches) located in City of Oil City, **Venango County**.

#### ENVIRONMENTAL ASSESSMENT

**Requests for Environmental Assessment approval under 25 Pa. Code § 105.15 and requests for certification under section 401 of the Federal Water Pollution Control Act.**

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

**EA36-012C0.** Environmental Assessment. **Earl N. Martin** (540 Adamstown Road, Reinholds, PA 17569). To construct and maintain a nonjurisdictional dam across a tributary to Muddy Creek (TSF) for the purpose of recreation located off Maple Grove Road (S. R. 1046) approximately 1,000 feet southwest of the Lancaster-Berks County Line (Morgantown, PA Quadrangle N: 15.0 inches; W: 15.6 inches) in Brecknock Township, **Lancaster County**.

**D36-024EA.** Environmental Assessment. **F. Philip Hellburg** (423 West Farmersville Road, Leola, PA 17540). To breach and remove the Wenger Mill Dam across Conestoga Creek (WWF) for the purpose of restoring the stream to a free flowing condition. The dam is located approximately 1,000 feet northeast of the intersection S. R. 1010 and T. R. 779 (Turtle Hill Road) (Ephrata, PA Quadrangle N: 0.80 inch; W: 10.05 inches) in West Earl Township, **Lancaster County**.

#### WATER ALLOCATIONS

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

*Southeast Regional Office—Bureau of Water Supply Management, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**WA 46-1001.** Water Allocation. **Evansburg Water Company**, Edward Mruskovic, 385 Bridge Street, Graterford, PA 19426. The applicant is requesting the right to purchase 62,000 GPD of water from Pennsylvania American Water Company in Lower Providence Township, **Montgomery 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.

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

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 1 (800) 654-5984.

#### Industrial waste and sewerage actions under The Clean Streams Law (35 P. S. §§ 691.1—691.100).

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

**WQM Permit No. 4695425.** Sewerage. Amendment No. 1. **Limerick Township Municipal Authority**, 529 King Road, Royersford, PA 19468. This project is approved for the modifications and operation of a sewage pump station located in Limerick Township, **Montgomery County**.

**NPDES Permit No. PA0054402.** Industrial waste. **Brooks Instruments Inc.**, 407 West Vine Street, Hatfield, PA 19440 is authorized to discharge from a facility located in Hatfield Borough, **Montgomery County** into West Branch of Neshaminy Creek.

**NPDES Permit No. PA0052566.** Sewerage. **Owen J. Mooney**, 2015 Valley Road, Newtown Square, PA 19073 is authorized to discharge from a facility located in Edgmont Township, **Delaware County** into UNT to Ridley Creek.

**NPDES Permit No. PA0053058.** Industrial waste. **Avery Dennison Corporation**, 35 Penn Am Drive, Quakertown, PA 18951-3603 is authorized to discharge from a facility located in Richland Township, **Bucks County** into Tohickon Creek.

**NPDES Permit No. PA0051942.** Sewerage. **Stephen and Margaret Brower**, 40 Grays Lane, Elverson, PA 19520 is authorized to discharge from a facility located in Warwick Township, **Chester County** into UNT to French Creek.

**NPDES Permit No. PA0053139.** Sewerage. **Richard O'Leary**, 1409 Newman Road, Pennsburg, PA 18074 is authorized to discharge from a facility located in Upper Hanover Township, **Montgomery County** into tributary to Perkiomen Creek.

**NPDES Permit No. PA0057436.** Sewerage. **Stephen J. Castellan**, 112 Heather Hill Drive, Downingtown, PA

19335-1826 is authorized to discharge from a facility located in Upper Uwchlan Township, **Chester County** into UNT to Marsh Creek.

**NPDES Permit No. PA0035769.** Industrial waste. **Moyer Packing Company**, P. O. Box 395, Souderton, PA 18964-0395 is authorized to discharge from a facility located in Franconia Township, **Montgomery County** into Skippack Creek and UNT to Skippack Creek.

**NPDES Permit No. PA0057029. Amendment No. 1.** Industrial waste. **Hewlett-Packard Company**, 2850 Centerville Road, Wilmington, DE 19808 is authorized to discharge from a facility located in New Garden Township, **Chester County**, Dry Swale to Egypt Run and Bucktoe Creek.

*Northeast Regional Office: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2511.*

**NPDES Permit No. PA0032077.** Sewerage. **Commonwealth of Pennsylvania, Tuscarora State Park**, R. R. 1, Box 1051, Barnesville, PA 18214-9715, is authorized to discharge from a facility located in Rush Township, **Schuylkill County**, to Locust Creek.

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

**NPDES Permit No. PA0095281.** Sewage, **Hoffbrau Haus, Inc.**, 200 Route 286 East, Indiana, PA 15701 is authorized to discharge from a facility located at Hoffbrau Haus Sewage Treatment Plant, White Township, **Indiana County** to Unnamed Tributary of Ramsey Run.

**NPDES Permit No. PA0095826.** Sewage, **Rostraver Sewage Corporation**, R. D. 3, Box 59, Monongahela, PA 15063 is authorized to discharge from a facility located at Budget Host Cheeper Sleeper STP, Rostraver Township, **Westmoreland County** to Cedar Creek.

**NPDES Permit No. PA0216852, Amendment No. 1.** Sewage, **Orin Bache**, Wen-Dell Mobile Home Park, R. D. 3, Box 58, Ruffsedale, PA 15679 located at Wen-Dell Mobile Home Park Sewage Treatment Plant, East Huntingdon Township, **Westmoreland County** is authorized to discharge.

**NPDES Permit No. PA0217859.** Sewage, **Country Care Development, Inc.**, R. D. 2, Box 335D, Fayette City, PA 15438 is authorized to discharge from a facility

located at Country Care Development Sewage Treatment Plant, Washington Township, **Fayette County** to Unnamed Tributary of Little Redstone Creek.

**Permit No. 3091402, Amendment No. 1.** Sewerage, **Greensboro—Monongahela Township Joint Sewer Authority**, P. O. Box 342, Greensboro, PA 15338. Construction of Sanitary Sewers and Pump Station located in the Township of Monongahela, **Greene County** to serve the Penn Pitt Area.

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

**NPDES Permit No. PA0210196.** Industrial waste. **Seneca Landfill, Inc.**, P. O. Box 1080, Mars, PA 16046 is authorized to discharge from a facility located in Jackson Township, **Butler County** to an unnamed tributary and to Connoquenessing Creek.

**NPDES Permit No. PA0103101.** Sewage. **Wesley Woods Christian Education Center**, R. R. 1, Box 155A, Grand Valley, PA 16420 is authorized to discharge from a facility located in Eldred Township, **Warren County** to an unnamed tributary to Caldwell Creek.

**NPDES Permit No. PA0044016.** Industrial waste. **PA Fish and Boat Commission, Linesville Fish Culture Station**, 1225 Shiloh Road, State College, PA 16801-8495 is authorized to discharge from a facility located in Pine Township, **Crawford County** to the Pymatuning Reservoir.

**WQM Permit No. 4298201.** Industrial waste. **Zippo Manufacturing Company**, 33 Barbour Street, Bradford, PA 16701. This project is for the modification of an existing Water Quality Management permit for treatment of industrial waste in Bradford Township, **McKean County**.

#### INDIVIDUAL PERMITS

(PAS)

**The following NPDES Individual Permits for Discharges of Stormwater from Construction Activities have been issued.**

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10-D105	Michael M. Kelly P. O. Box 550A Villanova, PA 19085	Buckingham Township Bucks County	Paunacussing Creek
PAS10-G191	JMCW, Inc. 1020 Broadrun Road Landenberg, PA 19350	Oxford Borough and East Nottingham Township Chester County	Unnamed Tributary to Little Elk Creek
PAS10-G201	Gambone Brothers Development 1030 West Germantown Pike Fairview Village, PA 19409	East Vincent Township Chester County	Stony Run Basin
PAS10-G202	William W. Hoffman 88 North Main Street Spring City, PA 19475	East Vincent Township Chester County	Stony Basin
PAS10-T094	STM, Inc. 1120 North Bethlehem Pike Spring House, PA 19477	Horsham Township Montgomery County	Little Neshaminy Creek

*Northeast Regional Office: Regional Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2511.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS106402	Chester Grover R. R. 2, Box 231 New Milford, PA 18834	Susquehanna County Great Bend Township	Salt Lick Creek
PAS10V020	PA Dept. of Transportation Engineering District 4-0 P. O. Box 111 Scranton, PA 18501	Pike County Milford Borough, Milford Township, Dingman Township, and Delaware Township	Vantine Brook, Sawkill Creek, Sloat Brook, Raymondskill Creek, Dwarfs Kill Creek, Dingmans Creek, and Adams Creek
PAS10S059	Mountain Manor Inn, Inc. P. O. Box 1067 Marshalls Creek, PA 18335	Monroe County Smithfield Township	Marshalls Creek
PAS10S061	Redeeming Love Christian Center 145 West Rt. 59 Nanuet, NY 10954-2200	Monroe County Stroud Township	Flagler Run, Wigwam Run, and Pocono Creek
PAS10S066	Shawnee Commons Corp. Inc. P. O. Box 93 Fort DePuy Shawnee-on-Delaware, PA 18356	Monroe County Smithfield Township	Marshalls Creek
PAS10S064	Fern Partners 257 Rimrock Rd. Stroudsburg, PA 18360	Monroe County Hamilton Township	Appenzell Creek

#### INDIVIDUAL PERMITS

##### (PAR)

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

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

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

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

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



*General Permit Type: PAG-2**Facility Location  
County and  
Municipality**Permit No.**Applicant's Name  
and Address**Receiving Stream  
or Body of Water**Contact Office and  
Telephone No.*

Nether Providence  
Township  
Delaware County

PAR10-J113

Wallingford-Swarthmore  
School District  
200 South Providence Road  
Wallingford, PA 19086

Unnamed Tributary  
to  
Ridley Creek

Southeast Regional  
Office  
555 North Lane,  
Suite 6010  
Lee Park  
Conshohocken, PA  
19428  
(610) 832-6131

City of Philadelphia  
Philadelphia County

PAR10-5319

CSXI Corporation  
Southern Bell Towers  
301 West Bay Street, Suite  
2400  
Jacksonville, FL 32202-4434

Delaware Estuary

Southeast Regional  
Office  
555 North Lane,  
Suite 6010  
Lee Park  
Conshohocken, PA  
19428  
(610) 832-6131

Lehigh County  
Upper Milford  
Township

PAR10Q008-1R

Little Lehigh Development  
Corp.  
Anthony Koneski  
232 Main St.  
Emmaus, PA 18049

Hosensack Creek

Lehigh CD  
(610) 391-9583

Berwick Township  
Adams County

PAR-10-0066

F. Eugene and Sheila Latta  
305 Aspen Court  
Hanover, PA 17331

S. Branch  
Conewago Creek

Adams County CD  
57 N. Fifth St.  
Gettysburg, PA 17325  
(717) 334-0636

Bedford Township  
Bedford County

PAR-10-0433

Smith Transport Inc.  
331 E. Closson Road  
P. O. Box 201  
Roaring Spring, PA 16673

Tributary to  
Dunning Creek

Bedford County CD  
702 West Pitt Street  
Suite 4  
Bedford, PA 15009  
(814) 623-6706

South Heidelberg  
Township  
Berks County

PAR-10-C218

John Nyce/Sun Pipeline  
Company  
10 Penn Center  
1801 Market Street  
Philadelphia, PA 19103

Cacoosing Creek

Berks County CD  
P. O. Box 520  
1238 County Welfare  
Rd.  
Leesport, PA 19533  
(610) 372-4657

Lower Paxton  
Township  
Dauphin County

PAR-10-I140

Gateway Central Limited  
Part  
One Logan Square, Suite  
1105  
Philadelphia, PA 19103

Beaver Creek

Dauphin County CD  
1451 Peters  
Mountain Rd.  
Dauphin, PA 17018  
(717) 921-8100

East Lampeter  
Township  
Lancaster County

PAR-10-O-315

High Associates  
1853 William Penn Way  
Box 1  
Lancaster, PA 17605

Mill Creek

Lancaster County CD  
1383 Arcadia Road,  
Room 6  
Lancaster, PA 17601  
(717) 299-5361

West Lampeter  
Township  
Lancaster County

PAR-10-0-316

Willow Valley Associates  
Inc.  
100 Willow Valley Lakes  
Drive  
Willow Street, PA 17584

Big Spring Run

Lancaster County CD  
1383 Arcadia Road,  
Room 6  
Lancaster, PA 17601  
(717) 299-5361

Erie County  
Boro of Edinboro

PAR10K111

University Park Plaza Corp.  
212 West Hamilton Avenue  
State College, PA 16801

Edinboro Lake

Erie Conservation  
District  
12723 Route 19  
P. O. Box 801  
Waterford, PA 16441  
(814) 796-4203

Allegheny County  
Springdale Borough

PAR10A002R-1

The Lone Construction Co.  
965 East Main St.  
Meriden, CT 06450

Allegheny River

Allegheny County CD  
(412) 241-7645

## NOTICES

3323

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant's Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Allegheny County Pine Township	PAR10A245	Gigliotti Custom Homes 11279 Perry Highway Suite 509 Wexford, PA 15090	Pine Creek	Allegheny County CD (412) 241-7645
Allegheny County South Fayette Township	PAR10A253	Heidelberg Shop 'N Save Raceway Plaza 2100 Washington Road Carnegie, PA 15106	Coal Run	Allegheny County CD (412) 241-7645
Allegheny County Findlay Township	PAR10A255	ARE Holdings, L.L.C. 11101 Lakewood Blvd. Downey, CA 90241	UNT Flaugherty Run	Allegheny County CD (412) 241-7645
Allegheny County South Fayette Township	PAR10A261	Balanced Care Corporation 5021 Louise Drive Suite 200 Mechanicsburg, PA 17055	UNT Chartiers Creek	Allegheny County CD (412) 241-7645
Allegheny County Moon Township	PAR10A262	S. E. DiCicco Edgetown Commons 1009 Beaver Grade Road Coraopolis, PA 15108	Montour Run	Allegheny County CD (412) 241-7645
Allegheny County Ross Township	PAR10A270	Ross Township 5325 Perrysville Avenue Pittsburgh, PA 15229	Girty's Run	Allegheny County CD (412) 241-7645
Allegheny County South Fayette Township	PAR10A272	Foltz Development Corp. P. O. Box 401 Bridgeville, PA 15017	Chartiers Creek	Allegheny County CD (412) 241-7645
Armstrong County Cowanshannock Township	PAR10B022	Armstrong School District 410 Main Street Ford City, PA 16226	Cowanshannock Creek	Armstrong County CD (724) 548-3425
Armstrong County Cowanshannock Township	PAR10B023	Keystone Owners Group P. O. Box 68 682 Philadelphia St. Indiana, PA 15701	UNT Keystone Lake	Armstrong County CD (724) 548-3425
Beaver County Center Township	PAR100247	The Beaver Development, L. P. 955 Executive Parkway Suite 210 St. Louis, MO 63141	UNT Ohio River	Beaver County CD (724) 474-7090
Beaver County Center Township	PAR100249	Raymond & Joseph Hall 137 Hall Road Aliquippa, PA 15001	UNT Poorhouse Run	Armstrong County CD (724) 548-3425
Cambria County Elder Township	PAR101048	Miner's Hospital of Northern Cambria 2205 Crawford Avenue Spangler, PA 15775	Brubaker Run	Cambria County CD (814) 472-2120
Fayette County South Union Township	PAR10L037	Carl Carnicelli 610 Wood Street Pittsburgh, PA 15222	Jennings Run	SW Regional Office (412) 442-4315
Washington County Cecil Township	PAR10W095	Joseph Perri 660 Mercor Road Greenville, PA 16125	UNT Millers Run	Washington County CD (724) 228-6774
Washington County South Franklin Township	PAR10W104	Washington County Commissioners 100 W. Beau Street Suite 700 Washington, PA 15301	Chartiers Creek	Washington County CD (724) 228-6774
Washington County South Strabane Township	PAR10W106	Home Depot Washington Mall 301 Oak Springs Road Washington, PA 15301	UNT Chartiers Creek	Washington County CD (724) 228-6774

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant's Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Washington County Cecil Township	PAR10W108	Toscana Development Group, Inc. Box 616 Lawrence, PA 15055	Chartiers Creek	Washington County CD (724) 228-6774
Washington County California Borough	PAR10W109	Redevelopment Authority of the County of Washington Courthouse Square Suite 603 Washington, PA 15301	Lilly Run	Washington County CD (724) 228-6774
Washington County Cecil Township	PAR10W110	Redevelopment Authority of the County of Washington Courthouse Square Suite 603 Washington, PA 15301	Chartiers Creek	Washington County CD (724) 228-6774
Washington County Peters Township	PAR10W112	Peters Township School District 631 East McMurray Road McMurray, PA 15317	Peters Creek	Washington County CD (724) 228-6774
Washington County Union Township	PAR10W114	Columbia Gas Transmiss. 950 Manifold Road Washington, PA 15301	Peters Creek	Washington County CD (724) 228-6774
Washington County Union Township	PAR10W115	Kingsford Corporations 3523 Washington Avenue Finleyville, PA 15332	Peters Creek	Washington County CD (724) 228-6774
Washington County North Strabane Township Chartiers Township	PAR10W116	PA Department of Transportation District 12-0 P. O. Box 459 Uniontown, PA 15401	UNT to Chartiers Creek	Washington County CD (724) 228-6774
<i>General Permit Type—PAG 3</i>				
<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Dauphin County Middletown Borough	PAR213546	A. P. Green Refractories Inc. Green Boulevard Mexico, MO 65265 USA	Storm Sewer to Susquehanna River	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Allegheny County Neville Township	PAR606143	Heidelberg Metals, Inc. DBA Neville Metals 3100 Grand Avenue Pittsburgh, PA 15225	Ohio River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Jackson Township Butler County	PAR208331	Harmony Castings, Inc. 251 Perry Highway P. O. Box 230 Harmony, PA 16037	Scholars Run	DEP—Northwest Region Water Management 230 Water St. Meadville, PA 16335-3481 (814) 332-6942
Grove City Borough Mercer County	PAR808306	General Electric Company Transportation Systems Industrial Dr. Grove City, PA 16127	Wolf Creek	DEP—Northwest Region Water Management 230 Water St. Meadville, PA 16335-3481 (814) 332-6942

*General Type—PAG 4**Facility Location  
County and  
Municipality*Allegheny County  
Richland TownshipPermit No.  
PAG046154*Applicant Name  
and Address*  
Brian R. Goetz  
5537 Lakeside Drive  
Gibsonia, PA 15044*Receiving Stream  
or Body of Water*  
Unnamed Tributary  
of Willow Run Creek*Contact Office and  
Telephone No.*  
Southwest Regional  
Office:  
Water Management  
Program Manager  
400 Waterfront Drive  
Pittsburgh, PA  
15222-4745  
(412) 442-4000*General Permit Type—PAG 5**Facility Location  
County and  
Municipality*Lebanon County  
Union TownshipPermit No.  
PAG053520*Applicant Name  
and Address*  
R. K. Tune Up, Inc.  
464 Jonestown Road  
Jonestown, PA 17030*Receiving Stream  
or Body of Water*  
None—Surface  
Injection*Contact Office and  
Telephone No.*  
DEP—Southcentral  
Region—WQ  
909 Elmerton Avenue  
Harrisburg, PA 17110North East Borough  
Erie CountyPermit No.  
PAG058317*Applicant Name  
and Address*  
Unocal AMG  
North East Service Plaza  
12214 East Main  
North East, PA 16428*Receiving Stream  
or Body of Water*  
Unnamed Tributary  
to Twenty-Mile  
Creek*Contact Office and  
Telephone No.*  
DEP  
Northwest Region  
Water Management  
230 Chestnut St.  
Meadville, PA 16335  
(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.*

**East Earl Township, Lancaster County,** 1241 Division Highway, East Earl, PA 17519. The approved plan provided for extension of public sewer collection and conveyance systems to provide service to the Rancks Church Road, Witwer Road and Sheep Hill Road areas of the Township. Treatment will be provided by Earl Township sewer system. Additionally, growth areas surrounding the Borough of Terre Hill are designated as future sewer service areas with connection required to the Terre Hill sewer 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.

**Londonderry Township, Bedford County,** P. O. Box 215, Hyndman, PA 15545. The municipal plan for Phase II was disapproved because the Township failed to address the remaining six plan deficiencies identified in the Department's letter dated September 7, 1994. As discussed in the Department's letters dated September 30, 1996, December 3, 1997 and specifically in the February 2, 1998 letter, failure to respond within 60 days from the date of that letter would result in plan disapproval. Limitations on the issuance of permits has been instituted in the Stringtown/Palo Alto area of the Township. The original plan deficiencies are listed.

1. Phase II proposed construction of numerous septic tank effluent technology systems with discharges to High

Quality watersheds. Consistency with the anti-degradation requirements of special protection waterways in accordance with Chapters 93, 95 and 102 has not been established. Refer to the Special Protection Waters Handbook for additional information concerning specific requirements that must be resolved prior to discharging to High Quality waters. (VI-A 5)

2. The Stringtown Hollow needs area has not been addressed. Exhibit XVIII indicated a report concerning this area would be submitted to the Department no later than June 1, 1994. To date, the Department has not received any information concerning the situation, possible alternatives or solutions to Stringtown Hollow area needs. (III-B)

3. Procedures proposed for controlling the use of Holding Tanks for "permanent use such as hunting camps" (page 106) are not supported by regulations. Refer to Chapter 71, Section 71.63 for regulatory requirements concerning use of Holding Tanks. (V-A 11)

4. Procedures to require a "Hydrogeologic study" for subdivisions of "less than 5 acres" located within 1/4 mile of well samples tested between 5 and 10 ppm nitrate nitrogen (page 91) are not supported by regulation. No provision for subdivision size exists in Chapter 71, Section 71.62. All subdivisions within the prescribed distance of high nitrate wells are required to complete a study. (Chapter 71, 71.62)

5. Exhibit I is missing from the January 1994 Act 537 plan.

6. Exhibit XI discusses subdivision and sewage facilities planning history within the Township. Even though it indicates that unplanned subdivisions exist the plan does not appear to contain reconstructive planning for these subdivisions or to propose procedures that will prevent a reoccurrence of the same planning failures paving the way for creating new unplanned subdivisions. (IV-A)

Due to the lack of an approved Official Plan as required by 25 Pa. Code § 71.11 and the failure to implement the onlot maintenance provisions of the approved 1994 Act 537 Plan, permit limitations specified in 25 Pa. Code § 72.23 are now in effect for the municipality.

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

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

**Earl Township, Lancaster County**, 517 North Railroad Avenue, New Holland, PA 17557. The proposed development is located on the northeast side of Ranck Road, approximately 3,000 feet south of S. R. 0023, Earl Township, Lancaster County.

The approved project consists of the subdivision of a 24 acre tract into 60 townhouse and duplex lots and one single family lot. A pump station and force main are proposed to convey sewage flows for 44 of the units. The remaining 16 EDU's will be conveyed by gravity lines. The total sewage flows of 24,400 gallons per day (gpd) of wastewater will be treated by the Earl Township Wastewater Treatment Plant.

Any required NPDES permits or WQM permits must be obtained in the name of the municipality or authority. Approval was granted June 23, 1998.

**West Earl Township, Lancaster County**, 157 West Metzler Road, Brownstown, PA 17508. The proposed development is located on the east side of S. R. 0772, approximately 2,000 feet north of S. R. 0272, West Earl Township, Lancaster County.

The approved project consists of the construction of an Ephrata Diamond Spring Water Company (EDSW) Facility on an existing 20.6 acre tract. The total sewage flows of 40,200 gallons per day (gpd) of wastewater will be pumped to a new gravity sewer starting at S. R. 0272 and discharged at the Church Street Pumping Station. The sewage will be treated by the West Earl Township Wastewater Treatment Plant.

Any required NPDES permits or WQM permits must be obtained in the name of the municipality or authority. Approval was granted June 12, 1998.

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

**Plum Borough, Allegheny County**, 4575 New Texas Road, Pittsburgh, PA 15239. The Borough of Plum's approved revision recommends providing additional capacity to portions of the Plum Creek Interceptor to address the existing hydraulic overload condition. In addition, Plum plans to construct its own interceptor from the Unity area of the Borough to the Plum Creek Sewage Treatment Plant. Plum also proposes to construct a retention facility to reduce the wet weather hydraulic overload of the Plum Creek sewerage system and purchase additional capacity from Penn Hills to address future growth.

## SAFE DRINKING WATER

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### Actions taken under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17).

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

**Permit No. 0498501.** Public water supply. **Municipal Authority of the Township of North Sewickley**, 590 Mercer Road, Beaver Falls, PA 15010. *Type of Facility:* Mercer Road Chlorination Station. *Permit to Construct Issued:* June 24, 1998.

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

**Permit No. 1098503.** Public water supply. **Adams Ridge, Inc.**, 20th and Sheffield Road, Aliquippa, PA 15001 has been issued a Construction Permit for the change from liquid to gas chlorination, the addition of four manganese greensand filters, the addition of a pump station and distribution lines for villages 11 and 12 in Adams Township, **Butler County**. *Type of Facility:* Community Water Supply. *Consulting Engineer:* Ronald E. Bolam, P. E., The Warnick Company, Inc., 226 Sunset Drive, Butler, PA 16001-1334. *Permit to Construct Issued:* June 23, 1998.

## HAZARDOUS SITES CLEANUP

### Under the Act of October 18, 1988

#### PROPOSED CONSENT ORDER AND AGREEMENT

##### Presque Isle Chemical Site Washington Township, Erie County

Under section 1113 of the Hazardous Sites Cleanup Act (35 P.S. § 6020.1113, notice is hereby provided that the Department of Environmental Protection (Department) has entered into a Consent Order and Agreement (CO&A) with the Edinboro Regional Community Services, Inc. (ERCS) concerning the lease of the Presque Isle Chemical Site (site) from the Commonwealth of Pennsylvania by ERCS.

In the past, hazardous substances were disposed at the site and these substances contaminated the environment at the site. The Department conducted response actions at the site to mitigate the threat to human health and the environment posed by the hazardous substances there. A groundwater collection and treatment unit continues to operate at the site. ERCS intends to manage the site for a regional multi-use research, education and recreation facility for the benefit of the public without profit to ERCS. Currently, ERCS does not plan to construct any buildings or other improvements at the site. ERCS will not interfere with the Department's operation of the groundwater treatment unit in operation at the site.

The Department will receive and consider comments relating to the CO&A for 60 days from the date of this public notice. The Department has the right to withdraw its consent to the CO&A if the comments concerning the CO&A disclose facts or considerations which indicate that the CO&A is inappropriate, improper or not in the public interest. After the public comment period, the Department's settlement with ERCS shall become final upon the filing of the Department's response to significant written comments to the CO&A.

Copies of the CO&A are available for inspection at the Department's office at 230 Chestnut Street, Meadville, PA. Comments may be submitted, in writing, to Hal

Beavers, Project Manager, Department of Environmental Protection, Hazardous Sites Cleanup, 230 Chestnut Street, Meadville, PA 16335. Further information may be obtained by contacting Hal Beavers at (814) 332-6648. TDD users may contact the Department through the Pennsylvania Relay Service at (800) 654-5984.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

### Preamble 3

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

For further information concerning the final report, please contact the Environmental Cleanup Program in the Department of Environmental Protection Regional Office under which the notice of receipt of a final report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following final reports.

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

**Ken Sabolovic Auto Service Station**, City of Pittsburgh, **Allegheny County**. Ken Sabolovic, 4608 Mt. Troy Road, Pittsburgh, PA 15214 and Patrick M. Neil, Solar Testing Labs, Inc., 3862 East Street, Pittsburgh, PA 15214 has submitted a Final Report addressing soil contaminated with lead and BTEX. The report is intended to document remediation of the site to meet the Statewide health standard.

**Reliance Electric/Rockwell Automation**, City of Washington, **Washington County**. Reliance Electric/Rockwell Automation, 320 Reliance Drive, Washington, PA 15301 and Barry J. Trilling, Pepper Hamilton LLP, One Mellon Bank Center, 50th Floor, Pittsburgh, PA 15219 has submitted a Final Report addressing soil contaminated with lead and heavy metals. The report is intended to document remediation of the site to meet the Statewide health standard.

## SOLID AND HAZARDOUS WASTE

### LICENSE TO TRANSPORT HAZARDOUS WASTE

**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.*

**Industrial Marine Service, Incorporated**, P. O. Box 1779, Norfolk, VA 23501; License No. **PA-AH 0593**; license issued June 12, 1998.

**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.*

**Berner Trucking, Inc.**, P. O. Box 660, Dover, OH 44622-0660; License No. **PA-AH 0382**; renewal license issued May 28, 1998.

**Chem-Freight, Inc.**, 33 Industry Drive, Bedford, OH 44146; License No. **PA-AH 0074**; renewal license issued June 2, 1998.

**Guardian Express, Inc.**, 100 Keller Drive, Wapakoneta, OH 45895-0027; License No. **PA-AH 0535**; renewal license issued June 5, 1998.

**Jack Gray Transport, Inc.**, 4600 East 15th Avenue, Gary, IN 46403; License No. **PA-AH 0208**; renewal license issued May 28, 1998.

**Laidlaw Environmental Services Ltd.**, 4090 Telfer Side Road, Corunna, Ontario, Canada N0N 1G0; License No. **PA-AH 0523**; renewal license issued May 28, 1998.

**Liquid Cargo, Inc.**, 470 Schuyler Avenue, Kearny, NJ 07032; License No. **PA-AH 0388**; renewal license issued June 2, 1998.

**Maumee Express, Inc.**, P. O. Box 278, Somerville, NJ 08876; License No. **PA-AH 0420**; renewal license issued June 4, 1998.

**Marisol, Incorporated**, 213 West Union Avenue, Bound Brook, NJ 08805-1334; License No. **PA-AH 0164**; renewal license issued June 2, 1998.

**Mid-State Trading Co.**, 2525 Trenton Avenue, Williamsport, PA 17701; License No. **PA-AH 0148**; renewal license issued June 4, 1998.

**Radiac Research Corp.**, 261 Kent Avenue, Brooklyn, NY 11211; License No. **PA-AH S007**; renewal license issued June 15, 1998.

**Research Transportation Company**, 2777 Rockefeller Avenue, Cleveland, OH 44115; License No. **PA-AH 0527**; renewal license issued May 28, 1998.

**License expired under the Solid Waste Management Act (35 P. S. §§ 6018.1001—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.*

**Environmental Waste Resources, Inc.**, 130 Freight Street, Waterbury, CT 06702; License No. **PA-AH 0528**; license expired on May 31, 1998.

**Pippin, Inc.**, P. O. Box 487, Freehold, NJ 07728; License No. **PA-AH 0419**; license expired on May 31, 1998.

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**OPERATE WASTE PROCESSING OR DISPOSAL  
AREA OR SITE**

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**Permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.1001—6018.1003), and regulations to operate solid waste processing or disposal area or site.**

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*Southcentral Regional Office, Regional Solid Waste Program Manager, One Ararat Boulevard, Harrisburg, PA 17110, (717) 657-4588.*

**Permit No. 101539. Dauphin Meadows Landfill, Dauphin Meadows, Inc.** (2 Park West Two, Suite 420, 2000 Cliff Mine Road, Pittsburgh, PA 15275). Application for major modification for addition of a leachate evaporator for a site in Washington and Upper Paxton Townships, **Dauphin County**. Permit issued in the Regional Office June 23, 1998.

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**Permits 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.**

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

**Permit No. 603148. Kenneth Rexroth Farm I, Springittsbury Township** (3501 North Sherman Street, York, PA 17402-9719). This permit has been revoked at the applicants request for a site in Lower Windsor Township, **York County**. Permit revoked in the Regional Office June 18, 1998.

**Permit No. 603148. Kenneth Rexroth Farm III, Springittsbury Township** (3501 North Sherman Street, York, PA 17402-9719). This permit has been revoked at the applicants request for a site in Lower Windsor Township, **York County**. Permit revoked in the Regional Office June 18, 1998.

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**Permit modification (for Form S type waste) approved to accept municipal-like residual waste at municipal waste transfer facilities.**

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*Regional Office: Northeast Regional Office, Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2516.*

**Permit I. D. No. 101537. Hinkle Hauling Service, Inc. Transfer Station**, Hinkle Hauling Service, Inc., 1725 Brookside Road, Macungie, PA 18062. A permit for a Major Permit Modification for the Acceptance of Form S Municipal-Like Residual Waste at this municipal waste transfer facility, located in Lower Macungie Township, **Lehigh County**. The permit was issued in the Regional Office on June 15, 1998.

**PREVIOUSLY UNPERMITTED CLASS OF SPECIAL  
HANDLING WASTE**

**INFECTIOUS OR CHEMOTHERAPEUTIC WASTE**

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**Renewal licenses issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Infectious and Chemotherapeutic Waste Law (35 P. S. §§ 6019.1—6019.6) and regulations for license to transport infectious and chemotherapeutic waste.**

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

**Regnier's Refrigerated Express**, 648 Frenchtown Road, New Castle, DE 19720; License No. **PA-HC 0050**; license issued June 15, 1998.

**AIR QUALITY**

**OPERATING PERMITS**

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**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.**

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

**23-00039: Haverford State Hospital** (3500 Darby Road, Haverford, PA 19041) issued for the operation of a Facility Title V Operating Permit in Haverford Township, **Delaware County**.

**15-00005: West Chester University** (University Avenue, West Chester, PA 19383) issued for the operation of a Facility Title V Operating Permit in West Chester Borough, **Chester County**.

**23-0014A: Kimberly-Clark Tissue Co.** (Front and Avenue of the States, Chester, PA 19013) issued for the operation of a Facility VOC/NOx Ract in Chester Township, **Delaware County**.

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

**65-00467: Coal Loaders, Inc.** (P. O. Box 556, Ligonier, PA 15658) issued June 1, 1998, for operation of coal processing facility at Jubilee No. 1 in Derry Township, **Westmoreland County**.

**03-190A: Standard Products Co.** (1655 Orr Avenue, Kittanning, PA 16201) issued June 10, 1998, for operation of surface coating at Kittanning Division in Kittanning Borough, **Armstrong County**.

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

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

**56-00264: Svonavec, Inc.** (140 West Union Street, Somerset, PA 15501) issued June 4, 1998, for operation of stone crusher at Milford Mine in Milford Township, **Somerset County**.

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

**GP-10-323: Ben Hal Mining, Duffy I Mine** (Branchton Road, Slippery Rock, PA 16057) issued June 26, 1998, for a portable nonmetallic mineral processing plant in Cherry 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.**

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

**09-0030: MSC Pre Finish Metals Inc.** (1295 New Ford Mill Road, Morrisville, PA 19067) issued June 23, 1998, for the operation of a Replacement Thermal Oxidizer in Falls Township, **Bucks County**.

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

**22-322-001A: Dauphin Meadows, Inc.** (Route 209, Millersburg, PA 17061) issued June 23, 1998, for construction of the landfill gas extraction system, vaporator and internal combustion engine controlled by an enclosed ground flare in Upper Paxton and Washington Townships, **Dauphin County**.

**36-317-070F: Tyson Foods, Inc.** (P. O. Box 1156, New Holland, PA 17557-0901) issued June 23, 1998, for modifications of the chicken processing operations in New Holland Borough, **Lancaster County**.

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

**03-210A: Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001) issued June 3, 1998, for operation of portable coal crushing plant at Cowanshannock Township, **Armstrong County**.

**04-601A: Tajon Warehouse Corp.** (2701 Route 68 West, Industry, PA 15052) issued June 4, 1998, for operation of screening plant—Lot #3 at Arrow Terminals Midland in Midland Borough, **Beaver County**.

**63-649C: Polycom Huntsman, Inc.** (55 Galiffa Drive, Donora, PA 15033) issued June 10, 1998, for installation of thermoplastic compounding at Donora Plant No. 1 in Donegal Township, **Washington County**.

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

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

**09-313-084: AtoHaas North America, Inc.** (Old Route 13 & Route 413, Bristol, PA 19007) issued June 23, 1998, for the operation of a Acrylic Molding Resin Line 15 in Bristol Township, **Bucks County**.

**46-313-091A: Rhone-Poulenc Rorer Pharm., Inc.** (500 Arcola Road, Collegetown, PA 19426) issued June 23, 1998, for the operation of a Process Development Laboratory in Upper Providence Township, **Montgomery County**.

**46-313-115: SmithKline Beecham Pharmaceuticals** (709 Swedeland Road, King of Prussia, PA 19406) issued June 24, 1998, for the operation of a Centrifuge and Reactor Exhausts in Upper Merion Township, **Montgomery County**.

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

**36-02025A: Texas Eastern Transmission Corp.** (P. O. Box 1642, Houston, TX 77251-1642) issued June 16, 1998, to authorize the shake-down of natural gas fired turbine and emergency generator covered by this Plan Approval until October 13, 1998, at the Marietta Station in East Donegal Township, **Lancaster County**. These sources are subject to 40 CFR 60, Subpart GG, Standards of Performance for New Stationary Sources.

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

**63-307-027: American Iron Oxide Co.** (Foster Plaza, #7, 661 Andersen Drive, Pittsburgh, PA 15220) issued June 8, 1998, for the operation of iron oxide production at Allenport Plant in Allenport Borough, **Washington County**.

**63-641A: Regal Industrial Corp.** (P. O. Box 291, Donora, PA 15033) issued June 3, 1998, for the installation of abrasive blasting at the Donora Plant in Donora Borough, **Washington County**.

**04-307-073C: Koppel Steel Corp.** (P. O. Box 750, Beaver Falls, PA 15010) issued June 3, 1998, for the construction of a multi-lance manipulator at the Koppel Plant in Koppel Borough, **Beaver County**.

**03-206A: Rosebud Mining Co.** (R. D. 1, Box 379-A, Kittanning, PA 16201) issued June 3, 1998, for the construction of a coal preparation facility at Tracy Lynne Mine in Kiskiminetas Township, **Armstrong County**.

**56-307-001E: FirstMiss Steel, Inc.** (230 Box 509, Hollsopple, PA 15935) issued June 3, 1998, for the construction of an electric arc furnace at the Stony Creek Plant in Quemahoning Borough, **Somerset County**.

**26-310-017: Amerikohl Mining, Inc.** (P. O. Box 427, Acme, PA 15610) issued June 3, 1998, for the construction of a portable stone crusher at Jim Mountain Quarry in Springfield Township, **Fayette County**.

**63-101A: Maple Creek Mining, Inc.** (981 Route 917, Bentleyville, PA 15314) issued June 3, 1998, for installation of coal storage area at Maple Creek Preparation Plant in New Eagle Borough, **Washington County**.

**63-305-020A: Matt Canestrone Contracting, Inc.** (P. O. Box 234, Belle Vernon, PA 15012) issued June 10, 1998, for the construction of a pebble lime loading/unloading operation in Donora Borough, **Washington County**.

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

**10-042A: Keystone Aluminum, Inc.** (126 Myoma Road, Mars, PA 16046) issued May 31, 1998, for a scrap shredder in Adams Township, **Butler County**.

**10-303-007A: IA Construction Corp.** (131 Campground Road, Harrisville, PA 16038) issued June 28, 1998, for a batch asphalt plant in Mercer Township, **Butler County**.



**16-399-008: Peoples Natural Gas Co.** (Legislative Route 1612, Truittsburg, PA 16224) issued May 31, 1998, for three natural gas engines in Redbank Township, **Clarion County**.

**25-313-056: Engelhard Corp.** (1729 East Avenue, Erie, PA 16503) issued April 30, 1998, for a maleic plant blender in Erie, **Erie County**.

**37-309-046: Essroc Materials, Inc.** (2nd Street, Bessemer, PA 16112) issued December 31, 1997, for a tire derived fuel system in Bessemer Borough, **Lawrence County**.

**43-302-018A: Caparo Steel Co.** (15 Roemer Blvd, Farrell, PA 16121) issued June 30, 1998, for combustion units in Farrell, **Mercer County**.

**43-313-001B: Caparo Steel Co.** (15 Roemer Boulevard, Farrell, PA 16121) issued June 30, 1998, for an acid regeneration plant in Farrell, **Mercer County**.

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

### ENCROACHMENTS

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

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

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

*Northeast Regional Office, Regional Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-5485.*

**E40-487.** Encroachment. **Frederick R. and Dana L. Buckman**, 7 Bramblewood Drive, Shavertown, PA 18708. To construct and maintain a pile-supported dock/boathouse, having dimensions of 50 feet (lakeward) by 30 feet, in Harveys Lake. The project is located at Pole No.

169.5, Lakeside Drive (Harveys Lake, PA Quadrangle N: 21.5 inches; W: 7.5 inches), in Harveys Lake Borough, **Luzerne County**.

**E40-488.** Encroachment. **William B. and Mary Lynn Pizzolato**, 3 Bramblewood Drive, Shavertown, PA 18708. To construct and maintain a pile-supported dock/boathouse, having dimensions of 50 feet (lakeward) by 30 feet, in Harveys Lake. The project is located at Pole No. 170, Lakeside Drive (Harveys Lake, PA Quadrangle N: 21.5 inches; W: 7.5 inches), in Harveys Lake Borough, **Luzerne County**.

**E45-348.** Encroachment. **George R. and Jean Habeeb**, R. R. 2, Box 480, Henryville, PA 18332. To place fill in approximately 0.19 acre of wetlands for the purpose of constructing a road crossing having a length of approximately 160 feet to provide access to Wilson Woods Residential Subdivision. The project is located approximately 0.15 mile northwest of the intersection of Township Roads T535 and T568 (Mount Pocono, PA Quadrangle N: 11.7 inches; W: 7.3 inches) in Pocono Township, **Monroe County**.

**E52-153.** Encroachment. **Aldo and Ingeborg Gelso**, HC Box 8135, Hawley, PA 18428. To place fill in 0.19 acre of wetlands for the purpose of widening an existing road by approximately 15 feet. This project is located along Hatton (Gelso) Road, approximately 2,000 feet west of the intersection with Spring Road (Pecks Pond, PA Quadrangle N: 21 inches; W: 11.5 inches), in Blooming Grove Township, **Pike County**. The permittee is required to provide 0.23 acre of replacement wetlands.

**E54-245.** Encroachment. **Borough of Tremont**, 224 West Laurel Street, Tremont, PA 17981. To repair and maintain the Union Street Bridge, having a span of 21.5 feet and an underclearance of 12.3 feet, across Middle Creek. Repairs consist of welding steel plates to the webs of existing beams, repairing a collapsed area of the left abutment utilizing R-6 grouted riprap at the base of the abutment, and repointing and resurfacing other deteriorated areas of the abutments. This project is located along Union Street, 400 feet north of the intersection of Union Street and S.R. 0209 (Tremont, PA Quadrangle N: 0.6 inch; W: 1.5 inches), in the Borough of Tremont, **Schuylkill County**.

**E58-224.** Encroachment. **Chester Grover**, R. R. 2, Box 231, New Milford, PA 18834. To maintain fill which has been placed in 3.47 acres of wetlands within the drainage basin of Salt Lick Creek. The project is located approximately 200 feet west of S.R. 0011, north of the Great Bend Township/New Milford Township boundary (Great Bend, PA-NY Quadrangle N: 6.0 inches; W: 15.0 inches), in Great Bend Township, **Susquehanna County**. The permittee is required to provide 6.94 acres of replacement wetlands.

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

**E05-260.** Encroachment. **Hyndman Borough**, Sharon Shaffer, P. O. Box 486, Hyndman, PA 15545. To remove the existing damage floodwalls and to construct and maintain concrete floodwalls for an overall total length of 369 feet along the right bank of Wills Creek located immediately upstream and downstream of Schellsburg Street Bridge (Hyndman, PA Quadrangle N: 13.6 inches; W: 13.8 inches) in Hyndman Borough, **Bedford County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E06-511.** Encroachment. **Longswamp Township**, P. O. Box 37, Mertztown, PA 19539. To remove an existing structure and reconstruct and maintain a 47-inch × 71-inch arch culvert in the channel of Sacony Creek at a point at Stone Road (Manatawny, PA Quadrangle N: 16.1 inches; W: 7.5 inches) in Longswamp Township, **Berks County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E36-650.** Encroachment. **PA Turnpike Commission**, Andrew Lutz, P. O. Box 67676, Harrisburg, PA 17106. To rehabilitate and maintain two mainline five-span Pennsylvania Turnpike bridges by widening and redecking the bridge steel I-beam superstructure, including widening the four concrete column piers and abutments at each bridge. A gabion slope wall protection is authorized to be placed under each bridge from the abutments to edge of stream for slope protection. This permit also authorizes the filling of a de minimis area of wetlands less than or equal to 0.4 acre impacted by extending the abutment wingwall and backfilling at Bridge EB-535. Bridge EB-533 spans the Cocalico Creek at Milepost 282.4 and Bridge EB-535 crosses the Little Cocalico Creek at Milepost 283.06 (Ephrata, PA Quadrangle N: 20.9 inches; W: 2.4 inches) in East and West Cocalico Townships, **Lancaster County**. This permit also includes 401 Water Quality Certification.

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

**E02-1221.** Encroachment. **Oak Park Associates, Inc.**, P. O. Box E, Irwin, PA 15642. To construct and maintain a bank stabilization project consisting of regrading the banks of Jacks Run and placing and maintaining rip-rap along the left bank of Jacks Run (HQ-TSF) for a distance of approximately 350 feet. The project is located on the south side of Jacks Run Road, just upstream from the intersection of Jacks Run Road, Lincoln Way, Long Run Road and White Oak Level Road (McKeesport, PA Quadrangle N: 15.9 inches; W: 7.9 inches) in White Oak Borough, **Allegheny County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E04-254.** Encroachment. **Mary Ann Jones**, 508 Harmony Road, New Brighton, PA 15066. To operate and maintain a single span bridge having a span of 32 feet and an underclearance of 8 feet across Blockhouse Run (WWF). The bridge is located on the south side of Harmony Road approximately 1,000 feet east of its intersection with Blockhouse Road (Beaver, PA Quadrangle N: 20.8 inches; W: 5.2 inches) in Daugherty Township, **Beaver County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E65-693.** Encroachment. **Allegheny Ludlum Corporation**, 100 River Road, Brackenridge, PA 15014-1597. To operate and maintain an existing 60-inch outfall pipe and to construct and maintain an 80-foot long × 10-foot wide concrete outfall channel below the outfall pipe along the left side of the Kiskiminetas River for the purpose of improving the water discharge flow below the outfall pipe. The project is located on the Allegheny Ludlum property (Leechburg, PA Quadrangle N: 3.25 inches; W: 15.8 inches) in West Leechburg Borough, **Westmoreland County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E02-1222.** Encroachment. **Plum Borough Municipal Authority**, 4575 New Texas Road, Pittsburgh, PA 15239.

To place and maintain fill in 0.3 acre of wetlands (PEM); to place and maintain fill in the floodway and to construct and maintain a 2.2 MG sewage detention facility in the floodway fringe of Plum Creek (WWF). The project is located on the northeast side of Leechburg Road at the confluence of Plum Creek and Little Plum Creek (Brad-dock, PA Quadrangle N: 21.7 inches; W: 4.8 inches) in Plum Borough, **Allegheny County**. The applicant has met the wetland replacement requirements by contributing to the Wetland Replacement Fund.

**E04-250.** Encroachment. **Horsehead Industries** (Zinc Corporation of America), 300 Frankfort Road, Monaca, PA 15061-2295. To operate and maintain a barge unloading facility and a noncontact cooling water intake and outlet in and along the left bank of the Ohio River (WWF) near River Mile 29.2 (Beaver, PA Quadrangle N: 7.7 inches; W: 13.5 inches) in Potter Township, **Beaver County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E26-243.** Encroachment. **North Union Township Supervisors**, 229 Brown Boulevard, Uniontown, PA 15401-1030. To remove the existing structure and to construct and maintain a 12.58-foot by 8.08-foot, 45 feet long elliptical concrete culvert (invert depressed 6 inches) in an unnamed tributary to Redstone Creek (WWF) located on T-557 (Gilchrist Road) at a point approximately 3,600 feet north of S. R. 119 interchange. This project includes construction and maintenance of bank protection at the culvert's approaches (Uniontown, PA Quadrangle N: 12.6 inches; W: 7.2 inches) in North Union Township, **Fayette County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

**E10-273.** Encroachment. **Seven Fields Development Company**, 2200 Garden Drive, Suite 200, Mars, PA 16046-7846. To conduct the following activities associated with Seven Fields Development, Northridge Estates Plan of Lots, Phase II extension of Northridge Drive located approximately 600 feet north of Old Mars Crider Road (T-721) 0.5 mile east of Franklin Road (Mars, PA Quadrangle N: 12.3 inches; W: 9.1 inches) located in Seven Fields Borough, **Butler County**.

1. Remove an existing 42-inch-diameter culvert and to construct and maintain a 75-foot-long, 12-foot-7-inch-wide by 5-foot-2-inch-high corrugated aluminum box culvert with concrete headwall and endwall in a tributary to Kaufman Run.

2. Relocate approximately 75 feet of the channel of a tributary to Kaufman Run associated with construction of the culvert.

3. Fill 0.28 acre of wetland adjacent to a tributary to Kaufman Run associated with culvert and roadway embankment construction.

Project includes the creation of at least 0.28 acre of replacement wetland.

**E20-455.** Encroachment. **PA Department of Transportation**, District 1-0, 1140 Liberty Street, Franklin, PA 16323. To construct and maintain a steel multi-girder bridge having two spans of 155 feet and a maximum underclearance of 52 feet across McMillen Hollow on S. R. 3013, Segment 0020, Offset 2135 approximately 0.25 mile south of S. R. 3006 at Atlantic (Conneaut Lake, PA

Quadrangle N: 0.1 inch; W: 12.0 inches) located in East Fallowfield Township, **Crawford County**.

**E20-456. Encroachment. PA Department of Transportation**, District 1-0, 1140 Liberty Street, Franklin, PA 16323. To remove the existing structure and to construct and maintain a prestressed concrete adjacent box beam bridge having a clear span of 32 feet and an average underclearance of 3.67 feet on a 60-degree skew across Dolly Run on S. R. 0089, Segment 0150, Offset 0000 approximately 0.25 mile north of T-699 at Cloverdale Corners (Titusville North, PA Quadrangle N: 15.3 inches; W: 5.4 inches) located in Rome Township, **Crawford County**. This project includes construction of a temporary ford crossing approximately 65 feet upstream of the bridge for agricultural equipment use by the property owner.

**E27-058. Encroachment. Tionesta Township**, P. O. Box 601, Tionesta, PA 16353. To remove the existing structure and to install and maintain a 40-foot-long, 55-inch-diameter CM pipe culvert in a tributary to North Branch Hemlock Creek on Stitzinger Road approximately 1,000 feet north of T-599 (Tionesta, PA Quadrangle N: 5.3 inches; W: 4.4 inches) located in Tionesta Township, **Forest County**.

**E37-118. Encroachment. PA Department of Transportation**, District 11-0, 45 Thoms Run Road, Bridgeville, PA 15057-2853. To remove the existing bridge and to construct and maintain a steel girder bridge having three clear, normal spans of 113.67 feet and a minimum underclearance of 17.4 feet across Mahoning River on S. R. 0108, Section L04 approximately 200 feet west of S. R. 0018 (Bessemer, PA Quadrangle N: 17.4 inches; W: 1.3 inches) located in City of New Castle, Taylor and North Beaver Townships, **Lawrence County**. Project includes installation and maintenance of a temporary construction causeway across the channel of the Mahoning River consisting of clean rock fill and twenty-four 96-inch-diameter pipes.

**E37-119. Encroachment. Lawrence County Commissioners**, Government Center, 430 Court Street, New Castle, PA 16101. To remove the existing Walker Mill Bridge and to construct and maintain a concrete adjacent box beam bridge having two clear, normal spans of 17 meters and an underclearance of 4.153 meters across Neshannock Creek on T-464 (Lakewood Road) southwest of S. R. 0965 (New Castle North, PA Quadrangle N: 14.9 inches; W: 7.8 inches) located in Wilmington Township, **Lawrence County**.

#### WATER QUALITY CERTIFICATION

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

*Certification Request Initiated By: Alexander R. Jansen, P. E.*, Deputy Executive Director, Pennsylvania Turnpike Commission, P. O. Box 67676, Harrisburg, PA 17106-7676.

*Location: Findlay Township, Allegheny County, Robinson Township, Washington County.*

*Project Description:* To construct approximately 6 miles of a new, four lane, limited access tolled highway connecting PA Route 60 at the Pittsburgh International Airport in Findlay Township, Allegheny County and U. S. Route 22 in Robinson Township, Washington County. The project will impact the following streams: Potato Garden Run (WWF), five unnamed tributaries to Potato Garden Run (WWF), North Fork of Montour Run (TSF), six unnamed

tributaries to Montour Run (TSF), two unnamed tributaries to Raredon Run (WWF), and seven unnamed tributaries to St. Patrick Run (WWF). In addition, a total of 8.0 acres of wetland are proposed to be impacted (6.3 acres PEM, 1.0 acre PSS, and 0.7 acre PFO). Stream and wetland mitigation will be required.

*Final Action on Request:* The certification granted, is subject to the following conditions: Water Obstruction and Encroachment Permits must be secured from the Department of Environmental Protection, Soils and Waterways Section, Water Management, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

The proposed activity must comply with Chapters 93, 95, 102 and 105 of the Department's Rules and Regulations and all other applicable State regulations and other State requirements.

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## SPECIAL NOTICES

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### Public Hearing

The Department of Environmental Protection (Department) has scheduled a public hearing to receive testimony and comments on the proposed 102 Individual NPDES permit for construction activities at the **Formula Motorsports Park** in New Morgan Borough, **Berks County**. Construction at the proposed race track would affect 325 acres of soils along an unnamed tributary to Hay Creek which is an exceptional value stream. The hearing will be held on Thursday, August 20, 1998, at the New Morgan Borough Office, 200 Bethlehem Drive in Morgantown, PA beginning at 7 p.m.

Any person intending to testify at the hearing should register by Thursday, August 13, 1998, by calling Susan Frank at (717) 705-4904. Persons unable to attend the hearing may submit written comments regarding this action to the Department before August 31, 1998, by mailing them to Dennis Stum at 909 Elmerton Avenue, Harrisburg, PA 17110.

All testimony should be to the point. Each individual will have up to 10 minutes for his/her presentation. To ensure that all speakers have a fair and equal opportunity to present their testimony, relinquishing of time will be prohibited. Further details relating to the procedures to be followed at the hearing will be outlined at the beginning of the proceedings.

An appointment may be scheduled to review the permit application at the Southcentral Regional Office in Harrisburg by contacting Mary DiSanto at (717) 705-4732 between the hours of 8 a.m and 4 p.m., Monday through Friday.

Persons with a disability who wish to attend the hearing but require an auxiliary aid, service or other accommodations to participate in the proceedings should contact the Department for assistance. TDD users may use the AT&T Relay Service at 1 (800) 654-5984.

### Public Hearing

The Department of Environmental Protection (Department) has scheduled a public hearing to receive testimony and comments on the proposed 102 Individual NPDES permit for construction activities at the **Letort Meadows Residential Development** in South Middleton Township, **Cumberland County**. Construction at the proposed housing development would affect 9.5 acres of soils along Letort Spring Run which is an exceptional value stream. The hearing will be held on Wednesday, August

26, 1998, at the South Middleton Fire Hall, 405 Forge Road in Boiling Springs, PA beginning at 7 p.m.

Any person intending to testify at the hearing should register by August 19, 1998, by calling Susan Frank at (717) 705-4904. Persons unable to attend the hearing may submit written comments regarding this action to the Department before September 8, 1998, by mailing them to Orlando Dizo at 909 Elmerton Avenue, Harrisburg, PA 17110.

All testimony should be to the point. Each individual will have up to 10 minutes for his/her presentation. To ensure that all speakers have a fair and equal opportunity to present their testimony, relinquishing of time will be prohibited. Further details relating to the procedures to be followed at the hearing will be outlined at the beginning of the proceedings.

An appointment may be scheduled to review the permit application at the Southcentral Regional Office in Harrisburg by contacting Mary DiSanto at (717) 705-4732 between the hours of 8 a.m and 3:30 p.m., Monday through Friday.

Persons with a disability who wish to attend the hearing but require an auxiliary aid, service or other accommodations to participate in the proceedings should contact the Department for assistance. TDD users may use the AT&T Relay Service at (800) 654-5984.

### **UNDERGROUND STORAGE TANK HEATING OIL CLEANUP PROGRAM**

**Under the Act of January 30, 1998**

#### **Announcement of reimbursement program under section 710(b.2) of the Storage Tank and Spill Prevention Act.**

The Department of Environmental Protection announces the establishment of a reimbursement program for tank owners who have underground storage tanks with a capacity of 3,000 gallons or less used for storing heating oil for consumption on the premises where stored, to assist with costs of taking corrective action in response to a release. The release must have occurred on or after January 30, 1998.

Typical eligible corrective action costs include excavating, emptying, cleaning, removing, transporting and disposing of a leaking storage tank; excavating contaminated soil; transporting and disposing of wastes; and restoring disturbed or contaminated areas by backfilling, grading and revegetating. Costs associated with the removal of non-leaking storage tanks and releases from storage tanks located in underground areas such as basements or cellars are not eligible for reimbursement.

The reimbursement is limited to the actual costs of corrective action or \$5,000, whichever is less. The amount allowed is subject to a \$1,000 deductible, which must be paid first by the tank owner. The reimbursement and deductible apply on a per tank basis. All reimbursements are funded through the Underground Storage Tank Indemnification Fund and up to \$500,000 per year may be available. The program expires on January 30, 2000.

For more information or to obtain a copy of the application, contact the Storage Tank Cleanup Section in Harrisburg at (717) 783-7816, contact the Environmental

Cleanup Program in the local DEP regional office, email [tankclnup@al.dep.state.pa.us](mailto:tankclnup@al.dep.state.pa.us) or visit our website at <http://www.dep.state.pa.us/dep/deputate/airwaste/wm/Tanks/tanks/htm>.

[Pa.B. Doc. No. 98-1104. Filed for public inspection July 10, 1998, 9:00 a.m.]

### **Availability of Technical Guidance**

Technical guidance documents are on DEP's World Wide Web site (<http://www.dep.state.pa.us>) at the Public Participation Center. The "January 1998 Inventory" heading is the Governor's List of Non-regulatory Documents. The "Search the Inventory of Technical Guidance Documents" heading is a database of the Inventory. 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 1998.

#### *Ordering Paper Copies of DEP Technical Guidance*

Persons can order a bound paper copy of the latest Inventory or an unbound paper copy of any of the final documents listed on the Inventory by calling DEP at (717) 783-8727.

In addition, bound copies of some of DEP's documents are available as DEP publications. Persons should 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 is listed with each document. Persons who have questions or comments in general should call Jonathan Brightbill at (717) 783-8727.

#### *Final Technical Guidance—New Guidance*

DEP ID: 012-2000-001 Title: Policy on Meeting the Requirements of the 1996 Amendments to Engineer, Land Surveyor and Geologist Registration Law Description: Establishes procedures for persons practicing geology on how to submit properly prepared documents for Departmental review. Effective Date: June 1, 1998 Page Length: 4 pages Location: Vol 01, Tab 09 Contact: Eric Conrad at (717) 787-5027

#### *Draft Technical Guidance—New Guidance*

DEP ID: 580-3300-001 Title: Underground Mine Accident and Production/Manhour Reporting Description: Guidance will assist the operators by providing an option to submit various reports according to the MSHA requirements. Deadline for Submittal of Comments: August 7, 1998 Contact: Richard E. Stickler at (724) 439-7469

#### *Notice of Intent to Develop Technical Guidance*

Title: DEP Approval Guide for Noncommunity Water Systems Description: This guide will summarize the

noncommunity water system approval process. Anticipated Effective Date: January 4, 1999 Anticipated Draft Development Date: October 1, 1998 Contact: Joseph Hoffman at (717) 787-5017

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 98-1105. Filed for public inspection July 10, 1998, 9:00 a.m.]

### Recycling Fund Advisory Committee; Meeting Change

The July 9, 1998 meeting of the Recycling Fund Advisory Committee (RFAC) has been rescheduled to September 10, 1998. The meeting will be held at King's Gap Environmental Education Center, about 45 minutes south of Harrisburg. The center's entrance is on Pine Road, 1 mile east of the Hunttsdale Fish Hatchery. From Interstate 81, take Exit 11. At the exit, travel south on Route 233 about 2.5 miles. Turn left onto Pine Road and continue 2.5 miles. The entrance to the center is on the right.

This meeting will be combined with the regularly scheduled Solid Waste Advisory Committee meeting on September 11.

Questions concerning this meeting can be directed to Diana Welker, Bureau of Land Recycling and Waste Management, at (717) 787-7382 or by e-mail at Welker.Diana@dep.state.pa.us. Questions concerning the agenda topics can be directed to Lawrence Holley at the same number or by e-mail at Holley.Lawrence@dep.state.pa.us. The agenda and meeting materials will be available through the Public Participation Center on DEP's World Wide Web site at <http://www.dep.state.pa.us> approximately 2 weeks prior to the meeting.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Diana Welker directly at (717) 787-7382 or through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 98-1106. Filed for public inspection July 10, 1998, 9:00 a.m.]

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 July 31, 1998, 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. 97-35, 42 U.S.C.A. §§ 8621 et. seq.) as amended by the Human Services Reauthorization Act of 1984 (Pub. L. 98-558), the Human Services Reauthorization Act of 1986 (Pub. L. 99-425), the Augustus F. Hawkins Human Services Reauthorization Act of 1990 (Pub. L. 101-501), the National Institutes of Health Revitalization Act of 1993 (Pub. L. 103-43), and the Low-Income Home Energy Assistance Amendments of 1994 (Pub. L. 103-252).

#### Public Hearing Schedule:

August 18, 1998, 10 a.m.—12 noon, County Courthouse, Gold Room, 436 Grant Street, Pittsburgh, PA.

August 20, 1998, 10 a.m.—1 p.m., Philadelphia State Office Building, Room 101-B, 1st Floor, 1400 Spring Garden Street, Philadelphia, PA.

August 24, 1998, 10 a.m.—12 noon, 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 August 7, 1998. Persons from outside the Harrisburg area should call toll-free (800) 692-7462 or send a written request, including their telephone number, to Esther Witmer, LIHEAP Department of Public Welfare, DPW Complex 2, Willow Oak Building, Room 224, 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. 98-1107. Filed for public inspection July 10, 1998, 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 is making available for public review and comment the Fiscal Year (FY) 1998-99 Low-Income Home Energy Assistance Program (LIHEAP) proposed State Plan. Comments on this document and testimony received at public hearings scheduled for August will be used to formulate the Department's final State Plan for using Federal funds in the FY 1998-99 LIHEAP Program.

## DEPARTMENT OF REVENUE

### Pennsylvania \$25,000 Slots Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314), and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania \$25,000 Slots.
2. *Price:* The price of a Pennsylvania \$25,000 Slots instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania \$25,000 Slots instant lottery game ticket will contain eight play areas known as "Game 1," "Game 2," "Game 3," "Game 4," "Game 5," "Game 6," "Game 7" and "Game 8." The play symbols and their captions located in the eight play areas are: WILD (WILD), Crown Symbol (CRWN), Bar Symbol (BAR), 7 Symbol (SVN), Banana Symbol (BANA), Horseshoe Symbol (SHOE), Watermelon Symbol (MELN), Star Symbol (STAR), Bell Symbol (BELL) and Cherry Symbol (CHRY).

4. *Prizes:* The prizes that can be won in this game are \$2, \$4, \$8, \$16, \$24, \$40, \$80, \$400 and \$25,000. The player can win up to eight times on each ticket.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 6,000,000 tickets will be printed for the Pennsylvania \$25,000 Slots instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets with three matching Bar Symbol (BAR) play symbols in the same game, on a single ticket, shall be entitled to a prize of \$25,000.

(b) Holders of tickets with three matching 7 Symbol (SVN) play symbols in the same game, on a single ticket, shall be entitled to a prize of \$400.

(c) Holders of tickets with three matching Crown Symbol (CRWN) play symbols or two matching Crown Symbol (CRWN) play symbols and a WILD (WILD) play symbol in the same game, on a single ticket, shall be entitled to a prize of \$80.

(d) Holders of tickets with three matching Banana Symbol (BANA) play symbols or two matching Banana Symbol (BANA) play symbols and a WILD (WILD) play

symbol in the same game, on a single ticket, shall be entitled to a prize of \$40.

(e) Holders of tickets with three matching Horseshoe Symbol (SHOE) play symbols or two matching Horseshoe Symbol (SHOE) play symbols and a WILD (WILD) play symbol in the same game, on a single ticket, shall be entitled to a prize of \$24.

(f) Holders of tickets with three matching Watermelon Symbol (MELN) play symbols or two matching Watermelon Symbol (MELN) play symbols and a WILD (WILD) play symbol in the same game, on a single ticket, shall be entitled to a prize of \$16.

(g) Holders of tickets with three matching Star Symbol (STAR) play symbols or two matching Star Symbol (STAR) play symbols and a WILD (WILD) play symbol in the same game, on a single ticket, shall be entitled to a prize of \$8.

(h) Holders of tickets with three matching Bell Symbol (BELL) play symbols or two matching Bell Symbol (BELL) play symbols and a WILD (WILD) play symbol in the same game, on a single ticket, shall be entitled to a prize of \$4.

(i) Holders of tickets with three matching Cherry Symbol (CHRY) play symbols or two matching Cherry Symbol (CHRY) play symbols and a WILD (WILD) play symbol in the same game, on a single ticket, shall be entitled to a prize of \$2.

7. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

*Get 3 Like Symbols or  
Get 2 Like Symbols and  
"Wild" With Prize(s) Of:*

	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 6,000,000 Tickets</i>
3-Cherries	\$2	1:6.25	960,000
2-Cherries + WILD	\$2	1:32.61	184,000
3-Cherries x 2	\$4	1:65.22	92,000
2-Bells + WILD	\$4	1:44.12	136,000
3-Bells	\$4	1:53.57	112,000
2-Cherries + WILD + 3-Cherries	\$4	1:68.18	88,000
3-Cherries x 4	\$8	1:150	40,000
3-Cherries x 2 + 3-Bells	\$8	1:750	8,000
3-Stars	\$8	1:750	8,000
2-Stars + WILD	\$8	1:750	8,000
3-Cherries x 8	\$16	1:375	16,000
3-Bells x 4	\$16	1:750	8,000
3-Cherries x 4 + 3-Bells x 2	\$16	1:750	8,000
3-Watermelons	\$16	1:750	8,000
2-Watermelons + WILD	\$16	1:750	8,000
3-Stars x 3	\$24	1:750	8,000
3-Bells x 6	\$24	1:750	8,000
3-Cherries x 4 + 3-Bells x 4	\$24	1:750	8,000
3-Horseshoes	\$24	1:750	8,000
2-Horseshoes + WILD	\$24	1:750	8,000
3-Bananas	\$40	1:1,500	4,000
2-Bananas + WILD	\$40	1:1,714	3,500

Get 3 Like Symbols or  
Get 2 Like Symbols and  
"Wild" With Prize(s) Of:

	Win	Approximate Odds	Approximate No. of Winners Per 6,000,000 Tickets
3-Stars x 5	\$40	1:3,000	2,000
3-Bells x 6 + 3-Stars x 2	\$40	1:3,000	2,000
3-Watermelons + 3-Horseshoes	\$40	1:3,000	2,000
3-Crowns	\$80	1:8,571	700
2-Crowns + WILD	\$80	1:10,000	600
3-Watermelons + 3-Horseshoes + 3-Bananas	\$80	1:12,000	500
3-Bananas x 2	\$80	1:12,000	500
3-7s	\$400	1:60,000	100
3-Crowns x 5	\$400	1:60,000	100
3-Bars	\$25,000	1:600,000	10

WILD = Wild Symbol

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania \$25,000 Slots instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

9. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania \$25,000 Slots, prize money from winning Pennsylvania \$25,000 Slots instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania \$25,000 Slots instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

10. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

11. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania \$25,000 Slots or through normal communications methods.

ROBERT A. JUDGE, Sr.,  
Secretary

[Pa.B. Doc. No. 98-1108. Filed for public inspection July 10, 1998, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Contemplated Sale of Land No Longer Needed for Transportation Purposes

Notice is hereby given that the Department of Transportation, pursuant to 71 P. S. § 513(e)(7), intends to sell certain land owned by the Department.

The following property is available for sale by the Department.

Parcel 95—Franklin Park Borough, Allegheny County. This parcel contains approximately 7.5 acres ± of unimproved, landlocked land situated northwest of the City of Pittsburgh, where McAleer Road passes under I-279.

It has been determined that the land is no longer needed for present or future Transportation purposes.

Interested public entities are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice to: Henry M. Nutbrown, P.E., District Engineer, Pennsylvania Department of Transportation, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, Pa 15017.

BRADLEY L. MALLORY,  
Secretary

[Pa.B. Doc. No. 98-1109. Filed for public inspection July 10, 1998, 9:00 a.m.]

### Laurel Ridge Curve Safety Improvement Project; Public Meeting

(State Route 0271, Section 08M)  
Upper Yoder Township, Cambria County, PA  
and  
Conemaugh Township, Somerset County, PA

A public meeting will be held by the Pennsylvania Department of Transportation (PA DOT) on Wednesday July 15, 1998 to introduce proposed safety improvements for Laurel Ridge Curve located on State Route 0271 in Upper Yoder Township, Cambria County, PA and Conemaugh Township, Somerset County, PA. The meeting will be held from 4:00 pm to 7:00 pm at the Menoher Heights Volunteer Fire Department Building, 3255 Menoher Blvd., Johnstown, PA. The proposed safety improvement project will require the completion of a Level IV Categorical Exclusion Evaluation (CEE) and a Programmatic Section 4f Evaluation to address a land exchange between PA DOT and the Pennsylvania Department of Conservation and Natural Resources (PA DCNR) involving approximately 2.08 acres. Due to the project's involvement with Laurel Ridge State Park, the public will be given an opportunity to comment on the proposed project for 30 days following the public meeting. Persons interested in requesting information on the proposed project are invited to contact either Mr. J. Dain Davis, PA DOT, Engineering District 9-0 Environmental Manager at

(814) 696-7223 or Mr. Bob Huffman, Operations Manager, Laurel Hill Complex, PA DCNR at (814) 445-7725. Public participation is encouraged. Transportation representatives will be available during the meeting for questions and discussions.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 are requested to contact the Pennsylvania Department of Transportation at (814) 696-7100 to discuss how the Department may accommodate their needs.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 98-1110. Filed for public inspection July 10, 1998, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

**Zinc Corporation of America v. DEP; EHB Doc. No. 97-054-MG**

The Department of Environmental Protection (Department) and Zinc Corporation of America (ZCA) have agreed to a settlement of the above matter regarding its facility located in Palmerton Borough, Carbon County.

The Department issued an NPDES Permit to ZCA on February 1, 1996, and amended it on January 24, 1997 (1997 Permit), authorizing discharge to the Aquaschicola Creek and the Lehigh River in accordance with the effluent limitations, monitoring requirements and other conditions set forth in the Permit. ZCA filed a timely appeal challenging the effluent limitations for zinc on Outfall 025.

The parties have agreed to a settlement, the major provisions of which include:

1. Within 30 days following entry of the Consent Adjudication and Order, the Department shall prepare and submit for publication a draft amendment to the 1997 Permit which provides a monitoring and reporting requirement for zinc on Outfall 025. Following publication and the public comment period, the Department shall take final action on the amendment.

2. All other terms and conditions of the 1997 Permit remain the same.

Copies of the full agreement are in the hands of:

Barbara L. Smith, Assistant Counsel, Office of Chief Counsel, Department of Environmental Protection, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2519;

John N. Moore, Esquire, Akin, Gump, Strauss, Hauer & Feld, L.L.P., 1333 New Hampshire Avenue, N.W., Suite 400, Washington, D.C. 20036, (202) 887-4000;

and at the Offices of the Environmental Hearing Board and may be reviewed by any interested party on request during normal business hours.

Any person aggrieved by the above settlement has a right to appeal to the Environmental Hearing Board, Rachel Carson Market Street State Office Building, 400 Market Street, 2nd Floor, P. O. Box 8457, Harrisburg, PA 17105-8457. Appeals shall be filed within 20 days of this publication.

If information concerning this notice is required in an alternative form, please contact the Secretary to the Board at (717) 783-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at 1 (800) 654-5984.

GEORGE J. MILLER,  
*Chairperson*

[Pa.B. Doc. No. 98-1111. Filed for public inspection July 10, 1998, 9:00 a.m.]

## HEALTH CARE COST CONTAINMENT COUNCIL

### Mandated Benefits

Section 9 of Act 34 of 1993 requires that the Health Care Cost Containment Council review existing or proposed mandated health benefits on request of the executive and legislative branches of government. The Council has been requested by Senator F. Joseph Loeper, Majority Leader and Chairperson of the Senate Committee on Rules and Executive Nominations, to review Senate Bill 938, Printers Number 1952 (Lemmond), which would require health insurance policies to provide coverage for newborn hearing screening tests, including initial testing and any necessary follow-up testing.

The Council is requesting that anyone supporting or opposing these mandated insurance benefits provide six copies of the documentation to the Council no later than August 21, 1998. The documentation should be mailed to Flossie Wolf, Health Care Cost Containment Council, 225 Market Street, Suite 400, Harrisburg, PA 17101.

Documentation submitted should be in accordance with any or all of the following information categories described in section 9 of Act 34:

(i) The extent to which the proposed benefit and the services it would provide are needed by, available to and utilized by the population of the Commonwealth.

(ii) The extent to which insurance coverage for the proposed benefit already exists, or if no such coverage exists, the extent to which this lack of coverage results in inadequate health care or financial hardship for the population of the Commonwealth.

(iii) The demand for the proposed benefit from the public and the source and extent of opposition to mandating the benefit.

(iv) All relevant findings bearing on the social impact of the lack of the proposed benefit.

(v) Where the proposed benefit would mandate coverage of a particular therapy, the results of at least one professionally accepted, controlled trial comparing the medical consequences of the proposed therapy, alternative therapies and no therapy.

(vi) Where the proposed benefit would mandate coverage of an additional class of practitioners, the result of at least one professionally accepted, controlled trial comparing the medical results achieved by the additional class of practitioners and those practitioners already covered by benefits.

(vii) the results of any other relevant research.



(viii) Evidence of the financial impact of the proposed legislation, including at least:

(A) The extent to which the proposed benefit would increase or decrease cost for treatment or service.

(B) The extent to which similar mandated benefits in other states have affected charges, costs and payments for services.

(C) The extent to which the proposed benefit would increase the appropriate use of the treatment or service.

(D) The impact of the proposed benefit on administrative expenses of health care insurers.

(E) The impact of the proposed benefits on benefits costs of purchasers.

(F) The impact of the proposed benefits on the total cost of health care within the Commonwealth.

MARC P. VOLAVKA,  
*Executive Director*

[Pa.B. Doc. No. 98-1112. Filed for public inspection July 10, 1998, 9:00 a.m.]

### Mandated Benefits

Section 9 of Act 34 of 1993 requires that the Health Care Cost Containment Council review existing or proposed mandated health benefits on request of the executive and legislative branches of government. The Council has been requested by Senator F. Joseph Loeper, Majority Leader and Chairperson of the Senate Committee on Rules and Executive Nominations, to review House Bill 1873, Printers Number 3473 (Gruppo), which would require Hepatitis B immunization for attendance at school after August 1, 1999.

The Council is requesting that anyone supporting or opposing these mandated insurance benefits provide six copies of the documentation to the Council no later than August 21, 1998. The documentation should be mailed to Flossie Wolf, Health Care Cost Containment Council, 225 Market Street, Suite 400, Harrisburg, PA 17101.

Documentation submitted should be in accordance with any or all of the following information categories described in section 9 of Act 34:

(i) The extent to which the proposed benefit and the services it would provide are needed by, available to and utilized by the population of the Commonwealth.

(ii) The extent to which insurance coverage for the proposed benefit already exists, or if no such coverage exists, the extent to which this lack of coverage results in inadequate health care or financial hardship for the population of the Commonwealth.

(iii) The demand for the proposed benefit from the public and the source and extent of opposition to mandating the benefit.

(iv) All relevant findings bearing on the social impact of the lack of the proposed benefit.

(v) Where the proposed benefit would mandate coverage of a particular therapy, the results of at least one professionally accepted, controlled trial comparing the medical consequences of the proposed therapy, alternative therapies and no therapy.

(vi) Where the proposed benefit would mandate coverage of an additional class of practitioners, the result of at

least one professionally accepted, controlled trial comparing the medical results achieved by the additional class of practitioners and those practitioners already covered by benefits.

(vii) the results of any other relevant research.

(viii) Evidence of the financial impact of the proposed legislation, including at least:

(A) The extent to which the proposed benefit would increase or decrease cost for treatment or service.

(B) The extent to which similar mandated benefits in other states have affected charges, costs and payments for services.

(C) The extent to which the proposed benefit would increase the appropriate use of the treatment or service.

(D) The impact of the proposed benefit on administrative expenses of health care insurers.

(E) The impact of the proposed benefits on benefits costs of purchasers.

(F) The impact of the proposed benefits on the total cost of health care within the Commonwealth.

MARC P. VOLAVKA,  
*Executive Director*

[Pa.B. Doc. No. 98-1113. Filed for public inspection July 10, 1998, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 11 a.m., Thursday, June 18, 1998, and took the following actions:

#### *Regulations Approved:*

Department of Revenue #15-376 Vehicle Rental Tax: (amends 61 Pa. Code Chapters 9 and 47)

State Board of Osteopathic Medicine #16A-538: Prescribing, Administering and Dispensing Controlled Sympathomimetic Amines (amends 49 Pa. Code § 25.211)

Pennsylvania Public Utility Commission #57-193: Reporting Requirements for Universal Service and Energy Conservation Programs (amends 52 Pa. Code Chapter 54)

Pennsylvania Public Utility Commission #57-170: Residential Telephone Service (amends 52 Pa. Code Chapters 63 and 64)

Pennsylvania Public Utility Commission #57-191: Licensing Requirements for Electric Generation Suppliers (amends 52 Pa. Code Chapters 3 and 54)

Pennsylvania Public Utility Commission #57-188: Adjustment of Electric Distribution Company Rates for Changes in State Tax Liability (adds sections 91 through 98 to 52 Pa. Code Chapter 54)

Pennsylvania Public Utility Commission #57-171: Standards and Billing Practices (amends 52 Pa. Code Chapter 56)

Pennsylvania Public Utility Commission #57-192: Reporting Requirements for Quality of Service Benchmarks and Standards (creates a new subchapter at 52 Pa. Code §§ 54.151—54.156)

Pennsylvania Public Utility Commission #57-187: Customer Information Disclosure for Electricity Providers (creates a new subchapter at 52 Pa. Code §§ 54.1—54.9)

Pennsylvania Public Utility Commission #57-185: Electric Service Reliability Standards (amends 52 Pa. Code Chapter 57)

*Regulations Disapproved:*

Pennsylvania Public Utility Commission #57-190: Advanced Meter Deployment for Electricity (Disapproval order has not been delivered to the agency per the agency's request.)

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*Commissioners Present:* John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Cocodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held  
June 18, 1998

*Department of Revenue—Vehicle Rental Tax; Regulation No. 15-376*

**Order**

On April 11, 1996, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Revenue (Department). This rulemaking amends 61 Pa. Code Chapters 9 and 47. The authority for this regulation is section 270 of the Tax Reform Code (72 P.S. § 7270). The proposed regulation was published in the April 27, 1996 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on May 21, 1998.

The regulation contains provisions for assessment and collection of the vehicle rental tax as required by 1994 and 1997 amendments to the Tax Reform Code. The proposal contains requirements for assessment and collection of a 2% rental tax on motor vehicles designed to transport 15 or fewer passengers or a truck, trailer, or semitrailer used in the transportation of property other than commercial freight.

We have reviewed this regulation and find it to be in the public interest. The regulation replaces a Statement of Policy issued by the Department in 1995 relating to the passenger car rental tax. The proposal makes the Department's regulations current with changes in statute relative to the vehicle rental tax.

*Therefore, It Is Ordered That:*

1. Regulation No. 15-376 from the Department of Revenue, as submitted to the Commission on May 21, 1998, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

*Commissioners Present:* John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Cocodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held  
June 18, 1998

*State Board of Osteopathic Medicine—Prescribing, Administering and Dispensing Controlled Sympathomimetic Amines; Regulation No. 16A-538*

**Order**

On May 28, 1998, the Independent Regulatory Review Commission (Commission) received this regulation from the State Board of Osteopathic Medicine (Board). This rulemaking amends 49 Pa. Code § 25.211. The authority for this regulation is section 16 of the Osteopathic Medical Practice Act (63 P.S. § 271.16). Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

The Board is deleting section 25.211, which pertains to prescribing, administering and dispensing controlled sympathomimetic amines. This section expired under sunset provisions on January 17, 1992.

We have reviewed this regulation and find it to be in the public interest. The rulemaking removes an obsolete provision from the *Pennsylvania Code*.

*Therefore, It Is Ordered That:*

1. Regulation No. 16A-538 from the State Board of Osteopathic Medicine, as submitted to the Commission on May 28, 1998, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

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*Commissioners Present:* John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Cocodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held  
June 18, 1998

*Pennsylvania Public Utility Commission—Reporting Requirements for Universal Service and Energy Conservation Programs; Regulation No. 57-193*

**Order**

On January 16, 1998, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Public Utility Commission (PUC). This rulemaking amends 52 Pa. Code Chapter 54. The authority for this regulation is found in sections 2802(17), 2803 and 2804(8) and (9) of the Electricity Generation Customer Choice and Competition Act (Act) (66 Pa.C.S. §§ 2802(17), 2803 and 2804(8) and (9)). The proposed regulation was published in the January 31, 1998 *Pennsylvania Bulletin* with a 45-day public comment period. The final-form regulation was submitted to the Commission on May 18, 1998.

The Act requires the PUC to ensure that universal service and energy conservation policies, activities and services are properly funded and available in each electric distribution territory. The rulemaking requires the electric distribution companies to submit annual reports, triennial plans, and independent evaluations every 6 years.

The Senate Consumer Protection and Professional Licensure Committee met on June 8, 1998, and had no objections to the regulation.

We have reviewed this regulation and find it to be in the public interest. The rulemaking establishes standard reporting requirements for universal service and energy conservation programs which will allow the PUC to ensure that the utilities fulfill their responsibilities under the Act.

*Therefore, It Is Ordered That:*

1. Regulation No. 57-193 from the Pennsylvania Public Utility Commission, as submitted to the Commission on May 18, 1998, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

*Commissioners Present:* John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Cocodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held  
June 18, 1998

*Pennsylvania Public Utility Commission—Residential Telephone Service; Regulation No. 57-170*

#### Order

On May 30, 1996, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Public Utility Commission (PUC). This rulemaking amends 52 Pa. Code Chapters 63 and 64. The authority for this regulation is found in sections 501, 504—506, 1301, and 1501 of the Public Utility Code (66 Pa.C.S. §§ 501, 504—506, 1301 and 1501) and the Telecommunications Act of 1996 (47 U.S.C.A. § 251, et seq.). The proposed regulation was published in the June 15, 1996 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on May 18, 1998.

The regulation clarifies and streamlines existing regulations. It also updates existing regulations to reflect current telecommunications industry standards and Federal law, and to eliminate obsolete and excessive regulations.

We have reviewed this regulation and find it to be in the public interest. The regulation will clarify and simplify requirements for the telephone industry.

*Therefore, It Is Ordered That:*

1. Regulation No. 57-170 from the Pennsylvania Public Utility Commission, as submitted to the Commission on May 18, 1998, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

*Commissioners Present:* John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Cocodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held  
June 18, 1998

*Pennsylvania Public Utility Commission—Licensing Requirements for Electric Generation Suppliers; Regulation No. 57-191*

#### Order

On January 16, 1998, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Public Utility Commission (PUC). This rulemaking amends 52 Pa. Code Chap-

ters 3 and 54. The authority for this regulation is found in sections 2806(g)(3) and 2809 of the Electricity Generation Customer Choice and Competition Act (act) (66 Pa.C.S. §§ 2806(g)(3) and 2809). The proposed regulation was published in the January 31, 1998 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on May 18, 1998.

The act requires the PUC to license electric generation suppliers, including brokers, aggregators and marketers. In response to the mandates of the act, the PUC adopted interim licensing and application requirements in February 1997.

The Senate Consumer Protection and Professional Licensure Committee (Committee) met on June 8, 1998. The Committee had no objections to the regulation.

We have reviewed this regulation and find it to be in the public interest. The regulation codifies the PUC's interim requirements and fulfills the mandates of the act.

*Therefore, It Is Ordered That:*

1. Regulation No. 57-191 from the Pennsylvania Public Utility Commission, as submitted to the Commission on May 18, 1998, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

*Commissioners Present:* John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Cocodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held  
June 18, 1998

*Pennsylvania Public Utility Commission—Adjustment of Electric Distribution Company Rates for Changes in State Tax Liability; Regulation No. 57-188*

#### Order

On January 16, 1998, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Public Utility Commission. This rulemaking adds sections 91 through 98 to 52 Pa. Code Chapter 54. The authority for this regulation is 66 Pa.C.S. §§ 2801 to 2812. The proposed regulation was published in the January 31, 1998, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on May 18, 1998.

Act 138 of 1996 (Act 138) capped electric distribution company (EDC) rates through June of 2001, with an exception for recovery of increases in State or Federal taxes. Act 138 also requires the restructuring of the electric industry to maintain revenue neutrality to the Commonwealth. The proposed amendments establish the filing process by which an EDC can seek recovery of changes in its State tax liability.

The Senate Consumer Protection and Professional Licensure Committee (Committee) met on June 8, 1998. The Committee had no objections to the regulation.

We have reviewed this regulation and find it to be in the public interest. It is consistent with the directives of Act 138.

*Therefore, It Is Ordered That:*

1. Regulation No. 57-188 from the Pennsylvania Public Utility Commission, as submitted to the Commission on May 18, 1998, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

Commissioners Present: John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Cocodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held  
June 18, 1998

*Pennsylvania Public Utility Commission—Standards and Billing Practices; Regulation No. 57-171*

#### Order

On June 11, 1996, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Public Utility Commission (PUC). This rulemaking amends 52 Pa. Code Chapter 56. The authority for this regulation is 66 Pa.C.S. §§ 501, 504, 2412 and 2416. The proposed regulation was published in the June 22, 1996, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on May 18, 1998.

The PUC is amending 52 Pa. Code Chapter 56, *Standards and Billing Practices for Residential Utility Service*, to rescind obsolete regulations, clarify regulations that are causing confusion, simplify overly burdensome requirements, and modify procedures to allow utilities a meaningful opportunity to address customer dissatisfaction. The proposed amendments affect electric, gas, steam heat, wastewater, and water utilities under PUC jurisdiction.

We have reviewed this regulation and find it to be in the public interest. The amendments allow greater flexibility to resolve complaints and should result in savings to both the utilities and PUC.

Therefore, It Is Ordered That:

1. Regulation No. 57-171 from the Pennsylvania Public Utility Commission, as submitted to the Commission on May 18, 1998, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

Commissioners Present: John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Cocodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held  
June 18, 1998

*Pennsylvania Public Utility Commission—Reporting Requirements for Quality of Service Benchmarks and Standards; Regulation No. 57-192*

#### Order

On January 16, 1998, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Public Utility Commission (PUC). This rulemaking creates a new subchapter at 52 Pa. Code §§ 54.151—54.156. The authority for this regulation is sections 2802(12), 2804(1) and 2807(d) of the Public Utility Code (66 Pa.C.S. §§ 2802(12), 2804(1) and 2807(d)). The proposed regulation was published in the January 31, 1998 edition of the *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on May 18, 1998.

The PUC is proposing to establish uniform measures and reporting requirements to allow the PUC to monitor the electric distribution companies (EDCs) customer service performance. Once the PUC has collected and analyzed the data, it will develop quality of service benchmarks and standards for the EDCs. The establishment of benchmarks and standards will be the subject of a future rulemaking. The regulation is in response to the newly enacted Electricity Generation Customer Choice and Competition Act, which provides that the level of customer services shall remain the same as before electric competition.

We have reviewed this regulation and find it to be in the public interest. The regulation represents an initial step in the PUC's program to maintain the safety and reliability of the electric system under deregulation.

Therefore, It Is Ordered That:

1. Regulation No. 57-192 from the Pennsylvania Public Utility Commission, as submitted to the Commission on May 18, 1998, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

Commissioners Present: John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Cocodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held  
June 18, 1998

*Pennsylvania Public Utility Commission—Customer Information Disclosure for Electricity Providers; Regulation No. 57-187*

#### Order

On January 16, 1998, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Public Utility Commission (PUC). This rulemaking creates a new subchapter at 52 Pa. Code §§ 54.1—54.9. The authority for this regulation is section 2807(d)(2) of the Public Utility Code (66 Pa.C.S. § 2807(d)). The proposed regulation was published in the January 31, 1998 edition of the *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on May 18, 1998.

This regulation establishes procedures, standards and requirements for electric distribution companies, electricity suppliers, marketers and brokers to provide adequate and accurate information to residential and small business customers. The regulation is designed to implement section 2807(d)(2) of the Electricity Generation Customer Choice and Competition Act (act) that requires electric utilities and generation suppliers to provide "adequate and accurate customer information." The PUC states that this regulation will increase costs for electric distribution companies, suppliers and the PUC itself. However, an estimate of these increased costs cannot be made at this time.

We have reviewed this regulation and find it to be in the public interest. The regulation will provide customers with a wide variety of information to use in making their decisions in an era of choice in electric generation supply. In addition, the PUC made several improvements in this regulation in response to comments submitted by the public and this Commission. Although we support the overall objectives of this regulation, there are a number of

areas in the rulemaking that are unclear and appear to be inconsistent with other regulatory provisions.

One example is section 54.8 which is entitled "Privacy of Customer Information." It requires that customers take action to restrict release of two types of information. Representative William R. Lloyd, Jr., Minority Chairperson of the House Consumer Affairs Committee, in a letter dated June 16, 1998, expressed the concern that many customers will not realize that they have the opportunity to restrict the release of this information. This concern is substantiated by subsection 54.43(d) of PUC's final-form regulation No. 57-191. This subsection requires that a licensee maintain confidentiality of a consumer's "name, address and telephone number, and historic payment information." Both Regulation #57-191 and this regulation are part of the PUC's regulatory package to implement the act. If the licensee who is the supplier must maintain confidentiality of four types of customer information, then the question arises as to why a customer can restrict release of only two types of this information. To maintain compliance with subsection 54.43(d), suppliers or other licensees need the customer's consent for release of all four types of information. We urge the PUC to amend this regulation through future rulemakings to address Representative Lloyd's concerns, bring this regulation into consistency with subsection 54.43(d), and clarify other provisions in this regulation. Greater clarity and precision in this regulation will allow the PUC to fully implement the statutory mandate that information be "adequate and accurate."

*Therefore, It Is Ordered That:*

1. Regulation No. 57-187 from the Pennsylvania Public Utility Commission, as submitted to the Commission on May 18, 1998, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

*Commissioners Present:* John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Cocodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held  
June 18, 1998

*Pennsylvania Public Utility Commission—Electric Service Reliability Standards; Regulation No. 57-185*

#### Order

On September 30, 1997, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Public Utility Commission (PUC). This rulemaking amends 52 Pa. Code Chapter 57. The authority for this regulation is 66 Pa.C.S. §§ 501, 524, 1102, 1103, 1501, 1504, 1505, 2802, 2804, 2807 and 2809. The proposed regulation was published in the October 11, 1997 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on May 18, 1998.

The proposal adds Subchapter N, Electric Reliability Standards, to Chapter 57. Electric distribution companies (EDC's) are responsible for transmission system reliability and are required to install and maintain transmission facilities in conformity with the provisions of Chapter 57, including annual reporting of performance of the transmission system. EDCs are also responsible for distribution system reliability and must take measures to meet the reliability standards in the proposal. Electric distribution suppliers are required to maintain appropriate reserve capacity.

We have reviewed this regulation and find it to be in the public interest. We note, however, that the Commission has identified clarity concerns in section 57.194(h)(1)—(4) of the final-form rulemaking, a subsection which outline the measures electric distribution companies must take to meet reliability performance standards. The PUC does state in the preamble that all parties will have an opportunity to comment prior to final adoption of Commission decisions. It further explains that a particular methodology or precise standard was not adopted in the rulemaking because of a lack of existing data. Therefore, we suggest the PUC work with the industry in developing a schedule for input and development of standards.

*Therefore, It Is Ordered That:*

1. Regulation No. 57-185 from the Pennsylvania Public Utility Commission, as submitted to the Commission on May 18, 1998, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 98-1114. Filed for public inspection July 10, 1998, 9:00 a.m.]

#### Notice of Filing of Final-Form Rulemakings

The Independent Regulatory Review Commission received, on the dates indicated, the following final-form 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.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
15-385	Department of Revenue Calculation of Title Insurance Company Gross Premiums	6/24/98
7-317	Environmental Quality Board Air Quality Amendments (RBI #2)	6/30/98
7-322	Environmental Quality Board Municipal Wasteload Management	6/30/98
7-306A	Environmental Quality Board Stream Redesignations; French Creek, et al	6/30/98

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 98-1115. Filed for public inspection July 10, 1998, 9:00 a.m.]

## INSURANCE DEPARTMENT

**Alleged Violation of Insurance Laws: Kenneth A. Moraski, Jr.; Doc. No. SC98-06-032**

Notice is hereby given of the Order to Show Cause issued on June 30, 1998 by the Deputy Insurance Commissioner of the Commonwealth of Pennsylvania in the above-referenced matter. Violation of the following is alleged: Sections 3(b), 6(1), 6(2), 6(6), 11(b) and 11(d) of

the Motor Vehicle Physical Damage Appraiser Act (63 P. S. §§ 853(b), 856(1), 856(2), 856(6), 861(b) and 861(d) and section 4 of the Unfair Insurance Practices Act (40 P. S. § 1171.4) and 31 Pa. Code §§ 62.2(e), 62.2(f), 62.3(a)(2), 62.3(g)(12)(ii) and 62.4.

Respondent shall file a written answer to the Order to Show Cause within 30 days of the date of issue. If Respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law) 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene, or notices of intervention, if any, must be filed in writing with the Docket Clerk, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

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 ADA Coordinator at (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 98-1116. Filed for public inspection July 10, 1998, 9:00 a.m.]

### Appeal of Michael P. Lynady; Order to Show Cause; Doc. No. SC98-01-011

A hearing shall occur on July 8, 1998 at 3 p.m. in Room 200, Administrative Hearing Office, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102. The hearing will be held in accordance with the requirements 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure) and other relevant procedural provisions of law.

Motions preliminary to those at hearing, if any, must be filed with the Docket Clerk, PA Insurance Department, Capitol Associates Building, Room 200, 901 N. 7th Street, Harrisburg, PA 17102 on or before July 1, 1998.

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. 98-1117. Filed for public inspection July 10, 1998, 9:00 a.m.]

### Application for Approval to Redomesticate

The Colonial American Life Insurance Company, a Louisiana life insurance company, has submitted a Plan of Redomestication, whereby it proposes to redomesticate

from the State of Louisiana to the Commonwealth of Pennsylvania. The initial filing was made under requirements set forth under the Business Corporation Law of 1988, 15 Pa.C.S. § 1 *et seq.* Persons wishing to comment on the grounds of public or private interest to the issuance of the Insurance Department's (Department) order approving this redomestication are invited to submit a written statement to the 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 Carolyn Smith, Insurance Company Licensing Specialist, Pennsylvania Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120; FAX (717) 787-8557; email <http://www.csmith@ins.state.pa.us>.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 98-1118. Filed for public inspection July 10, 1998, 9:00 a.m.]

### Application for Consolidation of Two Domestic Mutual Fire Insurance Corporations

Millers Mutual Insurance Company and Paradise Mutual Insurance Company have filed an application for approval of an Agreement and Plan of Consolidation, which will result in the formation of a new mutual fire insurance corporation. The filing was incorrectly identified as an Agreement and Plan of Conversion in the June 13, 1998 *Pennsylvania Bulletin*. The filing was made under the requirements set forth under the Insurance Holding Company 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 (Department) within 30 days from June 13, 1998. 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 Carolyn Smith, Insurance Company Licensing Specialist, Pennsylvania Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120; FAX (717) 787-8557; email <http://www.csmith@ins.state.pa.us>.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 98-1119. Filed for public inspection July 10, 1998, 9:00 a.m.]

### Timothy L. Dietrich; Doc. No. AG98-06-031

A prehearing conference shall be held on August 6, 1998 at 10 a.m. in Room 200, Administrative Hearings Office, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102. Motions preliminary to those at hearing, protest petitions to intervene, or notices of intervention, if any, must be filed with the Docket Clerk on or before July 30, 1998.

The hearing shall occur on August 20, 1998 at 10 a.m. in Room 200, Administrative Hearing Office, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102.

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. 98-1120. Filed for public inspection July 10, 1998, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The following Liquor Control Board lease will expire:

Allegheny County, Wine & Spirits Shoppe #0219, Duquesne Plaza, 31 Duquesne Boulevard, Duquesne, PA 15110-1001.

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 2,800 net useable square feet of new or existing retail commercial space in a shopping center environment serving the City of Duquesne and surrounding areas.

*Proposals due:* July 31, 1998 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** Bruce VanDyke, (412) 565-5130

Allegheny County, Wine & Spirits Shoppe #0277, 8050 McKnight Road, Pittsburgh, PA 15237-5750.

*Lease Expiration Date:* January 31, 1999

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 5,000 to 6,000 net useable square feet of new or existing retail commercial space in a shopping center environment near the intersection of McKnight and Peebles Roads.

*Proposals due:* July 31, 1998 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

Allegheny County, Wine & Spirits Shoppe #0282, Route 30 Plaza, 1901 Lincoln Highway, North Versailles, PA 15137-2736.

*Lease Expiration Date:* May 31, 1999

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,000 net useable square feet of new or existing retail commercial space in a shopping center environment in North Versailles near the intersection of U.S. Route 30 and PA Route 48.

*Proposals due:* July 31, 1998 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** Bruce VanDyke, (412) 565-5130

Allegheny County, Wine & Spirits Shoppe #0298, Chartiers Valley Shopping Center, 1025 Washington Pike, Bridgeville, PA 15017-2702.

*Lease Expiration Date:* May 31, 2000

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 4,900 net useable square feet of new or existing retail commercial space in a shopping center environment serving Bridgeville and surrounding areas.

*Proposals due:* July 31, 1998 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** Bruce VanDyke, (412) 565-5130

Fayette County, Wine & Spirits Shoppe #2602, 127 Brownsville Avenue, Brownsville, PA 15417-1969;

Wine & Spirits Shoppe #2607, Main Street, Republic, PA 15475-0171.

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 1,800 net useable square feet of new or existing retail commercial space within a half mile of the intersection of U.S. Route 40 and PA Route 166.

*Proposals due:* July 31, 1998 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** Bruce VanDyke, (412) 565-5130

Fayette County, Wine & Spirits Shoppe #2608, 108 S. Liberty Street, Perryopolis, PA 15473-0349

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 1,300 net useable square feet of new or existing retail commercial space serving the Perryopolis area.

*Proposals due:* July 31, 1998 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** Bruce VanDyke, (412) 565-5130

Indiana County, Wine & Spirits Shoppe #3203, 78 Franklin Street, Clymer, PA 15728-1104.

*Lease Expiration Date:* July 31, 1999

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 1,500 net useable square feet of new or existing retail commercial space serving the Clymer area.

*Proposals due:* July 31, 1998 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

Somerset County, Wine & Spirits Shoppe #5603, 1607 Jefferson Avenue, Windber, PA 15963-1737.

*Lease Expiration Date:* January 31, 1999

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 2,500 net useable square feet of new or existing retail commercial space serving the Windber area.

*Proposals due:* July 31, 1998 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** Bruce VanDyke, (412) 565-5130

Westmoreland County, Wine & Spirits Shoppe #6513, 400 Indiana Avenue, Avonmore, PA 15618-0038

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 800 to 1,000 net useable square feet of new or existing retail commercial space serving the Avonmore area.

*Proposals due:* July 31, 1998 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** Joseph Molhoek, (412) 565-5130

Westmoreland County, Wine & Spirits Shoppe #6516, Harrison City

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,000 net useable square feet of new or existing retail commercial space located within a 1 mile radius of the Borough of Harrison City. The location should have off-street parking and good loading facilities.

*Proposals due:* July 31, 1998 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. 98-1121. Filed for public inspection July 10, 1998, 9:00 a.m.]

## PENNSYLVANIA COMMISSION FOR WOMEN

### Meeting Notice

The Pennsylvania Commission for Women has scheduled the Commissioner's Meeting for the third quarter of

1998 to be held Monday, July 20, 1998 at 10 a.m. until 3 p.m. The Commissioner's Meeting will be held in the Green Room of the Forum Building at Walnut Street and Commonwealth Avenue, Harrisburg, PA 17120. The public is invited to attend. Persons who need accommodations due to a disability and want to attend should contact Christine Anderson, PA Commission for Women, 205 Finance Building, Harrisburg, PA 17120 at (717) 787-8128, at least 24 hours in advance so arrangements can be made.

LOIDA ESBRI,  
*Executive Director*

[Pa.B. Doc. No. 98-1122. Filed for public inspection July 10, 1998, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Railroad With Hearing

**C-00981165. Borough of Swissvale v. Consolidated Rail Corporation.** A complaint has been made to the Pennsylvania Public Utility Commission, under the provisions of Public Utility Code. The complainant states that the Pennsylvania Public Utility Commission issued an order at Docket Number I-00870028 establishing maintenance of rail-highway crossing (AAR 510 522F) carrying Braddock Avenue over and above-the-grade of Conrail tracks. Complainant states that a bridge inspection report indicates that overall condition of structure is poor. Complainant would like Conrail to conduct the repairs set forth in the bridge inspection or be assessed penalties or damages equal to cost of said repairs. Additional respondents: Pennsylvania Department of Transportation and Allegheny County.

An Initial Hearing on this matter will be held Wednesday, September 16, 1998, at 10 a.m. in the 11th floor hearing room, Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, PA, when and where all persons in interests may appear and be heard, if they so desire.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 98-1123. Filed for public inspection July 10, 1998, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before August 3, 1998, as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent application or both.



**Applications of the following for approval of the beginning of the exercise of the right and privilege of operating as common carriers for transportation of persons as described under each application.**

**A-00115093. Whilamena Hall** (5947 Windsor Avenue, city and county of Philadelphia, PA 19143)—persons in paratransit service from points in the city and county of Philadelphia, to State and Federal Correctional Institutions in Pennsylvania, and return.

**A-00115094. Community Ambulance Service, Inc.** (1010 Buffalo Street, Franklin, Venango County, PA 16323), a corporation of the Commonwealth of Pennsylvania—persons in paratransit service, in vehicles modified to handle wheelchairs by hydraulic lift, between points in the county of Venango, and from points in the said county, to points in Pennsylvania, and return; subject to the following conditions: (a) that service is limited to the transportation of persons who are either nonambulatory, or who, due to physical or mental disability, require assistance in entering or exiting the vehicle, or the use of medical appliances, equipment or a medical escort during transportation, and (b) that service is limited to the use of vehicles operated only by State certified emergency medical technicians. *Attorney:* John A. Pillar, 1106 Frick Building, Pittsburgh, PA 15219.

**Applications of the following for approval of the right and privilege to discontinue/abandon operating as common carriers by motor vehicle for the transportation in use as described under each application.**

**A-00106101, Folder 1, Am-A. Pocono Transportation, Inc.** (R. R. 1, Box 1347, Gouldsboro, Lackawanna County, PA 18424), a corporation of the Commonwealth of Pennsylvania—discontinuance of service—persons in group and party service: (1) for Notre Dame High School, from the borough of East Stroudsburg, Monroe County, to points in Pennsylvania; and (2) from points in the borough of Moscow and the township of Covington, Lackawanna County, to points in Pennsylvania; and between points in the borough of Mt. Pocono, Monroe County, and points in the counties of Wayne and Monroe within an airline distance of 20 statute miles of the said borough, and from points in the said territory to points in Pennsylvania; subject to the following conditions: (a) that no right, power or privilege is granted to provide service between points in the county of Monroe on and south of Interstate Route 80 to include the boroughs of Stroudsburg and East Stroudsburg (except for Notre Dame High School) and the townships of Stroud and Smithfield; and (b) that all service provided shall be in conventional school bus equipment.

**Applications of the following for approval amendment of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under each application.**

**A-00104709, F. 1, Am-A. Unique Limousine Service, Inc.** (1301 North Cameron Street, Harrisburg, Dauphin County, PA 17106), a corporation of the Commonwealth of Pennsylvania—persons in luxury limousine service, in vehicles with a seating capacity of 10 passengers or less, excluding the driver, between points in the counties of Dauphin and Cumberland, and from points in said counties, to points in Pennsylvania, and vice versa: *So as to permit* the transportation of persons in limousine service, between points in the counties of Adams, Cumberland,

Dauphin, Franklin, Lancaster, Lebanon and York, and from points in said counties, to points in Pennsylvania, and return; which is to be a transfer of the right authorized Keystone Limousine, Inc., under the certificate issued at A-00110279, F. 2, subject to the same limitations and conditions. *Attorney:* Paige Macdonald-Matthes, P. O. Box 60457, Harrisburg, PA 17106-0457.

**Applications of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons by transfer of rights as described under each application.**

**A-00104709, F. 2. Unique Limousine Service, Inc.** (1301 North Cameron Street, Harrisburg, Dauphin County, PA 17106), a corporation of the Commonwealth of Pennsylvania—additional right—persons, in airport transfer service, from points in the counties of Lancaster and York, to the following airports: Philadelphia International Airport, in the city and county of Philadelphia and the township of Tinicum, Delaware County; Harrisburg International Airport, in the township of Lower Swatara, Dauphin County; Lancaster Municipal Airport, in the township of Manheim, Lancaster County; and the Reading Municipal Airport, in the township of Bern, Berks County; which is to be a transfer of the right authorized Keystone Limousine, Inc., under the certificate issued at A-00110279, F. 1, subject to the same limitations and conditions. *Attorney:* Paige Macdonald-Matthes, P. O. Box 60457, Harrisburg, PA 17106-0457.

**Motor Carrier Applications—Property, Excluding Household Goods in Use**

The following applications for the authority to transport property, excluding household goods in use, between towns in Pennsylvania, have been filed with the Pennsylvania Public Utility Commission. Public comment to these applications may be filed, in writing with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265 on or before July 27, 1998.

- A-00114269 F.2 Kinsale Moving & Storage, Inc.  
37 Camelot Drive, Plymouth Meeting,  
PA 19462; William Heller, 4032  
LaFrance Road, Lafayette Hill, PA  
19444
- A-00114626 F. 2 Starke and Sons, Inc.  
5711 Hoffman Avenue, Philadelphia,  
PA 19143
- A-00115070 William E. Garbrick  
P. O. Box 14, Salona, PA 17767
- A-00115071 Eric O. Williams, t/a Kemo'Sabe  
Enterprise  
1018 East Congress Street,  
Allentown, PA 18103
- A-00115072 Mark Cromley, t/a Mark Cromley's  
Hauling  
R. R. 3, Box 555, Lewistown, PA  
17837
- A-00115073 Brian J. McKennas  
77 Shupp Hill Road, Tunkhannock,  
PA 18657
- A-00115074 Lawrence James Ogonosky  
22 Clark Street, Wyoming, PA 18644
- A-00115075 Dean S. Gurney  
P. O. Box 4301, Reading, PA 19606

- A-00115076 Dennis D. Yokum, Sr.  
R. R. 7, Box 513, Bedford, PA 15522
- A-00115077 Clarence R. Matz, t/a Matz Trucking  
R. D. 4, Box 203, Kutztown, PA 19530
- A-00115078 Melvin Fraker  
36 Clay Road, Carlisle, PA 17013:  
David H. Radcliff, 3905 North Front  
Street, Harrisburg, PA 17110
- A-00115079 Osborne-Davis Transportation Co., Inc.  
3939 Germantown Avenue,  
Philadelphia, PA 19140
- A-00115080 Schlusser Enterprise, Inc.  
11 Creek Road, Carlisle, PA 17013:  
David H. Radcliff, 3905 North Front  
Street, Harrisburg, PA 17110
- A-00115081 Carl E. Hoffman, t/a Hoffman Express  
6116 Memorial Road, Allentown, PA  
18104
- A-00115082 Michael C. Lichina, Trucking, Inc.  
P. O. Box 3, Wildwood, PA 15091
- A-00115083 David Graybill, t/a Graybill Farms  
R. R. 1, Box 7500, Grantville, PA  
17028; David H. Radcliff, 3905 North  
Front Street, Harrisburg, PA 17110
- A-00115084 New Millenium Entities, Inc.  
P. O. Box 170, Delmont, PA 15626
- A-00115085 Jeffrey L. Ukish  
c/o PSST P. O. Box 736, Smithton, PA  
15679
- A-00115086 Dennis M. Brown, t/a Brown Trucking  
R. R. 2, Box 232 A, Wyalusing, PA  
18853; Albert C. Ondrey, 14 Park  
Street, Towanda, PA 18848
- A-00115087 Paul E. Everts, t/a Evert's Trucking  
R. R. 1, Box 427 A, Troy, PA 16947
- A-00115089 Palmisano Delivery Service, Inc.  
5100 Harding Highway, Mays  
Landing, NJ 08330
- A-00115090 Stephen W. Lacefield, t/a Lacefield  
Transport  
R. D. 2, Box 49 F, Elliotsburg, PA  
17024
- A-00115091 Levine's Iron & Metal, Inc.  
R. D. 4, Box 328, Waynesburg, PA  
15370; John A. Pillar, 1106 Frick  
Building, Pittsburgh, PA 15219
- A-00115092 Copart of Connecticut, Inc., t/a Copart  
Salvage Auto Auctions  
P. O. Box 46, Pennsburg, PA 18073:  
Paul A. Styer, 5500 E. Second Street,  
2nd Floor, Benicia, CA 94510
- A-00113869 F. 2 Kathleen Ann Lawson, t/a Wels Cargo  
241 McConnell Road, Canonsburg, PA  
15317
- A-00115095 Walter E. Yearick, t/a W. E. Yearick  
Trucking  
150 North Pennsylvania Avenue,  
Centre Hall, PA 16828
- A-00115096 J. W. Marshall, Inc.  
109 Brownsville Road, Valencia, PA  
16059
- A-00115100 V-Force, Inc., t/a Christian Ride &  
Courier Service  
R. R. 1, Box 55, Warriors Mark, PA  
16877; David M. Axinn, 1904 J.  
Juniata Street, Hollidaysburg, PA  
16648
- A-00115099 Carl, Darlyne & Jesse Williams, t/a  
C.D.J. Williams Trucking  
18775 Drake Hill Road, Centerville,  
PA 16404
- A-00115098 Stephen W. Banas, Jr.  
369 Joseph Drive, Kingston, PA  
18704-5637
- A-00115097 Scott D. Marsteller, t/a Marstellar  
Trucking Company  
R. R. 2, Box 930, Port Royal, PA  
17082

*Pennsylvania Public Utility Commission, Bureau of  
Transportation and Safety v. Eleven 7 Corp.; Doc. No.  
A-00105996C98*

### Complaint

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Eleven 7 Corp., respondent, maintains its principal place of business at R. Helen and Mill Streets, Dunmore, PA 18512.

2. That respondent was issued a certificate of public convenience by this Commission at Docket No. A-00105996.

3. That respondent was sent, by certified mail, a 1994-95 Assessment in the amount of \$2,412.

4. That respondent was sent, by certified mail, a 1995-96 Assessment in the amount of \$2,617.

5. That respondent was sent, by certified mail, a 1996-97 Assessment in the amount of \$1,610.

6. That respondent was sent, by certified mail, a 1997-98 Assessment in the amount of \$1,415.

7. That, on or about December 19, 1997, a reminder notice was sent to respondent by first class mail notifying it of past due assessments.

8. That respondent has made no payments to date.

9. That respondent has an outstanding assessment of \$8,054.

10. That respondent failed to file objections to the assessment, pursuant to 66 Pa.C.S.A. § 510(c).

11. That respondent, by failing to pay the assessment, is in violation of the Public Utility Code at 66 Pa.C.S.A. § 510(c).

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission cancel the certificate of public convenience issued to respondent, direct the Pennsylvania Department of Transportation to revoke the motor vehicle registration(s) issued to respondent, notify the Pennsylvania Department of Revenue that respondent's certificate of public convenience has been revoked and notify respondent's insurance carrier that respondent's certificate of public convenience has been revoked.

Respectfully submitted,

George T. Mahan, Director  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

*Verification*

I, George T. Mahan, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_ George T. Mahan, Director

*Notice*

A. You must file an answer within twenty (20) days of the date of service of this complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice, 52 Pa. Code § 1.56(a). The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this complaint. Your answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Transportation and Safety will request that the Commission enter an order imposing the penalty set forth in the complaint.

C. You may elect not to contest this complaint by paying your outstanding assessment within twenty (20) days. Your certified check or money order, payable to the Commonwealth of Pennsylvania, should be forwarded to Pennsylvania Public Utility Commission, P. O. Box 400006-W, Pittsburgh, PA 15268-0006.

D. If you file an answer which either admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request the Commission to enter an order imposing the penalty set forth in the complaint.

E. If you file an answer which contests the complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in this complaint.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Assessment Section at (717) 787-5620.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 98-1124. Filed for public inspection July 10, 1998, 9:00 a.m.]

**Telecommunications**

**A-310701. Bell Atlantic-Pennsylvania, Inc. and CAT Communications International, Inc. d/b/a/C.C.I.** Joint Petition of Bell Atlantic-Pennsylvania, Inc. and CAT Communications International, Inc., d/b/a C.C.I. for approval of a resale agreement under section 252(e) of the Telecommunications Act of 1996.

Bell Atlantic-Pennsylvania, Inc. and CAT Communications International, Inc., d/b/a C.C.I., by its counsel, filed on May 19, 1998, at the Pennsylvania Public Utility Commission, a Joint Petition for approval of a resale agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. All comments are due on or before 20 days after the date of publication of this notice. Copies of the Bell Atlantic-Pennsylvania, Inc. and CAT Communications International, Inc. d/b/a C.C.I. Joint Petition are on file with the Pennsylvania Public Utility Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 98-1125. Filed for public inspection July 10, 1998, 9:00 a.m.]

**Telecommunications**

**A-310630F0002. Bell Atlantic-Pennsylvania, Inc. and Focal Communications Corporation of Pennsylvania.** Joint Petition of Bell Atlantic-Pennsylvania, Inc. and Focal Communications Corporation of Pennsylvania for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Bell Atlantic-Pennsylvania, Inc. and Focal Communications Corporation of Pennsylvania, by its counsel, filed on June 24, 1998, at the Pennsylvania Public Utility Commission, a Joint Petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. All comments are due on or before 20 days after the date of publication of this notice. Copies of the Bell Atlantic-Pennsylvania, Inc. and Focal Communications Corporation of Pennsylvania Joint Petition are on file with the Pennsylvania Public Utility Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 98-1126. Filed for public inspection July 10, 1998, 9:00 a.m.]

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 98-1128. Filed for public inspection July 10, 1998, 9:00 a.m.]

### Telecommunications

**A-310703. Bell Atlantic-Pennsylvania, Inc. and Frontier Local Services, Inc.** Joint Petition of Bell Atlantic-Pennsylvania, Inc. and Frontier Local Services, Inc. for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Bell Atlantic-Pennsylvania, Inc. and Frontier Local Services, Inc., by its counsel, filed on May 19, 1998, at the Pennsylvania Public Utility Commission, a Joint Petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. All comments are due on or before 20 days after the date of publication of this notice. Copies of the Bell Atlantic-Pennsylvania, Inc. and Frontier Local Services, Inc. Joint Petition are on file with the Pennsylvania Public Utility Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 98-1127. Filed for public inspection July 10, 1998, 9:00 a.m.]

### Telecommunications

**A-310705. Bell Atlantic-Pennsylvania, Inc. and InterActive Communications, Inc.** Joint Petition of Bell Atlantic-Pennsylvania, Inc. and InterActive Communications Inc. for approval of a resale agreement under section 252(e) of the Telecommunications Act of 1996.

Bell Atlantic-Pennsylvania, Inc. and InterActive Communications Inc., by its counsel, filed on May 22, 1998, at the Pennsylvania Public Utility Commission, a Joint Petition for approval of a resale agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. All comments are due on or before 20 days after the date of publication of this notice. Copies of the Bell Atlantic-Pennsylvania, Inc. and InterActive Communications Inc. Joint Petition are on file with the Pennsylvania Public Utility Commission and are available for public inspection.

### Telecommunications

**A-310702. Bell Atlantic-Pennsylvania, Inc. and Jerry LaQuiere.** Joint Petition of Bell Atlantic-Pennsylvania, Inc. and Jerry LaQuiere, a Sole Proprietorship, for approval of a resale agreement under section 252(e) of the Telecommunications Act of 1996.

Bell Atlantic-Pennsylvania, Inc. and Jerry LaQuiere, by its counsel, filed on May 19, 1998, at the Pennsylvania Public Utility Commission, a Joint Petition for approval of a resale agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. All comments are due on or before 20 days after the date of publication of this notice. Copies of the Bell Atlantic-Pennsylvania, Inc. and Jerry LaQuiere Joint Petition are on file with the Pennsylvania Public Utility Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 98-1129. Filed for public inspection July 10, 1998, 9:00 a.m.]

### Telecommunications

**A-310699. Bell Atlantic-Pennsylvania, Inc. and NuStar Communications Corp.** Joint Petition of Bell Atlantic-Pennsylvania, Inc. and NuStar Communications Corp. for approval of a resale agreement under section 252(e) of the Telecommunications Act of 1996.

Bell Atlantic-Pennsylvania, Inc. and NuStar Communications, Corp., by its counsel, filed on May 14, 1998, at the Pennsylvania Public Utility Commission, a Joint Petition for approval of a resale agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. All comments are due on or before 20 days after the date of publication of this notice. Copies of the Bell Atlantic-Pennsylvania, Inc. and NuStar Communications, Corp. Joint Petition are on file with the Pennsylvania Public Utility Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director,  
Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 98-1130. Filed for public inspection July 10, 1998, 9:00 a.m.]

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### Telecommunications

**A-310074F0002. Bell Atlantic-Pennsylvania, Inc. and Penn Telecom, Inc.** Joint Petition of Bell Atlantic-Pennsylvania, Inc. and Penn Telecom, Inc. for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Bell Atlantic-Pennsylvania, Inc. and Penn Telecom, Inc., by its counsel, filed on June 15, 1998, at the Pennsylvania Public Utility Commission, a Joint Petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. All comments are due on or before 20 days after the date of publication of this notice. Copies of the Bell Atlantic-Pennsylvania, Inc. and Penn Telecom, Inc. Joint Petition are on file with the Pennsylvania Public Utility Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director,  
Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 98-1131. Filed for public inspection July 10, 1998, 9:00 a.m.]

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### Telecommunications

**A-310704. Bell Atlantic-Pennsylvania, Inc. and Talk Time Communications Ltd.** Joint Petition of Bell Atlantic-Pennsylvania, Inc. and Talk Time Communications Ltd. for approval of a resale agreement under section 252(e) of the Telecommunications Act of 1996.

Bell Atlantic-Pennsylvania, Inc. and Talk Time Communications Ltd., by its counsel, filed on May 22, 1998, at the Pennsylvania Public Utility Commission, a Joint Petition for approval of a resale agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. All comments are due on or before 20 days after the date of publication of this notice. Copies of the Bell Atlantic-Pennsylvania, Inc. and Talk Time Communications Ltd. Joint Petition are on file with the Pennsylvania Public Utility Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director,  
Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 98-1132. Filed for public inspection July 10, 1998, 9:00 a.m.]

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### Telecommunications

**A-310654F0002. Bell Atlantic-Pennsylvania, Inc. and Teligent, Inc.** Joint Petition of Bell Atlantic-Pennsylvania, Inc. and Teligent, Inc. for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Bell Atlantic-Pennsylvania, Inc. and Teligent, Inc., by its counsel, filed on June 15, 1998, at the Pennsylvania Public Utility Commission, a Joint Petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. All comments are due on or before 20 days after the date of publication of this notice. Copies of the Bell Atlantic-Pennsylvania, Inc. and Teligent, Inc. Joint Petition are on file with the Pennsylvania Public Utility Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director,  
Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 98-1133. Filed for public inspection July 10, 1998, 9:00 a.m.]

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### Telecommunications

**A-310622. Bell Atlantic-Pennsylvania, Inc. and Tel-Link, L.L.C.** Joint Petition of Bell Atlantic-Pennsylvania, Inc. and Tel-Link, L.L.C. for approval of a resale agreement under section 252(e) of the Telecommunications Act of 1996.

Bell Atlantic-Pennsylvania, Inc. and Tel-Link, L.L.C., by its counsel, filed on May 22, 1998, at the Pennsylvania Public Utility Commission, a Joint Petition for approval of a resale agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. All comments are due on or before 20 days after the date of publication of this notice. Copies of the Bell Atlantic-Pennsylvania, Inc. and Tel-Link, L.L.C. Joint Petition are on file with the Pennsylvania Public Utility Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 98-1134. Filed for public inspection July 10, 1998, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Proposals

The Philadelphia Regional Port Authority (PRPA) will accept proposals until 2 p.m. on Thursday, July 23, 1998 for Project #98-181-001 (Asphalt Materials). The Bid Document can be obtained from the Procurement Administrator, PRPA, 210 West Washington Square, 13th Floor, Philadelphia, PA 19106, (215) 928-9100 and will be available July 14, 1998. PRPA is an equal opportunity employer. Contractor will be required to comply with all applicable equal opportunity laws and regulations.

JAMES T. MCDERMOTT,  
*Executive Director*

[Pa.B. Doc. No. 98-1135. Filed for public inspection July 10, 1998, 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:

July 16, 1998	Daniel V. Paisley	9 a.m.
	Patricia M. Fincher	
	Phyllis M. Strawn	
	Gertrude Zebraski	
	Earl M. Stidard, Jr.	
	Francis M. Trakes	
	(Disability Eligibility)	

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 Arthur J. Granito, Assistant Executive Director, at (717) 783-5613 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 the General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

JAMES A. PERRY,  
*Secretary*

[Pa.B. Doc. No. 98-1136. Filed for public inspection July 10, 1998, 9:00 a.m.]

## STATE SYSTEM OF HIGHER EDUCATION

### Request for Interest; SSHE-SH-01-98

The State System of Higher Education is seeking expressions of interest from qualified individuals or firms to provide on or off-campus student housing at 14 universities of the State System of Higher Education in Pennsylvania. Interested qualified individuals and firms may obtain a copy of the Request for Interest from Rebecca Novak, Construction Support Office, Dixon University Center, 2986 North Second Street, Harrisburg, PA 17110, fax at (717) 720-4013. Expressions of interest are due by July 30, 1998, at 4 p.m.

Nondiscrimination and equal opportunity are policies of the Commonwealth and the State System of Higher Education.

JAMES H. McCORMICK,  
*Chancellor*

[Pa.B. Doc. No. 98-1137. Filed for public inspection July 10, 1998, 9:00 a.m.]

## TURNPIKE COMMISSION

### Request for Proposals

Sealed Proposals will be received by Jeffrey L. Hess, Purchasing Manager, at the Administration Building, Harrisburg-East Interchange near Highspire, PA (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676) and publicly opened and read at the date and time indicated below for the following contract:

**Contract No. 98-039-RW22:** Highway Advisory Radio (HAR) and Variable Message Sign (VMS) Systems

*Bid Opening Date:* August 19, 1998, 11 a.m.

*Bid Surety:* 5%

Plans, Specifications and Contract Documents will be available and open for public inspection at the Administration Building. Copies may be purchased upon payment of \$30 per set by check or P. O. Money Order (no cash) payable to the Pennsylvania Turnpike Commission. Attention: Secretary-Treasurer's Office, P. O. Box 67676, Harrisburg, PA 17106-7676. No refund for any reason will be made for plans, specifications and contract documents.

A Prequalification Certification and Maximum Capacity Rating assigned by the Prequalification Committee of the Pennsylvania Department of Transportation is a necessary prerequisite for bidding on this project.

The Pennsylvania Turnpike Commission in accordance with Title VI of the U.S. Civil Rights Act of 1964 Parts 21 and 23 of 49 CFR notifies all bidders that it will affirmatively insure that DBE will be afforded full opportunity to submit bids in response to this invitation and that no person will be discriminated against on the grounds of race, color, sex or national origin in consideration for an award.

A prebid meeting for the project under the direction of the Engineer is scheduled for 1 p.m. on July 29, 1998, at the Pennsylvania Turnpike's Administration Building, adjacent to Exit 19, in the Commissioner's Dining Room located on the Ground Floor.

Contact the Purchasing Manager for listing of other locations where plans and specs can be inspected.

JAMES F. MALONE, III,  
*Chairperson*

[Pa.B. Doc. No. 98-1138. Filed for public inspection July 10, 1998, 9:00 a.m.]

### Request for Proposals

Sealed Proposals will be received by Jeffrey L. Hess, Purchasing Manager, at the Administration Building, Harrisburg-East Interchange near Highspire, PA (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676) and publicly opened and read at the date and time indicated below for the following contract:

**Contract No. 98-039-RW26:** Highway Advisory Radio (HAR), Variable Message Sign (VMS) and Closed Circuit Television (CCTV) Systems

*Bid Opening Date:* August 19, 1998, 11:30 a.m.

*Bid Surety:* 5%

Plans, Specifications and Contract Documents will be available and open for public inspection at the Administration Building. Copies may be purchased upon payment of \$30 per set by check or P. O. Money Order (no cash) payable to the Pennsylvania Turnpike Commission. Attention: Secretary-Treasurer's Office, P. O. Box 67676, Harrisburg, PA 17106-7676. No refund for any reason will be made for plans, specifications and contract documents.

A Prequalification Certification and Maximum Capacity Rating assigned by the Prequalification Committee of the Pennsylvania Department of Transportation is a necessary prerequisite for bidding on this project.

The Pennsylvania Turnpike Commission in accordance with Title VI of the U.S. Civil Rights Act of 1964 Parts 21 and 23 of 49 CFR notifies all bidders that it will affirmatively insure that DBE will be afforded full opportunity to submit bids in response to this invitation and that no person will be discriminated against on the grounds of race, color, sex or national origin in consideration for an award.

A prebid meeting for the project under the direction of the Engineer is scheduled for 1 p.m. on July 29, 1998, at the Pennsylvania Turnpike's Administration Building, adjacent to Exit 19, in the Commissioner's Dining Room located on the Ground Floor.

Contact the Purchasing Manager for listing of other locations where plans and specs can be inspected.

JAMES F. MALONE, III,  
*Chairperson*

[Pa.B. Doc. No. 98-1139. Filed for public inspection July 10, 1998, 9:00 a.m.]

### Retention of Engineering Firm

**Berks, Bucks, Carbon, Chester, Cumberland, Dauphin, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Montgomery and York Counties**  
**Reference No. 4-049**

The Turnpike Commission (Commission) will retain an engineering firm or construction management firm at a specific rate of compensation for an open end contract for construction inspection services on various projects in the East Region (Milepost 200.0 to Milepost 359.0 and the Northeast Extension) of the Pennsylvania Turnpike. The types of projects to be inspected under the contract may include, but are not limited to, bituminous overlays, bridge rehabilitations, and service plaza parking lot expansions, fuel tank replacements and building modifications.

The contract will have a completion date of December 31, 2000, with projects assigned on an as-needed basis. The contract will be for a maximum cost of \$500,000.

The firm will be required to provide sufficient office personnel, managers, engineers, technicians and clerical staff to support the field functions. In addition, the firm selected may be required to attend the prebid meetings and the preconstruction conferences for each project with the Commission.

The selected firm may be required to provide onsite construction inspections, write project correspondence, review and approve construction computations such as temporary shoring, support forms and the like, approve materials, and inspect the manufacture of selected construction materials. In addition, the selected firm may be required to keep records, document the construction work, review current estimates, prepare final estimates for payment to the construction contractor, prepare change orders, conduct monthly job conferences, monitor the monthly progress, provide liaison with affected utilities and communities, conduct semi-final and final inspections, determine from project records the final quantities of each contract item, and perform other duties as may be required.

Eighty percent of the inspection staff assigned to this Commission construction project must meet any of the following requirements:

- (1) Be certified by the National Institute for Certification in Engineering Technologies (NICET) as a Transportation Engineering Technician—Construction, Level 2 or higher.
- (2) Be registered as a Professional Engineer by the Commonwealth of Pennsylvania with 1 year of highway experience acceptable to the Commission.
- (3) Be certified as an Engineer-in-Training by the Commonwealth of Pennsylvania with 2 years of highway experience acceptable to the Commission.
- (4) Hold a Bachelor of Science Degree in Civil Engineering with 2 years of highway experience acceptable to the Commission.

the Department or a Bachelor of Science Degree in Civil Engineering Technology with 2 years of highway experience acceptable to the Commission.

(5) Hold an Associate Degree in Civil Engineering Technology with 3 years of highway experience acceptable to the Commission.

The remaining 20% assigned to each Commission construction project shall meet the following minimum education and experience requirements:

*Education*—Graduation from high school or equivalent certification or formal training. Completion of a training program in construction inspection approved by the Commission may be substituted for high school graduation.

*Experience*—One year of experience in construction inspection or workmanship which required reading and interpreting construction plans and specifications or 1 year of experience in a variety of assignments involving the testing of materials used in highway or similar construction projects. A 2 to 4 year engineering college degree may be substituted for 1 year of experience.

In addition, the Consultant shall employ one NICET Level 1, Student Enrollment Employee for this assignment.

Direct inquires to Matthew J. Wagner at (717) 939-9551, Extension 5210.

#### **General Requirements and Information**

Firms interested in performing the above services are invited to submit Expanded Letter of Interest to Paul A. Edmunds, P.E., Assistant Chief Engineer - Construction, Administration Building located on Eisenhower Boulevard at the Harrisburg-East Interchange near Highspire, PA (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676).

The Expanded Letter of Interest must include in the heading the project reference number indicated in the advertisement. A Standard Form 254, "Architect-Engineer and Related Services Questionnaire," not more than 1 year old as of date of this advertisement, and Standard Form 255, "Architect-Engineer and Related Services Questionnaire for Specific Project," must accompany each expanded letter of interest. If the firm has multiple offices, the location of the office performing the work must be identified.

Standard Form 255 must be filled out in its entirety, including Item No. 6 listing the proposed subconsultants and the type of work or service they will perform on this project. DBEs must be presently certified by the Department and the name of the firms and the work to be performed must be indicated in Item 6.

Firms with out-of-State headquarters or corporations not incorporated in Pennsylvania must include with each expanded letter of interest a copy of their registration to do business in the Commonwealth as provided by the Department of State.

The Turnpike Commission currently limits its participa-

tion in the remuneration of principals or consultant employees performing work on projects to \$72,800 per annum or \$35 per hour or their actual audited remuneration, whichever is less. The Commission currently limits its participation in the consultant's office indirect payroll costs (overhead) to 130% and the consultant's field indirect payroll costs (overhead) to 100% or the consultant's actual audited overhead rate, whichever is less.

The following factors will be considered by the Committee during their evaluation of the firms submitting Letter of Interest:

(A) Specialized experience and technical competence of firm.

(B) Past record of performance with respect to cost control, work quality and ability to meet schedules. The specific experience of individuals who constitute the firms shall be considered.

(C) Expanded Letter of Interest should include an indication of the prime consultant's and subconsultant's current work load for all Pennsylvania Department of Transportation and Pennsylvania Turnpike Commission projects.

(D) Location of consultant's and subconsultant's office where the work will be performed.

(E) Listing of subconsultants intended. Any deviation from the subconsultants listed in the expanded letter of interest will require written approval from the Commission, if selected.

(F) Previous experience in construction inspection of large highway or public works projects.

(G) Other factors, if any, specific to the project.

The Expanded Letter of Interest and required forms must be received by 12 Noon on Friday, July 31, 1998. Letters of interest received after this date and time will be time-stamped and returned.

Based on an evaluation of acceptable Expanded Letters of Interest in response to this advertisement, one firm will be selected for this 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 will not be request for final selection.

The assignment of the above services will be made to one of the firms responding to this notice, but the Commission reserves the right to reject all letters of interest submitted, to cancel the solicitation requested under this notice and/or to re-advertise solicitation for these services.

JAMES F. MALONE, III,  
*Chairperson*

[Pa.B. Doc. No. 98-1140. Filed for public inspection July 10, 1998, 9:00 a.m.]



# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

**EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.**

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". A qualified small business concern is an independently owned, operated for profit, business employing 100 or fewer employes and is not a subsidiary or affiliate of a corporation otherwise not qualified.

Such penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter. The small business concern must include on every invoice submitted to the Commonwealth: "(name of vendor) is a qualified small business concern as defined at 4 Pa. Code § 2.32".

For information on the required payment date and annual interest rate, please call the Pennsylvania Department of Commerce, Small Business Action Center, 483 Forum Building, 783-5700.

### Reader's Guide

#### Legal Services & Consultation—26

- ① Service Code Identification Number
- ② Commodity/Supply or Contract Identification No.
- ③ Contract Information
- ④ Department
- ⑤ Location
- ⑥ Duration
- ⑦ (For Commodities: Contact:) Vendor Services Section 717-787-2199 or 717-787-4705

#### REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.  
(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

**GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!**

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, "Frequently Asked Questions About State Contracts," explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**  
 Pennsylvania State Treasury  
 Room G13 Finance Building  
 Harrisburg, PA 17120  
 717-787-2990  
 1-800-252-4700

BARBARA HAFER,  
*State Treasurer*

**Online Subscriptions At <http://www.statecontracts.com> 1-800-334-1429 x340**

**Commodities**

**PSU 4375-G** Computer and related equipment—3 each UPS systems.

**Department:** Penn State University  
**Location:** University Park, Centre County, PA  
**Duration:** FY 98—99  
**Contact:** Steve Blazer, fax (814) 865-3028 or call (814) 865-1402

**8181170** Construction and building materials—2,712 tons plant mix ID-2 wearing SRL any; 3,917 tons plant mix ID-2 wearing SRL E, H, M or G or blend of H and L, G and L or E and L.

**Department:** Transportation  
**Location:** Lancaster, Lancaster County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

**8181180** Construction and building materials—1,336 tons plant mix ID-2A wearing SRL any; 4,897 tons plant mix ID-3 wearing E or H.

**Department:** Transportation  
**Location:** Lancaster, Lancaster County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

**8181190** Construction and building materials—2,206 tons plant mix ID-2 wearing SRL any; 3,186 tons plant mix ID-2A wearing SRL, E, H, M, or G or blend of H and L, G and L or E and L.

**Department:** Transportation  
**Location:** Lancaster, Lancaster County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

**1044388** Construction, mining, excavating and highway maintenance equipment—2 each latest model multi-terrain, self-propelled track vehicle and tow behind snow grooming equipment.

**Department:** Conservation and Natural Resources  
**Location:** Bureau of Forestry, Harrisburg, Dauphin County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

**8249530** Construction, mining, excavating and highway maintenance equipment—2 each lift, bucket, to be installed on pre-existing Department chassis.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

**8249550** Construction, mining, excavating and highway maintenance equipment—7 each latest model paint machine, walk behind w/trailer.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

**1039228** Marine equipment and supplies—99 barrel Paracide-F or Paracide-S (Formalin) containing 9 to 12.5% Methanol for stabilization.

**Department:** Fish and Boat Commission  
**Location:** Bellefonte, Centre County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

**8249460** Tractors—4 each latest model mower, tractor, hydrostatic with boom arm and rotary head.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

**8249490** Tractors—4 each latest model tractor/mower, rotary, rear deck and right boom, each mower head 60" disc type.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

**8249500** Tractors—3 each latest model mower, rotary deck 180", left and rear mower decks only.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

**8249510** Tractors—5 each latest model tractor/mower w/boom arm and flail head.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

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# SERVICES

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## Agricultural Services—02

**PGC-2583** Fumigate Howard Nursery. Approximately 8 acres of seed bed, located in Centre County, Howard, PA. Fumigate with Sectagon 42%—Chloropicrin 100%. Sectagon will be applied by Rotavate and Roll—Chloropicrin will be injected 2" below depth of rotavator. Must be completed between August 3, 1998 and September 11, 1998. Contractor will furnish fumigant, plastic covering, application equipment and labor.

**Department:** Game Commission  
**Location:** Howard Nursery, Centre County, PA  
**Duration:** August 3, 1998 to September 11, 1998  
**Contact:** Roger L. Lehman, (717) 787-9613

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## Audio/Video—04

**98-27** The contractor will provide the necessary parts and labor to maintain radio equipment in proper working condition at the State Correctional Institution at Waymart.

**Department:** Corrections  
**Location:** State Correctional Institution Waymart, Route 6, P. O. Box 256, Waymart, Canaan Township, Wayne County, PA 18472-0256  
**Duration:** September 1, 1998 to June 30, 2001  
**Contact:** John Ondash, (717) 488-2513

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**81402** Cellular phone service for Warren State Hospital. Complete terms and conditions may be obtained by contacting the Hospital. Award to be made on a three year aggregate basis.

**Department:** Public Welfare  
**Location:** Warren State Hospital, 33 Main Drive, North Warren, Warren County, PA 16365-5099  
**Duration:** July 01, 1998—June 30, 2001  
**Contact:** BD Muntz, (814) 726-4496

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## Construction—09

**DGS A 508-89 (Rebid)** Project title: Convert Patient Bed Cubicles. Brief description: Remove existing partitions and ceilings. Install new fire rated walls, partitions, doors and ceilings. Provide new HVAC and electrical upgrades. General, Mechanical and Electrical Construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, July 29, 1998 at 11 a.m.

**Department:** General Services  
**Location:** Mayview State Hospital, Bridgeville, Allegheny County, PA  
**Duration:** 180 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

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**DGS A 970-123 (Rebid)** Project title: Kitchen Renovations. Brief description: Kitchen renovations. Remove existing walls at coal room and custodian room to enlarge size of existing kitchen. General construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, July 22, 1998 at 2 p.m.

**Department:** General Services  
**Location:** Pennsylvania National Guard, Lock Haven, Clinton County, PA  
**Duration:** 120 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

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**Contract No. FDC-003-130** Removal and replacement of existing bridge (utility relocation; demolition; clearing, grubbing and rough grading, excavating, backfilling, and compacting; rock lining; erosion and sedimentation pollution control measures; selected material surfacing; traffic signing; guide rail; landscaping; plain and reinforced concrete structures—150 C. Y.; architectural surface treatment; and prestressed concrete bridge beams). Near Colonel Denning State Park.

**Department:** Conservation and Natural Resources  
**Location:** Jackson Township, Perry County, PA  
**Duration:** October 31, 1999  
**Contact:** Construction Management Section, (717) 787-5055

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**Contract No. FDC-450-287R** Reconstruct a mortared retaining wall along the canal at Delaware Canal State Park. Work includes site access; excavating, backfilling, compacting, and grading; topsoil and finish grading; seeding and mulching, cast-in-place reinforced concrete; and stone retaining wall.

**Department:** Conservation and Natural Resources  
**Location:** Boro of New Hope, Bucks County, PA  
**Duration:** 120 days  
**Contact:** Construction Management Section, (717) 787-5055

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**SP-338418** Provide materials and installation of woven wire deer fencing as follows: Fence Area No. 1—Approximately 5,300 lineal feet perimeter of the Camp Salvage 1 Timber Sale 13-97BC06, in Lumber and Grove Townships, Cameron County. Fence Area No. 2—Approximately 6,100 lineal feet perimeter of the George B. Stevenson Timber Sale 13-97BC09, in Grove Township, Cameron County. Fence Area No. 3—Approximately 5,700 lineal feet perimeter of the Norcross Run Timber Sale 13-95BC19, in Lumber and Grove Townships, Cameron County.

**Department:** Conservation and Natural Resources  
**Location:** Bureau of Forestry, Forest District 13, Camp Salvage—Lumber and Grove Townships, Cameron County; GBS—Grove Township, Cameron County; Norcross Run—Lumber and Grove Townships, Cameron County, PA  
**Duration:** October 30, 1998  
**Contact:** Robert G. Merrill, Jr., (814) 486-3353

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**Engineering Services—14**

**RFP 706** Shippen Hall Renovation/Addition Professional Services for Design and Construction, SSHE, Shippensburg University, Shippensburg Township, Cumberland County, PA. SU may award one or both components of this project: Shippen Hall requires modernization to support multi-media teaching technology including telecommunications and CATV infrastructure. An addition to Shippen Hall is required to house the laboratory elementary school and child development center required to be open for instruction by August of the year 2000. Proposing firms shall demonstrate expertise in elementary schools and higher education classroom buildings. Track record should indicate integrated design practices including energy efficiency, future maintenance requirements, and evaluation of alternatives on a life-cycle cost basis. To be responsive, firms must be located less than 300 miles from Shippensburg University. All applications submitted are subject to review by a System Slate and/or Selection Board. The System Boards disclaim any liability whatsoever as to their review of the applications submitted and in formulating their recommendations for selection. SSHE encourages responses from small firms, minority firms, and firms which have not previously performed work for the System and will consider joint ventures which will enable these firms to participate in System professional service contracts. To be considered, firms must submit in accordance with RFP, enclosing Commonwealth forms 150 and 150-S current within one year of the response date. To request RFP, contact Debbie Martin, (717) 532-1121 or fax (717) 530-4004. Deadline for submission is August 11, 1998 at 4 p.m.

**Department:** State System of Higher Education  
**Location:** Shippensburg University, Shippensburg Township, Cumberland County, PA  
**Duration:** Multiple years  
**Contact:** Deborah K. Martin, Contract Administrator, (717) 532-1121

**Food—19**

**Altprotein-01** The contractor shall provide alternative sources of protein, i.e. grain burgers, bean burgers, vegetable burgers, tofu, yogurt, etc. for the period July 1, 1998—June 30, 1999.

**Department:** Corrections  
**Location:** State Correctional Institution Houtzdale, State Route 2007, P. O. Box 1000, Houtzdale, PA 16698-1000  
**Duration:** July 01, 1998 through June 30, 1999  
**Contact:** Diane K. Davis, Purchasing Agent II, (814) 378-1006

**FS-10/98** Shippensburg University, on behalf of the Pennsylvania State System of Higher Education, is seeking vendors interested in providing food service consultant services. The successful contractor will be required to monitor food service operations at 13 of the System's universities (Millersville University is the exception). Contract award will be made for the period October 1, 1998 to September 30, 2003. Proposals will be due in the Office of Administrative Services, Old Main Room 300, Shippensburg University, Shippensburg, PA 17257, before 4 p.m. on August 12, 1998. A pre-proposal conference will be held on July 28, 1998 at 10 a.m. in Old Main Room 301, Shippensburg University, Shippensburg, PA 17257. Vendors interested in receiving a Request for Proposal (RFP) should contact Deborah K. Martin, Contract Administrator, Administrative Services, Shippensburg University, Shippensburg, PA 17257 at (717) 532-1121 or fax (717) 530-4004.

**Department:** State System of Higher Education  
**Location:** Shippensburg University on behalf of the PA State System of Higher Education, 13 System Universities  
**Duration:** October 1, 1998 to September 30, 2003  
**Contact:** Deborah K. Martin, Contract Administrator, (717) 532-1121

**Janitorial Services—23**

**4300-436** Provide janitorial services Monday through Friday between the hours of 8 a.m. to 4 p.m. at the Pennsylvania Department of Transportation, Bureau of Design, Photogrammetry and Surveys Division, Building 28, Harrisburg International Airport, Middletown, PA. Detailed specifications will be attached to the bid package.

**Department:** Transportation  
**Location:** Bureau of Design, Building 28, Harrisburg International Airport, Middletown, PA  
**Duration:** August 26, 1998 to August 25, 1999  
**Contact:** Nancy Baker or L. Bradley Foltz, (717) 787-3311 or 783-1518

**Medical Services—29**

**9999-3200-055** Contractor shall provide on an as needed basis the services of a Licensed Practical Nurse (LPN) for the routine medical care of this agency's resident population.

**Department:** Corrections  
**Location:** State Regional Correctional Facility, 801 Butler Pike, Route 258 South, Mercer, PA 16137  
**Duration:** September 1, 1998 to June 30, 1999  
**Contact:** Melissa Peters, Health Care Administrator, (724) 662-1837, ext. 139

**Real Estate Services—35**

**55A** Dixmont State Hospital for Sale. The Department of General Services has extended the bid due date for the purchase of the former Dixmont State Hospital property to 3 p.m., September 10, 1998. The minimum bid has also been reduced to \$596,900. The 406-acre property is located on Ohio River Boulevard (S.R. 65) in Emsworth Borough, Kilbuck Township, and Aleppo Township. Interested parties wishing to receive a copy of the bid documents should contact Bradley Swartz at (717) 787-4394, ext. 3114. Solicitation No. 55.

**Department:** General Services  
**Location:** Real Estate, 505 North Office Building, Harrisburg, PA 17120  
**Duration:** Indeterminate 1998—99  
**Contact:** Bradley Swartz, (717) 787-4394, ext. 3114

**Miscellaneous—39**

**392451** Provide maintenance on 23 various types of fax machines. The maintenance shall include all labor, equipment and materials necessary to make repairs, when notified of a malfunction of a fax machine.

**Department:** Public Welfare  
**Location:** Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA 17105-1300  
**Duration:** July 1, 1998 through June 30, 2001, a period of 36 months  
**Contact:** Jack W. Heinze, Purchasing Agent III, (717) 772-7435

**392460** Provide maintenance on 5 various types of copiers. The maintenance shall include all labor, equipment materials necessary to make repairs, when notified of a malfunction of a copy machine.

**Department:** Public Welfare  
**Location:** Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA 17105-1300  
**Duration:** July 1, 1998 through June 30, 2001, a period of 36 months  
**Contact:** Jack W. Heinze, Purchasing Agent III, (717) 772-7435

**B-9485** Vendor to provide equipment and labor to relocate equipment in the existing Control Room to new location—approximately 200 feet. Vendor will set up and test all equipment after relocation. Equipment to be relocated: Sensephone (auto dialer), CCTV systems, magnetic lock control A through E blocks, Cable TV line and control, fire computer, security computer, fire phone and intercom, switchboard, radio unit and telephone shut off system. State Correctional Institution—Graterford is requesting a site visit prior to bid submittal.

**Department:** Corrections  
**Location:** State Correctional Institution—Graterford, Box 246, Route 29, Graterford, PA 19426  
**Duration:** 3–6 months  
**Contact:** Kelly Richardson/Terry Swartz, (610) 489-4151

[Pa.B. Doc. No. 98-1141. Filed for public inspection July 10, 1998, 9:00 a.m.]

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## DESCRIPTION OF LEGEND

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| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> 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 #	Awarded On	To	In the Amount Of	Requisition or Contract #	Awarded On	To	In the Amount Of
2805-01	07/01/98	Five Star International LLC	10,000.00	1852117-01	06/29/98	Morse Watchman, Inc.	10,999.00
2805-01	07/01/98	Sunbury Motor Co.	50,000.00	1874217-01	06/29/98	Eagle Marketing Group, Inc.	21,979.00
2805-01	07/01/98	Groff Tractor Equipment Co.	25,000.00	1883117-01	06/29/98	Allied Fence Mfg. Co.	67,190.50
2550-09	07/01/98	David Penske Chevrolet, Inc.	10,000.00	1893317-01	06/29/98	A C & E Limited	84,470.87
2550-09	07/01/98	Sutliff Chevrolet Co.	40,000.00	1900317-01	06/29/98	Peirce Phelps, Inc.	147,360.62
1010388-01	06/29/98	Promotion Centre, Inc.	25,290.00	1903117-01	06/29/98	Alarmax Distributors, Inc.	20,669.50
1029168-01	06/29/98	Westvaco Corporation	3,144.90	1903117-02	06/29/98	Maris Equipment Company, Inc.	4,348.50
1031158-01	06/29/98	Officenter, Inc.	1,271,706.76	1911357-01	06/29/98	Hardware Systems, Inc.	19,000.00
1061218-01	06/29/98	Orlando Diefenderfer Electrical Contractors, Inc.	28,870.00	1924157-01	06/29/98	Equipment Supply Co., Inc.	14,297.00
1067158-01	06/29/98	Dell Marketing LP	23,660,100.00	1950217-01	06/29/98	M. A. Brightbill Body Works, Inc.	38,858.00
1663127-01	06/29/98	Iris Ltd., Inc.	7,270.00	1960117-01	06/29/98	The Hite Company	3,725.49
1670117-01	06/29/98	Westcott Electric Company	81,300.00	1960117-02	06/29/98	Consolidated Electrical Distributors	290.37
1697227-01	06/29/98	Mayer Bros. Construction Co.	144,912.00	1960117-03	06/29/98	Consolidated Electrical Dist., Inc.	420.00
1773117-01	06/29/98	Johnny Desalon Furniture	10,286.00	1960117-04	06/29/98	Keystone Electrical Supply Co., Inc.	515.71
1804117-01	06/29/98	S. S. Kemp & Co.	14,885.00	1960117-05	06/29/98	Wesco Distribution, Inc.	2871.00
1810117-01	06/29/98	Pittsburgh Communications Corp.	40,213.00	1961117-01	06/29/98	Herre Bros., Inc.	26,077.00
1817117-01	06/29/98	CVK Enterprises, Inc.	24,945.00	1964167-01	06/29/98	Wolfington Body Co., Inc.	42,817.00
1834117-01	06/29/98	Pinnacle Electronic Systems, Inc.	27,768.00	1965117-01	06/29/98	Ion Track Instruments, Inc.	517,500.00
1837117-01	06/29/98	Tec Systems, Inc.	138,950.00	1973217-01	06/29/98	Gelnett and Associates	8,285.00
1844217-01	06/29/98	Rohrer Bus Sales	69,974.00	1976117-01	06/29/98	H. L. Bowman, Inc.	30,964.00
1849147-01	06/29/98	Solutions, Inc.	23,808.00	2003137-01	06/29/98	Delcrest Medical Products and Services, Inc.	30,386.25
				2012117-01	06/29/98	D & H Distributing Co.	17,396.00

## STATE CONTRACTS INFORMATION

3361

Requisition or Contract #	Awarded On	To	In the Amount Of	Requisition or Contract #	Awarded On	To	In the Amount Of
2021137-01	06/29/98	Arjo, Inc.	55,897.20	2097077-07	06/29/98	Fullmoon Cre- ations, Inc.	1,555.00
2025117-01	06/29/98	Eckert Ma- chines	39,300.00	2097077-08	06/29/98	Gamma Pro- motions, Inc.	240.00
2031187-01	06/29/98	Commercial Envelope Mfg. Co., Inc.	2,090.50	2097077-09	06/29/98	Creative Pro- motions	2,779.00
2032117-01	06/29/98	Sullivan Heat- ing	12,265.52	2099137-01	06/29/98	Hershocks, Inc.	19,544.00
2042117-01	06/29/98	Dauphin Elec- tric Supply Co.	4,276.80	2102047-01	06/29/98	W. W. Manu- facturing Co., Inc.	129,903.00
2042117-02	06/29/98	Graybar Elec- tric Co., Inc.	9,873.60	2105157-01	06/29/98	Dynex Tech- nologies, Inc.	31,245.00
2047387-01	06/29/98	Cleveland Brothers Equipment Co.	81,367.00	2114017-01	06/29/98	Wesco Distri- bution, Inc.	16,790.00
2050117-01	06/29/98	Folger Adam Security, Inc.	194,906.00	7313950-01	06/29/98	Hershocks, Inc.	15,280.00
2053387-01	06/29/98	Globe Trailers of Florida, Inc.	37,900.00	7314040-01	06/29/98	New York Packaging Corp.	24,545.00
2070117-01	06/29/98	Don G. Jen- ness Co., Inc.	49,665.00	8141410-01	06/29/98	I. A. Construc- tion Corp.	269,483.50
2085817-01	06/29/98	Total Video Products, Inc.	90,576.00	8148790-01	06/29/98	Russell Stan- dard Corp.	89,276.90
2087817-01	06/29/98	Ecops, Inc.	50,985.50	8205790-01	06/29/98	Fashion Star, Inc.	33,366.00
2088817-01	06/29/98	USI, Inc.	8,280.00	8214730-01	06/29/98	Williams & Heintz Map Corp.	234,135.00
2090157-01	06/29/98	Hirtech, Inc.	27,849.00	8249060-01	06/29/98	Five Star In- ternational LLC	95,776.00
2091157-01	06/29/98	The Lerro Corp.	41,208.00	8249150-01	06/29/98	Approved Equipment Co. d/b/a Capitol Equipment Co.	15,498.00
2097077-01	06/29/98	Sylvan Enter- prises	10,389.10	8504460-01	06/29/98	IKG Industries IKG/ Greulich Div.	17,760.00
2097077-02	06/29/98	Ad Impres- sions	2,210.00				
2097077-03	06/29/98	Eye Catcher Graphics, Inc.	1,721.16				
2097077-04	06/29/98	Custom Pro- motions, Inc.	2,640.00				
2097077-05	06/29/98	Cornerstone	4,480.00				
2097077-06	06/29/98	Peace Prod- ucts Co.	1,006.80				

GARY E. CROWELL,  
Secretary

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