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PENNSYLVANIA BULLETIN

Volume 29

Number 29

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Pages 3701—3822

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The Courts

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Public School Employes' Retirement Board

Turnpike Commission

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

No. 296, July 1999

PENNSYLVANIA



BULLETIN

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Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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

Printing Format

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

Fiscal Notes

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

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

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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 1999.

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THE GENERAL ASSEMBLY

Recent Actions During the 1999 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 1999 Regular Session.

1999 ACTS—ACTS 22 through 37

(numerical)

<i>Act No.</i>	<i>Enact. Date</i>	<i>Bill No.</i>	<i>Printer's No.</i>	<i>Effective Date</i>	<i>Subject Matter</i>
1999-22	June 23	SB900	PN1111	July 1, 1999	New Economy Technology Scholarship Act—enactment
1999-23	June 25	HB10	PN2065	Immediately*	Vehicle Code (75 Pa.C.S.)—omnibus amendments
1999-24	June 25	SB496	PN932	Immediately	Economic Development Eminent Domain Law—enactment
1999-25	June 25	SB366	PN1234	Immediately	County Code, The—omnibus amendments
1999-26	June 25	SB365	PN1240	Immediately	Northeast Interstate Dairy Compact Law—enactment
1999-27	June 25	SB209	PN1246	Immediately	Conveyance—Commonwealth properties in Northampton, Allegheny and Indiana counties
1999-28	June 25	SB174	PN168	Immediately*	Probate, Estates and Fiduciaries Code (20 Pa.C.S.) and Associations Code (15 Pa.C.S.)—omnibus amendments
1999-29	June 25	HB1520	PN1992	Immediately	Project 70 lands—Commonwealth property in Chester and Cumberland counties
1999-30	June 25	HB773	PN2027	Immediately	Senior Citizens Rebate and Assistance Act—funds for payment and repeal
1999-31	June 25	HB528	PN1663	Immediately	Phosphate Detergent Act—sunset provision elimination
1999-32	June 25	HB371	PN2058	Immediately	Volunteer Fire Company, Ambulance Service and Rescue Squad Assistance Act—assistance to volunteer fire companies
1999-33	June 25	HB314	PN2114	Immediately	Military and Veterans Code (51 Pa.C.S.)—State Veterans' Commission and Pennsylvania Veterans' Memorial Commission
1999-34	June 25	HB197	PN188	60 days	Fourth to Eighth Class County Assessment Law, The—valuation of persons and property
1999-35#	June 25	SB572	PN1249	Immediately	Capital Budget Project Itemization Act for 1999-2000—enactment
1999-36	June 26	HB456	PN2117	July 1, 1999	Public School Code of 1949—omnibus amendments
1999-37	June 26	HB17	PN1961	July 1, 1999	Library Code, The—State aid to local libraries and library systems

1999 VETOES—Veto 1 and 2

(numerical)

<i>Veto No.</i>	<i>Date of Veto</i>	<i>Bill No.</i>	<i>Printer's No.</i>	<i>Subject Matter</i>
1999-1	June 25	SB852	PN1216	General Local Government Code (53 Pa.C.S.)—contractor's price quotations and amusement or admission tax on certain facilities
1999-2	June 25	SB309	PN1187	Education (24 Pa.C.S.)—omnibus amendments

line item veto

* with exceptions

Effective Dates of Statutes

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

Advance Copies of Statutes

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

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

CARL L. MEASE,
Director
Legislative Reference Bureau

[Pa.B. Doc. No. 99-1118. Filed for public inspection July 16, 1999, 9:00 a.m.]

THE COURTS

Title 201—RULES OF JUDICIAL ADMINISTRATION

[201 PA. CODE CH. 3]

Amendment of Rules 301, 302 and 311; No. 209
Judicial Administration Doc. No. 1

Order

Per Curiam:

And Now, this 29th day of June, 1999, Rules 301, 302 and 311 of the Pennsylvania Rules of Judicial Administration are amended to read as follows.

To the extent that notice of proposed rulemaking would be required by Rule 103 of the Pennsylvania Rules of Judicial Administration or otherwise, the immediate amendment of Rule 702 is hereby found to be required in the interest of justice and efficient administration.

This Order shall be effective immediately and shall be processed in accordance with Rule 103(b) of the Pennsylvania Rules of Judicial Administration.

Annex A

TITLE 201. RULES OF JUDICIAL ADMINISTRATION

CHAPTER 3. JUDICIAL COUNCIL OF PENNSYLVANIA

JUDICIAL COUNCIL OF PENNSYLVANIA

Rule 301. Judicial Council of Pennsylvania.

* * * * *

(b) *Composition.* The Judicial Council shall consist of [27 members as follows] the following members:

* * * * *

(11) Three non-judge members of the bar of the Supreme Court appointed by the Supreme Court from the Civil Procedural Rules Committee, the Criminal Procedural Rules Committee and the Minor Court [Civil Procedural] Rules Committee, [and] no more than one of whom shall be from the same Committee.

* * * * *

(19) Such ex officio members as may be appointed by the Chief Justice. Ex officio members shall not vote on matters before the Council.

(c) *Terms, etc.* [Each member of the Judicial Council who does not hold office ex officio shall hold office for a term of three years and until his successor has been selected or appointed, or until his earlier death, resignation, disqualification or removal. The terms of members shall commence on October 1. A vacancy on the Council shall be filled by the respective selecting or appointing authority for the balance of the term. A member may be selected or reappointed any number of times. A member shall be removed automatically if he shall for any reason become disqualified for original selection or appointment.]

(1) A member of the Council other than an ex officio member shall serve for a term of three years commencing on October 1 and may be selected or reappointed any number of times. A member shall continue to serve upon expiration of a term of membership until a successor has been selected or appointed except if the member holds membership by virtue of an office set forth in subdivision (a).

(2) Membership shall automatically terminate upon a member's death, resignation, removal or disqualification for original selection or appointment. A vacancy on the Council shall be filled by the respective selecting or appointing authority for the balance of the term.

* * * * *

Rule 302. Organization and procedure.

(a) *Officers.* The Chief Justice of Pennsylvania shall be [Chairman and the Court Administrator shall be Secretary of the Judicial Council. Annually the Council shall elect such other officers of the Council as it deems necessary, who shall hold office at the pleasure of the Council] Chair and the Justice of the Supreme Court with most seniority on the Council shall be Vice-Chair. The Chair shall appoint the Secretary of the Judicial Council.

(b) *Staff.* The [Court Administrator] Executive Director shall be the chief administrative officer of the Judicial Council [and shall provide staff assistance for the Council]. The Court Administrator shall provide staff assistance to the Council when called upon to do so.

* * * * *

(e) *Committees.* The Chair may appoint from the Council membership one or more committees and designate one of the members of each committee as committee chair. A committee chair may appoint ex officio members to a committee but such ex officio members shall neither vote on matters before the Committee nor be members of the Council.

(f) [(e)] *Procedure.* Except as otherwise [provided] prescribed by these rules, the proceedings of the Judicial Council shall be governed by internal regulations adopted by the Council.

POWERS OF THE JUDICIAL COUNCIL

Rule 311. Recommendations to the Supreme Court.

* * * * *

(b) *Council-originated matters.* The Judicial Council may [from time to time] make recommendations to the Supreme Court on matters relating to court administration.

* * * * *

[Pa.B. Doc. No. 99-1119. Filed for public inspection July 16, 1999, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1000]

Proposed Amendments Relating to Entry of Appearance and Civil Cover Sheet; Proposed Recommendation No. 155

The Civil Procedural Rules Committee proposes that Rule of Civil Procedure 1012 governing entry of appearance be amended and that new Rule 1012.1 governing civil cover sheet be adopted. 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, 1999 to Harold K. Don, Jr., Esquire, Counsel, Civil Procedural Rules Committee, 5035 Ritter Road, Suite 700, Mechanicsburg, PA 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 1000. ACTIONS AT LAW

Subchapter A. CIVIL ACTION VENUE AND PROCESS

Rule 1012. Entry of Appearance. Withdrawal of Appearance. Notice.

(a)(1) A party [may] shall enter a written appearance which shall state an address within the Common-

wealth at which papers may be served. Such appearance shall not constitute a waiver of the right to raise any defense including questions of jurisdiction or venue. Written notice of entry of an appearance shall be given forthwith to all parties.

Official Note: See subdivision (c) for the form of the entry of appearance.

(2) The appearance shall be the first document filed by a party or a part of the first document. When part of the first document, the appearance shall be the first page of the document unless the document is one which begins with a Notice to Defend in which case the appearance shall be the second page.

Official Note: [Entry of a written appearance is not mandatory.] Subdivision (a) is concerned with the entry of an appearance by a party. However, the appearance usually will be by an attorney representing the party.

The initial appearance by or on behalf of a plaintiff may only be filed as a part of the first document filed since an action may be commenced only by a praecipe for a writ of summons or by a complaint. The appearance by or on behalf of a plaintiff may be included as part of the cover sheet required by Rule 1012.1.

(b) An attorney's appearance for a party may not be withdrawn without leave of court unless another attorney has entered or simultaneously enters an appearance for the party and the change of attorneys does not delay any stage of the litigation.

(c) The appearance shall be substantially in the following form:

Caption Entry of Appearance

To the Prothonotary:

Kindly enter my appearance on behalf of _____
(Plaintiff/Defendant/Additional Defendant)

Papers may be served at the address set forth below.

Attorney for Party Named Above and
Identification Number

Firm

Address

City, State, Zip Code

Telephone Number

Fax Number for Service of Papers (Optional)

E-mail address for Service of Papers (Optional)

Rule 1012.1. Cover Sheet.

(a) The first document filed in an action by the plaintiff shall have attached thereto a cover sheet substantially in the form prescribed by subdivision (b). The cover sheet shall be the first page of the document unless the document is one which begins with a Notice to Defend in which case the cover sheet shall be the second page.

(b) The cover sheet shall contain the case designation list set forth in the form prescribed by

subdivision (c). The prothonotary shall note on the docket the applicable case designation as checked on the cover sheet.

Official Note: While the cover sheet is to be "substantially" in the form prescribed by subdivision (c), the case designations set forth in the case designation list are mandatory.

(c) The cover sheet shall be substantially in the following form:

_____ County Court of Common Pleas
CIVIL COVER SHEET AND ENTRY OF APPEARANCE

- 1. **Case Caption:**
- 2. **Plaintiff(s)**
(Name and address)
- 3. **Defendant(s)**
(Name and address)
- 4. **Plaintiff's Counsel**
(Name, firm, address, telephone number and attorney ID number. Fax number and E-mail address for service of papers are optional.)
- 5. **Related Cases? ___ Yes ___ No**
If yes, show Caption and Case Numbers

Case subject to Coordination Order? ___ Yes ___ No
If yes, show Caption and Date of Order
- 6. **Compulsory Arbitration? ___ Yes ___ No**
(Jurisdiction for Compulsory Arbitration is \$ _____)

7. **Entry of Appearance**

To the Prothonotary:

Kindly enter my appearance on behalf of _____ ,

(a) plaintiff in this action. Papers may be served at the address set forth above.

Attorney for Party Named Above

8. **Case Description (Choose only the one description which best reflects the principal type of case or relief sought, from the list on the reverse side of this sheet)**

Case Description

<p>Appeal</p> <p>Minor Court</p> <p> Money Judgment _____</p> <p> Landlord and Tenant _____</p> <p> Code Enforcement _____</p> <p> Other: _____</p> <p>Local Agency</p> <p> Civil Service _____</p> <p> Motor Vehicle</p> <p> Licenses and</p> <p> Inspections _____</p> <p> Liquor Control Board _____</p> <p> Tax Assessment Boards _____</p> <p> Zoning Board _____</p> <p> Other: _____</p> <p>Other: _____</p> <p>Proceedings commenced by</p> <p>Petition</p> <p>Appointment of Arbitrators _____</p> <p>Change of Name _____</p> <p>Compel Medical Examination _____</p> <p>Election Matters _____</p> <p>Eminent Domain _____</p> <p>Leave to Issue Subpoena _____</p> <p>Mental Health Proceedings _____</p> <p>Other: _____</p>	<p>Actions commenced by Writ of</p> <p>Summons or Complaint</p> <p>Contract _____</p> <p>Tort</p> <p> Assault and Battery _____</p> <p> Libel and Slander _____</p> <p>Negligence</p> <p> Motor Vehicle _____</p> <p> Real Property _____</p> <p> Product Liability _____</p> <p> Toxic Tort</p> <p> Asbestos _____</p> <p> DES _____</p> <p> Implant _____</p> <p> Toxic Waste _____</p> <p> Other: _____</p> <p>Professional Malpractice</p> <p> Dental _____</p> <p> Legal _____</p> <p> Medical _____</p> <p> Other: _____</p> <p>Equity</p> <p> Real Property _____</p> <p> Other: _____</p> <p>Declaratory Judgment _____</p> <p>Mandamus _____</p> <p>Real Property</p> <p> Ejectment _____</p> <p> Quiet Title _____</p> <p> Mortgage Foreclosure _____</p> <p> Mechanics Lien _____</p> <p> Partition _____</p> <p> Prevent Waste _____</p> <p>Replevin _____</p> <p>Other: _____</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Explanatory Comment

Judges and prothonotaries have complained of the difficulty of determining the counsel of record for a party. Rule 1012(a) governing entry of appearance has added to this difficulty as it provides for the permissive rather than mandatory filing of an entry of appearance.

It is proposed that Rule 1012 be amended to provide for a mandatory entry of appearance and for a form of the entry of appearance. The entry of appearance may be a separate document or part of the first document filed by a party. It will be the first page of the document unless the document is a complaint with a notice to defend when it will follow the notice to defend as the second page.

It is also proposed that there be a cover sheet attached to the first document filed in an action. This is a requirement which already exists in many counties. The proposed cover sheet will provide specified information for the benefit of the court in which the action is commenced. In addition, the information so obtained will be uniform throughout the Commonwealth enabling the Administrative Office of Pennsylvania Courts to develop information and statistics on a statewide basis. To this end, proposed Rule 1012.1(b) requires the prothonotary to enter on the

docket the case designation checked by the plaintiff on the cover sheet.

By the Civil Procedural Rules Committee

EDWIN L. KLETT,
Chair

[Pa.B. Doc. No. 99-1120. Filed for public inspection July 16, 1999, 9:00 a.m.]

**Title 234—RULES OF
CRIMINAL PROCEDURE**

[234 PA CODE CH. 50]

**Order Amending Rules 75, 76 and 85; No. 246;
Criminal Procedural Rules Doc. No. 2**

The Criminal Procedural Rules Committee has prepared a Final Report explaining the July 2, 1999 amendments to Rules of Criminal Procedure 75, 76, and 85

concerning ability to pay hearings following the arrest of a defendant for failure to respond as provided in the ten-day notice required in Rule 75(4) and Rule 85(B). The Final Report follows the Court's Order.

Order

Per Curiam:

Now, this 2nd day of July, 1999, upon the recommendation of the Criminal Procedural Rules Committee, this proposal having been submitted without publication pursuant to Pa.R.J.A. 103(a)(3), and a Final Report to be published with this Order:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules of Criminal Procedure 75, 76, and 85 are amended, all in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective August 1, 1999.

Annex A

**TITLE 234. RULES OF CRIMINAL PROCEDURE
CHAPTER 50. PROCEDURE IN SUMMARY CASES
PART V. PROCEDURES REGARDING ARREST
WARRANTS IN SUMMARY CASES**

Rule 75. Issuance of Arrest Warrant.

* * * * *

(3) A warrant for the arrest of the defendant may be issued when:

* * * * *

(c) the issuing authority has, in the defendant's absence, tried and sentenced the defendant to pay **restitution, and/or to pay** a fine and costs[,] and the collateral deposited by the defendant is less than the amount of fine and costs imposed.

(4) No warrant shall issue under Rule 75(3) unless the defendant has been given notice in person or by first class mail that failure to pay the amount due or to appear for a hearing may result in the issuance of an arrest warrant, and the defendant has not responded to this notice within 10 days. Notice by first class mail shall be considered complete upon mailing to the defendant's last known address.

Official Note: Adopted July 12, 1985, effective January 1, 1986; effective date extended to July 1, 1986; amended January 31, 1991, effective July 1, 1991; amended April 18, 1997, effective July 1, 1997; amended October 1, 1997, effective October 1, 1998; **amended July 2, 1999, effective August 1, 1999.**

Comment

* * * * *

Ordinarily, pursuant to Rule 84, the issuing authority must conduct a summary trial in the defendant's absence. However, if the issuing authority determines that there is a likelihood that the sentence will [**be**] include imprisonment or that there is other good cause not to conduct the summary trial, the issuing authority may issue a warrant for the arrest of the defendant pursuant to paragraph (2) in order to bring the defendant before the issuing authority for the summary trial.

The arrest warrant issued under paragraph (3) should state the amount required to satisfy the sentence.

When a defendant is arrested pursuant to paragraph (3), the issuing authority must conduct a

hearing to determine whether the defendant is able to pay the amount of restitution, fine, and costs that is due. See Rule 85.

When contempt proceedings are also involved, see Chapter 30 for the issuance of arrest warrants.

See Rule 76 for the procedures when a warrant of arrest is executed.

Committee Explanatory Reports:

* * * * *

Final Report explaining the July 2, 1999 amendments to paragraph (3)(c) and the Comment concerning restitution published with the Court's Order at 29 Pa.B. 3718 (July 17, 1999).

Rule 76. Procedure when Defendant Arrested with Warrant.

* * * * *

(B) When a warrant of arrest is executed, the police officer shall either:

* * * * *

(3) accept from the defendant the amount of **restitution**, fine, and costs due as specified in the warrant if the warrant is for collection of **restitution**, fine, and costs after a guilty plea or conviction; or

* * * * *

(C) When the police officer accepts **restitution**, fine, and costs, or collateral under paragraphs (B)(1), (2), or (3), the officer shall issue a receipt to the defendant setting forth the amount of **restitution**, fine, and costs, or collateral received and return a copy of the receipt, signed by the defendant and the police officer, to the proper issuing authority.

(D) When the defendant is taken before the issuing authority under paragraph (B)(4), the defendant shall be given an immediate trial unless:

* * * * *

(3) the warrant was issued for the collection of **restitution**, fine, and costs after a guilty plea or conviction, in which event the issuing authority shall proceed as specified in Rule 85.

Official Note: Adopted July 12, 1985, effective January 1, 1986; Comment revised September 23, 1985, effective January 1, 1986; January 1, 1986 effective date extended to July 1, 1986; Comment revised January 31, 1991, effective July 1, 1991; amended August 9, 1994, effective January 1, 1995; amended October 1, 1997, effective October 1, 1998; **amended July 2, 1999, effective August 1, 1999.**

* * * * *

Committee Explanatory Reports:

* * * * *

Final Report explaining the July 2, 1999 amendments paragraphs (B)(3) and (C) concerning restitution published with the Court's Order at 29 Pa.B. 3718 (July 17, 1999).

PART VI. GENERAL PROCEDURES IN SUMMARY CASES

FINAL REPORT¹

Rule 85. Default Procedures: Restitution, Fines, and Costs.

Fines, Costs, and Restitution in Summary Cases; Default Procedures

* * * * *

(C) If the defendant appears [as provided in] pursuant to the 10-day notice in paragraph (B) or following an arrest for failing to respond to the 10-day notice in paragraph (B), the issuing authority shall conduct a hearing to determine whether the defendant is financially able to pay as ordered.

* * * * *

Official Note: Adopted July 12, 1985, effective January 1, 1986; amended September 23, 1985, effective January 1, 1986; January 1, 1996 effective dates extended to July 1, 1986. Comment revised February 1, 1989, effective July 1, 1989; rescinded October 1, 1997, effective October 1, 1998. New Rule 85 adopted October 1, 1997, effective October 1, 1998; amended July 2, 1999, effective August 1, 1999.

Comment

* * * * *

When a defendant defaults on a payment of restitution, fines, or costs, paragraph (B) requires the issuing authority to notify the defendant of the default, and to provide the defendant with an opportunity to pay the amount due or appear within 10 days to show cause why the defendant should not be imprisoned for nonpayment. Notice by first class mail is considered complete upon mailing to the defendant's last known address. See Rule 75(4).

Pursuant to paragraph (C), the issuing authority must conduct a default hearing when a defendant responds to the 10-day notice as provided in paragraph (B), or when the defendant is arrested for failing to respond to the 10-day notice. If the default hearing cannot be held immediately, the issuing authority may set bail as provided in Chapter 4000.

Under paragraph (C)(1), when the issuing authority determines that a defendant is able to pay as ordered, the issuing authority may, as provided by law, impose imprisonment or other sanctions. In addition, delinquent restitution, fines, or court costs may be turned over to a private collection agency[,]. See 42 Pa.C.S. § 9730(b)(2) and 9730.1(a).

* * * * *

When a defendant is in default of an installment payment, the issuing authority on his or her own motion or at the request of the defendant or the attorney for the Commonwealth must schedule a rehearing to determine the cause of the default. Before an issuing authority may impose a sentence of imprisonment as provided by law for nonpayment of restitution, fines, or costs, a hearing or rehearing must be held whenever a defendant alleges that his or her ability to pay has been diminished. See 42 Pa.C.S. § 9730(b). See also Rules 316 and 318 (dealing with the right to counsel).

* * * * *

Committee Explanatory Reports:

* * * * *

Final Report explaining the July 2, 1999 amendments to paragraph (C) published with the Court's Order at 29 Pa.B. 3718 (July 17, 1999).

I. Introduction

On July 2, 1999, upon the recommendation of the Criminal Procedural Rules Committee, the Supreme Court of Pennsylvania amended Rule 75 (Issuance of Arrest Warrant), Rule 76 (Procedure When Defendant Arrested with Warrant), and Rule 85 (Default Procedures: Restitution, Fines, and Costs). These changes, which will become effective on August 1, 1999, make it clear in the rules that the issuing authority must conduct an ability to pay hearing following the arrest of the defendant for failure to respond as provided in the ten-day notice required in Rule 75(4) and Rule 85(B).

The need for these amendments was brought to the Committee's attention through the work of the Committee's Staff with the Administrative Offices of Pennsylvania Courts' Judicial Computer Project (JCP) Staff. The Committee's Staff has been reviewing and offering suggestions about the content of the forms the JCP Staff are designing and the procedures they are developing to implement the 1997 changes to Rules 75, 76, 83, 84, 85, and 86 concerning restitution, fines and costs, default procedures, and appeals.² As part of this review, it came to our attention that the rule changes were being misconstrued as not requiring an ability to pay hearing following an arrest when a defendant fails to respond to the ten-day notice required by Rule 75(4) and Rule 85(B).

After a review of the history of the development of the 1997 amendments, the Committee, agreeing that the law is clear that a defendant who is financially unable to pay may not be incarcerated for failure to pay restitution, fines, or costs, acknowledged that the intent of the 1997 rule changes adding the ten-day notice was that district justices must conduct ability to pay hearings following an arrest for failure to respond as required by the ten-day notice. Based on these considerations, the Committee agreed that, to avoid any ambiguity in this important area, the rules should more clearly state when an ability to pay hearing should be conducted. Accordingly, the following changes have been adopted by the Court:

(1) The Rule 75 Comment has been revised to emphasize that the issuing authority must conduct an ability to pay hearing following an arrest for failure to pay the full amount of the restitution, fine, and costs.

(2) Rule 85(C) has been amended to more clearly state that the ability to pay hearing is to be conducted not only when the defendant appears pursuant to the ten-day notice, but also following an arrest for failure to respond to the ten-day notice.

(3) The term "restitution" has been added to Rule 75(3)(c), Rule 76(B), (C), and (D)(3), and the Rule 85 Comment to provide further clarification that the procedures in these rules encompass restitution.

(4) The citation to 42 Pa.C.S. § 9730 in the Rule 85 Comment has been updated to reflect an amendment to

¹ The Committee's Final Reports should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the Committee's explanatory Final Reports.

² These rule changes were adopted on October 1, 1997, effective October 1, 1998.

the statute that occurred after new Rule 85 was adopted in 1997.

[Pa.B. Doc. No. 99-1121. Filed for public inspection July 16, 1999, 9:00 a.m.]

Title 255—LOCAL COURT RULES

WESTMORELAND COUNTY

Rule WJ507 Retention of Court Reporter Notes; No. 3 of 1999

Administrative Order

And Now this 1st day of July, 1999, *It Is Hereby Ordered* that Westmoreland County Rule of Judicial Administration WJ507 is adopted.

By the Court

CHARLES H. LOUGHRAN,
President Judge

Rule WJ507. Retention of Court Reporter Notes.

A. Court reporters shall, without request, transcribe notes of all Termination of Parental Rights and Adoption proceedings. The transcript shall be filed in the record. Notes of these proceedings shall be destroyed after the transcript has been filed.

B. In any case, other than an action in Divorce or Annulment, in which the court reporter has transcribed notes and filed a court-approved transcript, the court

reporter may destroy the notes 30 days after the date of filing of the transcript. In the event objections to the transcript are filed, the court reporter shall retain the notes until the court rules on the objections.

C. Notes for Divorce or Annulment cases shall be kept for 5 years after the Final Decree is entered.

D. In any case in which no transcript has been prepared, the court reporter shall sort, and the Westmoreland County Records Retention Center shall retain, court reporter notes in accordance with the following schedule:

1. In criminal cases in which the most serious crime charged is a misdemeanor of the first degree or less, the Court Administrator may direct that the notes be destroyed after being retained for 5 years.

2. In felony cases in which the defendant is found "guilty," the Court Administrator may direct that the notes be destroyed after being retained for 50 years.

3. In felony cases in which the defendant is found "not guilty," the Court Administrator may direct that the notes be destroyed after being retained for 3 years.

4. In all cases not otherwise addressed in this Rule, the Court Administrator may direct that the notes be destroyed after being retained for 7 years.

E. Notwithstanding the provisions of subsections A, B, C and D of this Rule, any party may petition the court for an order directing the retention of particular court reporter notes for a period of time beyond that required herein.

[Pa.B. Doc. No. 99-1122. Filed for public inspection July 16, 1999, 9:00 a.m.]

RULES AND REGULATIONS

Title 25—ENVIRONMENTAL PROTECTION

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CHS. 93 AND 95]

Antidegradation

The Environmental Quality Board (Board) adopts amendments to Chapters 93 and 95 (relating to water quality standards; and wastewater treatment requirements) to read as set forth in Annex A. The final regulatory changes consolidate the antidegradation requirements in Chapter 93. This notice is given under Board order at its meeting of May 19, 1999.

A. *Effective Date*

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

B. *Contact Persons*

For further information, contact Edward R. Brezina, Chief, Division of Assessment and Standards, Bureau of Watershed Conservation, 10th Floor, Rachel Carson State Office Building, P. O. Box 8555, 400 Market Street, Harrisburg, PA 17105-8555, (717) 787-9637 or William J. Gerlach, Assistant Counsel, Bureau of Regulatory Counsel, 9th Floor, Rachel Carson State Office Building, P. O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) and request that the call be relayed. These final regulations are available electronically through the Department of Environmental Protection's (Department) Web site (<http://www.dep.state.pa.us>).

C. *Statutory Authority*

These amendments are made under the authority of the following acts: sections 5(b)(1) and 402 of The Clean Streams Law (35 P. S. §§ 691.5(b)(1) and 691.402); and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20), which grant to the Board the authority to develop and adopt rules and regulations to implement The Clean Streams Law (35 P. S. §§ 691.1—691.1001).

D. *Background of the Amendments*

The Commonwealth's Water Quality Standards, which are set forth in part in Chapter 93, implement sections 5 and 402 of The Clean Streams Law and section 303 of the Federal Clean Water Act (CWA) (33 U.S.C.A. § 1313). Water quality standards consist of the designated uses of the surface waters of this Commonwealth and the specific numeric and narrative criteria necessary to achieve and maintain those uses. In addition to protection of uses, portions of the regulations focus on preventing degradation to High Quality (HQ) Waters.

The Federal antidegradation requirements in 40 CFR 131.12 (relating to antidegradation policy) provide for three tiers of water quality protection. Under Tier 1, existing instream water uses and the level of water quality necessary to protect and maintain the existing uses shall be maintained and protected. This level of protection is defined by meeting established water quality standards and is applicable to all surface waters. Tier 2, or HQ Waters, are to be maintained and protected at existing quality unless lowering of water quality is neces-

sary to accommodate important economic or social development in the area in which the surface water is located. Where surface waters of high quality constitute an Outstanding National Resource Water (ONRW), that water quality shall be maintained and protected (Tier 3). In the long-standing Commonwealth program, Exceptional Value (EV) Waters are more broadly defined than the Federal Tier 3 definition.

The Commonwealth has implemented an effective and protective antidegradation program since 1968, when a "Conservation Area" use designation was included in the water quality standards regulations. The Environmental Protection Agency (EPA) approved the Commonwealth's antidegradation program in 1981. On June 6, 1994, the EPA disapproved a portion of the Commonwealth's antidegradation program. In response to the EPA's disapproval, the Department solicited comments on the Special Protection (Antidegradation) Waters program at a public meeting on January 11, 1995, and a public hearing on April 20, 1995. With the assistance of a professional facilitator, the Department convened a group of interested stakeholders representing conservationists, the regulated community and government in a regulatory negotiation (Reg Neg) process. The Department committed to use all consensus reached by the group in drafting new regulations. Meetings with the Reg Neg group began in June 1995 and continued monthly thereafter until August 1, 1996. In addition, smaller workgroup meetings to address specific issues were held between the main meetings. The group signed a Phase I Interim Report on April 1, 1996, and presented it to Secretary Seif on May 6, 1996. That report describes some issues on which conditional consensus had been reached and the issues remaining to be resolved. At its August 1, 1996, meeting, the Reg Neg group reached the conclusion that they were at an impasse on several outstanding issues. The Reg Neg group agreed to submit separate reports to the Department and the Reg Neg process was concluded. These reports were submitted to the Department during the week of August 19, 1996.

On April 16, 1996, the United States District Court for the Eastern District of Pennsylvania ordered the EPA to promptly promulgate proposed Federal regulations for the Commonwealth's antidegradation program. On May 13, 1996, at a status conference on the matter, EPA proposed, and Judge Louis C. Bechtle, Jr. accepted, a schedule requiring that proposed Federal antidegradation regulations for the Commonwealth be completed and signed by the EPA Administrator by August 26, 1996. Proposed Federal regulations were published in the *Federal Register* on August 29, 1996 (61 F. R. 45379). The EPA provided a public comment period and held a public hearing on the proposed regulation on October 16, 1996. Final Federal regulations were published in the *Federal Register* on December 9, 1996 (61 F. R. 64816).

The Department initially prepared a draft proposed rulemaking based on the Reg Neg group's April 1, 1996, Phase I Interim Report. The Phase I Interim Report was an informed, thoughtful consideration by a representation of diverse public viewpoints on the antidegradation program and served as a good starting point for new regulations because it incorporated extensive public input. The draft regulation was made available for public comment. The public comment period concluded with a public hearing on June 18, 1996, in Harrisburg. Ten

persons provided oral testimony at the public hearing, and 107 persons sent written comments.

Most public comments were provided by members of the conservation community, and expressed a common viewpoint. Many comments urged no weakening of regulations to protect HQ and EV Waters, no degradation or discharge, or both, to these waters, and use of waste minimization and pollution prevention techniques. The comments generally recommended adoption of the Federal Tier 1 language to protect existing uses; recommended a broader definition for HQ Waters that provides for more waters receiving Tier 2 protection, including Class A Wild Trout Streams; expressed concerns with the biological test and use of assimilative capacity in HQ Waters; and expressed support for a stringent EV Waters program. Other comments supported adopting the Federal definition for Tier 3 waters and a stronger public participation process. Following the public hearing, the Department considered the public comments and the reports submitted by the parties participating in the Reg Neg process in the preparation of recommendations to the Board for the proposed rulemaking.

The Department considered the public input it received, as well as the input from the Reg Neg group, in preparing an antidegradation rulemaking proposal. That proposal was adopted by the Board as proposed rulemaking at its January 21, 1997, meeting. The proposal appeared at 27 Pa.B. 1459 (March 22, 1997), with provisions for a 60-day public comment period and a public hearing which was held May 7, 1997, in Harrisburg. The public comment period concluded on May 21, 1997.

Nearly 1,700 comments were received on the proposal. Most commentators objected to the proposal as not being stringent enough. Other commentators believed that the proposal was too stringent. In considering all of the comments received on the proposal, it became obvious that the proposal did not have widespread public support. The Department undertook an extensive effort to revise the proposal in the form of an Advance Notice of Final Rulemaking (ANFR) proposal. Notice of the availability of the ANFR appeared at 29 Pa.B. 455 (January 23, 1999) with provisions for a public comment period open until February 22, 1999, and 3 public meetings/hearings in Harrisburg on February 8, 1999; in Conshohocken on February 10, 1999; and in Pittsburgh on February 18, 1999. The Department received 743 public comments on the ANFR. Many commentators were generally supportive of the ANFR. A summary of these comments and responses is discussed in more detail as follows.

The Board has considered all of the public comments received on both its March 22, 1997, rulemaking proposal, and the Department's January 23, 1999, ANFR, in preparing these final-form regulations. These final-form regulations were presented to the Water Resources Advisory Committee (WRAC), and discussed and approved by that group on March 17, 1999. The valuable input from the public and the collective knowledge and experience drawn from numerous stakeholders, committees, groups, advisory committees and others on these proposals has been utilized to craft a regulation which carefully balances the needs of citizens and the regulated community in assuring the protection of this Commonwealth's waters.

The Department will revise its existing implementation guidance for its antidegradation program. The Department will provide opportunities for full public participation during the development of the revisions, including public information meetings and opportunities for public

comments. The Department will work closely with the Department's WRAC to develop the revised implementation guidance to ensure that the Department receives public input on implementation issues such as reference stream selection criteria, procedures for implementing biological and chemical tests, procedures for stream classification determinations when chemistry and biology data are in conflict, and social and economic justification (SEJ). The Department will provide notice concerning the opportunities for public participation in the near future.

The details of these final-form regulations are set forth as follows.

E. Summary of Regulatory Revisions

Section Description of Amendment

§§ 92.81 and 92.83. General NPDES Permits And Inclusion Of Individual Dischargers In General NPDES Permits.

These existing regulatory provisions currently preclude the use of general NPDES permits in HQ and EV Waters. The March 22, 1997, proposal advocated removing the prohibition on the use of NPDES general permits in HQ waters, and proposed retaining the prohibition in EV waters. The same language advocated in the March 22, 1997, proposal was also set forth in a proposed rulemaking to amend Chapter 92 (Water Quality Amendments—Regulatory Basics Initiative (RBI)) which appeared at 28 Pa.B. 4431 (August 29, 1998). Because this issue must be addressed in the RBI rulemaking package, these final-form regulations contain no changes to §§ 92.81 and 92.83.

§ 93.1. Definitions:

The term "Class A Wild Trout Water" is new and is defined as a surface water classified by the Fish and Boat Commission (PFBC) based on species-specific biomass standards which supports a population of naturally produced trout of sufficient size and abundance to produce a long-term and rewarding sport fishery. This definition is drawn from PFBC's Statement of Policy on the term in 58 Pa. Code § 57.8a (relating to Class A wild trout streams) as well as from the "Management of Trout Fisheries in Pennsylvania Waters," 2nd ed., PFBC (5/87). These waters are listed by the PFBC's Fisheries Management Division.

A definition of "coordinated water quality protective measures" (CWQPM) is added. This term is defined as legally binding, sound land use water quality protective measures coupled with an interest in real estate which expressly provide long-term protection of a watershed corridor. The term is used in the regulation in the definition of "outstanding National, State, local or regional resource water." The term "sound land use" protective measures is drawn from the Governor's 21st Century Environment Commission initiative and supports the Governor's January 7, 1999, Executive Order on Land Use Planning (1999-1). The term includes, but is not limited to, measures which expressly provide extraordinary water quality protection such as: surface or groundwater source protection zones, enhanced stormwater management measures, wetland protection zones and other measures which local or regional governments coordinate to adopt along a watershed corridor. To qualify, the local or regional governments shall also obtain real estate interests in property such as conservation easements, or government owned (county or other local or regional) parks or natural areas, or other interests in real property which enhance water quality in a watershed corridor. The term "CWQPM" reflects the emphasis on, and importance

of, the watershed approach to water quality management, as well as intergovernmental cooperation. Local or regional governments who cooperate on a watershed corridor area to take extraordinary sound land use water quality protective measures, and obtain the requisite interests in real property, can request the Department (as an existing use) or the Board (as a designated use) to protect the corridor as an EV Water.

The proposed definition of the term "exceptional value waters" in the March 22, 1997, proposal has been modified in these final-form regulations to include surface waters of HQ which satisfy § 93.4b(b) (relating to qualifying as high quality or exceptional value waters). The qualifying criteria which appeared in the proposed definition are now set forth in § 93.4b(b). To qualify as an EV Water, a water must (except in the case of "surface waters of exceptional ecological significance") first qualify as an HQ water by meeting either the long-term chemistry test in § 93.4b(a)(1), or the biology test in § 93.4b(a)(2). Next, the water must meet one or more of the factors specified in § 93.4b(b)(1)(i)–(vi). The other pathway to qualify as an EV Water involves qualification as "surface waters of exceptional ecological significance;" this pathway does not require the surface water to meet the HQ Water qualifying criteria because it includes waters such as thermal springs, or EV Wetlands under § 105.17(1) (relating to wetlands), which represent outstanding ecological resources but whose water quality is not indicative of its exceptional attributes when measured by traditional chemical or biological measurements applicable to other surface waters.

The proposed definition of "High Quality Waters" tracks the language in the Federal regulation in 40 CFR 131.12(a)(2) by including surface waters having quality which exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water. In addition, language is added in these final-form regulations which ties the definition to the qualifying criteria for HQ Waters which is now in § 93.4b(a).

The proposed definition of "natural quality" is eliminated; the term is no longer needed because it is no longer used in these final-form regulations.

A definition of "nonpoint source" is added which provides that nonpoint sources are those pollution sources which are not "point source discharges," as that term is defined in § 93.1 (relating to definitions).

A definition of "outstanding National, State, regional or local resource water" has been added; the term was used in the proposal but was not defined. The term includes two elements: (1) waters for which National or state government agencies have adopted water quality protective measures in a resource management plan; and (2) waters for which regional or local governments have adopted "coordinated water quality protective measures" along a watershed corridor. The term "coordinated water quality protective measures" is defined in § 93.1 and discussed in further detail previously. The outstanding National and State waters which will qualify under this definition include those waters which do not otherwise qualify as National and State resources under § 93.4b(b)(1)(i), (ii) and (vi). The National and State elements of this definition are further fleshed out in a definition of "water quality protective measures in a resource management plan;" the local and regional element of this definition is fleshed out largely in the definition of "coordinated water quality protective measures."

The Commonwealth's definition of the term is broader than the Federal term "outstanding National resource water" in 40 CFR 131.12(a)(3). The Commonwealth protects outstanding State, regional and local resource waters in addition to outstanding National resource waters in this Commonwealth for several reasons. First, whereas the EPA's focus is only on outstanding National waters, the Board believes that there are also outstanding State, regional and local waters which merit EV protection. Second, the Commonwealth's antidegradation program has included outstanding State, regional and local waters for many years in its existing regulations in § 93.3 (definition of "Exceptional Value Waters"), and the Board continues to believe that these outstanding waters are worthy of EV status even though they may not be outstanding National resource waters. This Commonwealth has 83,000 miles of surface waters, more than any other state except Alaska, and to date approximately 1,700 miles, or less than 2% of these waters, have been classified as EV waters. This percentage is not expected to change markedly under these regulations since these final-form regulations merely continue the existing inclusion of these waters as EV Waters.

A definition of "point source discharge" is added which refers to sources regulated under the Department's NPDES regulations in Chapter 92 (relating to National Pollutant Discharge Elimination System).

The term "State Game propagation and protection area" is new and is defined as an area established by the Pennsylvania Game Commission (PGC) for the propagation and protection of game and wildlife wherein game or wildlife may not be hunted, pursued, disturbed, molested, killed or taken at any time except as authorized by the PGC. The term derives from the use of the term in 34 Pa.C.S. § 728(a) (relating to propagation areas).

A definition of "surface water of exceptional ecological significance" is added. This term provides EV protection for a surface water which is important, unique or sensitive ecologically, but whose water quality as measured by traditional parameters may not be particularly high, or whose character cannot be adequately described by these parameters. These waters include: (1) thermal springs; and (2) EV wetlands defined under § 105.17(1). The need for the term derives from: (1) the preamble to the EPA's antidegradation regulation at 48 FR 51403 (November 8, 1983); (2) the EPA "Water Quality Standards Handbook" (2nd Ed. August, 1994), Chapter 4, Section 4.7; and (3) the EPA's latest pronouncement on the issue in its advanced notice of proposed rulemaking to amend the water quality standards program in 40 CFR Part 131, See 63 FR 36786 (July 7, 1998).

A definition of "surface water of exceptional recreational significance" is added. This definition provides for EV protection for a surface water with HQ attributes or better which provides a water-based, water quality-dependent recreational opportunity because there are only a limited number of naturally occurring areas and waterbodies across this Commonwealth when the activity is available or feasible. Examples of these waters include waters with HQ attributes or better which provide recreational opportunities such as fishing for species with limited distribution.

The definition of "surface waters" from the March, 1997 proposal is deleted from this rulemaking because it was finalized through other amendments to the Department's water quality standards regulations, see 27 Pa. B. 6799 (December 27, 1997), and is contained in § 93.1.

A new definition of "water quality protective measures in a resource management plan" is added which provides that for outstanding National and State waters to qualify as EV Waters, the water shall be the beneficiary of measures in a State or Federally adopted resource management plan which expressly provide extraordinary long-term water quality protection of a watershed corridor. The definition incorporates the Department's existing procedures for National and State waters qualifying for EV status. Examples of these measures include surface or groundwater source protection zones, enhanced stormwater management measures and wetland protection zones.

A definition of "wilderness trout stream" is added. The term is defined as a surface water designated by the PFBC to protect and promote native trout fisheries and maintain and enhance wilderness aesthetics and ecological requirements necessary for the natural reproduction of trout. The definition is based upon PFBC's statement of policy codified in 58 Pa. Code § 57.4 (relating to wilderness trout streams) and the PFBC statement of policy on "Wilderness Trout Streams," 400-17-69 (Rev. 1/71).

§ 93.3. *Protected Water Uses.* The Board has withdrawn its proposal to remove HQ and EV as protected uses. In light of this change, § 93.3 is amended by leaving the HQ and EV categories as uses, but removing the definitions of the terms. The definitions of the terms are now contained in § 93.1.

§ 93.4. *Statewide Water Uses.* Subsection (c) is finalized as proposed by deleting the words "under subsection (b)" to make clear that in no case may waters be redesignated to less restrictive uses than existing uses.

Subsection (d) is finalized as proposed by deleting provisions for the protection of existing uses and placing them elsewhere in a revised form in §§ 93.4a and 93.4c (relating to antidegradation; and implementation of antidegradation requirements).

§ 93.4a. *Antidegradation.* The title of this section is now "Antidegradation"; the section sets forth the scope of antidegradation protection as well as the levels of protection provided. Subsection (a) sets forth the scope of antidegradation as applicable to all surface waters of this Commonwealth. Subsection (b) provides that instream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected. This language is identical to the Federal antidegradation language in 40 CFR 131.12(a)(1) for existing uses. Subsection (c) provides that the water quality of HQ Waters shall be maintained and protected, except when SEJ is granted under § 93.4c(b)(1)(iii). Again, this language is identical to the Federal antidegradation standard of ensuring that Tier 2 waters (Federal equivalent of HQ) shall be "maintained and protected." Subsection (d) provides that the water quality of EV waters shall be "maintained and protected." This standard of protection is exactly the same as that provided in the Federal antidegradation regulation in 40 CFR 131.12(a)(3), though this Commonwealth's scope of waters protected as EV Waters is broader than the Federal Outstanding National Resource Water (ONRW) classification since the Commonwealth also protects outstanding State, regional and local waters in addition to outstanding National resource waters.

§ 93.4b. *Qualifying as HQ or EV Waters.* The proposed § 93.4b is deleted in its entirety and replaced with language which specifies the criteria for qualifying as an

HQ or EV water. Subsection (a) provides that a surface water qualifies as an HQ water if it meets one or more of the following: (1) a chemistry test; or (2) a biology test.

The Chemistry Test (HQ). To qualify under the chemistry test, the water must have at least 1 year of water quality data which exceeds levels necessary to support the propagation of fish, shellfish and wildlife and recreation in and on the water by being better than the enumerated water quality criteria at least 99% of the time. The Board has chosen a long-term chemistry test because it believes that this test provides the appropriate picture of the water quality of a surface water. The chemical criteria utilized are: dissolved oxygen, temperature, aluminum, pH, iron, dissolved copper, dissolved arsenic, dissolved lead, dissolved nickel, dissolved cadmium, ammonia nitrogen and dissolved zinc. These chemicals are naturally occurring aquatic life substances which have impacts and provide an excellent representation of water quality when used on a long-term basis. The list of chemicals, when reviewed on a long-term basis, tells the "story" of the quality of the stream. Chemicals which were proposed but were not included in these final-form regulation are: nitrate plus nitrogen, manganese, sulfate and total dissolved solids. These chemicals were not included in this final-form regulation because they are designed to protect potable water supply (human health) uses, and therefore are not appropriate for the fish and aquatic life uses specified in the Federal regulation in 40 CFR 131.12(a)(2) and in this section. Additional language in subsection (a)(1) provides that the Department may consider additional chemical or toxicity information in making its determination. The "additional chemical" language does not supplant the long-term chemistry test, but can be considered, on a case-by-case basis, based upon the judgment of field biologists and others familiar with water quality and potential pollutional concerns in the area of the sampled site.

The Biology Test (HQ and EV). To qualify under the biology test, a water must meet one or more of: (1) a biological assessment which indicates HQ Water conditions; or (2) a Class A Wild Trout Stream designated by the PFBC after public notice and comment. The biological methodologies specified in the regulation are based on the EPA's Rapid Bioassessment Protocols (RBP) and have undergone extensive peer review and testing. The specific percentages used in surface water classifications have been added in response to comment to provide a more objective basis for these classifications; the benthic macroinvertebrate integrated metric score of 83% of the reference stream or watershed has been in use since 1992. It has been thoroughly tested by the Department and it distinguishes between average streams and those deserving of Special Protection status. Moreover, the 92% score for EV was determined through best professional judgment, to reflect EV Waters from a biological perspective. Experience with this number since 1992 has proven that it has reflected outstanding waters of ecological significance. The Board also believes the biological selection criteria for HQ and EV Waters will assure that streams deserving Special Protection qualify. HQ Waters must possess water quality better than that needed to support propagation of fish, shellfish, and wildlife and recreation in and on the water. EV Waters must first meet the HQ requirements and then qualify under one of several criteria to merit an "outstanding" designation, worthy of the best streams in this Commonwealth, except for waters of "exceptional ecological significance," whose true ecological value is generally not measured by traditional water quality parameters.

These final-form regulations further allow the Department to use widely accepted and published peer-reviewed biological assessment procedures as science in this area advances. The Department, in cooperation with the PFBC, is currently developing fish metrics and a fishery based Index of Biotic Integrity (IBI) for waters in this Commonwealth. Fishery data is currently being collected by both agencies. It will take a few years to establish a database. Once the fish metrics and IBI are finalized, the Department intends to incorporate them as selection criteria, subject to public review and comment. Additional language provides that the Department may consider additional biological information in making its determination. This information will be considered, on a case-by-case basis, based upon the judgment of field biologists and others familiar with water quality and potential pollutional concerns in the area of the sampled site.

To qualify as a Class A Wild Trout Water, the water must first be classified by the PFBC as such. Next, the Department will look at the data underlying the PFBC decision, and then make a final determination.

Concerns were raised during the public comment period regarding the Board's decision to rely on either the chemistry or biology test, but not both, for establishing the appropriate stream classification. Because of the importance of ensuring proper stream classifications, the Department recognizes that the implementation guidance must include the procedures that the Department will use to determine the proper classification of a stream when chemistry and biology data are in conflict. The Department also recognizes that selection of the appropriate reference stream is important to the valid use of the RBP. These issues will be specifically addressed in the implementation guidance to be developed in consultation with the WRAC.

Qualifying as an EV Water. Section 93.4b(b) sets forth the requirements for qualifying as an EV Water. To qualify as an EV Water, a water must (except in the case of "Surface Waters of Exceptional Ecological Significance") first qualify as an HQ Water by meeting either the long-term chemistry test in § 93.4b(a)(1), or the biology test in § 93.4b(a)(2). Next, the water must meet one or more of the factors specified in § 93.4b(1)(i)–(vi) which include location in: a National Wildlife Refuge, a State Game Propagation and Protection Area, a State Park Natural Area or State Forest Natural Area, a National Natural Landmark, Federal or State Wild River, Federal Wilderness Area or National Recreation Area; qualification as an outstanding National, State, regional or local resource water; qualification as a "surface water of exceptional recreational significance"; qualification under a 92% RBP biology measure; or designation as a Wilderness Trout Stream by the PFBC. The other pathway to qualify as an EV water involves qualification as "surface waters of exceptional ecological significance;" this pathway does not require HQ water quality since it includes waters such as thermal springs, or EV Wetlands under § 105.17(1) (relating to wetlands), which represent outstanding ecological resources but whose water quality is not indicative of its exceptional attributes when measured by traditional chemical or biological measurements.

§ 93.4c. Implementation of Antidegradation Requirements. The proposed § 93.4c, which addressed issues related to EV Waters, is replaced by new language which sets forth specific implementation requirements for the antidegradation program.

Existing Use Protection. Subsection (a) codifies the Department's existing policy and procedures for the pro-

tection of existing uses which have been undertaken in response to implementing the Federal antidegradation regulation promulgated for the Commonwealth in 40 CFR 131.12(a)(1). Subsection (a)(1)(i) provides that existing use protection is provided when the Department's evaluation of information indicates that a surface water attains or has attained an existing use. This language codifies the Department's policy of protecting surface waters based on the best available information regarding a water. Subsection (a)(1)(ii) sets forth a requirement that the Department notify persons who apply for a Department permit or Department approval which may impact a surface water of the results of any evaluation of information undertaken under subsection (a)(1)(i). Subsection (a)(1)(iii) allows interested persons, including the person applying for the Department permit or approval, to provide additional information during the permit or approval review process regarding the existing use of the surface water. Finally, subsection (a)(1)(iv) provides that the Department will make a final determination of the existing use of a surface water at the time it takes an action on the request for a permit or other Department approval; persons aggrieved by the final permit or approval action of the Department can generally challenge the action, including the existing use determination of the surface water, by filing an appeal with the Environmental Hearing Board (EHB). Section (a)(1) ensures the protection of surface waters of this Commonwealth based on the best available information, and ensures that interested persons can provide this information during the public comment period when any permits or approvals are sought. Subsection (a)(2) provides existing use protection for endangered species. The language of this paragraph provides that the Department will ensure the protection of Pennsylvania or Federal threatened and endangered species and their critical habitat if it has confirmed the presence, critical habitat or critical dependence of these species in or on a surface water.

Point Source Discharges Into HQ or EV Waters. Subsection (b)(1) provides special provisions for point source discharges into HQ or EV Waters. Subsection (b)(1)(i)(A) and (B) refine the existing requirement in § 95.1(c) (relating to general requirements) that a person proposing a new, additional or increased discharge to an HQ or EV Water shall evaluate nondischarge alternatives to the discharge and utilize them if they are both environmentally sound and cost-effective. If a nondischarge alternative is not environmentally sound and cost-effective, the person proposing the new, additional or increased discharge shall use the best available combination of cost-effective treatment, land disposal, pollution prevention and wastewater reuse technologies. Additionally, under subsection (b)(1)(i)(B) a person who demonstrates that no cost-effective and environmentally sound alternative exists shall demonstrate that the discharge will maintain and protect existing quality of receiving surface waters, unless the discharger can obtain SEJ for a discharge to an HQ Water under subsection (b)(1)(iii) in which case no demonstration is required.

Public Participation Requirements for Discharges To HQ or EV Waters. Subsection (b)(1)(ii)(A) provides that the Department will hold a public hearing on a proposed new, additional or increased discharge to EV Waters when requested by an interested person during the public comment period on the proposed discharge. This language modifies the existing requirement in § 95.1(c) which requires that a public hearing be held for every discharge to an EV Water. This requirement has proved administratively burdensome because there have been many dis-

charges proposed to EV Waters when no person has expressed interest, yet a public hearing, with a court reporter, had to be held. The new language ensures that if there is no interest, no hearing need be held; when there is interest, a hearing will be held. This does not mean that every request will result in a hearing. For example, a neighboring property owner who requests a hearing is an interested party, whereas a lone comment from far outside the watershed expressing interest in the proposed discharge and requesting a hearing may not necessarily be that of an "interested" person. Subsection (b)(1)(ii)(B) adds a requirement that an applicant for a new or increased point source discharge in HQ or EV Waters shall note the antidegradation classification of HQ or EV in its public notice of complete application required under § 92.61(a) (relating to public notice of permit application and public hearing).

SEJ in HQ Waters. Subsection (b)(1)(iii) tracks the Federal language in 40 CFR 131.12(a)(2) which allows discharges which degrade the quality of an HQ Water if a proposed discharger demonstrates that the proposed discharge is necessary to accommodate important economic or social developments in the area in which the water is located. In addition, a sentence is added providing that even if a discharger obtains SEJ, it must still attain all applicable water uses (that is, those other than HQ and EV) for its discharge. The Board has removed language from the proposed SEJ test which had provided that the social or economic benefits must "outweigh any water quality degradation which the proposed discharge is expected to cause." This language was intended to provide a "balancing" test, and was criticized as being beyond the scope of the Federal SEJ. In addition, Federal guidance provides that the provision is intended to provide relief only in a few extraordinary circumstances when the economic and social need for the activity clearly outweighs the benefit of maintaining water quality above that required for "fishable/swimmable" waters, and the two cannot both be achieved (EPA's *Questions and Answers on: Antidegradation*, question 17, page 7, August 1985). The Board believes that the word "important," which is not currently in the Department's existing SEJ regulation in § 95.1(b), adds a "balancing" element, and provides authority to enable the Department to perform a balancing test and address the decision in *Big B Mining Co. v. DER*, 1987 EHB 815 (1987) aff'd *Commonwealth of Pennsylvania, Department of Environmental Resources v. Big B Mining Co.*, 123 Pa. Cmwlth. 591, 554 A.2d 1002 (1989) on the Department's authority to balance. In that case, the EHB invited the Board to change its regulations to include a balancing test when it stated that: "[I]f the EQB had intended a balancing test within § 95.1(b)(1), it could have easily included the appropriate words." *Id.* at 853. The Board does so now.

The Department will work with the WRAC to develop appropriate implementation guidance for evaluating and approving the social and economic justification for discharges to high quality waters under these regulations.

Nonpoint Source Control. Subsection (b)(2) provides that the Department will assure that cost-effective and reasonable best management practices (BMPs) for nonpoint source control shall be achieved. This language tracks the Federal language in 40 CFR 131.12(a)(2), and is somewhat different than the nonpoint source language which was contained in the March 22, 1997, proposal in § 93.4d(b) (relating to processing of petitions, evaluations and assessment to change a designated use). The language was changed to more closely match the Federal language in response to concerns raised by the EPA,

among others, that the language was not acceptable. Existing requirements in Chapters 102 and 105 (relating to erosion control; and dam safety and waterway management), the Nutrient Management Act (3 P. S. §§ 1701—1718) and the Manure Management Program, among others, will continue to govern for nonpoint sources. There are no new or additional requirements in the ANFR regarding nonpoint sources in HQ or EV Waters; these sources must continue to implement cost-effective and reasonable BMPs as in existing State regulations.

Special Provisions for Sewage Discharges to HQ Waters. Subsection (c)(1) is a streamlined version of the language in the proposal in § 93.4b(e). This provision specifies that proponents of new, additional or increased sewage discharges in HQ Waters shall include an SEJ analysis as part of its proposed revision to the official municipal sewage facilities plan under Chapter 71 (relating to administration of sewage facilities planning program). The Department's determination of SEJ at the sewage facilities planning stage will constitute SEJ at the NPDES stage unless there is a material change in the project or law between sewage facilities planning and NPDES permitting, in which case sewage facilities planning shall be recommenced. This language eliminates the current duplicative nature of SEJ with regard to sewage dischargers; the dischargers had to complete an SEJ analysis at both the sewage facilities planning stage and the NPDES stage; this was burdensome, with no environmental benefit. The SEJ for sewage facilities is now consolidated.

SEJ for Sewage Facilities in HQ Waters Correcting Existing Public Health or Pollution Hazards. Subsection (c)(2) provides for a streamlined SEJ where a sewage facility which does not have an environmentally sound and cost-effective discharge alternative is designed for the purpose of correcting existing public health or pollution hazards documented by the Department and approved as part of an official sewage facilities plan revision under § 71.32 (relating to Department responsibility to review and act upon official plans). An existing public health or pollution hazard is a situation where there is documented evidence that existing wastewater disposal and pollution control measures either do not currently exist or are no longer functioning in a satisfactory manner, thereby creating a public health or pollution threat. The most common type of hazard usually encountered by the Department in HQ Watersheds is failing onlot sewage disposal systems. Section 93.4c(c)(2) are restricted to sewage facilities, because in these cases the only practicable method of resolving the public health and pollution hazard may be the construction of centralized sewage disposal plants. Moreover, sewage facilities planning is a public process with extensive local and public involvement.

Public Participation Requirements For Official Sewage Facilities Plans in HQ or EV Waters. Subsection (c)(3) provides that proponents of sewage facilities in HQ or EV Waters who are seeking an approval of an official sewage facilities plan or revision shall comply with the public participation requirements in § 71.53(d)(6) (relating to municipal administration of new land development planning requirements for revisions).

§ 93.4d. Processing of Petitions, Evaluations and Assessments to Change a Designated Use. The proposed § 93.4d was replaced by language which sets forth requirements for public participation and the processing of petitions, evaluations and assessments to change a designated use. Designated use changes are made by the

Board through rulemaking; existing uses reflect the use based on the best available information and are evaluated by the Department in the context of a request for a Department permit or Department approval under § 93.4c(a). The public participation and procedural requirements for changing a designated use are described as follows:

Public Notice of Receipt of Evaluation, or Assessment of Waters, for HQ or EV Waters Redesignation. Subsection (a) specifies that the Department will publish in the *Pennsylvania Bulletin* and in a local newspaper of general circulation notice of a receipt of either: (1) a complete surface water evaluation which has been accepted by the Board and is recommending an HQ or EV redesignation; or (2) the Department's intent to assess a surface water for potential redesignation as an HQ or EV Water. The evaluation is an analysis of the surface water in a locale which can be conducted by any person under Department assessment protocols, including quality assurance/quality control (QA/QC). Both types of notices will request submission of information concerning the water quality of waters subject to the evaluation, or to be assessed, to be used by the Department to supplement any studies which have been performed. Both types of notice will be sent by the Department to all municipalities containing waters subject to the evaluation or assessment.

Combined Public Meeting and Fact-Finding Hearing. Subsection (b) provides that the Department may hold a combined public meeting and fact finding hearing as part of its review of an evaluation or performance of an assessment, to discuss the evaluation or assessment. The meeting/hearing may involve discussion of the methodology for the evaluation or assessment, and may solicit information, including technical data, to be considered in the Department's evaluation or assessment.

Submission to Board to Alter Designated Use. Subsection (c) provides that, upon the completion of its assessment, or review of an evaluation, and the satisfaction of other applicable requirements of this section, the Department will submit the results of its assessment, or review of the submitted evaluation, to the Board for proposed rulemaking. If a person is petitioning the Board to change the designated use, the Department's submission to the Board will occur only after the petitioner has had the opportunity to review and comment on the Department's assessment or review of submitted evaluation, in accordance with the Board's petition policy which is codified in Chapter 23 (relating to Environmental Quality Board policy for processing petitions—statement of policy).

§ 93.4e. Public Participation in HQ and EV Waters. The proposed § 93.4e has been modified and integrated into other sections of the final rule.

§ 93.7. Specific Water Quality Criteria. Table 5 was proposed to be revised to delete HQ and EV Waters as protected uses, with the addition of a new Table 5a to contain the specific criteria for the antidegradation categories. These proposed changes have not been made at final rulemaking in light of the Board's decision to retain HQ and EV Waters as protected uses.

§§ 93.9a—93.9z. Drainage lists. The drainage lists were proposed to be amended to delete "HQ" and "EV" from the Water Uses Protected Column and instead list the designated use (WWF, CWF, TSF, etc.). EV Waters and HQ Waters were proposed to be listed in a new column in the drainage lists. These proposed changes have not been made in this final-form rulemaking in light of the Board's decision to retain HQ and EV Waters as protected uses.

§ 95.1. General Requirements. The proposed revisions to subsection (a) are modified to refer to the antidegradation requirements under §§ 93.4a—93.4d, to reflect the retooling of the proposal which had contained a proposed § 93.4e. Subsections (b)—(d) are deleted as was proposed. It should be noted that § 95.1 was also proposed to be amended in a regulatory proposal (Water Quality Amendments—RBI) which was published at 28 Pa.B. 4431 (August 29, 1998).

F. Summary of Comments and Responses on the Proposed Rulemaking.

The Department received nearly 1,700 comments on the March 22, 1997, proposal. The major areas of comment, and the Department's response, are summarized as follows. Many commentators objected to the proposal as not being sufficiently protective, noting, among other things, that it: (1) proposed the deletion of HQ and EV Waters as protected uses; (2) required that both a chemistry and biology element be satisfied to qualify as an HQ or EV Water; (3) regulated only discharges, not all activities in HQ and EV Waters; (4) allowed for a de minimis "off ramp" to the SEJ process for certain proposed discharges to HQ Waters; (5) allowed for National Pollutant Discharge Elimination System (NPDES) General Permits in HQ Waters; (6) did not provide sufficient protection for endangered species; (7) did not provide adequate protection for nonpoint source impacts; (8) failed to prohibit all impacts to EV Waters; (9) lessened public hearing requirements for discharges to EV Waters; (10) did not provide for adequate public participation with regard to proposed activities which may impact HQ or EV Waters; and (11) failed to adequately provide a process for protecting existing uses. Other commentators believed that the proposal was too stringent in that it: (1) contained balancing language beyond the scope of the equivalent Federal regulation which requires the balancing of social or economic considerations against the environmental degradation a proposed discharge to HQ Waters would result in; (2) allowed for imprecise general considerations of grab sample chemistry in making HQ and EV determinations; (3) allowed for the classification of outstanding local or regional waters as EV Waters, beyond the scope of the Federal program; (4) contained subjective terminology such as "ecological or recreational significance" which did not contain objective criteria for decision making in regard to classification of a water; (5) did not provide for notification of landowners riparian to EV and HQ Waters; (6) did not provide for adequate public participation in the stream designation process; and (7) did not allow for the use of NPDES general permits in EV Waters.

General Comments. Many commentators suggested that the Department should simply track the language of the Federal antidegradation regulation in 40 CFR 131.12 because it is assertedly more protective than the proposal. In response, the Department has altered several areas of the proposal on final rulemaking to be consistent with the Federal regulation. Moreover, because the antidegradation program in this Commonwealth is implemented by the Commonwealth, not the EPA, the Board believes that it is sound public policy to expand the minimum legal language of the Federal antidegradation regulation and set forth specific implementation provisions. Over 20 years of experience implementing the antidegradation program in this Commonwealth, as well as the input of the public, stakeholders groups, advisory committees and others have provided a more complete means to address the specific needs of Commonwealth citizens.

Another comment requested the term "surface waters" be replaced by the term "watersheds" to emphasize the Department's watershed approach. In response, the Board believes that watersheds are contained in the term "surface waters." Stream classifications will continue to be made on a basin basis. Moreover, the Department has emphasized the watershed approach and the recommendations of the 21st Century Environment Commission in several ways in this regulation, most notably in the definition of "coordinated water quality protective measures," which provides for the protection of watershed corridors as EV Waters where local or regional governments have adopted sound land use water quality protective measures in waters which have the water quality of HQ waters or higher.

HQ/EV Waters as Uses. Many commentators objected to the proposal to eliminate the HQ and EV use categories as protected uses, fearing that these waters would not be protected outside of a use classification scheme, and that waters already classified as HQ or EV would lose their protected status. In response, the Board has decided to maintain HQ and EV Waters as uses. This approach has been in place since 1978 and has proved workable since it integrates antidegradation management categories into the water quality standards program. The existing quality of HQ and EV Waters must be protected regardless of whether the waters are protected uses or not. Moreover, it is less confusing for the public and easier for the Department from a programmatic and administrative viewpoint to include HQ and EV Waters along with all other listed waters in the drainage lists in §§ 93.9a—93.9z rather than to separate them. The retention of uses for HQ and EV Waters was supported by a majority of persons commenting on the proposal.

Chemical/Biological Qualifying Methodology. Many comments were received on the chemical and biological tests for ascertaining whether a water qualifies for HQ or EV protection. The primary objection to the proposal was that the Board was requiring that a water meet both a chemistry and biology test. Others objected that the use of the language "generally" in the chemical test was vague, and that the specific percentages used in the biological test should be provided. In response, the Board has revised the chemical and biological qualifying criteria to provide that either a chemistry or biology test can qualify a water as HQ. To ensure that the chemistry test is sound, the Board has adopted a long-term chemistry test which requires at least 1 year of data, as opposed to the grab sample test which was proposed. Moreover, the Board has provided more certainty to the chemistry test by eliminating the term "generally" and specifically enumerating the chemical factors which will be considered in ascertaining whether a water is an HQ Water. Finally, the specific percentages which qualify a water for HQ (83%) or EV (92%) under the biology test have been specifically enumerated in these final-form regulations. These methodologies were discussed in more detail previously.

Scope of Protection. Several comments stated that the antidegradation regulations need to address not only discharges, but other activities which may impact surface waters. In response, the language requiring the protection of existing uses has been amended, consistent with Federal regulations, to be implemented during the review of an application for a Department permit or Department approval. The Department requires that all existing uses be maintained and protected. This protection occurs during the evaluation of an application for a Department permit or approval which could impact a surface water. By linking the regulation of activities requiring Depart-

ment permits or approvals to existing use protection, all categories of uses (including HQ and EV) receive this protection. This language is needed to address comments from the EPA (and others).

De Minimis "Off Ramp" to SEJ. Several comments criticized the proposed 25% of assimilation capacity "off-ramp" to SEJ as not being sufficiently protective of water quality in HQ Waters. In response to comments, the language allowing for a de minimis off-ramp to SEJ for certain small impact dischargers has been deleted from the final rulemaking.

NPDES General Permits in HQ/EV Waters. Several comments expressed the view that NPDES general permits should not be allowed in HQ Waters; other comments believed that general permits should be able to be utilized in EV Waters as well as HQ Waters. As part of its RBI proposed revisions to Chapter 92 (see 28 Pa.B. 4431), the Board also proposed allowing the use of general NPDES permits in HQ Watersheds. The Board received a substantial number of comments on that proposal and must address those comments in that rulemaking package.

Endangered and Threatened Species Protection. Several commentators believed that the proposed language which provided for the Department to limit mixing areas of discharges to protect aquatic threatened and endangered species identified in the Pennsylvania Natural Diversity Index (PNDI) was insufficient because it fails to address all activities, it only addresses aquatic species, and the PNDI does not include all threatened and endangered species. In response, the Board has reworked the language of § 93.4c(a)(2) to provide that if the Department confirms the presence, critical habitat or critical dependence of endangered or threatened species in a surface water, it will ensure protection of the species and critical habitat. The language relating to "discharges" has been deleted; existing use protection applies to activities requiring Department permits or approvals. Moreover, the qualifier "aquatic" was removed, as were references to the PNDI.

Nonpoint Sources. Several comments asserted that the nonpoint source protection language in the proposal was not as stringent as the Federal language. In response, the final-form regulations require the Department to assure that cost-effective and reasonable BMPs for nonpoint source control be achieved. This requirement tracks language in the Federal regulation in 40 CFR 131.12(a)(2). Existing requirements in Chapters 102 and 105, the Nutrient Management Act and the Manure Management Program will continue to govern. There are no new or additional requirements regarding nonpoint sources.

Prohibition of Activities/Discharges to EV Waters. Several commentators believe that the Board should prohibit all new activities, including new discharges, into EV Waters. In response, the Department mirrors the Federal regulation in 40 CFR 131.12(a)(3) by providing that the existing quality of EV Waters be "maintained and protected." The Board believes that an outright prohibition on regulated activities (including new discharges) in EV Waters would be unduly restrictive of economic development; careful economic development is compatible with excellent water quality so long as the development can ensure no degradation of water quality. Many activities (including point source discharges from construction activities, and new discharges from quarries) have been authorized in EV Waters which have demonstrated that economic development and clean water are not mutually exclusive.

Public Participation for Discharges Which Could Impact HQ or EV Waters. Several comments questioned the need for an additional prepermit 30-day public comment period prior to the submission by an applicant of an application to discharge wastes into Commonwealth waters; others questioned whether the public participation provided for these activities was adequate. In response, the Board has eliminated the prepermit 30-day comment period; this additional public comment period was seen as redundant, and would result in additional paperwork and expense in the permit process. Additional public information and input possibilities are provided in the form of a public hearing requirement for discharges to EV Waters, when requested, as well as a requirement that public notices for discharge permits contain language noting the antidegradation classification of the receiving water.

Existing Use Protection. Several comments questioned the proposed process for existing use protection, stating that the requirement that existing uses not be protected until the Department evaluates technical data is inappropriate to protect existing uses. In response, language is added in § 93.4a(b) which is identical to the Federal language for existing use protection in 40 CFR 131.12(a)(1). Moreover, the amended language of the final-form regulations in § 93.4c(a) provides a procedure for existing use protection; existing use protection is provided by the Department based upon the best available information for a waterbody. The final existing use determination is made in the context of a Department permit or approval action. That action includes the opportunity for the public and the person seeking to conduct the activity requiring the permit or approval to provide water quality information.

SEJ "Balancing" Language. Several comments questioned the need for SEJ language in the proposal which provided that dischargers shall demonstrate that the SEJ for their proposed discharge into HQ Waters must outweigh the proposed environmental degradation from the discharge. The Board has removed the phrase "which outweigh any water quality degradation which the proposed discharge is expected to cause" because it is beyond that contained in the relevant Federal language in 40 CFR 131.12(a)(2) and is not necessary. The term "important" in "important economic or social development" provides sufficient authority to conduct a balancing test which balances the social or economic benefits of a proposed discharge against any water quality degradation the discharge is expected to cause.

Outstanding "State, Regional or Local" Resource Waters. Several comments expressed that the scope of EV waters should be "outstanding National resource waters," which is the scope of the Federal regulation in 40 CFR 131.12(a)(3). The Board's EV Waters definition is broader than EPA's Tier 3 definition. The Commonwealth also protects outstanding State, regional and local resource waters. First, whereas the EPA's focus is only on outstanding National waters, the Board believes that there are also outstanding State, regional and local waters which merit EV protection. Second, the Commonwealth's antidegradation program has included outstanding State, regional and local waters for many years in its existing § 93.3, and the Board continues to believe that outstanding waters are worthy of EV status even though they may not be outstanding National resource waters. This Commonwealth has 83,000 miles of surface waters, more than any other state except Alaska, and to date approximately 1,700 miles, or less than 2% of these waters, have been classified as EV Waters. This percentage is not expected

to change markedly under these regulations since these final regulations merely continue the existing inclusion of these waters as EV Waters.

Terminology/Subjectivity in the Classification of HQ/EV Waters. Several commentators believed that the criteria utilized for defining an EV Water in the proposal, particularly the phrase "other waters of exceptional recreational or ecological significance," was unduly subjective. In response to the comments, the Board has added more objectivity to the regulations by specifically laying out the biological qualifying criteria in more detail (that is, 83% of macroinvertebrate populations of excellent reference waters to qualify as an HQ Water under the biology test), adding several new definitions of terms such as "coordinated water quality protective measures," "outstanding National, State, regional or local resource water," "surface water of exceptional ecological significance," and "surface water of exceptional recreational significance" and specifically enumerating categories of National and State waters which, when accompanied by water quality which qualifies a water as HQ, qualify the water for EV protection. All these changes were designed to provide more objective criteria. Other measures which have been taken, such as deleting the word "generally" from the chemistry qualifying criteria for HQ, and the more precise laying out of criteria for HQ and EV, as well as specific procedures for existing use protection, also provide more objectivity in these final-form regulations.

Landowner Notification of Assessments for HQ/EV Status. Several comments suggested that either the Department, or the proponent of a petition to upgrade a water to HQ or EV status, should be required to notify all landowners in the watershed. In response, although the Department believes that public notification is appropriate, having petitioners or the Department try to search and send individual certified letters to each landowner in a watershed is onerous and burdensome and still may not reach everyone. The Department believes more workable and effective notification options include placing notices in local newspapers within the watershed, public service announcements on local radio or television, and working with municipalities to assist in the notification of the potentially affected local citizens, including landowners.

Adequate Public Participation in the Stream Designation Process. Several comments noted that there were not adequate opportunities for public input in the Board's redesignation of surface waters to HQ or EV status. In response, the Board has modified the proposal to expand public participation requirements. Section 93.4d(a) requires the Department to publish notices of intent to assess a water for potential HQ or EV designation in both the *Pennsylvania Bulletin* and local newspapers. In addition, a notice is also required when a completed evaluation is accepted by the Board. The Department will also notify municipalities in the affected watershed. These notices will request submittal of additional information for use by the Department. Section 93.4d(b) further provides for combined public meeting and fact-finding hearings to discuss the assessment or evaluation and solicit additional data.

G. ANFR

After considering all of the comments received on the proposal, the Department undertook an extensive effort to recraft the proposal in the form of an ANFR proposal, to seek additional public input. The Department developed the ANFR in a multistage process. First, a conceptual description of the ANFR was discussed at several outreach meetings with various stakeholder groups. Next,

the conceptual ANFR was discussed with several advisory groups including the Citizen's Advisory Council (CAC), the WRAC and the Reg Neg group. The input from the stakeholders and the advisory committees was utilized in the development of a formal proposal. Notice of the availability of the ANFR appeared at 29 Pa.B. 455 with provisions for a public comment period which remained open until February 22, 1999. In addition, three public meetings/hearings were held at the following sites and dates: Harrisburg on February 8, 1999; Conshohocken on February 10, 1999; and Pittsburgh on February 18, 1999. The formal proposal was also discussed with the Agricultural Advisory Board (AAB).

The Department received 743 public comments on the ANFR. Many commentators were generally supportive of the ANFR. Several comments addressed issues such as: (1) landowner notification of stream upgrades; (2) SEJ issues such as whether the regulation should contain language "balancing" social or economic justification against environmental degradation; how extensive should the regulation be with regard to spelling out the factors for analyzing SEJ requests; expanding terms such as "existing public health or pollution hazard" and "cost effective and environmentally sound"; and whether the "automatic" SEJ process for sewage facilities with existing public health or pollution hazards should be applied to industrial activities as well; (3) the appropriate chemical and biological methodology for ascertaining HQ and EV stream classifications; (4) whether the regulation should be limited to discharges or apply to more activities; (5) the appropriate language for protecting threatened and endangered species; (6) whether EV and HQ should be protected as uses; (7) the appropriate public hearing requirements for discharges in EV Waters; (8) the use of NPDES general permits in HQ and EV Waters; (9) the appropriate factors and methodology for EV Waters classifications, including where social and economic factors and information should be considered; and (10) the impact of these regulations on agricultural activities and other land uses. These comments are addressed in more detail as follows, except to the extent they are already addressed in Section E or F of this Preamble.

SEJ Issues. Several comments addressed various issues with SEJ terminology and implementation. In response, the Board has adopted the Federal SEJ language in 40 CFR 131.12(a)(2) as the Commonwealth's SEJ language. As such, the Department will look to Federal SEJ guidance on the terminology and its implementation; the guidance will be considered and appropriately tailored to meet the needs of Pennsylvanians.

Public Hearing Requirements for Discharges to EV Waters. Several comments expressed concern with the ANFR proposal to remove mandatory public hearing requirements for proposed discharges to EV Waters. The Board has added language, in response to the comments, which provides that a public hearing will be held on a proposed discharge to EV Waters when requested by an interested person. This language replaces § 95.1(c) which requires mandatory public hearings for all discharges to EV Waters, regardless of public interest. Numerous hearings have been scheduled and held with the expense of Department staff time and court reporters, and no testimony given. The new language assures that hearings are held when requested, while eliminating the necessity for holding a hearing when there is no public interest.

Social and Economic Impacts in Stream Classifications. Several comments requested that the Department consider the social and economic impacts of a stream classifi-

cation during the stream assessment process. In response, the CWA precludes States from considering economic or social factors in developing water quality standards (including water uses and water quality criteria).

Impact of Stream Classifications on Land Uses. Several comments suggested that the antidegradation regulations will impact the ability of farmers to continue farming, and developers and builders to develop their property in areas near HQ/EV streams, and that these regulations may constitute a "taking" of their property rights. In response, Department regulations, including these final-form regulations, are drafted mindful of the takings provisions of the United States and Pennsylvania Constitutions. These final-form regulations represent a reasonable exercise of the Commonwealth's police powers and do not in any way prohibit all economically viable uses of a property owner based on the property owner's reasonable investment-backed expectations. The final-form regulations do not affect the right to dispose of private property, and instead provide protection to this Commonwealth's best waters. Experience has shown that numerous discharge permits have been granted for discharges to HQ and EV Waters. Moreover, there are no new or additional requirements in these final-form regulations regarding farms in HQ or EV Waters; these final-form regulations require the Department to assure that cost-effective and reasonable BMPs for nonpoint source control be achieved. This requirement tracks language in the Federal regulation in 40 CFR 131.12(a)(2). Existing requirements in Chapters 102 and 105, the Nutrient Management Act and the Manure Management Program will continue to govern.

Additional comments which were raised in the ANFR have been addressed in the response to comments on the proposed amendments in Section F of this Preamble, or as part of the description of the final-form regulations in Section E of this Preamble.

H. *Benefits, Costs, and Compliance*

Executive Order 1996-1 requires a cost/benefit analysis of the final-form regulations.

Benefits—Overall, the citizens of this Commonwealth will benefit from these changes because they will provide appropriate protection of surface waters in this Commonwealth, including existing uses and HQ and EV Waters. The antidegradation program in these final-form regulations addresses the EPA's disapproval of certain antidegradation provisions and provides an antidegradation program which reflects the input of the public, interested stakeholders and others, and addresses concerns specific to the Commonwealth.

Compliance Costs—New, additional or increased discharges to HQ or EV Waters, or those proposing other activities requiring a Department permit or approval in these waters, may require alternate disposal methods, installation of higher technology, or more stringent effluent limitations than discharges to Tier 1 waters, and compliance costs may be higher.

The changes may have some fiscal impact on or create additional compliance costs for the Commonwealth, political subdivisions and the private sector planning new, additional or increased wastewater discharges or other activities requiring a Department permit or approval which may affect HQ or EV Waters. The number of affected discharges or other activities requiring a Department permit or approval cannot be determined because of the uncertainty in which waters will be evaluated as HQ and EV Waters, and because future discharges cannot be known.

Compliance Assistance Plan—The Department plans to educate and assist the public with understanding the newly revised requirements and how to comply with them. The *Special Protection Waters Implementation Handbook* was developed as a multipurpose document in November 1992 to provide information and guidance about the development of acceptable point and nonpoint source control measures and as a general source for antidegradation implementation policies and procedures. An updated version of the *Handbook* will be prepared to reflect changes in the regulations and requirements for antidegradation waters and will be made widely available to the public, with opportunities for public input and comment.

Paperwork Requirements—The regulatory revisions will have limited paperwork impacts on the Commonwealth, its political subdivisions and the private sector.

I. Pollution Prevention

The antidegradation program is a major pollution prevention tool because its objective is to prevent degradation by maintaining and protecting existing water quality. Although wastewater discharges are not prohibited by the antidegradation program, nondischarge alternatives are encouraged and required, when appropriate. Nondischarge alternatives remove impacts to the surface water and reduce the overall level of pollution to the environment by remediation of the effluent through the soil. Dischargers to HQ and EV Waters shall evaluate alternatives to stream discharge. If no cost-effective and environmentally sound alternative is available, the discharger shall use the best available combination of cost-effective treatment, land disposal, pollution prevention and wastewater reuse technologies.

J. Sunset Review

These final-form regulations will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

K. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 10, 1997, the Department submitted a copy of the proposed rulemaking, published at 27 Pa.B. 1459, to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate and House Environmental Resources and Energy Committees. In addition to submitting the proposed amendments, the Department has provided IRRC and the Committees with a copy of all comments received on the proposed regulation, as well as other documentation.

In preparing these final-form regulations, the Department has considered all comments received from IRRC and the public. The Committees did not provide comments on the proposed rulemaking.

These final-form regulations were deemed approved by the House Environmental Resources and Energy Committee and the Senate Environmental Resources and Energy Committee on June 9, 1999. IRRC met on June 17, 1999, and deemed approved the final-form regulations in accordance with section 5(c) of the Regulatory Review Act.

L. Findings

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and regulations promulgated thereunder in 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 final-form regulations do not enlarge the purpose of the proposal published at 27 Pa.B. 1459.

(4) These final-form regulations are necessary and appropriate for administration and enforcement of the authorizing acts identified in Section C of this Preamble.

M. Order

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

(a) The regulations of the Department, 25 Pa. Code Chapters 93 and 95, are amended by amending §§ 93.1, 93.3, 93.4, 93.7 and 95.1, and by adding §§ 93.4a—93.4d to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(b) The Chairperson of the Board shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for approval and review as to legality and form, as required by law.

(c) The Chairperson shall submit this order and Annex A to IRRC and the Senate and House Environmental Resources and Energy Committees as required by the Regulatory Review Act.

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

(e) This order shall take effect immediately upon publication.

JAMES M. SEIF,
Chairperson

(Editor's Notes: The proposed amendment of §§ 92.81 and 92.83, included in the proposal at 27 Pa.B. 1459 have been withdrawn by the Board. Proposed amendments regarding these sections were included in the proposal at 28 Pa.B. 4431 (August 29, 1998). The proposal to amend §§ 93.9a—93.9z, which also appeared at 27 Pa.B. 1459, has been withdrawn.

For the text of the order of the Independent Regulatory Review Commission relating to this document see 29 Pa.B. 3492 (July 3, 1999.)

Fiscal Note: Fiscal Note 7-310 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE II. WATER RESOURCES

CHAPTER 93. WATER QUALITY STANDARDS

§ 93.1. Definitions.

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

* * * * *

Class A wild trout water—A surface water classified by the Fish and Boat Commission, based on species-specific biomass standards, which supports a population of naturally produced trout of sufficient size and abundance to support a long-term and rewarding sport fishery.

* * * * *

Coordinated water quality protective measures—

(i) Legally binding sound land use water quality protective measures coupled with an interest in real estate which expressly provide long-term water quality protection of a watershed corridor.

(ii) Sound land use water quality protective measures include: surface or groundwater source protection zones, enhanced stormwater management measures, wetland protection zones or other measures which provide extraordinary water quality protection. Real estate interests include:

- (A) Fee interests.
- (B) Conservation easements.
- (C) Government owned riparian parks or natural areas.
- (D) Other interests in land which enhance water quality in a watershed corridor area.

* * * * *

*Exceptional Value Waters—*Surface waters of high quality which satisfy § 93.4b(b) (relating to antidegradation).

* * * * *

*High Quality Waters—*Surface waters having quality which exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water by satisfying § 93.4b(a).

* * * * *

*Nonpoint source—*A pollution source which is not a point source discharge.

* * * * *

*Outstanding National, State, regional or local resource water—*A surface water for which a National or State government agency has adopted water quality protective measures in a resource management plan, or regional or local governments have adopted coordinated water quality protective measures along a watershed corridor.

* * * * *

*Point source discharge—*A pollutant source regulated under the National Pollutant Discharge Elimination System (NPDES) as defined in § 92.1 (relating to definitions).

* * * * *

*State game propagation and protection area—*An area established by the Game Commission for the propagation and protection of game or wildlife wherein game or wildlife may not be hunted, pursued, disturbed, molested, killed or taken at any time except as authorized by the Game Commission.

* * * * *

*Surface water of exceptional ecological significance—*A surface water which is important, unique or sensitive ecologically, but whose water quality as measured by traditional parameters (for example, chemical, physical or biological) may not be particularly high, or whose character cannot be adequately described by these parameters. These waters include:

- (i) Thermal springs.
- (ii) Wetlands which are exceptional value wetlands under § 105.17(1) (relating to wetlands).

*Surface water of exceptional recreational significance—*A surface water which provides a water-based, water

quality-dependent recreational opportunity (such as fishing for species with limited distribution) because there are only a limited number of naturally occurring areas and waterbodies across the State where the activity is available or feasible.

* * * * *

*Water quality protective measures in a resource management plan—*Measures in a resource management plan which expressly provide extraordinary long-term water quality protection of a watershed corridor. These measures include surface or groundwater source protection zones, enhanced stormwater management measures or wetland protection zones.

* * * * *

*Wilderness trout stream—*A surface water designated by the Fish and Boat Commission to protect and promote native trout fisheries and maintain and enhance wilderness aesthetics and ecological requirements necessary for the natural reproduction of trout.

§ 93.3. Protected water uses.

Water uses which shall be protected, and upon which the development of water quality criteria shall be based, are set forth, accompanied by their identifying symbols, in the following Table 1:

Table 1

Symbol Protected Use

Aquatic Life

CWF	<i>Cold Water Fishes—</i> Maintenance or propagation, or both, of fish species including the family Salmonidae and additional flora and fauna which are indigenous to a cold water habitat.
WWF	<i>Warm Water Fishes—</i> Maintenance and propagation of fish species and additional flora and fauna which are indigenous to a warm water habitat.
MF	<i>Migratory Fishes—</i> Passage, maintenance and propagation of anadromous and catadromous fishes and other fishes which ascend to flowing waters to complete their life cycle.
TSF	<i>Trout Stocking—</i> Maintenance of stocked trout from February 15 to July 31 and maintenance and propagation of fish species and additional flora and fauna which are indigenous to a warm water habitat.

Water Supply

PWS	<i>Potable Water Supply—</i> Used by the public as defined by the Federal Safe Drinking Water Act, 42 U.S.C.A. § 300F, or by other water users that require a permit from the Department under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.18), or the act of June 24, 1939 (P. L. 842, No. 365) (32 P. S. §§ 631—641), after conventional treatment, for drinking, culinary and other domestic purposes, such as inclusion into foods, either directly or indirectly.
IWS	<i>Industrial Water Supply—</i> Use by industry for inclusion into nonfood products, processing and cooling.
LWS	<i>Livestock Water Supply—</i> Use by livestock and poultry for drinking and cleansing.
AWS	<i>Wildlife Water Supply—</i> Use for waterfowl habitat and for drinking and cleansing by wildlife.

IRS *Irrigation*—Used to supplement precipitation for growing crops.

Recreation

B *Boating*—Use of the water for power boating, sail boating, canoeing and rowing for recreational purposes when surface water flow or impoundment conditions allow.

F *Fishing*—Use of the water for the legal taking of fish.

WC *Water Contact Sports*—Use of the water for swimming and related activities.

E *Esthetics*—Use of the water as an esthetic setting to recreational pursuits.

Special Protection

HQ *High Quality Waters*

EV *Exceptional Value Waters*

Other

N *Navigation*—Use of the water for the commercial transfer and transport of persons, animals and goods.

§ 93.4. Statewide water uses.

(a) *Statewide water uses.* The uses set forth in Table 2 were considered in determining the water quality criteria applicable to the particular waters listed in § 93.9 (relating to designated water uses and water quality criteria) except where otherwise indicated in § 93.9.

TABLE 2

Symbol Use

Aquatic Life

WWF Warm Water Fishes

Water Supply

- PWS Potable Water Supply
- IWS Industrial Water Supply
- LWS Livestock Water Supply
- AWS Wildlife Water Supply
- IRS Irrigation
- Recreation**
- B Boating
- F Fishing
- WC Water Contact Sports
- E Esthetics

(b) *Less restrictive uses.* Less restrictive uses than those currently designated for particular water listed in § 93.9 may be adopted when it is demonstrated that the designated use is more restrictive than the existing use and one or more of the following conditions exist:

- (1) The designated use is not attainable because of natural background conditions.
- (2) The designated use is not attainable because of irretrievable man-induced conditions.
- (3) Application of effluent limitations for existing sources more stringent than those required under section 301 of the Water Pollution Control Act (33 U.S.C.A. § 1311), to attain the designated use, would result in substantial and widespread adverse economic and social impact.

(c) *Redesignation of water.* Waters considered for redesignation may not be redesignated to less restrictive uses than the existing uses.

ANTIDegradation Requirements

§ 93.4a. Antidegradation.

(a) *Scope.* This section applies to surface waters of this Commonwealth.

(b) *Existing use protection for surface waters.* Existing instream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected.

(c) *Protection for High Quality Waters*—The water quality of High Quality Waters shall be maintained and protected, except as provided in § 93.4c(b)(1)(iii) (relating to implementation of antidegradation requirements).

(d) *Protection for Exceptional Value Waters*—The water quality of Exceptional Value Waters shall be maintained and protected.

§ 93.4b. Qualifying as High Quality or Exceptional Value Waters.

(a) *Qualifying as a High Quality Water.* A surface water that meets one or more of the following conditions is a High Quality Water.

(1) *Chemistry.*

(i) The water has long-term water quality, based on at least 1 year of data which exceeds levels necessary to support the propagation of fish, shellfish and wildlife and recreation in and on the water by being better than the water quality criteria in § 93.7, Table 3 (relating to specific water quality criteria) or otherwise authorized by § 93.8a(b) (relating to toxic substances), at least 99% of the time for the following parameters:

- dissolved oxygen
- iron
- dissolved copper
- temperature
- dissolved arsenic
- dissolved lead
- aluminum
- dissolved nickel
- dissolved cadmium
- pH
- ammonia nitrogen
- dissolved zinc

(ii) The Department may consider additional chemical and toxicity information, which characterizes or indicates the quality of a water, in making its determination.

(2) *Biology.* One or more of the following shall exist:

(i) *Biological assessment qualifier:*

(A) The surface water supports a high quality aquatic community based upon information gathered using peer-reviewed biological assessment procedures that consider physical habitat, benthic macroinvertebrates or fishes based on *Rapid Bioassessment Protocols for Use in Streams and Rivers: Benthic Macroinvertebrates and Fish*, Plafkin, et al., (EPA/444/4-89-001), as updated and amended. The surface water is compared to a reference stream or watershed, and an integrated benthic macroinvertebrate score of at least 83% shall be attained by the referenced stream or watershed.

(B) The surface water supports a high quality aquatic community based upon information gathered using other widely accepted and published peer-reviewed biological assessment procedures that the Department may approve to determine the condition of the aquatic community of a surface water.

(C) The Department may consider additional biological information which characterizes or indicates the quality of a water in making its determination.

(ii) *Class A wild trout stream qualifier.* The surface water has been designated a Class A wild trout stream by the Fish and Boat Commission following public notice and comment.

(b) *Qualifying as an Exceptional Value Water.* A surface water that meets one or more of the following conditions is an Exceptional Value Water:

(1) The water meets the requirements of subsection (a) and one or more of the following:

(i) The water is located in a National wildlife refuge or a State game propagation and protection area.

(ii) The water is located in a designated State park natural area or State forest natural area, National natural landmark, Federal or State wild river, Federal wilderness area or National recreational area.

(iii) The water is an outstanding National, State, regional or local resource water.

(iv) The water is a surface water of exceptional recreational significance.

(v) The water achieves a score of at least 92% (or its equivalent) using the methods and procedures described in subsection (a)(2)(i)(A) or (B).

(vi) The water is designated as a "wilderness trout stream" by the Fish and Boat Commission following public notice and comment.

(2) The water is a surface water of exceptional ecological significance.

§ 93.4c. Implementation of antidegradation requirements.

(a) *Existing use protection.*

(1) *Procedures.*

(i) Existing use protection shall be provided when the Department's evaluation of information (including data gathered at the Department's own initiative, data contained in a petition to change a designated use submitted to the EQB under § 93.4d(a), or data considered in the context of a Department permit or approval action) indicates that a surface water attains or has attained an existing use.

(ii) The Department will inform persons who apply for a Department permit or approval which could impact a surface water, during the permit or approval application or review process, of the results of the evaluation of information undertaken under subparagraph (i).

(iii) Interested persons may provide the Department with additional information during the permit or approval application or review process regarding existing use protection for the surface water.

(iv) The Department will make a final determination of existing use protection for the surface water as part of the final permit or approval action.

(2) *Endangered or threatened species.* If the Department has confirmed the presence, critical habitat, or critical dependence of endangered or threatened Federal or Pennsylvania species in or on a surface water, the Department will ensure protection of the species and critical habitat.

(b) *Protection of High Quality and Exceptional Value Waters.*

(1) *Point source discharges.* The following applies to point source discharges to High Quality or Exceptional Value Waters.

(i) *Nondischarge alternatives/use of best technologies.*

(A) A person proposing a new, additional or increased discharge to High Quality or Exceptional Value Waters shall evaluate nondischarge alternatives to the proposed discharge and use an alternative that is environmentally sound and cost-effective when compared with the cost of the proposed discharge. If a nondischarge alternative is not environmentally sound and cost-effective, a new, additional or increased discharge shall use the best available combination of cost-effective treatment, land disposal, pollution prevention and wastewater reuse technologies.

(B) A person proposing a new, additional or increased discharge to High Quality or Exceptional Value Waters, who has demonstrated that no environmentally sound and cost-effective nondischarge alternative exists under clause (A), shall demonstrate that the discharge will maintain and protect the existing quality of receiving surface waters, except as provided in subparagraph (iii).

(ii) *Public participation requirements for discharges to High Quality or Exceptional Value Waters.* The following requirements apply to discharges to High Quality or Exceptional Value Waters, as applicable:

(A) The Department will hold a public hearing on a proposed new, additional or increased discharge to Exceptional Value Waters when requested by an interested person on or before the termination of the public comment period on the discharge.

(B) For new or increased point source discharges, in addition to the public participation requirements in §§ 92.61, 92.63 and 92.65 (relating to public notice of permit application and public hearing; public access to information; and notice to other government agencies), the applicant shall identify the antidegradation classification of the receiving water in the notice of complete application in § 92.61(a).

(iii) *Social or economic justification (SEJ) in High Quality Waters.* The Department may allow a reduction of water quality in a High Quality Water if it finds, after full satisfaction of the intergovernmental coordination and public participation provisions of the Commonwealth's continuing planning process, that allowing lower water quality is necessary to accommodate important economic or social development in the area in which the waters are located. A reduction in water quality will not be allowed under this subparagraph unless the discharger demonstrates that the High Quality Water will support applicable existing and designated water uses (other than the high quality and exceptional value uses) in § 93.3, Table 1 (relating to protected water uses).

(2) *Nonpoint source control.* The Department will assure that cost-effective and reasonable best management practices for nonpoint source control are achieved.

(c) *Special provisions for sewage facilities in High Quality or Exceptional Value Waters.*

(1) *SEJ approval in sewage facilities planning and approval in High Quality Waters.* A proponent of a new, additional, or increased sewage discharge in High Quality Waters shall include impact analysis as part of the proposed revision or update to the official municipal sewage facilities plan under Chapter 71 (relating to administration of sewage facilities planning program). The Department will make a determination regarding the consistency of the SEJ impact analysis with subsection (b)(1)(iii). The determination will constitute the subsection (b)(1)(iii) analysis at the National Pollutant Dis-

charge Elimination System (NPDES) permit review stage under Chapter 92 (relating to National Pollutant Discharge Elimination System), unless there is a material change in the project or law between sewage facilities planning and NPDES permitting, in which case the proponent shall recommence sewage facilities planning and perform a new social or economic justification impact analysis.

(2) *SEJ for sewage facilities in High Quality Waters correcting existing public health or pollution hazards.* A sewage facility, for which no environmentally sound and cost-effective nondischarge alternative is available under subsection (b)(1)(i)(A), proposed to discharge into High Quality Waters, which is designed for the purpose of correcting existing public health or pollution hazards documented by the Department, and approved as part of an official plan or official plan revision under § 71.32 (relating to Department responsibility to review and act upon official plans), satisfies the SEJ requirements in subsection (b)(1)(iii).

(3) *Public participation requirements for official sewage facilities plans or revisions to official plans in High Quality or Exceptional Value Waters.* A proponent of a sewage facility in High Quality or Exceptional Value Waters seeking approval of an official plan or revision shall comply with the public participation requirements in § 71.53(d)(6) (relating to municipal administration of new land development planning requirements for revisions).

§ 93.4d. Processing of petitions, evaluations and assessments to change a designated use.

(a) *Public notice of receipt of evaluation, or assessment of waters, for High Quality or Exceptional Value Waters redesignation.* The Department will publish in the *Pennsylvania Bulletin* and in a local newspaper of general circulation notice of receipt of a complete evaluation which has been accepted by the EQB recommending a High Quality or Exceptional Value Waters redesignation, or notice of the Department's intent to assess surface waters for potential redesignation as High Quality or Exceptional Value Waters. The assessments may be undertaken in response to a petition or on the Department's own initiative. The notice will request submission of information concerning the water quality of the waters subject to the evaluation, or to be assessed, for use by the Department to supplement any studies which have been performed. The Department will send a copy of the notice to all municipalities containing waters subject to the evaluation or assessment.

(b) *Combined public meeting and fact-finding hearing.* As part of its review of an evaluation or performance of an assessment, the Department may hold a combined public meeting and fact finding hearing to discuss the evaluation or assessment, including the methodology for the evaluation or assessment, and may solicit information, including technical data, to be considered in the Department's evaluation or assessment.

(c) *Submission to EQB to alter designated use.* Upon the completion of its assessment or review of a complete evaluation, and the satisfaction of the other applicable requirements of this section, the Department will submit the results of its assessment or review to the EQB for proposed rulemaking following review and comment by the petitioner, if applicable, in accordance with Chapter 23 (relating to Environmental Quality Board policy for processing petitions—statement of policy).

§ 93.7. Specific water quality criteria.

* * * * *

(e) Table 5 contains groups of specific water quality criteria based upon water uses to be protected. When the symbols listed in Table 5 appear in the *Water Uses Protected* column in §§ 93.9a—93.9z, they have the meaning listed in the Table 5. Exceptions to these standardized groupings will be indicated on a stream-by-stream or segment-by-segment basis by the words "Add" or "Delete" followed by the appropriate symbols described elsewhere in this chapter.

TABLE 5

<i>Symbol</i>	<i>Water Uses Included</i>	<i>Specific Criteria</i>
WWF	Statewide list	Statewide list plus DO ₂ and Temp ₂
CWF	Statewide list plus Cold Water Fish	Statewide list plus DO ₁ and Temp ₁
TSF	Statewide list plus Trout Stocking	Statewide list plus DO ₅ and Temp ₃
	* * * * *	

CHAPTER 95. WASTEWATER TREATMENT REQUIREMENTS

§ 95.1. General requirements.

Specific treatment requirements and effluent limitations for each waste discharge shall be established based on the more stringent of antidegradation requirements under §§ 93.4a—93.4d (relating to antidegradation requirements), the water quality criteria specified in Chapter 93 (relating to water quality standards), the applicable treatment requirements and effluent limitations to which a discharge is subject under section 101 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1251) or the treatment requirements and effluent limitations of this title provided that specific treatment requirements and effluent limitations for waste discharges from overflows as defined in § 94.1 (relating to definitions) shall be established based on applicable treatment requirements and effluent limitations to which the discharge is subject under 33 U.S.C.A. §§ 1251—1387).

[Pa.B. Doc. No. 99-1123. Filed for public inspection July 16, 1999, 9:00 a.m.]

Title 58—RECREATION

GAME COMMISSION

[58 PA. CODE CH. 135]

Use of ATVs on State Game Lands

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its June 8, 1999, meeting, adopted the following changes:

Amend Chapter 135, Subchapter C (relating to State game lands) by adding eight new sections to allow the use of all-terrain vehicles (ATVs) on designated State game land roads for persons who hold a valid disabled person permit to hunt from a vehicle.

These regulations are adopted under the authority of 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

1. *Introduction*

To expand recreational opportunities for sportsmen holding disabled permits, the Commission at its meeting held on April 9, 1999, proposed and at its meeting held on June 8, 1999, finally adopted amending Subchapter C of Chapter 135, to allow holders of disabled person permits to use ATVs on and near designated State game lands roads. This action was taken under authority contained in section 721(a) of the code (relating to control of property).

2. *Purpose and Authority*

As a result of meetings held between representatives of the Commission and representatives of disabled sportsmen, the Commission has decided to allow limited use of ATVs on designated game lands roads by holders of disabled person permits. This will expand accessibility for disabled sportsmen and provide them with more recreational opportunities. The use of ATVs will be restricted to protect wildlife resources. The use of ATVs will be authorized by the addition of §§ 135.49—135.55. Section 721(a) of the code requires the Commission to promulgate regulations necessary to properly manage State game lands.

3. *Regulatory Requirements*

The adopted rules will expand opportunities for hunters with disabilities.

4. *Persons Affected*

Persons holding disabled person permits will have expanded hunting opportunities. Because of limitations, it is anticipated that impact on other hunters will be minimal.

5. *Comment and Response Summary*

Two written comments were received, both of which favored adoption of the regulations.

6. *Cost and Paperwork Requirements*

A towing vehicle placard will be required and issued free of charge. This will be the only additional requirement.

7. *Effective Date*

These regulations will be effective on final publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

8. *Contact Person*

For further information on the adopted regulations, contact James R. Fagan, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

Findings

The Commission finds that:

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

(2) The adoption of these regulations of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code, Chapter 135, are amended by adding §§ 135.49—135.55 to read as set forth at 29 Pa.B. 2581 (May 15, 1999).

(b) The Executive Director of the Commission shall submit this order and 29 Pa.B. 2581 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order amending Chapter 135, by adding §§ 135.49—135.55 shall become effective upon final publication in the *Pennsylvania Bulletin*.

VERNON R. ROSS,
Executive Director

Fiscal Note: Fiscal Note 48-112 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 99-1124. Filed for public inspection July 16, 1999, 9:00 a.m.]

PROPOSED RULEMAKING

DEPARTMENT OF REVENUE

[61 PA. CODE CHS. 55 AND 60] Sales and Use Tax; Lawn Care Services

The Department of Revenue (Department), under authority contained in section 270 of the Tax Reform Code of 1971 (TRC) (72 P. S. § 7270), proposes to add § 55.6 (relating to lawn care services) and delete § 60.2 (relating to lawn care services) to read as set forth in Annex A.

Purpose

Currently, the Department's interpretation of section 201(k)(17), (o)(15) and (j) act of August 4, 1991 (P. L. 97, No. 22) (72 P. S. §§ 7201(k)(17), (o)(15) and (j)) relating to lawn care services is set forth as a pronouncement and codified in § 60.2. The Department has concluded that the issues relating to lawn care services have evolved to a point where a regulation can be proposed. With the adoption of the proposal in § 55.6, the Department will be deleting the pronouncement in § 60.2.

In 1996, the Department prepared a similar proposal. The Department received numerous comments on this prior proposal concerning the definition of "lawn" and the application of the tax to trimming shrubbery. In addition, there were indications that the authorizing statute might be amended by the Legislature. Consequently, the Department decided in 1997 to withdraw the final-form regulation to provide further time to study the revision of the regulation. In this present proposal, the Department has addressed the issues raised in the prior proposed rulemaking process.

Explanation of Regulatory Requirements

Section 55.6(a) defines the terms "lawn" and "lawn care service" for use in § 55.6. Subsection (b) provides that the sale at retail or use of lawn care services performed in this Commonwealth is subject to tax. Lawn care services became taxable October 1, 1991.

Subsection (c) provides examples of taxable lawn care services. Subsection (d) provides examples of services that are not taxable lawn care services. Subsection (e) provides that tax shall be imposed on the total charge for lawn care services. The failure to state charges for lawn care services separately from other nontaxable charges on the invoice requires the charging of tax on the total invoice amount.

Subsection (f) sets forth exclusions. Paragraph (1) provides an exemption if the lawn care services are purchased by qualified institutions of purely public charity, charitable organizations, volunteer fire companies, religious organizations and nonprofit educational institutions, except if used in an unrelated trade or business. The services are also excluded if purchased by the Federal government or its instrumentalities; or the Commonwealth or its instrumentalities or subdivisions, including public school districts. Paragraph (2) provides that the vendor of lawn care services may claim the resale exemption upon its purchase of tangible personal property that is transferred to the purchaser or a third party in the performance of the lawn care services. This subsection also provides examples of property that may be purchased exempt for resale when transferred to the

purchaser in the performance of lawn care services and examples of property that is taxable when used in the performance of lawn care services.

Affected Parties

Providers of lawn care services will be affected by the proposed rulemaking.

Fiscal Impact

The Department has determined that the change in policy from the Department's statement of policy (§ 60.2) relating to the exclusion of shrubbery trimming from tax when not performed in conjunction with a taxable lawn care service and the exclusion of leaf raking from the definition of a lawn care service as set forth in this proposed rulemaking will result in an estimated revenue loss of approximately \$1.1 million for Fiscal Year 1998-99.

Paperwork

The proposed rulemaking will require no additional paperwork for the public or the Commonwealth.

Effectiveness/Sunset Date

The proposed rulemaking will become effective upon final publication in the *Pennsylvania Bulletin*. The proposed rulemaking is scheduled for review within 5 years of final publication. No sunset date has been assigned.

Contact Person

Interested persons are invited to submit in writing comments, suggestions or objections regarding the proposed rulemaking to Anita M. Doucette, Office of Chief Counsel, Department of Revenue, Dept. 281061, Harrisburg, PA 17128-1061, within 30 days after the date of the publication of this notice in the *Pennsylvania Bulletin*.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on June 30, 1999, the Department submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Committee on Finance and the Senate Committee on Finance. In addition to submitting the proposed rulemaking, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

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

ROBERT A. JUDGE, Sr.,
Secretary

Fiscal Note: 15-407. (1) General Fund; (2) Implementing Year 1998-99 is \$1.1 million; (3) 1st Succeeding Year 1999-00 is \$1.1 million; 2nd Succeeding Year 2000-01 is \$1.1 million; 3rd Succeeding Year 2001-02 is \$1.1 million; 4th Succeeding Year 2002-03 is \$1.1 million; 5th Succeed-

ing Year 2003-04 is \$1.1 million; (4) 1997-98 \$1.1 million; 1996-97 \$1.1 million; 1995-96 \$1.1 million; (8) recommends adoption.

Annex A

TITLE 61. REVENUE

PART I. DEPARTMENT OF REVENUE

Subchapter B. GENERAL FUND REVENUES

ARTICLE II. SALES AND USE TAX

CHAPTER 55. SERVICES

§ 55.6. Lawn care services.

(a) *Definitions.* The following words and terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise:

Lawn—An area maintained with grass adjacent to a building. The term does not include athletic fields, cemeteries, golf courses, fields, parks and public utility or highway right-of-ways.

Lawn care service—Providing services for lawn upkeep including fertilizing, mowing or performing other lawn treatment services.

(b) *Scope.* The sale at retail or use of lawn care services performed in this Commonwealth is subject to tax. Lawn care services became taxable October 1, 1991.

(c) *Examples of taxable services.* The following are examples of taxable lawn care services:

- (1) Fertilizing lawns.
- (2) Mowing, trimming, cutting or edging lawns.
- (3) Dethatching lawns.
- (4) Applying herbicides, insecticides or fungicides to lawns.
- (5) Raking grass on lawns.
- (6) Applying treatments for weed, pest, insect or disease control to lawns.
- (7) Watering lawns.
- (8) Applying lime to lawns.
- (9) Aerating lawns.
- (10) Providing lawn evaluation, consultation or soil testing services on lawns, if purchased in conjunction with other lawn care services, regardless of whether the costs of the lawn evaluation, consultation or soil testing services are separately stated on the invoice.

(11) Overseeding, sodding or grass plugging of lawns.

(12) Trimming or pruning shrubbery when performed in conjunction with other lawn care services.

(d) *Examples of nontaxable services.* The following are examples of services which are not taxable lawn care services:

- (1) Seeding, sodding or grass plugging to establish a new lawn.
- (2) Trimming, pruning or fertilizing trees.
- (3) Planting or removing shrubbery or trees.
- (4) Providing lawn evaluation, consultation or soil testing services, if not purchased in conjunction with other lawn care services.
- (5) Designing lawns or landscapes.
- (6) Applying herbicides or fungicides to shrubbery, trees, flowers or vegetables.

(7) Maintaining shrubbery, flower or vegetable beds, such as by mulching, tilling, weeding or fertilizing.

(e) *Purchase price.* Tax shall be imposed on the total charge for lawn care services. The failure to separately state charges for lawn care services from other nontaxable charges on the invoice requires the charging of tax on the total invoice amount.

(f) *Exclusions.*

(1) Lawn care services are exempt if purchased by qualified institutions of purely public charity, charitable organizations, volunteer fire companies, religious organizations and nonprofit educational institutions, except if used in an unrelated trade or business; the Federal government or its instrumentalities; or the Commonwealth, its instrumentalities or subdivisions, including public school districts. The manufacturing, mining, processing, public utility, farming, dairying, agriculture, horticulture or floriculture exclusions do not apply.

(2) The vendor of lawn care services may claim the resale exemption upon its purchase of tangible personal property that is transferred to the purchaser or a third party in the performance of the lawn care services. The vendor may also purchase lawn care services from another provider and subsequently resell the services to its customer. The vendor may not claim the resale exemption upon its purchase of administrative supplies or the purchase of other taxable services that it may use in the performance of its lawn care services.

(i) The following are examples of property that may be purchased exempt for resale when transferred to the purchaser in the performance of lawn care services:

(A) Herbicides, insecticides, fungicides or other chemicals that are applied to lawns.

(B) Grass seed, sod, grass plugs, straw, fertilizers or lime applied to lawns.

(ii) The following are examples of property that are taxable when used in the performance of lawn care services:

(A) Mowers; edgers; or pruning, dethatching, aerating or mulching equipment, including motor oil and gasoline used in these equipment.

(B) Rakes, shovels or hoes.

(C) Spray applicators.

(D) Testing kits.

(E) Lawn sweepers.

(F) Other tangible personal property and services used in connection with the performance of lawn care services such as invoices, sales receipts, contracts, estimate sheets, confirmations and other similar items.

CHAPTER 60. SALES AND USE TAX PRONOUNCEMENTS—STATEMENTS OF POLICY

(Editor's Note: As part of this regulatory package, the Department is proposing to delete the text of the statement of policy that appears in § 60.2, 61 Pa. Code pages 60-7—60-9, serial pages (200067)—(200069).)

§ 60.2. (Reserved).

[Pa.B. Doc. No. 99-1125. Filed for public inspection July 16, 1999, 9:00 a.m.]

[61 PA. CODE CH. 31]**Sales and Use Tax; Vending Machines**

The Department of Revenue (Department), under authority contained in section 270 of the Tax Reform Code of 1971 (TRC) (72 P.S. § 7270), proposes to amend § 31.28 (relating to vending machines and automatic sales devices) to read as set forth in Annex A.

Purpose

- Prior to October 1, 1991, § 31.28 provided that the sale of food and beverages and taxable tangible personal property from a vending machine was taxable; however, the sale of candy and gum from a vending machine was exempt.

- With the enactment of the act of August 4, 1991 (P.L. 97, No. 22) (Act 22), effective October 1, 1991, vending machines were considered to be eating establishments and the sale of food and beverages and taxable tangible personal property from a vending machine was taxable; however, the sale of candy and gum from a vending machine was exempt.

- With the act of December 13, 1991 (P.L. 373, No. 40) (Act 40), effective January 1, 1992, the term "vending machine" was removed from the definition of "eating establishment"; however, the law provided that sales from vending machines continued to be taxed as they were prior to October 1, 1991, therefore the provisions of § 31.28 continued in effect.

- With this proposal, the regulation in effect prior to October 1, 1991, is withdrawn and replaced with a new regulation. With the act of April 23, 1998 (P.L. 239, No. 45) (Act 45), imposition of tax will only be on items that are considered taxable when sold from other noneating establishments. Vending machines are added to the list of establishments which are not considered to be establishments from which food or beverages ready to eat are sold. Since a vending machine does not qualify as an eating establishment, only the sale of selected food and beverage items in section 204(29) of the TRC (72 P.S. § 7204(29)) are taxable when sold from a vending machine. Taxable tangible personal property, other than food and beverages, is also subject to tax when sold from a vending machine. The sale of candy and gum from a vending machine continues to be exempt.

Explanation of Regulatory Requirements

This amendment proposes to delete the current provisions of subsections (a)—(e) of § 31.28. Proposed subsection (a) defines "juice beverage," "meal," "operator," "selected food and beverage items," "soft drink" and "vending machine" for purposes of this section. Proposed subsection (b) relating to registration provides that an operator who sells taxable tangible personal property or selected food and beverage items through a vending machine is required to obtain a sales, use and hotel occupancy tax license for the purposes of collecting and remitting tax to the Department.

Proposed subsection (c) requires that a sign or sticker stating the name and address of the operator be conspicuously displayed on the vending machine. Proposed subsection (d) explains the scope of taxation for the sale of tangible personal property and food or beverages from a vending machine.

Proposed subsection (e) provides that the sale of selected food and beverage items dispensed by means of a vending machine located on the premises of a school or

church are exempt from tax provided the sales are made in the ordinary course of the activities of the school or church. The sale of tangible personal property other than food or beverages, dispensed by means of a vending machine located on the premises of a school or church, is subject to tax.

Proposed subsection (f) provides that sales tax collected by the operator upon taxable property, including selected food and beverage items, shall be reported and remitted to the Department. The current subsection (f) is relettered as subsection (g) and is amended to clarify the taxability of the purchase or lease of vending equipment and supplies.

Affected Parties

The proposed amendment may affect vending machine operators.

Fiscal Impact

The Department has determined that the proposed amendment will have no fiscal impact on the Commonwealth. Rather, it clarifies the Department's policy on the taxation of items dispensed from a vending machine.

However, the change in policy required by the Commonwealth Court decision in *CRH Catering Co., Inc., v. Commonwealth*, 539 A.2d 38 (Pa. Cmwlth. 1988) has had a negative impact on revenue. The policy has been in effect since the 1988-89 fiscal year. The fiscal impact of the change in policy was estimated to be about \$0.4 million for fiscal year 1998-99.

The proposed amendment also sets forth the Department's interpretation of Act 45 which amended section 204(29) of the TRC relating to sales tax on sales from vending machines. This proposed amendment is estimated to reduce the fiscal year 1999-00 (the first full year of revenue loss) General Fund by \$15.4 million.

Paperwork

The proposed amendment will not require additional paperwork for the public or the Commonwealth.

Effectiveness/Sunset Date

The proposed amendment will become effective upon final publication in the *Pennsylvania Bulletin*. The proposed amendment is scheduled for review within 5 years of final publication. No sunset date has been assigned.

Contact Person

Interested persons are invited to submit in writing comments, suggestions or objections regarding the proposed amendment to Anita M. Doucette, Office of Chief Counsel, Department of Revenue, Dept. 281061, Harrisburg, PA 17128-1061, within 30 days after the date of the publication of this notice in the *Pennsylvania Bulletin*.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. 745.5(a)), on June 30, 1999, the Department submitted a copy of this proposed amendment to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Finance and the Senate Committee on Finance. In addition to submitting the proposal, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

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

ROBERT A. JUDGE, Sr.,
Secretary

Fiscal Note: 15-408. No fiscal impact; (8) recommends adoption.

Annex A
TITLE 61. REVENUE
PART I. DEPARTMENT OF REVENUE
Subpart B. GENERAL FUND REVENUES
ARTICLE II. SALES AND USE TAX
CHAPTER 31. IMPOSITION

§ 31.28. Vending machines [and automatic sales devices].

(a) *Vending or automatic sales.* Tangible personal property otherwise taxable under the Sales and Use Tax Act (72 P. S. §§ 3403-1—3403-605) is taxable when dispensed by means of a vending machine or other automatic sale device.

(b) *Identification requirement.* Every machine used for the purpose of vending tangible personal property shall bear conspicuously thereon a sign or sticker setting forth the following information:

(1) The name and address of the owner of the merchandise contained within the machine and sold thereby.

(2) The charge made for the merchandise contained therein and sold thereby, indicating as separate items the charge made for the merchandise, the amount of tax imposed on the sale and the total amount of the sale including the tax.

(3) The Sales Tax License Number of the person liable for collection of the tax.

(c) The sign or sticker required by this section may be reproduced by any method, but shall be clearly legible and prominently displayed.

(d) Where articles of more than one price are sold by the same machine, the sales price, tax and total amount charged shall be clearly shown for each article or group of articles having a different price.

Example: THE NAME AND ADDRESS OF THE OWNER OF THE MERCHANDISE CONTAINED IN AND SOLD BY THIS MACHINE IS:

Joseph J. Jones
387 Parkside Drive
Philadelphia 7, Pa.

SALES PRICE OF ARTICLE SOLD	23 CENTS
SALES TAX PAYABLE.....	2 CENTS
TOTAL AMOUNT CHARGED.....	25 CENTS
SALES TAX LICENSE NUMBER.....	

(e) Sales tax shall be paid by the vendor on the sale or use of food and beverages dispensed by means of a vending machine or other automatic

sales device at the rate of 6% of the gross receipts collected from the machine under section 202(d) of the TRC (72 P. S. § 7202(d)). Thus, if the receipts from a machine total \$100, the amount of tax that is remitted to the Commonwealth by the vendor is \$6.]

(a) *Definitions.* The following words and terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise:

Juice beverage—A liquid beverage containing at least 25% by volume natural fruit or vegetable juice.

Meal—A variety of foods prepared for immediate consumption and sold as a single item.

Operator—A person who makes sales of tangible personal property, including food or beverages, primarily through a vending machine.

Selected food and beverage items—Soft drinks; meals; hot or cold sandwiches, including cold meat sandwiches, cheese sandwiches, hoagies, hot dogs, hamburgers and similar sandwiches; brewed coffee; hot beverages such as hot chocolate, hot tea and similar items; food from salad bars; pizza, soup and other food items dispensed from the vending machine in a heated form or which are served in cold form and normally heated in an oven or microwave provided by the operator.

Soft drink—

(i) A nonalcoholic beverage, in either powder or liquid form, whether or not carbonated, such as soda water, ginger ale, colas, root beer, flavored water, artificially carbonated water, orangeade, lemonade, juice drinks containing less than 25% by volume of natural fruit or vegetable juices, and similar drinks.

(ii) The term does not include a juice beverage.

Vending machine—A device which mechanically dispenses tangible personal property, including food and beverages, for a purchase price.

(b) *Registration.* An operator who sells taxable tangible personal property or selected food and beverage items through a vending machine is required to obtain a Sales, Use and Hotel Occupancy Tax License for the purpose of collecting and remitting tax to the Department. One license is sufficient for any number of machines operated by the same operator.

(c) *Identification requirement.* A sign or a sticker setting forth the name and address of the operator shall be conspicuously displayed on the vending machine.

(d) *Scope.*

(1) *General.* The sale of food or beverages may be taxable or exempt depending upon the type of food or beverage or upon the basis of the location from which the food or beverage is sold. Since a vending machine does not qualify as an eating establishment, only the sale of selected food and beverage items as defined in subsection (a), is taxable when sold from a vending machine. Taxable tangible personal property, other than food and beverages, is also subject to tax when sold from a vending machine.

(2) *Sales of taxable property, other than food and beverages.* An operator is required to collect and remit Sales Tax upon the purchase price of each individual sale of taxable property, such as cigarettes, combs, toys and similar items. The amount required to be inserted in the machine is presumed to be the purchase price of each taxable item of property unless the operator displays a sign or sticker indicating the purchase price and the amount of tax for each taxable item.

(3) *Sales of selected food and beverage items.*

(i) *Imposition.* The sale of selected food and beverage items, as defined in subsection (a), from a vending machine is subject to tax.

(ii) *Collection of tax.* An operator of a vending machine from which selected food and beverage items are sold is required to collect and remit Sales Tax at the rate of 6% upon the sale of the selected food and beverage items. Sales Tax shall be computed by the following formula: (Total receipts from the sale of selected food and beverage items ÷ 1.06) × .06 = Sales Tax due.

Example:

"A" operates a vending machine from which milk, coffee and crackers are sold. "A" removes \$100 from the machine representing the following sales: milk-\$50, coffee-\$25 and crackers-\$25. Coffee is a selected food and beverage item. Milk and crackers are not. "A" remits tax in the amount of \$1.42 calculated as follows: $(\$25 \div 1.06) \times .06 = \1.42 .

(4) *Sales of food and beverages other than selected food and beverage items.*

(i) The sale of food and beverages of the type described in this paragraph are not subject to sales tax when sold from a vending machine.

(ii) Examples of exempt food and beverages include.

- (A) Baked goods, such as cakes, pies, cookies.
- (B) Potato chips.
- (C) Corn chips.
- (D) Cheese balls.
- (E) Pretzels.
- (F) Crackers.
- (G) Milk products, such as plain milk, chocolate milk, malted milk.

(H) Ice tea and iced coffee.

(I) Juice drinks.

(J) Unflavored water.

(K) Prepackaged ice cream products, such as ice cream cakes and pies, popsicles, sundaes and novelties.

(L) Prepackaged frozen water-based products.

(M) Candy and gum.

(N) Other food and beverages not defined as a selected food and beverage item.

(e) *Vending machine sales on school or church property.*

(1) Sales of selected food and beverage items dispensed by means of a vending machine located on the premises of a school or church are exempt from tax, if the sales are made in the ordinary course of the activities of the school or church.

(2) Sales of tangible personal property, other than food or beverages, which are dispensed by means of a vending machine located on the premises of a school or church, are subject to tax.

(f) *Remitting tax to the Department.* Sales tax collected by the operator upon taxable property, including selected food and beverage items, shall be reported and remitted to the Department.

[(f)] (g) *Purchase or lease of vending equipment and supplies.*

[Vending] (1) The purchase or lease of vending equipment, including parts [and], accessories, [purchased for or used in connection therewith, shall be included within the scope of the definition of tangible personal property and the purchase thereof shall be] such as tables, chairs, microwaves, straw and napkin dispensers and other similar items, and supplies, such as straws, napkins, stirrers, eating utensils and similar items, is subject to tax.

(2) Wrapping supplies, such as plastic, paper and styrofoam cups, bowls or similar containers used to wrap property which is sold, are exempt from tax.

[Pa.B. Doc. No. 99-1126. Filed for public inspection July 16, 1999, 9:00 a.m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Plant Pest Act; Determination of Serious Plant Pest Situation

Background

Giant Hogweed (*Heracleum mantegazzianum*) is a large plant that, although not native to the Commonwealth of Pennsylvania, threatens to establish itself in this Commonwealth to the detriment of native plant species. The plant is native to Eurasia, but has made its way to North America. It is currently known to be present in Maine, New York and Pennsylvania.

Giant Hogweed is easily identifiable. Mature plants reach a height of between 8 and 14 feet. Although the plant is found most commonly in rich, moist soils along roadsides, stream banks and waste ground, its majestic appearance has contributed to the increasing popularity of the plant among gardeners as a landscaping plant.

Giant Hogweed is a plant pest for purposes of the Plant Pest Act (act of December 16, 1992, P. L. 1228, No. 162)(3 P. S. §§ 258.1—258.27). If it is allowed to spread unchecked, Giant Hogweed will crowd-out native plant species and the animal species dependent upon those native plants. Even Giant Hogweed plants that are used in residential landscaping must be considered plant pests, since seeds from these plants can spread over large areas.

Section 19 of the Plant Pest Act (3 P. S. § 258.19) authorizes the Secretary of Agriculture to issue a determination that a serious plant pest situation exists in any portion of this Commonwealth. This determination is issued under that authority.

Determination

The presence of Giant Hogweed in this Commonwealth has created a serious plant pest situation for purposes of section 19 of the Plant Pest Act. The presence of this non-native species threatens the native species with which it competes.

Under section 19 of the Plant Pest Act, the Department of Agriculture (Department) shall, through its Bureau of Plant Industry, eradicate Giant Hogweed plants and seeds wherever they are present in this Commonwealth. To this end, the Department shall work with owners of lands upon which Giant Hogweed plants exist to educate them as to the threat posed by these plants and encourage these landowners to either destroy the plants themselves or allow Department field personnel to destroy them.

If an owner of lands upon which Giant Hogweed plants are present does not elect to voluntarily destroy the plants or allow Department field personnel to destroy the plants, the Department shall (in accordance with section 19 of the Plant Pest Act) provide the landowner written notice of its intention to enter upon the landowner's property to destroy the Giant Hogweed plants. Following this written notice, "Any agent of the Department is authorized to enter the premises during reasonable hours to carry out the eradication or control measures," as per section 19 of the Plant Pest Act.

SAMUEL E. HAYES, Jr.,
Secretary

[Pa.B. Doc. No. 99-1127. Filed for public inspection July 16, 1999, 9:00 a.m.]

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending July 6, 1999.

BANKING INSTITUTIONS

New Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-1-99	Hometowne Heritage Bank Lancaster Lancaster County	1837 William Penn Way Lancaster Lancaster County (Temporary Location)	Commenced Operations

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-28-99	Northwest Savings Bank Warren Warren County Purchase of assets/assumption of liabilities of three branch offices of Mellon Bank, N. A., Pittsburgh, located at:	Warren	Effective

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
	4 Perry Street Union City Erie County	815 Westminster Drive Loyalsock Lycoming County	
6-28-99	Ridge Road & Pennsylvania Ave. Smithfield Huntingdon County Harris Savings Bank Harrisburg Dauphin County	Harrisburg	Effective
	Purchase of assets/assumption of liabilities of one branch office of Commonwealth Bank, Norristown, located at: 2203 West Cumberland Street Lebanon Lebanon County		
7-1-99	Main Street Bank, Reading, Pennsylvania, and Main Street, Bank of New Jersey, Lambertville, New Jersey Surviving Institution— Main Street Bank, Reading, Pennsylvania	Reading, PA	Filed
7-6-99	Orrstown Bank Orrstown Franklin County Purchase of assets/assumption of liabilities of one branch office of Sovereign Bank, F.S.B., Wyomissing, located at: 1730 Lincoln Way East Chambersburg Franklin County	Orrstown	Filed

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-24-99	Northwest Savings Bank Warren Warren County	922 Columbia Avenue Lancaster Lancaster County	Opened
6-24-99	Northwest Savings Bank Warren Warren County	1195 Manheim Pike Lancaster Lancaster County	Opened
6-26-99	Main Street Bank Reading Berks County	1430 Jacobsburg Road Wind Gap Northampton County	Opened
6-30-99	Northwest Savings Bank Warren Warren County	200 South Center Street Grove City Mercer County	Filed
7-1-99	Woodlands Bank Williamsport Lycoming County	213 West Fourth Street Williamsport Lycoming County	Filed
7-1-99	Somerset Trust Company Somerset Somerset County	234 Main Street Meyersdale Somerset County	Opened
7-6-99	Summit Bank Bethlehem Northampton County	1430 Walnut Street Philadelphia Philadelphia County	Approved
7-6-99	Merchants Bank of Pennsylvania Shenandoah Schuylkill County	810 McNair Street Hazleton Luzerne County	Approved

Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-6-99	Summit Bank Bethlehem Northampton County	<i>To:</i> 12 Chestnut Road Paoli Chester County <i>From:</i> 1756 E. Lancaster Ave. Paoli Chester County	Approved
7-6-99	Pittsburgh Home Savings Bank Pittsburgh Allegheny County	<i>To:</i> 4900 Liberty Avenue Pittsburgh Allegheny County <i>From:</i> 4800 Liberty Avenue Pittsburgh Allegheny County	Approved

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-29-99	Patriot Bank Pottstown Montgomery County	1620 Pond Road Allentown Lehigh County	Filed

Articles of Amendment

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-30-99	Allegiance Bank of North America (In Organization) Bala Cynwyd Montgomery County	To provide for the amendment and restatement of the Articles of Incorporation in their entirety.	Approved and Effective
7-2-99	BankPhiladelphia, A Savings Bank Norristown Montgomery County	To provide for the amendment of Article I of the Articles of Incorporation to provide for a change in corporate title to "vBank, A Savings Bank."	Approved and Effective

SAVINGS ASSOCIATIONS

No activity.

CREDIT UNIONS**Conversions**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
6-30-99	Atlantic Employees Federal Credit Union Newtown Square Delaware County	Newtown Square	Filed
	<i>To:</i> Atlantic Credit Union Newtown Square Delaware County		
	Application represents conversion from a Federally-chartered credit union to a State-chartered credit union.		

DAVID E. ZUERN,
Secretary

[Pa.B. Doc. No. 99-1128. Filed for public inspection July 16, 1999, 9:00 a.m.]

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

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), hereby determines that the maximum lawful rate of interest for residential mortgages for the month of August, 1999, is 8 3/4%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. 96-221). Further preemption was instituted with the signing of Pub. L. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which the individual owns and which the individual occupies or has occupied as his principal residence.

Each month the Department of Banking is required by State law to compute and announce the ceiling rate on residential mortgages in Pennsylvania. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 6.31 to which was added 2.50 percentage points for a total of 8.81 that by law is rounded off to the nearest quarter at 8 3/4%.

DAVID E. ZUERN,
Secretary

[Pa.B. Doc. No. 99-1129. Filed for public inspection July 16, 1999, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Conservation and Natural Resources Advisory Council Meeting

Notice is hereby given of a meeting of the Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources on Wednesday, July 28, 1999. The meeting will be held at 10 a.m. at Training Room, 2nd Floor, Rachel Carson State Office Building, 400 Market Square, Harrisburg, 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 Claire Guisewite directly at (717) 705-0031 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

RANDY COOLEY,
Chairperson

[Pa.B. Doc. No. 99-1130. Filed for public inspection July 16, 1999, 9:00 a.m.]

Keystone Recreation, Park and Conservation Fund; Land Trust Grant Program

The Department of Conservation and Natural Resources (DCNR) has announced an open application period for the 1999—2000 fiscal year of funding for land trust projects from the Keystone Recreation, Park and Conservation (Keystone) Fund. The Keystone Land Trust Grant Program is administered by DCNR's Bureau of Recreation and Conservation.

DCNR has mailed an announcement of this open application period, program manual and application forms to the following 62 organizations which are pre-qualified as eligible land trust applicants. The deadline for receipt of completed grant applications by DCNR is 5 p.m. on September 17, 1999. No applications will be accepted by FAX.

Allegheny Land Trust (Pittsburgh, Pa.)
American Farmland Trust (Washington, D. C.)
Armstrong County Conservancy (Kittanning, Pa.)
Back Mountain Regional Land Trust (Shavertown, Pa.)
Berks County Conservancy (Wyomissing, Pa.)
Brandywine Conservancy (Chadds Ford, Pa.)
Brandywine Valley Association (West Chester, Pa.)
Buck Hill Conservation Foundation (Buck Hill Falls, Pa.)
Central Pennsylvania Conservancy (Harrisburg, Pa.)
Chartiers Nature Conservancy (Crafton, Pa.)
ClearWater Conservancy (State College, Pa.)
Conneaut Lake—French Creek Valley Conservancy (Conneaut Lake, Pa.)
Conservation Fund (Philadelphia, Pa.)
Countryside Conservancy (Waverly, Pa.)
Delaware Highlands Conservancy (Milanville, Pa.)
Delaware Nature Conservancy (Hockessin, De.)
Ecologically Concerned of Zelenople (Butler, Pa.)
Edward L. Rose Conservancy (Brackney, Pa.)
Elk Creeks Watershed Association (Lewisville, Pa.)
Farm and Natural Lands Trust (York, Pa.)
Fox Chapel Land Conservation Trust (Pittsburgh, Pa.)
French & Pickering Creeks Conservation Trust (Pottstown, Pa.)
Friends of Pennypack Park (Philadelphia, Pa.)
Friends of the Wissahickon (Philadelphia, Pa.)
Hawk Mountain Sanctuary Association (Kempton, Pa.)
Headwaters Charitable Trust (DuBois, Pa.)
Heritage Conservancy (Doylestown, Pa.)
Hollow Oak Land Trust (Moon Township, Pa.)
Lacawac Sanctuary Foundation (Lake Ariel, Pa.)
Lackawanna River Corridor Association (Mayfield, Pa.)
Lackawanna Valley Conservancy (Scranton, Pa.)
Lancaster County Conservancy (Lancaster, Pa.)
Loyalhanna Watershed Association (Ligonier, Pa.)
Merrill W. Linn Land & Waterways Conservancy (Lewisburg, Pa.)
Moraine Preservation Fund (Zelienople, Pa.)
Mount Nittany Conservancy (State College, Pa.)
National Audubon Society (Camp Hill, Pa.)
Natural Lands Trust (Media, Pa.)
Neighborhood Gardens Association (Philadelphia, Pa.)
Northcentral Pennsylvania Conservancy (Williamsport, Pa.)
Northern Allegheny Conservation Association (Warren, Pa.)
Open Land Conservancy of Chester County (Paoli, Pa.)
Penn Soil Conservancy Charitable Trust (Clarion, Pa.)
Pennsylvania Environmental Council (Philadelphia, Pa.)
Pennypack Ecological Restoration Trust (Huntingdon Valley, Pa.)

Perkiomen Valley Watershed Association (Schwenksville, Pa.)
 Pine Creek Valley Watershed Association (Oley, Pa.)
 Presque Isle Audubon Society (Erie, Pa.)
 Rails-to-Trails Conservancy (Harrisburg, Pa.)
 Red Clay Valley Association (West Chester, Pa.)
 Roaring Run Watershed Association (Spring Church, Pa.)
 Rocky Mountain Elk Foundation (Missoula, Mt.)
 Schuylkill River Greenway Association (Wyomissing, Pa.)
 Scott Conservancy (Pittsburgh, Pa.)
 Southern Alleghenies Conservancy (Bedford, Pa.)
 Strawberry Hill Foundation (Fairfield, Pa.)
 The Nature Conservancy (Conshohocken, Pa.)
 Trust for Public Land (Washington, D. C.)
 Western Pennsylvania Conservancy (Pittsburgh, Pa.)
 White Clay Watershed Association (Landenberg, Pa.)
 Wildlands Conservancy (Emmaus, Pa.)
 Wissahickon Valley Watershed Association (Ambler, Pa.)

The Keystone Fund was established by passage of the Keystone Recreation, Park and Conservation Fund Act (Act 1993-50) signed on July 2, 1993. On November 2, 1993, the voters of the Commonwealth overwhelmingly approved a public referendum incurring bond indebtedness by the Commonwealth in the amount of \$50 million to provide for the funding of nature preserves and wildlife habitats, and for improvements to and expansion of State parks, community parks and recreation facilities, historic sites, zoos and public libraries. The Keystone Fund is currently supported by a 15% allocation from the State Realty Transfer Tax revenues. DCNR receives 10% of the State Realty Transfer Tax allocation for matching grants to assist land trusts with planning and acquisition projects involving natural areas and open space. Approximately \$4 million will be available in this sixth round of funding for land trust projects.

DCNR shall encourage and promote cooperative partnerships with local interests for all grant projects involving the acquisition of land; and in the administration of these grants, generally not award funds in cases where local elected officials have expressed opposition to the proposed land acquisition.

A land trust is defined in Act 1993-50 as a nonprofit conservation or preservation organization, conservancy or land trust whose primary purpose is the conservation and preservation of open space, park lands or natural areas for public benefit. To qualify for Keystone funding, a land trust must be tax exempt under section 501(c)(3) of the Internal Revenue Code of 1986; registered with the Bureau of Charitable Organizations, Department of State; and in existence for at least 5 consecutive years.

Land trusts must prequalify as eligible applicants in accordance with procedures announced in 24 Pa.B. 4216 (August 20, 1994). Land trust organizations that are not prequalified for this sixth round of funding may do so prior to announcement of the next open application period. A prequalification form and instructions may be obtained from the Department of Conservation and Natural Resources, Bureau of Recreation and Conservation, P. O. Box 8475, Harrisburg, PA 17105-8475, (717) 783-2656.

Persons with a disability who wish to submit a land trust prequalification form or grant application and require assistance should contact Darrel J. Siesholtz at (717) 783-2661 to discuss how the Department may best accommodate their needs.

JOHN C. OLIVER,
Secretary

[Pa.B. Doc. No. 99-1131. Filed for public inspection July 16, 1999, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Application of The Hebrew Education Society of Philadelphia for Approval of Articles of Incorporation of Gratz College

Notice of Opportunity for Hearing and Invitation to Protest

Under 24 Pa.C.S.A. § 6503(e) (relating to certification of institutions), the Department of Education (Department) will consider the application of The Hebrew Education Society of Philadelphia for a Certificate of Authority approving the institution's request to establish Articles of Incorporation for Gratz College superseding the Society's Charter.

In accordance with 24 Pa.C.S.A. § 6503(e), the Department will act upon the application without hearing, unless within 30 days after the publication of this notice in the *Pennsylvania Bulletin* a written request for public hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protest) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

An interested party desiring to initiate hearing procedures must file a notice of intervention, petition to intervene or protest, and a request for hearing, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

Petitions to intervene, protest and request for hearing shall be filed with Dr. Warren D. Evans, Chartering/Governance/Accreditation Specialist, 333 Market Street, Harrisburg, PA 17126-0333, (717) 787-7572 on or before 4 p.m. on the due date prescribed by this notice. Persons wishing to review the application should phone or write to the aforementioned office to schedule a time for an in-office review. Duplicate copies of the application are not available.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate, should contact Dr. Warren D. Evans at the listed phone number to discuss how the Department may best accommodate their needs.

EUGENE W. HICKOK,
Secretary

[Pa.B. Doc. No. 99-1132. Filed for public inspection July 16, 1999, 9:00 a.m.]

Application of The University of Scranton for Approval of Amendment of Articles of Incorporation

Notice of Opportunity for Hearing and Invitation to Protest

Under 24 Pa.C.S.A. § 6503(e) (relating to certification of institutions), the Department of Education (Department) will consider the application of The University of Scranton for a Certificate of Authority approving the institution's request for amendment of its Articles of Incorporation that will substitute a new Article for the present Article 16. This is as required by Act 55 of 1997, The Institutions of Purely Public Charity Act.

In accordance with 24 Pa.C.S.A. § 6503(e), the Department will act upon the application without hearing, unless within 30 days after the publication of this notice in the *Pennsylvania Bulletin* a written request for public hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protest) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protest and request for hearing shall be filed with Dr. Warren D. Evans, Chartering/Governance/Accreditation Specialist, 333 Market Street, Harrisburg, PA 17126-0333, (717) 787-7572 on or before 4 p.m. on the due date prescribed by this notice. Persons wishing to review the application should phone or write to the aforementioned office to schedule a time for an in-office review. Duplicate copies of the application are not available.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate, should contact Dr. Warren D. Evans at (717) 787-7572 to discuss how the Department may best accommodate their needs.

EUGENE W. HICKOK,
Secretary

[Pa.B. Doc. No. 99-1133. Filed for public inspection July 16, 1999, 9:00 a.m.]

Availability of 1999-2000 Competitive Funds under the Carl D. Perkins Vocational and Applied Technology Act Amendments of 1998 (P. L. 105-332)

Applications for FY 1999-2000 Perkins Vocational and Applied Technology Act competitive funds are invited for the following category:

Tech Prep Education: Resource and Services Statewide Information Clearinghouse

1. *Eligibility Requirements*

Be an accredited, nonprofit 2/4 year public or private university or college/community college with proven experience serving as an information clearinghouse agent that has worked in areas of facilitation, assembly and dissemination of vocational program materials with private industry or with Federal, State or local government. Coordinate Statewide coordinators meetings, obtain meeting facilities, speakers, agendas and other related services.

2. *Application Requirements*

Applications are due August 6, 1999, by 5 p.m.

3. *Application Forms and Guidelines*

Completion of applications requires the use of two references: the general and categorical guidelines. These documents are available from Emmanuel Constantine, Division of Advisory and Approval Services, Bureau of Vocational-Technical Education, 333 Market Street, 6th Floor, Harrisburg, PA 17126-0333, (717) 787-5293.

4. *Completed Applications*

Completed applications are to be mailed or delivered (not faxed) to the Division of Advisory and Approval Services.

5. *Preproposal Conference/Funding Workshop*

The Department of Education, Bureau of Vocational-Technical Education, will conduct a preproposal conference/ funding workshop on Tuesday, July 20, 1999, to review funding priorities and application procedures. The preproposal conference will be held at 333 Market Street, in the sixth floor conference room (Green Room) and will begin at 1:30 p.m. and is expected to conclude by 3 p.m.

Attendance at this meeting is not a prerequisite for application for this grant program.

Contact Emmanuel Constantine at the Bureau of Vocational-Technical Education at (717) 787-5293 to pre-register for this preproposal conference.

EUGENE W. HICKOK,
Secretary

[Pa.B. Doc. No. 99-1134. Filed for public inspection July 16, 1999, 9:00 a.m.]

State Charter School Appeal Board; Schedule of Meetings

Notice is hereby given that the State Charter School Appeal Board will meet as follows:

- July 19, 1999 (1 p.m.) (Cancelled)
- July 30, 1999 (10 a.m.)
- August 18, 1999 (1 p.m.)
- September 15, 1999 (1 p.m.)
- November 8, 1999 (1 p.m.)
- January 12, 2000 (1 p.m.)
- March 13, 2000 (10 a.m.)
- May 16, 2000 (1 p.m.)

Unless due and timely notice to the contrary is given these meetings will be held in the Conference Rooms on the Lobby Level and First Floor of the Education Building, 333 Market Street, Harrisburg.

Persons with disabilities needing special accommodations to attend the meetings may contact Ernest Helling, Counsel to the Board, at the 9th Floor, 333 Market Street, Harrisburg, PA 17126-0333, (717) 787-5500 or PA Relay Service (800) 654-5984 at least 24 hours in advance so that arrangements can be made.

ERNEST HELLING,
Board Counsel

[Pa.B. Doc. No. 99-1135. Filed for public inspection July 16, 1999, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

[National Pollution Discharge Elimination System Program (NPDES)]

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

(Part I Permits)

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

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

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

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

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

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

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

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

PA 0038296. Industrial waste, **Sun Company, Inc. (R&M)**, Ten Penn Center, 1801 Market Street, Philadelphia, PA 19103.

This application is for modification of an NPDES permit to include Outfall 002, which discharges treated groundwater from a petroleum marketing terminal in Upper Moreland Township, **Montgomery County**. This is an amendment to an existing discharge to an unnamed tributary of Pennypack Creek.

The receiving stream is classified for trout stocking, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 (stormwater runoff) are as follows:

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

The proposed effluent limits for Outfall 002 (treated groundwater), based on an average flow of 2,880 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Daily</i>	<i>Instantaneous Maximum (mg/l)</i>
Benzene	0.001	0.002	0.0025
Total BETX*	0.1	0.2	0.25
Oil and Grease	15	30	30
Naphthalene	monitor/report	monitor/report	monitor/report

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Daily</i>	<i>Instantaneous Maximum (mg/l)</i>
MTBE	monitor/report	monitor/report	monitor/report
pH		within limit of 6—9 at all times	

*Sum of benzene, ethylbenzene, toluene and xylenes

Other Requirements:

1. DMR to DEP
2. Remedial Measures
3. Change in Ownership
4. Product Contaminated Stormwater Runoff
5. PPC Plan Requirements
6. Other Wastewaters
7. Definitions
8. Applicable Standard BAT
9. Proper Sludge Disposal
10. DMR Submission for Nonconstructed Facilities.
11. 2/Month Monitoring

The EPA waiver is in effect.

PA 0021172. Sewage, **Bucks County Water and Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976.

This application is for renewal of an NPDES permit to discharge treated sewage from Harvey Avenue sewage treatment plant located at north end of Harvey Avenue in Doylestown Borough, **Bucks County**. This is an existing discharge to Cooks Run a tributary to Neshaminy Creek.

The receiving stream is classified for the following uses: warm water fishery.

The proposed effluent limits for Outfall 001, based on an average annual flow of 0.9 million gallons per day are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅			
(5-1 to 10-31)	15	23	30
(11-1 to 4-30)	25	40	50
Suspended Solids	30	45	60
Ammonia (as N)			
(5-1 to 10-31)	1.4		2.8
(11-1 to 4-30)	2.8		5.6
Nitrate and Nitrate (as N)			
(7-1 to 10-31)	9.6		19.2
Phosphorus (as P)			
(4-1 to 10-31)	2.0		4.0
Total Residual Chlorine	0.02		0.06
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		
		Maximum Daily	
Total Copper	0.021	0.042	0.054

Other Conditions:

The EPA waiver is not in effect.

Water Quality Based Effluent Limitations of 0.121 mg/l as an average monthly and 0.242 mg/l as maximum daily for total copper may become effective pending approval of the proposed water effect ratio.

Monitoring discharge for hardness.

Conditions for future permit modification.

Implementation of industrial pretreatment program requirements.

Effective disinfection.

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

PA 0088048. Sewage, SIC: 4952, **New Morgan Borough Council**, 200 Bethlehem Drive, Suite 207, Morgantown, PA 19543.

This application is for issuance of an NPDES permit for a new discharge of treated sewage to Conestoga River, in Caernarvon Township, **Berks County**.

The receiving stream is classified for warm water fishes, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water

supply intake considered during the evaluation was Lancaster Municipal Water Authority located in Lancaster. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.300 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	3.0	XXX	6.0
(11-1 to 4-30)	9.0	XXX	18.0
Total Phosphorus	2.0	XXX	4.0
Total Residual Chlorine	0.5	XXX	1.5
Dissolved Oxygen	minimum of 5.0 at all times		
pH	from 6.0—9.0 inclusive		
Fecal Coliforms	200/100 ml as a geometric mean		
(5-1 to 9-30)	4,900/100 ml as a geometric mean		
(10-1 to 4-30)			
Thallium	0.007	XXX	0.018
Zinc	0.271	XXX	0.678
Free Cyanide	0.018	XXX	0.045
Boron	5.8	XXX	14.5
Phenol	0.072	XXX	0.18
Benzene	0.030	XXX	0.05
Chlorobenzene	0.072	XXX	0.18
Chloroform	0.120	XXX	0.30
Methyl Chloride	0.100	XXX	0.25
Aluminum	1.8	XXX	4.5
Total Iron	5.4	XXX	13.5
Manganese	5.8	XXX	14.5
Dissolved Iron	1.0	XXX	2.5

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

The EPA waiver is in effect.

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

PA 0208779. Industrial waste, SIC: 3111, **Wickett & Craig of America, Inc.**, 120 Cooper Road, Curwensville, PA 16833.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated industrial wastewater to West Branch Susquehanna River in Curwensville Borough, **Clearfield County**.

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

The proposed effluent limits for Outfall 001, based on a design flow of 0.159 mgd, are:

<i>Parameter</i>	<i>Concentration (mg/l)</i>			<i>Mass (lb/day)</i>	
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>
BOD ₅	66	145	165	88	192
Ammonia-N					
(5-1 to 10-31)	45	90	114	60	119
(11-1 to 4-30)	90	180	180	119	239
TSS	96	208	240	127	276
Total Phenols	3.3	5.2			
Oil and Grease	15		30		
Total Chromium	1.5	3.7			
pH	6.0—9.0 at all times				

The EPA waiver is not in effect.

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

PA 0002925. Industrial waste, SIC: 4911, **West Penn Power, doing business as Allegheny Power**, 800 Cabin Hill Drive, Greensburg, PA 15061-1689.

This application is for renewal of an NPDES permit to discharge treated process water and untreated cooling water, stormwater from Springdale Power Station in Springdale Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters of the Allegheny River, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is Oakmont Borough Municipal Authority, located at 721 Allegheny Avenue, 4.2 miles below the discharge point.

Outfall 101: existing discharge, design flow of 0.1 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	monitor and report				
TSS			30	100	
Oil and Grease			15	20	
pH	not less than 6.0 nor greater than 9.0				

Outfall 201: existing boiler blowdown discharge to Outfall 001

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	monitor and report				
TSS			30	100	
Oil and Grease			15	20	
pH	Since Springdale Power Station is in "Cold Reserve," there should not be any discharge of boiler blowdown from this outfall. See Item No. 2 in Part C of the permit. not less than 6.0 nor greater than 9.0				

Outfall 001: existing discharge to Allegheny River

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	monitor and report				
Total Residual Chlorine				0.2	
pH	This outfall is only authorized to receive and discharge wastewater from internal monitoring point 101, while the Springdale Power Station is in "Cold Reserve" status. See Item Nos. 2, 6 and 9 I Part C of the permit. not less than 6.0 nor greater than 9.0				

Outfall 002: existing intake screen backwash discharge to the Allegheny River.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
The debris collected on the intake screen shall not be returned to the waterway.					

Other Conditions: The Springdale Power Station has been "Cold Reserve" status since 1984.

The EPA waiver is in effect.

PA 0027537. Industrial waste, SIC: 4941, **Township of Shaler**, 300 Wetzel Road, Glenshaw, PA 15116.

This application is for renewal of an NPDES permit to discharge treated process water (spent brine, zeolite softener rewash water, filter rewash water) from Shaler Township Municipal Water Authority in Shaler Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, of the Allegheny River, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is West View Municipal Authority, located at Neville Island, 9.52 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.022 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	monitor and report				
Suspended Solids			30		60
Iron			2		4

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Aluminum			4		8
Manganese			1		2
Total Residual Chlorine			0.5		1.0
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

PA 0090271. Industrial waste, SIC: 4953, **Duquesne Light Company**, 411 Seventh Avenue, P. O. Box 1930, Pittsburgh, PA 15230-1930.

This application is for renewal of an NPDES permit to discharge treated process water and stormwater from the Fern Valley Disposal Site in Jefferson Borough, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, unnamed tributary, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is PA American Water Company, located at 410 Cooke Lane, Pittsburgh, PA 15234, 18.1 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.066 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	monitor and report				
Suspended Solids			30	60	75
Oil and Grease			15		30
Aluminum			5.0	10.0	12.5
Iron			3.5	7.0	8.75
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

Outfall 002: existing discharge

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	monitor and report				
Suspended Solids			30		60
Oil and Grease			15		30
Aluminum			5.0		10.0
Iron			3.5		7.0
pH	not less than 6.0 nor greater than 9.0				

Outfall 003: existing discharge, design flow of 0.066 mgd

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	monitor and report				
Suspended Solids			30		60
Oil and Grease			15		30
Aluminum			5.0		10.0
Iron			3.5		7.0
pH	not less than 6.0 nor greater than 9.0				

Outfall 004: existing stormwater discharge

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	monitor and report				
Aluminum			monitor and report		
Iron			monitor and report		

PA 0034614. Sewage, **RAS Development Corporation**, 12 Arentzen Boulevard, Charleroi, PA 15022.

This application is for renewal of an NPDES permit to discharge treated sewage from Mountain Pine Resort STP in Saltlick Township, **Fayette County**.

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

Outfall 001: existing discharge, design flow of .035 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA 0091588. Sewage, **Yough School District**, 99 Lowber Road, Herminie, PA 15637.

This application is for renewal of an NPDES permit to discharge treated sewage from the Yough Jr. High School STP in South Huntingdon Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an Unnamed Tributary of Sewickley Creek, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the McKeesport Water Authority.

Outfall 001: existing discharge, design flow of .0135 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	2.0			4.0
(11-1 to 4-30)	5.0			10.0
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)	.18			.41
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA 0092894. Sewage, **Consol Pennsylvania Coal Company, Waynesburg Operation**, P. O. Box 174, Graysville, PA 15337.

This application is for renewal of an NPDES permit to discharge treated sewage from the Bailey Mine Sewage Treatment Plant in Richhill Township, **Greene County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Enlow Fork, which are classified as a trout stock fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the City of Sistersville Water Company located on the Ohio River.

Outfall 004: existing discharge, design flow of 0.05 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅				
(5-1 to 10-31)	20			40
(11-1 to 4-30)	25			50
Suspended Solids	30			60

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
Ammonia Nitrogen (5-1 to 10-31)	4.0			8.0
(11-1 to 4-30)	12.0			24.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	4,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

Other Conditions:

The EPA waiver is in effect.

PA 0096695. Sewage, **Frazier School District**, 403 West Constitution Street, Perryopolis, PA 15473.

This application is for renewal of an NPDES permit to discharge treated sewage from the Central Elementary School STP in Jefferson Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an unnamed tributary of Little Redstone Creek, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the California Water Company.

Outfall 001: existing discharge, design flow of .005 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	9.0			18.0
(11-1 to 4-30)	25.0			50.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	5,000/100 ml as a geometric mean			
Total Residual Chlorine (1st month—36th month)	monitor and report			
(37th month—expiration)	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA 0203815-A1. Industrial waste, SIC: 4512 and 4581, **Allegheny County, Department of Aviation**, P. O. Box 12370, Pittsburgh, PA 15231-0370.

This application is for amendment of an NPDES permit to discharge treated leachate and untreated stormwater from Pittsburgh International Airport in Findlay Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, Unnamed Tributary, classified as a trout stocked fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is Midland Borough Water Authority, located at Midland, PA 32 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.0144 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	monitor and report				
Suspended Solids			35		70
Iron			3.5		7.0
Manganese			2.0		4.0
pH	not less than 6.0 nor greater than 9.0				

Other Conditions:

The EPA waiver is in effect.

Internal Monitoring Point 167: new discharge, design flow of 0.009 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	monitor and report				
Suspended Solids			30		60
CBOD ₅			10		20
Oil and Grease			15		30
MBAS			1.0		2.0
Benzene			0.005		0.01
Total Residual Chlorine			0.07		0.16
pH	not less than 6.0 nor greater than 9.0				

Outfall 067: New discharge, design flow of 0.009 mgd.

The discharge from this outfall shall consist of uncontaminated stormwater runoff and sources at Internal Monitoring Point 167.

Outfalls 068, 069, 070, 071 and 071: New discharge, design flow of varied mgd.

The discharge from these outfalls shall consist of uncontaminated stormwater runoff and groundwater.

PA 0216984. Sewage, **Shannock Valley General Services Authority**, P. O. Box 157, Yatesboro, PA 16263.

This application is for renewal and modification of an NPDES permit to discharge treated sewage from NuMine STP in Cowanshannock Township, **Armstrong County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Cowanshannock Creek, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Kittanning Suburban Joint Water Authority on the Allegheny River.

Outfall 001: new discharge, design flow of 0.065 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25	38		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	10	15		20
(11-1 to 4-30)	25	38		50
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	7,000/100 ml as a geometric mean			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA 0216992. Sewage, **Shannock Valley General Services Authority**, P. O. Box 157, Yatesboro, PA 16263.

This application is for renewal and modification of an NPDES permit to discharge treated sewage from Yatesboro STP in Cowanshannock Township, **Armstrong County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Cowanshannock Creek, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Kittanning Suburban Joint Water Authority on the Allegheny River.

Outfall 001: new discharge, design flow of 0.18 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅				
(5-1 to 10-31)	20	30		40
(11-1 to 4-30)	25	38		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	7.0	10.5		14.0
(11-1 to 4-30)	21.0	31.5		42.0

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	5,000/100 ml as a geometric mean			
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA 0218162. Sewage, **Indiana County Municipal Services Authority**, 827 Water Street, Indiana, PA 15701.

This application is for issuance of an NPDES permit to discharge treated sewage from Creekside STP in Washington Township, **Indiana County**.

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

Outfall 001: new discharge, design flow of 0.15 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25	38		50
Suspended Solids	30	45		60
Ammonia Nitrogen (5-1 to 10-31)	19	28.5		38
(11-1 to 4-30)	25	37.5		50
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	18,000/100 ml as a geometric mean			
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

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

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

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 0038385	Defense Distribution Depot Susquehanna, PA (DDDS) Bldg. 1-1, Second Fl., DDSPL New Cumberland, PA 17070-5001	York Fairview Twp.	UNT to Susquehanna River	TRC
PA 0032093	PA Dept. of Conservation and Natural Resources Shawnee State Park 132 State Park Road Schellsburg, PA 15559-7300	Bedford Napier Twp.	Shawnee Branch	TRC

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

Applications under the Pennsylvania Clean Streams Law

(Part II Permits)

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

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

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

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

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

A. 4599201. Connaught Laboratories, Inc., d.b.a. Pasteur Merieux Connaught, Discover Drive, Swiftwater, PA 18370-0187. Application to increase the maximum average monthly discharge flow from the Connaught Industrial Wastewater Treatment Plant to

Swiftwater Creek, located in Pocono Township, **Monroe County**. Application received in the Regional Office—June 17, 1999.

A. 5499404. Northeastern Schuylkill Joint Municipal Authority, P. O. Box 1326, R. R. 1, Hometown, Tamaqua, PA 18252. Application to construct a sewage treatment plant to serve Rush and Ryan Townships, **Schuylkill County**. The project includes construction of a sanitary sewer collection/system in Rush and Ryan Townships, Schuylkill County. Application received in the Regional Office—June 22, 1999.

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

WQM Permit No. 1599408. Sewerage. **East Goshen Township Municipal Authority**, 1580 Paoli Pike, West Chester, PA 19380. Applicant requests approval for the construction and operation of a sanitary sewer collection and conveyance system to serve the Reserve at Spring Meadows a residential subdivision located in East Goshen Township, **Chester County**.

WQM Permit No. 1599409. Sewerage. **East Goshen Township Municipal Authority**, 1580 Paoli Pike, West Chester, PA 10380. Applicant requests approval for the construction and operation to upgrade an existing pump station and force main to serve Hershey's Mill Village located in East Goshen Township, **Chester County**.

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

A. 4474404-T1 99-1. Sewage, submitted by **West Wayne Sewer Authority**, 72 Lucy Furnace Road, Mount Union, PA 17066, Wayne Township, **Mifflin County** to relocate a force main sewer line off the bridge walkway of the Jefferson Street Bridge was received in the Southcentral Region on June 2, 1999.

A. 2299403. Sewage, submitted by **Lower Swatara Township Municipal Authority**, 1499 Spring Garden Drive, Middletown, PA 17057, Lower Swatara Township, **Dauphin County** to abandon an existing sanitary sewer pumping station and replace with a new submersible grinder pumping station was received in the Southcentral Region on June 17, 1999.

A. 2199405. Sewage, submitted by **Carlisle Suburban Authority**, 240 Clearwater Drive, Carlisle, PA 17013, North Middleton Township, **Cumberland County**

to construct a sewer extension and one duplex submersible sewer pumping station was received in the Southcentral Region on June 21, 1999.

A. 2299404. Sewage, submitted by **Middletown Borough Authority**, 60 West Emaus Street, Middletown, PA 17057, Middletown Borough, **Dauphin County** to construct and operate a biosolids processing facility to produce exceptional quality biosolids was received in the Southcentral Region on June 22, 1999.

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

A. 6571420-A1. Sewerage. **United Mobile Homes, Inc.**, 125 Wyckoff Road, Eatontown, NJ 07724. Application for the expansion and operation of a sewage treatment plant to serve Port Royal Village located in Rost-raver Township, **Westmoreland County**.

INDIVIDUAL PERMITS (PAS)

Stormwater Individual

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

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

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

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

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

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other

accommodation to participate in the proceedings, should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

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

NPDES Permit PAS10Q177. Stormwater. **Lehigh West Land Associates, L.P.**, J. B. Reilly, 4445 Harriet Lane, Bethlehem, PA 18017, has applied to discharge stormwater from a construction activity located in Lower Macungie Township, **Lehigh County**, to Little Lehigh Creek.

Northampton County Conservation District, District Manager, Greystone Building, Gracedale Complex, Nazareth, PA 18064-9211, (610) 746-1971.

NPDES Permit PAS10U116. Stormwater. **Clifford and Virginia Bonney**, 1055 Bushkill Center Road, Nazareth, PA 18064, has applied to discharge stormwater from a construction activity located in Bushkill Township, **Northampton County**, to Bushkill Creek.

Northcentral Regional Office: Regional Water Management Program Manager, 208 W. 3rd St., Suite 101, Williamsport, PA 17701, (717) 327-3574.

Centre County Conservation District, 414 Holmes Ave., Suite 4, Bellefonte, PA 16823, (814) 355-6817.

NPDES Permit PAS10F078. Stormwater. **Eastern States Exploration Co.**, P. O. Box 178, Snow Shoe, PA 16874, has applied to discharge stormwater from a construction activity located in Snow Shoe Township, **Centre County** to Beech Creek, Rock Run, Unt. to Sandy Run.

NPDES INDIVIDUAL

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

NPDES Permit PAS107205. Stormwater. **Kinzua-Warren County Joint Authority**, P. O. Box 412, Clarendon, PA 16313, has applied to discharge stormwater from a construction activity located in Clarendon Borough and Mead Township, **Warren County**, to Allegheny River and West Branch Tionesta Creek.

SAFE DRINKING WATER

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

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

A. 4699508. Public water supply. **PA-American Water Company**, 800 West Hershey Park Drive, Hershey, PA 17033. This proposal involves the construction of a booster pump station in Perkiomen Township, **Montgomery County**.

Southcentral Regional Office: Sanitarian Regional Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4708.

Permit No. 6799503. Public water supply, **Stewartstown Borough Authority**, Stewartstown Borough, **York County**, David E. England, P. O. Box 415, Stewartstown, PA 17363. *Type of Facility:* Construction permit applica-

tion for installation of cation exchange equipment for softening, anion exchange equipment for nitrate removal and greensand filtration for manganese removal at existing Wells No. 1, 2 and 3. *Consulting Engineer:* Dennis E. Sarpen, P.E., Holley & Associates, 18 S. George St., York, PA 17401. *Application received:* June 11, 1999.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 1

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

Sections 302, 303, 304 and 305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the background standard, Statewide health standard, the site-specific standard or who intend to remediate a site as a special industrial area, must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, or a combination of the cleanup standards, or who receives approval of a special industrial area remediation identified under the act, will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

For further information concerning the content of a Notice of Intent to Remediate, contact the Environmental Cleanup Program Manager in the Department's Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator

at the appropriate regional office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

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

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

Mercury Cleaners-Keyser Oak Shopping Center, City of Scranton, **Lackawanna County**. Wesley P. Fitchett, P.G., Director of Remediation Services, Property Solutions, Inc., 501 Delran Parkway, Unit A, Delran, NJ 08075, has submitted a Notice of Intent to Remediate (on behalf of his client, Overlook Towers Partnership, c/o Juster Properties, 2001 West Main Street, Suite 244, Stamford, CT 06902) concerning the remediation of site soils found to have been contaminated with solvents. The applicant proposes to remediate the site to meet the site-specific standard. A summary of the Notice of Intent to Remediate is anticipated to be published in *The Scranton Times*.

SOLID AND HAZARDOUS WASTE

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

A. 400627. Southern Chester County Medical Center, 1015 West Baltimore Pike, West Grove, PA 19390. This application was submitted for the renewal and reissuance of their solid waste permit which was originally issued to Southern Chester County Health Services, Inc. which was the parent company of Southern Chester County Medical Center. Southern Chester County Health Services, Inc. has since been dissolved. Facility is located in West Grove Borough, **Chester County**. Application was received in the Southeast Regional Office on June 24, 1999.

AIR QUALITY

Notice of Plan Approval and Operating Permit Applications

Nonmajor Sources and Modifications

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

The Department has received applications for plan approvals and/or operating permits from the following facilities. Although the sources covered by these applications may be located at a major facility, the sources being

installed or modified do not trigger major new source review or prevention of significant deterioration requirements.

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

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

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

OPERATING PERMITS

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

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

06-5063C: Boyertown Foundry Co. (P. O. Box G, New Berlinville, PA 19545-0220), for a gray iron foundry controlled by various air cleaning devices in Boyertown Borough, **Berks County**.

36-317-195B: Wilbur Chocolate Co. (200 Chocolate Avenue, Mount Joy, PA 17552), for a cocoa nib roasting and grinding operations controlled by scrubbers in Mount Joy Borough, **Lancaster County**.

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

OP-63-00637: Reichard Contracting, Inc. (R. D. 3, New Bethlehem, PA 16242), for operation of coal refuse processing at Matway Site in Fallowfield Township, **Washington County**.

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

PA-20-284A: Multi-Tool, Inc. (Route 198, South Street, P. O. Box 708, Saegertown, PA 16433), for operation of two chrome plating tanks in Saegertown, **Crawford County**.

PA-25-316A: Ethan Allen, Cherry Hill Division (77 South Main Street, Union City, PA 16438), for operation of a woodworking facility in Union City, **Erie County**.

PA-33-145A: Huntingdon Foam Corp. (P. O. Box 248, Brockway, PA 15824), for operation of an expandable resin molding plant in Brockway, **Jefferson County**.

42-302-021A: Borden Chemical, Inc. (Hutchins Road, P. O. Box 7227, Mt. Jewett, PA 16740), for operation of a boiler in Sergeant Township, **McKean County**.

42-399-017A: Borden Chemical, Inc. (Hutchins Road, P. O. Box 7227, Mt. Jewett, PA 16740), for operation of a resin kettle in Sergeant Township, **McKean County**.

42-399-018D: Borden Chemical, Inc. (Hutchins Road, P. O. Box 7227, Mt. Jewett, PA 16740), for operation of two ufc, one formaldehyde, five resin storage tanks, one ammonia tank and one water hold tank in Sergeant Township, **McKean County**.

PA-42-185A: IA Construction Co. (Route 155 Turtlepoint, P. O. Box 568, Franklin, PA 16323), for operation of a batch asphalt plant in Annin Township, **McKean County**.

PA-61-187B: A. G. Industries, Inc. (671 Colbert Avenue, P. O. Box 1107, Oil City, PA 16301), for operation of an hvof powder coat system in Oil City, **Venango County**.

Notice of Intent to Issue Title V Operating Permits

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

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

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

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

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

67-05047: Waste Management Disposal Services of PA, Modern Landfill and Recycling (4400 Mt. Pisgah Road, York, PA 17402) located in Windsor and Lower Windsor Townships, **York County**. The facility's major sources of emissions include a municipal solid waste landfill and three internal combustion engines which primarily emit the following contaminants: volatile organic compounds and nitrogen oxides.

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

25-00053: Urick Foundry Co., Inc. (1501 Cherry Street, Erie, PA 16512) located in the City of Erie, **Erie County**. The facility's major emission sources include various material handling equipment, a cupola, pouring and molding lines, sand shakeout and recovery equipment and miscellaneous natural gas fired sources. The facility is a major facility due to its potential to emit volatile organic compounds.

Notice of Intent to Revise Operating Permits for Hospital/Medical/Infectious Waste Incinerators

Under section 111(d)/129 of the Clean Air Act, the United States Environmental Protection Agency (EPA) promulgated Emission Guidelines to control the emission of designated pollutants from existing hospital/medical/infectious waste incinerators (HMIWI) (See 62 FR 48348, September 15, 1997). These guidelines are codified at 40 CFR Part 60, Subpart Ce and incorporated by reference in 25 Pa. Code § 122.3. These Emission Guidelines apply to all existing HMIWI units which have commenced construction on or before June 20, 1996.

The Department of Environmental Protection (Department) has determined that the affected HMIWI units listed as follows are subject to the Emission Guidelines. New or revised Federally enforceable State operating permits (FESOP), Title V operating permits or plan approvals, when necessary, will be submitted to the EPA as the legally enforceable mechanism to implement the Subpart Ce requirements.

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

07-03015: Altoona Hospital (620 Howard Avenue, Altoona, PA 16601) in the City of Altoona, **Blair County**. *Primary Emissions:* Sulfur oxides (SOx), nitrogen oxides (NOx), carbon monoxide (CO) and hazardous air pollutants (HAPs) and particulate matter (PM). *Affected HMIWI Unit:* Source ID 102, Sunbeam Incinerator Model No. A22 hospital/medical/infectious waste incinerator, 290 pounds/hr. *Other sources:* 4 boilers, 4 emergency generators.

07-03008: Nason Hospital (105 Nason Drive, Roaring Spring, PA 16673) located in Roaring Spring Borough, **Blair County**. *Primary Emissions:* Hazardous air pollutants (HAPs) and nitrogen oxides (NOx). *Effective HMIWI Unit:* Spronz hospital/medical/hazardous waste incinerator with afterburner, 100 lbs/hr. *Other Sources:* Two boilers.

21-05038: Holy Spirit Hospital (North 21st Street, Camp Hill, PA 17011) located in East Pennsboro Township, **Cumberland County**. *Primary Emissions:* Acid gases (SOx, NOx, HCL) and hazardous air pollutants (HAPs). *Affected HMIWI Unit:* Environmental Control Products infectious waste incinerator, 570 lbs/hr. *Other Sources:* Two boilers, two emergency generators.

28-03024: Waynesboro Hospital (501 East Main Street, Waynesboro, PA 17268), in Waynesboro Borough, **Franklin County**. *Primary Emissions:* Hazardous air pollutants (HAPs) and nitrogen oxides (NOx). *Affected HMIWI Unit:* Econo-Therm hospital/medical/hazardous waste incinerator with afterburner, 100 pounds/hr. *Other sources:* 5 boilers.

36-03022: Community Hospital of Lancaster (1100 East Orange Street, Lancaster, PA 17604) in the City of Lancaster, **Lancaster County**. *Primary Emissions:* Sulfur oxides (SOx), nitrogen oxides (NOx), particulate matter (PM) and carbon monoxide (CO). *Affected HMIWI*

Unit: Cleaver Brooks Corporation infectious waste incinerator, 200 lbs/hr. *Other Sources:* Three boilers.

38-05018: Lebanon VA Medical Center (1700 South Lincoln Avenue, Lebanon, PA 17042) located in South Lebanon Township, **Lebanon County**. *Primary Emissions:* Acid gases (SOx, NOx, HCL) and hazardous air pollutants (HAPs). *Affected HMIWI Unit:* Donlee Anthracite Coal-Fired Atmospheric Fluidized Bed Combustion System for Hospital Waste, 500 lbs/hr. *Other Sources:* Three boilers, five emergency generators.

36-05076: Lancaster General Hospital (3555 N. Duke Street, P. O. Box 3555, Lancaster, PA 17604-3555) in the City of Lancaster, **Lancaster County**. *Primary Emissions:* Sulfur oxides (SOx), nitrogen oxides (NOx), particulate matter (PM), carbon monoxide (CO), volatile organic compounds (VOCs) and hazardous air pollutants (HAPs). *Affected HMIWI Unit:* Environmental Control Products infectious waste incinerator, 1,000 lbs/hr. *Other Sources:* Three boilers, four emergency generators.

36-05084: Ephrata Community Hospital (169 Martin Avenue, P. O. Box 1002, Ephrata, PA 17522-1002) located in Ephrata Borough, **Lancaster County**. *Primary Emissions:* Acid gases (SOx, NOx, HCL) and hazardous air pollutants (HAPs). *Affected HMIWI Unit:* Comptro Corporation infectious waste incinerator, 400 lbs/hr. *Other Sources:* Two boilers, two emergency generators.

67-05051: York Hospital (1001 South George Street, York, PA 17405-7189) located in the City of York, **York County**. *Primary Emissions:* Sulfur oxides (SOx), nitrogen oxides (NOx), hydrochloric acid (HCL), carbon monoxide (CO), particulate matter (PM) and volatile organic compounds (VOC). *Affected HMIWI Unit:* Environmental Control Products infectious waste incinerator, 750 lbs/hr. *Other Sources:* Three boilers, four emergency generators.

Copies of the draft permits or plan approvals and other relevant information are available for public inspection and additional information may be obtained by contacting the Southcentral Regional Office at the above noted address or telephone number between the hours of 8 a.m. and 3:30 p.m., Monday through Friday, except holidays.

Interested persons may submit written comments, suggestions or objections concerning the proposed permits or plan approvals to the Regional Office noted previously within 30 days of publication of this notice. Written comments submitted to the Department during the 30-day public comment period shall include the name, address and telephone number of the person submitting the comments, along with the permit number of the proposed permit.

The commentator should include a concise statement of objections to the issuance of the revised permit or plan approval and the relevant facts upon which the objections are based.

A public hearing will subsequently be held for all HMIWI which will be shutting down, and have requested an extension beyond the 1 year compliance deadline specified in the draft permit or plan approval. The Department reserves the right to hold a public hearing on all other proposed actions based upon the information received during the public comment period and will provide notice of each hearing at least 30 days prior to the date of the hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation where the facility is located.

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.

06-322-002B: Western Berks Refuse Authority (455 Poplar Neck Road, Birdsboro, PA 19607), for a municipal solid waste landfill controlled by a gas collection system and enclosed flare in Cumru Township, **Berks 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 (Department). Section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)) requires the State to certify that the involved projects will not violate the applicable provisions of 33 U.S.C.A. §§ 1311—1313, 1316 and 1317, as well as relevant State requirements. Initial requests for 401 certification will be published concurrently with the permit application. Persons objecting to approval of a request for certification under section 401 or to the issuance of a Dam Safety or Encroachment Permit or the approval of Environmental Assessments must submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted above the application.

Applications received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and requests for certification under section 401 of the Federal Water Pollution Control Act.

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

E09-791. Encroachment. **Wawa, Inc.**, Red Roof Office, Baltimore, PA 19603. To relocate approximately 340 linear feet of an unnamed tributary to Geddes Run (CWF) through stormwater management facilities and to place and maintain fill within 0.15 acre of adjacent wetland (PEM) associated with the construction of a Wawa Food Market. The site is located approximately 500 feet south of the intersection of Easton Road (S. R. 0611) and Stump Road (S. R. 1010) (Bedminster, PA USGS Quadrangle N: 1.9 inches; W: 3.1 inches) in Plumstead Township, **Bucks County**. The applicant proposes to construct 0.15 acre of replacement wetlands.

E09-787. Encroachment. **Bensalem Township**, 2400 Byberry Road, Bensalem, PA 19020. To improve an existing storm sewer facility by installing and maintaining an additional 501 feet of 60-inch RCP. This storm sewer will supplement stormwater conveyance, which is currently conveyed by an existing 60-inch storm sewer. This storm sewer conduit will converge at Junction box no. 1 and 197 l.f. of new 84-inch RCP will outlet the system into an unnamed tributary to Poquessing Creek (WWF). Riprap will be installed at the outlet end of the conduit. The site is located near the intersection of

Richlieu Road and Street Road (SR 132) along Richlieu Road (Beverly, PA Quadrangle N: 21.4 inches; W: 12.25 inches) in Bensalem Township, **Bucks County**.

E15-620. Encroachment. **Robert and Mary Haskell**, 1045 Lower Pine Creek Rd., Chester Springs, PA 19425. To maintain an existing wooden prefabricated pedestrian footbridge previously permitted under GP081599313 with two concrete footings (24-inch wide x 60-inch long x 48-inch deep). This bridge spans Pine Creek (HQ-TSF) at a private residence located on Pine Creek Road approximately 3,000 feet northeast of the intersection of Pine Creek Road and PA Route 401 (Malvern Quadrangle N: 14.4 inches; W: 16.3 inches) in West Pikeland Township, **Chester County**.

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

E52-161. Encroachment. **Pennsylvania Department of Conservation and Natural Resources (DCNR)**, Bureau of Forestry, Forestry District 19, HCI Box 95A, Swiftwater, PA 18370-9723. To construct and maintain (1) a road crossing of Craft Brook adjacent wetland (EV) consisting of five 18-inch elliptical culverts, and (2) a road crossing of a tributary to Sawkill Creek and adjacent wetlands (EV), consisting of two 18-inch elliptical culverts for the purpose of constructing a public hiking/biking/horseback riding trail as part of the Delaware State Forest Trail system. Construction of the crossings will include the placement of fill in 0.13 acre of PEM wetlands. The applicant proposes to contribute to the Pennsylvania Wetland Replacement project in lieu of replacing wetlands onsite. Crossing No. 1 is located approximately 300 feet north of Lily Lake (Milford, PA-NJ Quadrangle N: 22.4 inches; W: 14.3 inches) and Crossing No. 2 is located approximately 3,000 feet northeast of Lily Lake (Milford, PA-NJ Quadrangle N: 22.2 inches; W: 13.3 inches), Milford Township, **Pike County** (Philadelphia District, U. S. Army Corps of Engineers).

E52-162. Encroachment. **Blooming Grove Hunting and Fishing Club**, Robin Wildermath, Manager, P. O. Box 380, Hawley, PA 18428-0380. To construct and maintain a road crossing of Shohola Creek (HQ-CWF) consisting of two 24-foot long by 54-inch diameter elliptical galvanized corrugated steel culverts side by side on the creek bed and backfilling culverts and creek with coarse aggregate and blend into existing grade. The project is located 2 miles south of the intersection of Interstate 84 and S. R. 402 and 0.75 mile west of S. R. 402 (Promised Land, PA Quadrangle N: 15.2 inches; W: 2.1 inches), Blooming Grove Township, **Pike County** (Philadelphia District, U. S. Army Corps of Engineers).

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

E07-313. Encroachment. **Blair Senior Services, Inc.**, 1320 12th Street, Altoona, PA 16601. To place fill in 0.11 acre of wetlands for the purpose of constructing an 8,000 square foot Tyrone Senior Center and associated vehicle parking area located along the south side of 3rd Street about 700 feet north of its intersection with Washington Avenue (Tipton, PA Quadrangle N: 7.4 inches; W: 0.65 inch) in the Borough of Tyrone, **Blair County**.

E21-295. Encroachment. **Upper Allen Township**, 100 Gettysburg Pike, Mechanicsburg, PA 17055. To construct and maintain rock deflectors along the left bank of Yellow Breeches Creek to protect the left bank against erosion

located in McCormick Road about 1,800 feet downstream of Mumma Bridge (Lemoyne, PA Quadrangle N: 7.28 inches; W: 11.5 inches) in Upper Allen Township, **Cumberland County**.

E22-403. Encroachment. **PA Geological Society**, 14 Creekside Drive, Enola, PA 17025. To operate a 4-inch power sluice for the purpose of recovering heavy precious metals along the bottom of the Susquehanna River (WWF) at a point approximately 6,000 feet upstream of the Rockville Bridge to a point approximately 12,000 feet upstream of the Rockville Bridge (Harrisburg, PA Quadrangle N: 19.0 inches; W: 7.0 inches) and at a point from the South Bridge downstream approximately 1,800 feet (Lemoyne, PA Quadrangle N: 22.1 inches; W: 0.2 inch) in Middle Paxton Township and the City of Harrisburg, **Dauphin County**.

E36-677. Encroachment. **Pequea Township**, Patsy Davis, 1028 Millwood Road, Willow Street, PA 17584. To remove the existing structure and to construct and maintain a precast concrete box culvert having a 14-foot span with a 6-foot rise across Conoy Creek on Ridgeview Road (Elizabethtown, PA Quadrangle N: 8.15 inches; W: 11.9 inches) in Mount Joy Township, **Lancaster County**.

E50-186. Encroachment. **Regina Crotsley**, R. R. 1, Blain, PA 17006. To restore an existing damaged bridge by replacing the deck, repairing or replacing damaged abutments and piers and regrading the stream banks across the channel of Bull Run at a point approximately 5,000 feet upstream of Manassa Church (Andersonburg, PA Quadrangle N: 10.25 inches; W: 17.2 inches) in Jackson Township, **Perry County**.

E50-198. Encroachment. **Wheatfield Township**, R. D. 2, Box 248 B, Newport, PA 17074. To remove an existing structure and to construct and maintain a 4.75 foot x 9 foot concrete box culvert in the channel of a tributary to the Juniata River (WWF) at a point at Losh Run Road (Duncannon, PA Quadrangle N: 12.9 inches; W: 4.2 inches) in Wheatfield Township, **Perry County**.

E67-670. Encroachment. **Hunter Creek Properties, Inc.**, 1642 Whitley Drive, Harrisburg, PA 17111. To place fill in 0.315 acre of wetlands for the purpose of constructing two stormwater detention basins and three minor road crossings across unnamed tributaries to Little Conewago Creek associated with the Hunter Creek residential development located west of Susquehanna Trail (SR 0295) 1.8 miles south of Exit 12, Strinestown off Interstate 83 (Dover, PA Quadrangle N: 10.5 inches; W: 3.0 inches) in Conewago Township, **York County**. The permittee will construct 0.363 acre of replacement wetlands.

Northcentral Region: Water Management, Soils and Waterways Section, F. Alan Sever, Chief, 208 West Third St., Suite 101, Williamsport, PA 17701.

E14-340. Encroachment. **Melvin R. Wetzel**, 198 Spotts Road, Julian, PA 16844. To 1) backfill and maintain a 66-foot long by 3-foot deep unnamed man-made tributary to Dewitt Run; 2) construct and maintain a 25-foot long by 7-foot section of R-5 riprap stream bank protection on an unnamed tributary to Dewitt Run; 3) restore and maintain a cross-section measuring 12-foot wide by 3-foot deep for the last 405 feet of an unnamed tributary to Dewitt Run prior to its confluence with Dewitt Run, all of which are located at the intersection of Spotts Road and S. R. 504 (Bear Knob, PA Quadrangle N: 10.3 inches; W: 5.3 inches) in Union Township, **Centre County**. This project proposes to impact 415 feet of an unnamed tributary to Dewitt Run that is classified as a wild trout-cold water fishery.

E14-348. Encroachment. **Columbia Gas Transmission**, 950 Manifold Road, Washington, PA 15301. To repair, operate and maintain a 16-inch diameter pipeline beneath Moshannon Creek to convey natural gas; repair, operate and maintain minor road crossings of Red Lick Run, West Branch-Spruce Run and Eddy Lick Run to provide access to pipeline right-of-way; and to repair, operate and maintain a ford crossing of Fields Run to provide access to pipeline right-of-way. The pipeline repair work shall consist of installing 25 linear feet of cathodic protection beneath the channel of Moshannon Creek. The repair work to the minor road crossings shall consist of regrading approaches and installing new culverts. The repair work to the ford crossing shall consist of regrading and stabilizing approaches. The project will not impact wetlands while impacting 172-feet of waterway. The project is located along the eastern and western right-of-way of S. R. 0879 approximately 4,000-feet east of Pine Glen Avenue and S. R. 0879 intersection (Karthaus, PA Quadrangle N: 19.1 inches; W: 0.01 inch) in Burnside Township, **Centre County**. All stream bank impacts shall be stabilized within 72 hours of final earthmoving.

E18-272. Encroachment. **Pennsylvania Department of Conservation and Natural Resources**, Bureau of Forestry, P. O. Box 8451, Harrisburg, PA 17105-8451. To remove the existing structure and to construct and maintain a single span concrete box beam bridge with a total clear span of 32 feet, skew of 49 degrees, and an inlet underclearance of 3.74 feet across Gottshall Run located on Gottshall Road approximately 700 feet west of Route 880 (Carroll, PA Quadrangle N: 17.8 inches; W: 16.7 inches) in Crawford Township, **Clinton County**. This permit also authorizes a temporary stream crossing for construction vehicles only. Estimated total stream disturbance is 158 feet with no wetland impacts; stream classification is CWF.

E18-274. Encroachment. **John Gilchrist**, 105 South Water Street, Mill Hall, PA 17751. To 1) construct and maintain an L-shaped 10-foot by 28-foot by 12-foot by 30-foot wooden deck; 2) install and maintain 223-feet of 4-foot high chain link fence in the left floodway of Fishing Creek located 400 feet north of the intersection of South Water Street and Church Street (Mill Hall, PA Quadrangle, N: 19.4 inches; W: 15.5 inches) in the Borough of Mill Hall, **Clinton County**. The project does not propose to place any fill in the channel of the Fishing Creek.

E18-275. Encroachment. **Columbia Gas Transmission**, 950 Manifold Road, P. O. Box 496, Washington, PA 15301. The applicant proposes to install, operate and maintain approximately 10,500 feet of continuous anode cable (2.5 inches in diameter) and anodes (approximately 3 inches in diameter and 5 feet in length) every 75–100 feet (approximately 5–10 feet from the existing 16 inch natural gas line 1711). The project is located beginning approximately 0.50 mile north east of the intersection of Eddy Ridge Road and Route 144 (Snowshoe NE, PA Quadrangle N: 9.4 inches; W: 16.5 inches) in Beech Creek Township, Clinton County and ending approximately 0.75 mile south of the intersection of Ritchie Road and Hyner View Road (Glen Union, PA Quadrangle N: 14.6 inches; W: 10.7 inches) in Gallagher Township, **Clinton County**.

The issuance of Water Obstruction and Encroachment Permit that would authorize the proposed activity requires 401 Water Quality Certification to be included into the permit. The project has been deemed as a "Reporting" action to the U. S. Army Corps of Engineers, Baltimore District, and does not warrant consideration for PASPGP-1.

The following streams will be crossed to complete the Clinton County portion project:

<i>Stream</i>	<i>Chapter 93</i>	<i>Wild Trout</i>	<i>Distance (ft)</i>
E. Branch Big Run	EV	Yes	2
Benjamin Run	HQ-CWF	No	15
Sled Road Hollow	HQ-CWF	No	3
Stevens Valley	HQ-CWF	No	8
Johnson Run	HQ-CWF	No	25
Johnson Run	HQ-CWF	No	25
Goodman Hollow	HQ-CWF	No	3

The following wetlands will be crossed with anode installation to complete the Clinton County portion of the project:

<i>Wetland ID No.</i>	<i>Plot ID No.</i>	<i>Type</i>	<i>Length</i>	<i>Acreage</i>
2	6	PEM	300	0.34
3	7	PEM	165	0.20
5	12	PEM	82	0.82

E49-226. Encroachment. **Pennsylvania Department of Transportation**, 715 Jordan Ave., Montoursville, PA 17754. To remove the existing structures and to construct and maintain 1) a dual ten span continuous composite steel multigirder bridge with nine 1.83-meter wide sharp-nosed piers, normal span to abutments measuring 39.32-meters, 2@ 47.28-meters 48.18-meters, 2@ 47.28-meters, 48.18-meters, 2@ 47.28-meters, 38.72-meters and a minimum underclearance of 15.11-meters across the West Branch of the Susquehanna River located 3,900 feet east of Exits 30 (Milton, PA Quadrangle N: 9.10 inches; W: 15.44 inches) in Turbot Township, Northumberland County and White Deer Township, **Union County**; 2) a dual four span concrete pre-stressed I-beam bridge with three 0.31-meter wide flat-nosed piers, normal span to abutments measuring 12.57-meters, 17.98-meters, 17.98-meters, 12.57-meters and a minimum underclearance of 8.10-meters across Muddy Run located 9,100 feet east of Exits 31 (Milton, PA Quadrangle N: 6.07 inches; W: 8.58 inches) in Turbot Township, **Northumberland County**. The project proposes to impact 60 meters of Muddy Run which is classified warm water fishery and 85 meters of the West Branch of the Susquehanna River which is classified warm water fishery.

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

E02-1277. Encroachment. **Port Authority of Allegheny County**, 2235 Beaver Avenue, Pittsburgh, PA 15233-1080. To construct and maintain a new Oak Viaduct bridge across Sawmill Run, to rehabilitate and maintain the South Busway along the banks of the stream from Glenbury Street Stop to the South Bank Stop near the intersection of Denise Way and Hawridge Way, and to construct and maintain outfall structures and a retaining wall along the banks of the stream for the purpose of reconstructing the Overbrook Trolley Line (Pittsburgh East, PA Quadrangle N: 2.7 inches; W: 17.1 inches) in the City of Pittsburgh, **Allegheny County**.

E63-470. Encroachment. **Pennsylvania Department of Transportation**, Engineering District 12-0, P. O. Box 459, Uniontown, PA 15401. To remove the existing bridge and to construct and maintain a new bridge having two spans, 57.7 feet and 62.8 feet with an underclearance of 10.0 feet across Pigeon Creek (WWF). The bridge is located on S. R. 2023, Section H00 (Monongahela, PA Quadrangle N: 8.6 inches; W: 12.0 inches) in Carroll Township, **Washington County**.

E63-469. Encroachment. **Washington Hospital Senior Care Corporation**, 155 Wilson Avenue, Washington, PA 15301-3398. To construct and maintain a 36-inch diameter culvert in an unnamed tributary to Chartiers Creek (WWF), for the purpose of constructing the Washington Senior Care Corporation facility located just north from the intersection of Manifold Road and U. S. Route 19 (Washington East, PA Quadrangle N: 12.0 inches; W: 12.5 inches) in South Strabane Township, **Washington County**.

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

E10-303. Encroachment. **Western Butler County Authority**, 607 Market Street, P. O. Box 427, Zelienople, PA 16063. To construct and maintain the following structures, with appurtenant works, as part of the expansion of the existing Western Butler County Authority Water Pollution Control Plant on Allegheny Street with the 100-year floodplain of Glade Run and Connoquenessing Creek (Zelienople, PA Quadrangle N: 6.7 inches; W: 3.4 inches) in Zelienople Borough, **Butler County**: 1. A 90-foot-diameter excess flow holding tank and valve pit. 2. A 15-foot-wide by 30-foot-long excess flow pump station. 3. A 14.33-foot-wide by 14.5-foot-long sulfonation building. 4. A 42-foot-wide by 42-foot-long clarifier and 42-foot-wide by 42-foot-long aeration tank with a 13.5-foot-wide intermediate gallery. 5. Approximately 450 feet of new driveway. 6. Interior renovations to existing buildings.

E25-589. Encroachment. **North East Township**, 10300 West Main Road, North East, PA 16428. To remove the existing structure and to install and maintain a 137-inch-wide by 87-inch-high CM pipe arch culvert in a tributary to Sixteen Mile Creek on T-751 (Cole Road) approximately 0.1 mile east of S. R. 0426 (North East, PA Quadrangle N: 9.9 inches; W: 4.4 inches) located in North East Township, **Erie County**.

E43-272. Encroachment. **PA Department of Transportation**, 1140 Liberty Street, Franklin, PA 16323. To remove the existing bridge and to construct and maintain a precast reinforced concrete box culvert having a 10-foot-wide by 6-foot-high waterway opening in a tributary to Mill Creek on S. R. 2014 Segment 0070, Offset 1344, approximately 1 mile west of I-79 (Mercer, PA Quadrangle N: 17.4 inches; W: 7.0 inches) located in Findley Township, **Mercer County**.

WATER ALLOCATIONS

Applications received under the act of June 24, 1939 (P. L. 842, No. 365) (32 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of the Commonwealth.

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

WA32-1002. Water Allocation. **Lower Indiana County Municipal Authority, Indiana County.** The applicant is requesting the right to purchase 300,000 gallons per day from the Highridge Water Authority, Indiana County, but not more than a total of 350,000 gallons per day from all suppliers.

WA32-1001. Water Allocation. **Lower Indiana County Municipal Authority, Indiana County.** The applicant is requesting the right to purchase 300,000 gallons per day from the Blairsville Municipal Authority, Indiana County, but no more than a total of 350,000 gallons per day from all suppliers.

WA65-298E. Water Allocation. **Highridge Water Authority, Westmoreland County.** The applicant is requesting the right to withdraw 4.5 mgd of water from various sources: Big Springs Reservoir, .891 mgd; Little Sugar Run Reservoir, 1.775 mgd; Sugar Run Reservoir, 1.593 mgd; Sugar Run Intake, .910 mgd; unnamed stream intake, .634 mgd; Popular Run Intake, .688 mgd; no more than a total of 2.5 mgd from the preceding sources; and Tubmill Reservoir, 2.0 mgd; all in Westmoreland County.

ACTIONS

FINAL ACTIONS TAKEN UNDER THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

[National Pollution Discharge Elimination System Program (NPDES)]

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

(Part I Permits)

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications and requests for plan approval and has issued the following significant orders.

Persons aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514), and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

Actions under The Clean Streams Law (35 P. S. §§ 691.1—691.1001).

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

Permit No. 3599401. Sewerage. **Lackawanna River Basin Sewer Authority**, P. O. Box 9068, Dickson City, PA 18519. Permit to modify existing Archbald Wastewater Treatment Plant, located in Archbald Borough, **Lackawanna County**.

Permit No. 3999402. Sewerage. **Upper Saucon Township Municipal Authority**, 5500 Camp Meeting Road, Center Valley, PA 18034. Permit to construct sanitary sewer extension which will collect flows from Lutron Electronics, Inc., located in Upper Saucon Township, **Lehigh County**.

NPDES Permit No. PA-0031267. Sewerage. **Tri-Valley School District, Hegins-Huble Elementary School**, 1801 West Main Street, Valley View, PA 17983, is authorized to discharge from a facility located in Hegins Township, **Schuylkill County**, to Pine Creek.

Southcentral Regional Office: Regional Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4795.

Permit No. 0699404. Sewage. **Frank Gussoni III**, 2528 Soni Drive, Trooper, PA 19402. This permit approves the construction of sewage treatment facilities in Colebrookdale Township, **Berks County**.

Permit No. 2180402. 99-1. Sewage. **Hampden Township Sewer Authority**, 230 South Sporting Hill Road, Mechanicsburg, PA 17055-3097. This permit approves the construction of diffuser outfall in Hampden Township, **Cumberland County**.

Permit No. 6799402. Sewage. **Newberry Township Municipal Authority**, 1915 Old Trail Road, Etters, PA 17319. This permit approves the construction of sewers and appurtenances and pump station in Newberry Township, **York County**.

Permit No. 0187402. Sewage. **Abbottstown/Paradise Joint Sewer Authority**, P. O. Box 401, Abbottstown, PA 17301. This permit approves the modification of pump station in Hamilton Township, **Adams County**.

Permit No. 2998401. Sewage. **McConnellsburg Sewerage Authority**, P. O. Box 681, McConnellsburg, PA 17233. This permit approves the modification of sewage treatment facilities in Ayr Township, **Fulton County**.

Permit No. 2888407. 99-1. Sewage. **Borough of Greencastle**, 60 North Washington Street, Greencastle, PA 17225. This permit approves the modification of sewage treatment facilities in Antrim Township, **Franklin County**.

Permit No. 0698406. 99-1. Sewage. **City of Reading**, 815 Washington Street, Reading, PA 19601. This permit approves the modification of sewage treatment facilities in Reading City, **Berks County**.

Permit No. 0681203-T2. Industrial waste. **Vlasic Foods International, Inc.**, Vlasic Plaza, Six Executive Campus, Cherry Hill, NJ 08002-4112. This permit approves the modifications of land application facilities in Maiden Creek Township, **Berks County**.

Permit No. 0799401. Sewage. **Northern Blair County Regional Sewer Authority**, RR4, Box 236A, Tyrone,

PA 16686. This permit approves the construction of sewers and appurtenances and pump stations in Snyder Township, **Blair County**.

NPDES Permit No. PA0043494. Sewerage. **Loysville Village Municipal Authority**, P. O. Box 133, Loysville, PA 17047-0133, is authorized to discharge from a facility located in Tyrone Township, **Perry County** to the receiving waters named Muddy Run.

NPDES Permit No. PA0053708. Sewerage. **Hawk Mountain Bed and Breakfast**, 223 Stony Run Valley Road, Kempton, PA 19529, is authorized to discharge from a facility located in Albany Township, **Berks County** to the receiving waters named Stoney Run.

NPDES Permit No. PA0080926. Sewerage. **Robert Schroeder**, 205 Sleepy Hollow Road, Lititz, PA 17543, is authorized to discharge from a facility located in Elizabeth Township, **Lancaster County** to the receiving waters of an unnamed tributary of Hammer Creek.

NPDES Permit No. PA0032883. Sewerage. **Borough of Duncansville**, P. O. Box 308, Duncansville, PA 16635, is authorized to discharge from a facility located in Allegheny Township, **Blair County** to the receiving waters named Blair Gap Run.

NPDES Permit No. PA0085910. Sewerage. **Beth Dorsey**, 1050 Drager Road, Columbia, PA 17512, is authorized to discharge from a facility located in Rapho Township, **Lancaster County** to the receiving waters named Little Chickies Creek.

NPDES Permit No. PAG043619. Sewerage. **Mr. and Mrs. William Hartman**, 1046 Tallow Hill Road, Chambersburg, PA 17201, are authorized to discharge from a facility located in Hamilton Township, **Franklin County** to the unnamed tributary to Conococheague Creek.

NPDES Permit No. PAG043612. Sewerage. **Frank Gussoni III**, 2528 Soni Drive, Trooper, PA 19402, is authorized to discharge from a facility located in Colebrookdale Township, **Berks County** to Ironstone Creek.

NPDES Permit No. PA0026646. Sewerage. **Kerry J. Ustaszewski**, **Antietam Valley Municipal Authority**, 502 Butter Lane, Reading, PA 19606, is authorized to discharge from a facility located in St. Lawrence Borough, **Berks County** to the receiving waters named Antietam Creek.

NPDES Permit No. PA0086509. Industrial waste. **Allentown Cement Co., Inc.**, P. O. Box 619, Blandon,

PA 19510-0619, is authorized to discharge from a facility located in Maiden Creek Township, **Berks County** to the receiving waters named Maiden Creek.

NPDES Permit No. PA0083623. Industrial waste. **T. B. Woods, Inc.**, 440 North Fifth Avenue, Chambersburg, PA 17201-1778, is authorized to discharge from a facility located in Chambersburg Borough, **Franklin County** to the receiving waters of an unnamed tributary to Falling Spring Branch.

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

NPDES Permit No. PA0008036. Industrial waste. **Ingersoll-Rand Company**, 101 North Main Street, Athens, PA 18810-1799. Renewal of existing industrial waste discharge of noncontact cooling water to Chemung River has been approved. The facility is located at Athens Township, **Bradford County**.

NPDES Permit No. PA0100161. Industrial waste. **Triangle Auto Spring Company Inc.**, P. O. Box 425, Dubois, PA 15801. Renewal of existing NPDES industrial waste of noncontact and stormwaters discharge to Pentz Run has been approved. The facility is located at Sandy Township, **Clearfield County**.

NPDES Permit No. PA0045993. Sewerage, **Ulysses Municipal Authority**, P. O. Box 392, Ulysses, PA 16948-0392. Renewal granted for existing sewage treatment plant and for expansion. A two tiered permit is being used to cover the discharge until construction is completed. The facility is located at Ulysses Borough, **Potter County**.

WQM Permit No. 5999402. Sewerage. **John and Nancy Thomas**, P. O. Box 347, Mt. Gretna, PA 17064. Permission granted to construct a single residence sewage system to discharge to Crooked Creek. The facility is located at Chatham Township, **Tioga County**.

INDIVIDUAL PERMITS

(PAS)

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10S070	Sheldon Kopelson P. O. Box 741 E. Stroudsburg, PA 18301	Monroe County Stroud Township	Little Pocono Creek

INDIVIDUAL PERMITS

(PAR)

Approvals to Use NPDES and/or Other General Permits

The following parties have submitted Notices of Intent (NOIs) for Coverage under (1) General NPDES Permit(s) to discharge wastewater into the surface waters of this Commonwealth. The approval for coverage under these general NPDES permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions set forth in the general permit; (2) General Permit(s) for Beneficial Use of Sewage Sludge or Residential Septage by Land Application in Pennsylvania. The approval of coverage for land application of sewage sludge or residential septage under these general permits is subject to pollutant limitations, pathogen and vector attraction reduction requirements,

operational standards, general requirements, management practices and other conditions set forth in the respective general permit. The Department of Environmental Protection approves the following coverages under the specified General Permit.

The EPA Region III Regional Administrator has waived the right to review or object to this permit action under the waiver provision: 40 CFR 123.24.

The application and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangement made for copying at the contract 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 Name and Address

Receiving Stream or Body of Water

Contact Office and Telephone No.

Susquehanna County Middletown Township	PAR106410	PennDOT Eng. Dist. 4-0 P. O. Box 111 Scranton, PA 18501	N. Branch Wyalusing Cr.	Susquehanna CD (570) 278-4600
Lackawanna County Dunmore Borough	PAR10N089	Donald Bernstein Maid-Rite Steak Co. 105 Keystone Industrial Park P. O. Box 509 Dunmore, PA 18512	Lackawanna River	Lackawanna CD (570) 281-9495
Lackawanna County Throop Borough	PAR10N086	P. Frank Kozik Scranton Craftsman, Inc. 930 Dunmore St. Throop, PA 18512	Eddy Creek	Lackawanna CD (570) 281-9495
Tioga County Richmond/Covington Townships	PAR106629	PA Dept. of Transportation 715 Jordan Ave. Montoursville, PA 17754	Tioga River	Tioga County CD 29 East Avenue Wellsboro, PA 16901 (570) 724-1801
Tioga County Ward Township	PAR106631	Sylvan Glen P. O. Box 61 Gaines, PA 16921	Fall Brook	Tioga County CD 29 East Avenue Wellsboro, PA 16901 (570) 724-1801
Union County East Buffalo Township	PAR106832	Bucknell University Lewisburg, PA 17937	Unt. Limestone Run	Union County CD 60 Bull Run Crossing Lewisburg, PA 17837 (570) 523-8782

NOTICES

3767

General Permit Type—PAG-3

*Facility Location
County and
Municipality*

Permit No.

*Applicant Name
and Address*

*Receiving Stream
or Body of Water*

*Contact Office and
Telephone No.*

Washington County Fallowfield Township	PAR506104	BFI Waste System of North America Inc. 757 N. Eldridge P. O. Box 3153 Houston, TX 77253	South Branch of Maple Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Westmoreland County Rostraver Township	PAR506110	Westmoreland Waste LLC 1428 Delberts Drive Unit 2 Monongahela, PA 15063	Unnamed Tributary of Speers Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Beaver County Koppel Borough	PAR606114	Philip Metals Inc. Four Gateway Center 12th Floor Pittsburgh, PA 15222	Stockman Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Armstrong County Rayburn Township	PAR606144	Larry D. Rupp RR 6 Kittanning, PA 16201	Unnamed Tributary to Allegheny River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Allegheny County West Mifflin Borough	PAR806134	County of Allegheny, Dept. of Aviation Pittsburgh International Airport Landside Terminal Suite 4000 P. O. Box 12370 Pittsburgh, PA 15231-0370	Unnamed Tributaries to the Monongahela River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Lehigh County City of Allentown	PAR232238	Arcar Graphics, Inc. 1036 North Irving St. Allentown, PA 18103-1318	Lehigh River	Northeast Office 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511
Northampton County Palmer Township	PAR802237	United States Postal Service Easton Post Office 657 S. Greenwood Ave. Easton, PA 18042	Lehigh River	Northeast Office 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511
Lehigh County City of Allentown	PAR802238	United States Postal Service Allentown Post Office 1000 Postal Road Allentown, PA 18103	Lehigh River	Northeast Office 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511

<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>
Northampton County City of Bethlehem	PAR802239	United States Postal Service Bethlehem Post Office Broad and Wood Streets Bethlehem, PA 18106	Lehigh River	Northeast Office 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511
Luzerne County Kingston Borough	PAR802240	United States Postal Office Kingston Post Office 435 Wyoming Ave. Kingston, PA 18704	Susquehanna River	Northeast Office 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511
<i>General Permit Type—PAG-4</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>
Lancaster County Conoy Township	PAG043503	John Augustine P. O. Box 111 2447 River Road Bainbridge, PA 17502-0111	UNT to Susquehanna River	Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Clearfield County Bradford Township	PAG044801	Bradley Livergood RD 1 Box 376A Frenchville, PA 16836	Unnamed tributary of Sulfur Run	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664
Montour County Mahoning Township	PAG045057	Mark S. Ruk 209 Bald Top Rd. Danville, PA 17821	UNT to Susquehanna	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664
Lycoming County Upper Fairfield Township	PAG044975	Henry G. Thomas 848 Back St. Montoursville, PA 17754	UNT of Kaiser Hollow Run	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664
Clearfield County Bradford Township	PAG045065	John and Diane Price RD 1, Box 315 Port Matilda, PA 16870	West Br. Susquehanna	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664
Centre County Worth Township	PAG045066	Kenneth B. Klein P. O. Box 189 Port Matilda, PA 16870	Laurel Run	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664
Tioga County Chatham Township	PAG045030	John and Nancy Thomas P. O. Box 347 Mt. Gretna, PA 17064	UNT to Crooked Creek	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664
Montour County Anthony Township	PAG045059	Dwayne Derr RD 8, Box 141A Danville, PA 17821	Unnamed tributary To White Hall Creek	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664
Lycoming County Loyalsock Township	PAG045060	Roger Baker RR 1 Box 39 Williamsport, PA 17701	Unnamed tributary To Millers Run	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664

*Facility Location
County and
Municipality*

Beaver County
New Sewickley
Township

Permit No.
PAG046183

*Applicant Name
and Address*
Marvin and Jean
Shingleton and
Linda Brueckner
13 Reese Avenue
Pittsburgh, PA 15223

*Receiving Stream
or Body of Water*
UNT of Snake Run

*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-8

*Facility Location
County and
Municipality*

Northumberland
County
McEwensville Boro

Permit No.
PAG084813

*Applicant Name
and Address*
McEwensville Municipal
Auth.
P. O. Box 50
McEwensville, PA 17749

*Receiving Stream
or Body of Water*

*Contact Office and
Telephone No.*

Northcentral
208 W. Third St.
Williamsport, PA 17701
(717) 327-3664

**SEWAGE FACILITIES ACT
PLAN APPROVAL**

**Plan revision approval granted June 23, 1999 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 17110-8200.*

*Location: William Knisely Subdivision, Three Family
Residences, West St. Clair Township, Bedford County.*

Approval of a revision to the Official Plan of West St. Clair Township, Bedford County. Project involves construction of a small flow treatment facility to serve three residential dwellings. Located on the east and west side of Township Road 564, approximately 1 mile west of its intersection with Route 96 in West St. Clair Township, Bedford County. Treated effluent is to be discharged unto an unnamed tributary into Dunning Creek.

Any required NPDES permits or water management permits must be obtained in the name of the owner.

*Location: Lancaster Township, Lancaster County, 1240
Maple Avenue, Lancaster, PA 17603.*

The proposed development is located 5,300 feet south of the intersection of SR 0741 and SR 0999 along Millersville Road, Lancaster Township, Lancaster County. The approved project consists of the extension of 5,000 linear feet of gravity sewer to serve 45 existing homes in the Honeysuckle Lane Area. Additionally, a pump station and 6,500 linear feet of force main are proposed to serve 105 future EDUs. Any required NPDES permits or WQM permits must be obtained in the name of the municipality or authority.

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

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

*Location: Washington Township, Indiana County. Pro-
posed 0.15 mgd sewage treatment plant by the Indiana*

County Municipal Services Authority, 500 feet southeast of Route 954, 1,200 feet southwest of Creekside Borough corporate boundary.

Project: Proposal by Indiana County Municipal Services Authority to construct a sewage treatment facility downstream of Creekside Borough discharging to Crooked Creek. This is Phase I of a two phase plan. Phase I is construction of the 0.15 mgd sewage treatment plant, a pump station in Creekside Borough and a McKee Run interceptor which will serve the proposed Department of Corrections facility in White Township. The Department's review of the sewage facilities plan update has not identified any significant environmental impacts resulting from this review.

SAFE DRINKING WATER

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

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

Permit No. 4699509. Public water supply. **Philadelphia Suburban Water Company**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010. A permit has been issued for the construction of a water treatment plant to treat water pumped from Rohn's well No. 2 in Perkiomen Township, **Montgomery County**. *Type of Facility: Public Water Supply System. Consulting Engineer: CET Engineering Services, 1240 North Mountain Road, Harrisburg, PA 17112. Permit to Construct Issued: June 30, 1999.*

Southcentral Regional Office: Sanitarian Regional Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4708.

Permit No. 0198501. Public water supply, **Gettysburg Municipal Authority**, Cumberland Township, **Adams County**. *Responsible Official: Jim Watson, Manager, Gettysburg Municipal Authority, 601 E. Middle St., P. O. Box 3307, Gettysburg, PA 17325. Type of Facility: Construction of Well No. 9 and treatment facilities. The well will be pumped at a maximum rate of 180 gallons per minute. Treatment will be limited to hypochlorite disinfection. Consulting Engineer: William K. Corliss, Jr.,*

P.E., Gannett Fleming, Inc., P. O. Box 67100, Harrisburg, PA 17106-7100. *Permit to Construct Issued:* June 29, 1999.

Regional Office: Northcentral Field Operations, Environmental Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701.

Permit No. MA. The Department issued a construction permit to **Union Township Municipal Authority**, Box 4, Rockton, PA 15856, Union Township, **Clearfield County**, for construction of a supernatant recirculation system, including a 4,000 gallon holding tank, flow meter, submersible pump and 2-inch and 6-inch diameter PVC piping.

Permit No. 6099501. The Department issued a construction permit to the **Borough of Mifflinburg**, 333 Chestnut Street, Mifflinburg, PA 17844, Mifflinburg Borough, **Union County**, to install a second traveling bridge filter to treat well, spring and surface source.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995
Preamble 2

The following final reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of final reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed, and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

For further information concerning the final report, contact the Environmental Cleanup Program Manager in the Department's Regional Office under which the notice of receipt of a final report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following final reports:

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

Corning Consumer Products Company, Borough of Charleroi, **Washington County**. C. R. Springer, Borden, Inc., 180 East Broadcast Street, 28th Floor, Columbus, Ohio 43215-3799, J. Cherill, Corning, Inc., HP-ME-03-055, Corning, New York 14831 and Steve E. Johnson, Weston, 1 Weston Way, West Chester, PA 19380, have submitted a Final Report concerning remediation of site soil and groundwater contaminated with PCBs, lead,

heavy metals, pesticides, solvents, BTEX, PHCs and PAHs. The report is intended to document remediation of the site to meet the Statewide health standard.

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

New Castle Area Transit Authority, 107 Taylor Street, New Castle, PA 16101, City of New Castle, **County of Lawrence**, has submitted a Final Report concerning remediation of soil and groundwater contaminated with BTEX, lead and PAHs. The report is intended to document remediation of the site to meet the Statewide health standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995
Preamble 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908) and Chapter 250 Administration of Land Recycling Program.

Provisions of 25 Pa. Code § 250.8 Administration of Land Recycling Program requires the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the Land Recycling and Environmental Remediation Standards Act (act). Plans and reports required by provisions of Act 2 for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of reuse of the property, and in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. A cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program in the Department's Regional Office under which the notice of the plan or report appears. If information concerning a plan or 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 acted upon the following plans and reports:

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

Penn Fuel Gas—Lewisburg, Lewisburg Borough, **Union County**. Key Environmental, Inc. on behalf of their client, Penn Fuel Gas, Inc., 55 South Third Street, Oxford, PA 19363, has submitted a Remedial Investigation Report, Risk Assessment Report and Cleanup Plan concerning the remediation of site soil, groundwater and sediment, contaminated with lead, heavy metals, BTEX, PAHs, phenolics and cyanide. The reports were approved by the Department on April 22, 1999 and May 14, 1999.

Rohrer Bus Service, Buffalo Township, **Union County**. Edward Allandar, Rohrer Bus Service, 305 Fairfield Road, Lewisburg, PA 17837, has submitted, within 90 days of release, a Final Report concerning soil contaminated with benzene, toluene, ethyl benzene, cumene, naphthalene, fluorene and phenanthrene. The report showed attainment of the Statewide health standard and was approved by the Department on June 10, 1999.

SOLID AND HAZARDOUS WASTE

RESIDUAL WASTE PROCESSING FACILITIES

Determination of Applicability for General Permit issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations for municipal and residual waste.

Northcentral Regional Office: Regional Solid Waste Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3653.

General Permit No. WMGR038NC003. Keystone Rubber Processing Technologies, Inc. (P. O. Box 122, Osceola Mills, PA 16666). General Permit to operate a waste tire processing facility located in Decatur Township, **Clearfield County**, issued in the regional office on June 30, 1999.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permit expired under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

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

Permit No. 101495. Waste Alternatives, Inc., Bristol Township, **Bucks County**. The original permit for this facility was issued on May 9, 1994, but the facility was never built. Under 25 Pa. Code § 271.211(e), the permit expired on May 9, 1999, as no waste processing occurred within 5 years of permit issuance. With the expiration of the permit and at the former permittee's request, the facility bond is being released.

AIR QUALITY

OPERATING PERMITS

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.

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

22-02015: Statoil Energy Power Paxton, LP (100 North Tenth Street, P. O. Box 2151, Harrisburg, PA 17105), issued a RACT Operating Permit June 30, 1999, for operation of a VOC and NO_x sources facility at 9th and Walnut Streets in Harrisburg City, **Dauphin County**.

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

OP-56-00267: Future Industries, Inc. (P. O. Box 157, Meyersdale, PA 15552), issued June 11, 1999, for operation of coal processing at Merrill Strip Mine in Brothersvalley Township, **Somerset County**.

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

PA-25-981A: Thunderport Industries, Inc. (Pennsylvania Avenue, Corry, PA 16407), issued March 31, 1999, for a paint booth in Corry, **Erie County**.

33-309-017A: Owens-Brockway Glass Container (Route 19, E & R Building, Brockway, PA 15824), issued June 30, 1999, for surface treatment glass containers in Snyder Township, **Jefferson County**.

PA-42-111B: Eldred Division of Ethan Allen (Route 1, Eldred, PA 16731), issued June 30, 1999, for a paint booth in Eldred, **McKean County**.

61-399-007D: A. G. Industries, Inc. (671 Colbert Avenue, P. O. Box 1107, Oil City, PA 16301), issued June 8, 1999, for hard chromium electroplating tanks in Oil City, **Venango 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.

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

06-303-023A: EJB Paving & Materials Co. (1119 Snyder Road, West Lawn, PA 19609-1100), issued June 21, 1999, for construction of a drum mix asphalt plant at the Ontelaunee Plant in Ontelaunee Township, **Berks County**. This source is subject to 40 CFR Part 60, Subpart I and 25 Pa. Code Chapter 139.

22-307-035: Chemetron Railway Products, Inc. (5600 Stillwell, Kansas City, MO 64120-1239), issued June 30, 1999, for construction of a rail welding unit controlled by a dust collector at the Steelton Rail Welding Plant in Steelton Borough, **Dauphin County**.

28-03020: LamTech, Inc. (649 Lincoln Highway West, Chambersburg, PA 17201), issued June 30, 1999, for construction of a bathroom vanity top manufacturing facility in Letterkenny Township, **Franklin County**.

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

PA-65-910A: McKnight Cylinder Co. (168 Pattern Shop Road, R. D. 1, Box 338, Ruffsedale, PA 15679), issued June 28, 1999, for installation of cylinder reconditioner in South Huntingdon Township, **Westmoreland County**.

PA-63-028D: Cerdec Corp. (P. O. Box 519, Washington, PA 15301), issued June 28, 1999, for installation of intensive mixer at Drakenfeld Products in Canton Township, **Washington County**.

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

PA-37-264B: Ellwood Quality Seeds Co. (700 Moravia Street, New Castle, PA 16101), issued June 22, 1999 for modification of Furnace No. 19 in New Castle, **Lawrence County**.

City of Philadelphia: Air Management Services, 321 University Avenue, Philadelphia, PA 19104, (215) 823-7584.

99038: Kvaerner Philadelphia Shipyard, Inc. (Bridge and Porter Avenues, Philadelphia, PA 19112), issued June 24, 1999, for construction of The Grand Block Shop, The Paint Shop and The Dock Shop with associated dry dock in The City of Philadelphia, **Philadelphia County**.

99028: Thermo-Depolymerization Process, LLC. (3601 Broad Street, Philadelphia, PA 19112), issued May 21, 1999, for construction of a food waste refining pilot plant in the City of Philadelphia, **Philadelphia 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.

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

PA-65-093A: Hyde Park Foundry (Railroad Street, P. O. Box 187, Hyde Park, PA 15641), issued June 28, 1999, for operation of magnesium inoculation at National Roll Co. in Hyde Park Borough in **Westmoreland County**.

PA-04-688A: Nova Metals, L. P. (2301 Duss Avenue, Suite 14, Ambridge, PA 15003), issued June 28, 1999, for installation of metals reprocessing at Ambridge Regional Center in Ambridge Borough, **Beaver County**.

PA-65-889A: Allegheny Energy Resources, Inc. (20 Stanwix St., Suite 600, Pittsburgh, PA 15222), issued June 28, 1999, for construction of LFG recycling facility at Valley Landfill Site in Penn Township, **Westmoreland County**.

26-000-119: Anchor Glass Container Corp. (4343 Anchor Plaza Parkway, Tampa, FL 33634), issued June 28, 1999, for operation of glass container manufacturing at Plant 5 in South Connellsville Borough, **Fayette County**.

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

PA-24-131B: SGL Carbon Corp. (900 Theresia Street, Box 1030, St. Marys, PA 15857), issued June 28, 1999, for 12 graphite purification furnaces in St. Marys, **Elk County**.

25-315-006A: International Paper Co. (1540 East Lake Road, Erie, PA 16533), issued June 30, 1999 for bleach plant operations in Erie, **Erie County**.

PA-37-302A: New Castle Battery Mfg. Co. (3601 Wilmington Avenue, P. O. Box 5040, New Castle, PA 16105), issued April 30, 1999, for a battery production plant in New Castle, **Lawrence County**.

PA-37-264A: Ellwood Quality Steels Co. (700 Moravia Street, New Castle, PA 16101), issued June 30, 1999, for a ladle furnace in New Castle, **Lawrence 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 the written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

Actions on applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and sections 5 and 402 of The Clean Streams Law (35 P. S. §§ 691.5 and 691.402) and notice of final action for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)). (Note: Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description.)

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

E05-270. Encroachment. South Central Counties Solid Waste Agency. P. O. Box 136, Hopewell, PA 16650. To construct and maintain embankments and appurtenant structures of settling basins and aerobic wetlands within the right bank's 100-year floodway of Sandy Run (WWF) and to realign approximately 85 feet of Sandy Run for the purpose of treating acid mine discharge from monitoring points MP-10 and MP-11 located about 1 mile southeast of Kearney Village (Saxton, PA Quadrangle N: 0.7 inch; W: 12.4 inches) in Broad Top Township, **Bedford County**. This permit was issued under section 105.13(e) "Small Projects."

E67-662. Encroachment. David Heiner. 3019 Bryansville Road, Delta, PA 17314. To impact 200 linear feet of an unnamed tributary to Muddy Creek (CH93-WWF) and to place fill in 0.06 acre of wetlands and to excavate 0.06 acre of wetlands for the purpose of constructing two agricultural farm ponds at a site located north of SR 0851 and west of Dinsmore Road (Holtwood, PA Quadrangle N: 0.0 inch; W: 11.8 inches) in Peach Bottom Township,

York County. The permittee is required to provide a minimum of 0.12 acre of replacement wetlands. This permit also includes 401 Water Quality Certification.

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

E45-369. Encroachment. **Sheldon M. Kopelson**, P. O. Box 741, East Stroudsburg, PA 18301. To construct and maintain an 18-inch and a 24-inch C.M.P. outfall structure in and an 8-inch DI sanitary sewer line crossing of Little Pocono Creek at the proposed Mill Brooke Farms residential subdivision. The project is located 0.5 mile south of S. R. 0080-Interchange 46 on the north side of S. R. 2007 (Tanite Road) (Stroudsburg, PA Quadrangle N: 18.7 inches; W: 13.2 inches) in Stroud Township, **Monroe County**.

E54-260. Encroachment. **Municipal Authority of the Borough of Orwigsburg**, 209 North Warren Street, P. O. Box 128, Orwigsburg, PA 17961. To place and maintain approximately 1,260 l.f. of 18-inch diameter PVC sanitary sewer line in wetlands along the eastern streambank of Mahannon Creek and a tributary thereof and to construct and maintain a sanitary sewer line stream crossing of Mahannon Creek and a channel change having a length of approximately 80 feet in a tributary to Mahannon Creek along T693 (Ridge Road). This work is associated with the proposed Relief Sewer Trunk Line Project, beginning at a point 450 feet south of S. R. 0443 (West Market Street) and ending approximately 70 feet south of T693 (Orwigsburg, PA Quadrangle N: 4.6 inches; W: 14.6 inches) in the Borough of Orwigsburg, **Schuylkill County**.

E64-200. Encroachment. **Honesdale Wendico LLC**, 65 Oak Street, Deposit, NY 13754. To place fill within the floodway along approximately 100 linear feet of the left bank of a tributary to Holbert Creek, and to construct and maintain a pedestrian bridge, having a span of 33.5 feet and an underclearance of approximately 6.6 feet, across the tributary, for the purpose of constructing an employe parking area for Wendy's Restaurant. The project is located on the south side of T-405, approximately 1,000 feet southwest of the intersection of T-405 and S. R. 2009 (White Mills, PA Quadrangle N: 9.8 inches; W: 13.8 inches), in Texas Township, **Wayne County**.

Permits Issued and Actions on 401 Certifications

Northcentral Region: Water Management, Soils and Waterways, F. Alan Sever, Chief, 208 West Third St., Williamsport, PA 17701.

E18-273. Encroachment. **William H. Baney**, 104 Pennsylvania Avenue, Mill Hall, PA 17751. To construct and maintain a wooden picket fence in the floodway of Fishing Creek to improve personal property and safety. The picket fence shall be constructed and maintained to a maximum height of 3 feet from existing grade. The project is located along the eastern right-of-way of SR 0150 approximately 1,000 feet east of the intersection of Pennsylvania Avenue and SR 0150 (Mill Hall, PA Quadrangle N: 20.2 inches; W: 14.9 inches) in Mill Hall Borough, **Clinton County**. This permit was issued under section 105.13(e) "Small Projects."

E41-442. Encroachment. **Richard and Eric Rankin**, 2356 Riverside Drive, South Williamsport, PA 17702-6835. To remove selected submerged old growth timber logs, not including the log cribs, from the West Branch Susquehanna River bed within a 12-mile bank-to-bank reach upstream of the Hepburn Street Dam (Williamsport, PA Quadrangle, N: 19.6 inches; W: 0.9 inch to

Linden, PA Quadrangle N: 12.5 inches; W: 16.5 inches) in the City of Williamsport, Loyalsock Township, South Williamsport Borough, Duboistown Borough, Armstrong Township, Susquehanna Township, Nipponose Township, Piatt Township and Woodward Township, **Lycoming County**. This permit was issued under section 105.13(e) "Small Projects."

E59-380 Denied. Encroachment. **Edwin Trask and Eleanor Trask**, 1043 South Main Street, Mansfield, PA 16933. To maintain 8,830 cubic yards of clean fill in the right floodway of the Tioga River located 700-foot north of Canoe Creek's confluence (Mansfield, PA Quadrangle, N: 6.2 inches; W: 9.7 inches) in Richmond Township, **Tioga County**. The project does not propose to place any fill in the channel of the Tioga River.

Permits Issued and Actions on 401 Certification

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

E10-292. Encroachment. **Karns City Area School District**, 1446 Kittanning Pike, Karns City, PA 16041. To remove an existing culvert and to construct and maintain a 712-foot long, 72-inch diameter concrete pipe stream enclosure in a tributary to South Branch Bear Creek as part of the expansion of the existing athletic field and parking area access at the Karns City Junior/Senior High School along S. R. 268 approximately 2,000 feet south of S. R. 1010 in Karns City (Chicora, PA Quadrangle N: 20.6 inches; W: 14.1 inches) in Fairview Township, **Butler County**.

This structure has an improved inlet consisting of a 1-foot depressed invert and a bell end bevel set in a concrete headwall at the inlet.

E10-298. Encroachment. **Cranberry Township**, 2525 Rochester Road, Cranberry Township, PA 16066-6499. To conduct the following activities within a tributary to Kaufman Run associated with widening and drainage improvements to Peters Road extending east from Franklin Road approximately 3,300 feet (Mars, PA Quadrangle N: 14.5 inches; W: 9.4 inches) in Cranberry Township, **Butler County**:

1. To remove an existing driveway culvert and to construct and maintain twin 49-inch-wide by 33-inch-high aluminized CM pipe arch culverts for a private access driveway at the upstream end of the Lakevue Homeowner Association impoundment.
2. To construct and maintain approximately 290 feet of stream enclosure consisting of one 49-inch-wide by 33-inch high aluminized CM pipe arch culvert and a 24-inch-diameter HDPE pipe culvert.
3. To excavate and riprap approximately 80 feet of stream channel extending downstream from the outlet of the stream enclosure.

E16-108. Encroachment. **Paint Township**, R. D. 1 Box 231A, Shippensburg, PA 16254. To remove the existing Township Bridge No. 2 and to construct and maintain a prestressed concrete adjacent box beam or steel I-beam bridge having a clear, normal span of 15.545 meters and a minimum underclearance of 3.28 meters across Toby Creek on T-577 (Breniman Road) approximately 2.4 kilometers east of S. R. 66 (Lucinda, PA Quadrangle N: 1.45 inches; W: 16.3 inches) located in Paint Township, **Clarion County**.

E20-470. Encroachment. **Crawford County Commissioners**, Crawford County Courthouse, 903 Diamond

Square, Meadville, PA 16335. To remove the existing County Bridge No. 23 and to construct and maintain a prestressed concrete adjacent box beam bridge having a clear, normal span of 67 feet and an underclearance of 10.65 feet across Caldwell Creek on T-928 (Duncan Road) approximately 1 mile north of S. R. 3002 (Grand Valley, PA Quadrangle N: 3.6 inches; W: 15.6 inches) in Oil Creek Township, **Crawford County**. Project includes placement of fill within a de minimis wetland area (0.048 acre) adjacent to Caldwell Creek associated with roadway approach widening.

E20-471. Encroachment. **PA Department of Transportation**, District 1-0, 1140 Liberty Street, Franklin, PA 16323. To place concrete streambed paving 1.0-foot below the existing streambed elevation and maintain the reinforced concrete slab bridge having a span of 8 feet and an underclearance of 4 feet across a tributary to French Creek (Coulter Run) on S. R. 1015, Segment 0090, Offset 0000 approximately 0.25 mile north of S. R. 1006 east of I-79 (Edinboro South, PA Quadrangle N: 12.1 inches; W: 5.6 inches) in Cussewago Township, **Crawford County**.

E61-223. Encroachment. **Venango County**, Courthouse Annex, 1174 Elk Street, Franklin, PA 16323. To remove the existing McCann Bridge and to construct and maintain a prestressed concrete box beam bridge having a clear span of 13.494 meters and an underclearance of 2.428 meters on a 66 degree skew across Little Sandy Creek on T-318 (Nogle Road) approximately 500 feet north of S. R. 3024 (Utica, PA Quadrangle N: 1.6 inches; W: 9.5 inches) in French Creek Township, **Venango County**.

E62-342. Encroachment. **Lightning Oil Company**, 225A Swede Road, Tidioute, PA 16351. To construct and maintain a 4-inch-diameter steel natural gas pipeline across East Hickory Creek, Jaybuck Run and five small wetland areas associated with construction of approximately 9,000 feet of natural gas pipeline beginning at the village of Queen (Cobham, PA Quadrangle N: 0.25 inch; W: 15.6 inches) and extending east along Forest Service

Road No. 119 to approximately 4,200 feet north of the village of Dunham Siding (Cherry Grove, PA Quadrangle N: 11.25 inches; W: 12.8 inches) in Limestone and Watson Townships, **Warren County**.

E62-343. Encroachment. **Warren County**, Warren County Courthouse, Warren, PA 16365. To operate and maintain an 8.3-foot-wide timber snowmobile/pedestrian bridge having a span of 29 feet and an underclearance of 4.6 feet across Morrison Run on the upstream side of S. R. 0059, Segment 0010, Offset 2151 constructed on the S. R. 0059 bridge abutments and wingwalls (Clarendon, PA Quadrangle N: 13.0 inches; W: 14.0 inches) located in Mead Township, **Warren County**.

E62-344. Encroachment. **Warren County**, Warren County Courthouse, Warren, PA 16365. To operate and maintain an 8.3-foot-wide timber snowmobile/pedestrian bridge having a span of 42 feet and an underclearance of 6.6 feet across Browns Run on the upstream side of S. R. 0059, Segment 0020, Offset 0120 constructed on the S. R. 0059 bridge abutments and wingwalls (Clarendon, PA Quadrangle N: 13.0 inches; W: 14.0 inches) in Mead Township, **Warren County**.

SPECIAL NOTICES

Notice of Certification to Perform Radon-Related Activities in Pennsylvania

In the month of June 1999, the Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed to perform radon-related activities in Pennsylvania. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (800) 23RADON.

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Vincent Alessie	5842 Courtland Drive Erie, PA 16509	Testing
American Home Inspection Systems	1899 Lititz Pike Lancaster, PA 17601	Testing
Karen Amspacker	3262 Reeve Drive Bethlehem, PA 18020	Testing
John Biegalski	515 West Church Road King of Prussia, PA 19406	Testing
Sandra Bortmas	370 Red Dog Road Butler, PA 16001	Testing
Willis Bortmas, III	370 Red Dog Road Butler, PA 16001	Testing
Rob Bruno Boro Environmental, Inc.	501 Sharp Avenue Glenolden, PA 19036	Testing
Ronald Casteel	5 Norris Drive Russell, PA 16345	Testing
Robert Caun	43 Elwyn Avenue Carnegie, PA 15106	Testing
Carl Distenfeld TCS Industries, Inc.	4326 Crestview Road Harrisburg, PA 17112	Testing Laboratory

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Ronald Fridley	3838 Yerkes Road Collegeville, PA 19426	Testing
Jeff Hicks	11 Longview Drive Stroudsburg, PA 18360	Testing
Homepro Associates, Inc.	8 First Street Hughestown, PA 18640	Testing
Michael Lieb	407 Burmont Road Drexel Hill, PA 19026	Testing
Thomas Moore	421 Redgate Road Sewickley, PA 15143	Testing
Jerry Petrill	R. D. 9 Box 423A Greensburg, PA 15601	Mitigation
Theresa Pratt	1654 Hemlock Farms Hawley, PA 18428	Testing
Shawn Price Air Chek, Inc.	570 Butler Bridge Road Fletcher, NC 28732	Laboratory
David Robertson	801 Yale Avenue, Office G-4 Swarthmore, PA 19081	Testing
Jeffrey Saulsbury Saulsbury Environmental Consultants, Inc.	307 Lucilla Street Pittsburgh, PA 15218	Testing
Eugene Spoehr	801 Yale Avenue, Office G-4 Swarthmore, PA 19081	Testing
Lawrence Transue	702 West Pennsylvania Avenue Pen Argyle, PA 18072	Testing
Richard Walmer Raymond Johnson Key Technology, Inc.	929 Mt. Zion Road Lebanon, PA 17046	Testing Laboratory

[Pa.B. Doc. No. 99-1136. Filed for public inspection July 16, 1999, 9:00 a.m.]

Oil and Gas Technical Advisory Board Meeting; Date Change

A meeting of the Oil and Gas Technical Advisory Board was scheduled in December 1998 to meet on July 20, 1999. The meeting was changed to July 27, 1999 at 10 a.m. in the 10th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning the agenda can be directed to James Erb at (717) 772-2199 or E-mail at Erb.James@dep.state.pa.us. The agenda is also available through the Public Participation Center on DEP's World Wide Web site at <http://www.dep.state.pa.us>.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact James Erb or Joyce Williams directly at (717) 772-2199, or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 99-1137. Filed for public inspection July 16, 1999, 9:00 a.m.]

Small Water Systems Technical Assistance Center Advisory Board; Special Committee Meeting

The Legislation/Regulation Committee will hold a special meeting on Thursday, July 22, 1999, from 9:30 a.m. to 12 noon on the 13th Floor, Conference Room A, of the Rachel Carson State Office Building, Harrisburg, PA. The purpose of the meeting is to continue discussion on the Regulation development questions revolving around the major issues identified during the development of the draft Legislation for Operator Certification. Answers to these questions will be utilized in the future to draft regulations.

Questions concerning this schedule or agenda items can be directed to Donna Green at (717) 787-0122 or e-mail at Green.Donna@dep.state.pa.us. This schedule, an agenda for the meeting, and notices of meeting changes will be available through the Public Participation Center on DEP's World Wide Web site at <http://www.dep.state.pa.us>.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Donna Green directly at (717) 787-0122 or through the Pennsylvania AT&T Relay Service at (800) 654-5984

(TDD) to discuss how the Department may accommodate their needs.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 99-1138. Filed for public inspection July 16, 1999, 9:00 a.m.]

Technical Advisory Committee on Diesel-Powered Equipment Meeting Change

The July 21 meeting of the Technical Advisory Committee on Diesel-Powered Equipment (TAC) has been changed. The next meeting is scheduled for August 13 at 10 a.m. in the Fayette County Health Center in Uniontown.

Questions concerning this meeting can be directed to Allison Gaida at (724) 439-7289 or e-mail to Gaida.Allison@dep.state.pa.us. The agenda and meeting materials will be available through the Public Participation Center on DEP's World Wide Web site at <http://www.dep.state.pa.us>.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Allison Gaida directly at (724) 439-7289 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 99-1139. Filed for public inspection July 16, 1999, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of Pocono Medical Center for Exception to 28 Pa. Code § 571.1

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Pocono Medical Center has requested an exception to the requirements of 28 Pa. Code § 571.1 which require compliance with minimum standards contained in the following publication: Guidelines for Design and construction of Hospital and Healthcare Facilities.

The request is on file with the Department. Persons may receive a copy of the request for exception by requesting a copy from Division of Acute and Ambulatory Care, Department of Health, Room 532 Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, Fax: (717) 772-2163, E-Mail Address: LVIA@HEALTH.STATE.PA.US.

Those persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aide service or other accommodation

to do so, should contact, Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6154 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 99-1140. Filed for public inspection July 16, 1999, 9:00 a.m.]

Application of Southern Chester County Medical Center for Exception to 28 Pa. Code § 153.1(b)

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notices that Southern Chester County Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1(b), referencing the "Guidelines for Design and Construction of Hospital and Health Care Facilities," 1996-97 edition. The petitioner is requesting a waiver from the requirements of section 7.4.A6 of this publication, which requires an isolation room in or near at least one level of nursery care.

The request is on file with the Department. Persons may receive a copy of the request for exception by requesting a copy from Division of Acute & Ambulatory Care, Room 530 Health & Welfare Building, Harrisburg, PA 17120, (717) 783-8980, Fax: (717) 772-2163, E-mail Address: LVIA@HEALTH.STATE.PA.US.

Those persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aide service or other accommodation to do so, should contact Director, Division of Acute & Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6154 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984[TT].

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 99-1141. Filed for public inspection July 16, 1999, 9:00 a.m.]

Application of Surgery Center Services of America, Inc. for Exception to 28 Pa. Code § 571.1

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Surgery Center Services of America, Inc. has requested an exception to the requirements of 28 Pa. Code § 571.1 which require compliance with the standards contained in the following publication: Guidelines for Design and Construction of Hospital and Healthcare Facilities.

The request is on file with the Department. Persons may receive a copy of the request for exception by requesting a copy from Division of Acute and Ambulatory Care, Department of Health, Room 532 Health and

Welfare Building, Harrisburg, PA 17120, (717) 783-8980, Fax: (717) 772-2163, E-Mail Address: LVIA@HEALTH.STATE.PA.US.

Those persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aide service or other accommodation to do so, should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6514 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 {TT}.

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 99-1142. Filed for public inspection July 16, 1999, 9:00 a.m.]

Laboratories Approved to Determine Analyses of Blood and/or Serum for Controlled Substances under the Clinical Laboratory Act, the Vehicle Code, the Fish and Boat Code and the Game and Wildlife Code

The following laboratories are licensed by the Department of Health under the Clinical Laboratory Act (35 P. S. §§ 2151—2165) and/or the Federal Clinical Laboratory Improvement Act of 1967 (42 U.S.C.A. § 263a) and are currently approved by the Department under 28 Pa. Code § 5.50 (relating to approval to provide special analytical services) to perform analyses of blood and/or serum for the determination of controlled substances. This approval is based on demonstrated proficiency in tests conducted by the Bureau of Laboratories of the Pennsylvania Department of Health. These laboratories are also approved and designated for purposes of the Vehicle Code, 75 Pa.C.S. §§ 1547 and 3755 (relating to chemical testing to determine amount of alcohol or controlled substance; reports by emergency room personnel), the Fish and Boat Code, 30 Pa.C.S. § 5125 (relating to chemical testing to determine amount of alcohol or controlled substance) and the Game and Wildlife Code, 34 Pa.C.S. § 2502 (relating to hunting or furtaking under the influence of alcohol or controlled substance), as qualified to perform the types of services which will reflect the presence of controlled substances or their biotransformation products in blood and/or serum.

Depending upon their capability and performance in proficiency surveys, laboratories are approved to perform screening and/or confirmatory analyses on blood and/or serum. Laboratories approved to perform screening analyses are designated on the approval list by an "S" followed by the letters "B" for blood and/or "Se" for serum. Laboratories approved to screen both blood and serum would therefore have "SBSe" listed after their laboratory name. Laboratories approved to offer confirmatory analyses will be designated on the approval list by a "C" followed by the letters "B" for blood and/or "Se" for serum. Laboratories approved to perform confirmatory analyses on both serum and blood would therefore have "CBSe" listed after the name of their laboratory.

Screening analyses provide a presumptive indication that a controlled substance is present. Confirmatory testing is used to substantiate screening results.

Persons seeking forensic blood and/or serum analysis services from any of the listed laboratories should determine that the laboratory employs techniques and procedures acceptable for the medicolegal purposes. They should also determine that the director of the facility is agreeable to performing analyses for forensic purposes. Persons seeking the analyses are responsible for specifying the extent to which the presence of a controlled substance is to be verified. That specification should be predicated upon the purpose for which the analysis is being sought.

The list of approved laboratories will be revised semiannually and published in the *Pennsylvania Bulletin*. Questions regarding this list should be directed to M. Jeffery Shoemaker, Ph.D., Director, Division of Chemistry and Toxicology, Department of Health, Bureau of Laboratories, P. O. Box 500, Exton, PA 19341-0500, (610) 363-8500.

Persons with a disability who require auxiliary aid service should contact Dr. Shoemaker at V/TT: (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT & T Relay Service at (800) 654-5984 [TT].

Allegheny County Coroner's Office-SBSe, CBSe
Division of Laboratories
10 County Office Building
Pittsburgh, PA 15219
412-355-6873

American Medical Laboratories, Inc.-SBSe, CBSe
14225 Newbrook Drive
Chantilly, VA 20153
703-802-6900

Analytic Biochemistries-SBSe, CBSe
1680-D Loretta Avenue
Feasterville, PA 19053
215-322-9210

Dept of Pathology & Lab Med-HUP-SSe, CSe
3400 Spruce Street
Philadelphia, PA 19104
215-662-6880

DrugScan, Inc.-SBSe, CBSe
1119 Mearns Road, P. O. Box 2969
Warminster, PA 18974
215-674-9310

Good Samaritan Hospital-SSe
Fourth and Walnut Streets, P. O. Box 1281
Lebanon, PA 17042
717-270-7500

Guthrie Clinic Pathology Laboratory-SSe
Guthrie Square
Sayre, PA 18840
717-888-5858

Health Network Laboratories-SBSe, CBSe
2024 Lehigh Street
Allentown, PA 18103
610-402-8150

Lab Corp Occupational Testing Services, Inc.-SBSe, CBSe
1904 Alexander Drive
Research Triangle Park, NC 27709
919-549-8263

MedTox Laboratories, Inc.-SBSe, CBSe
402 West County Road D
St. Paul, MN 55112
612-636-7466

National Medical Services, Inc.-Laboratory-SBSe, CBS
3701 Welsh Road
Willow Grove, PA 19090
215-657-4900

National Medical Services, Inc.-SBSe, CBS
STAT Toxicology Laboratory
2300 Stratford Avenue
Willow Grove, PA 19090
215-784-1600

Pittsburgh Criminalistics-SBSe, CBS
1320 Fifth Avenue
Pittsburgh, PA 15219
412-391-6118

Quest Diagnostics of PA, Inc.-SBSe, CBS
875 Greentree Road
4 Parkway Center
Pittsburgh, PA 15220
412-920-7600

Sacred Heart Hospital-SS
4th and Chew Streets
Allentown, PA 18102
610-776-4727

Saint Joseph Hospital-SS
250 College Avenue, P. O. Box 3509
Lancaster, PA 17604
717-291-8022

Saint Joseph Quality Medical Lab-SBSe, CBS
215 North 12th Street, Box 316
Reading, PA 19603
610-378-2200

Toxi-Con-SB
120 Monahan Avenue, Suite 101
Dunmore, PA 18512
717-963-0722

Western Reserve Care System-SBSe, CBS
500 Gypsy Lane
Youngstown, OH 44504
216-740-3794

VVHCS Hospital, General Campus-SS
Corner North River and Auburn Streets
Wilkes-Barre, PA 18764
717-829-8111

York Hospital-SS
1001 South George Street
York, PA 17405
717-771-2696

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 99-1143. Filed for public inspection July 16, 1999, 9:00 a.m.]

Laboratories Approved to Determine Urine Controlled Substance Content under the Clinical Laboratory Act, the Vehicle Code, the Fish and Boat Code and the Game and Wildlife Code

The following laboratories are licensed by the Department of Health under the Clinical Laboratory Act (35 P. S. §§ 2151—2165) and/or the Federal Clinical Laboratory Improvement Act of 1967 (42 U.S.C.A. § 263a) and are currently approved by the Department under 28 Pa. Code § 5.50 (relating to approval to provide special analytical services) to perform analyses of urine for the

determination of controlled substances or their biotransformation products. This approval is based on demonstrated proficiency in tests conducted by the Bureau of Laboratories of the Pennsylvania Department of Health. These laboratories are also approved and designated for purposes of the Vehicle Code, 75 Pa.C.S. §§ 1547 and 3755 (relating to chemical testing to determine amount of alcohol or controlled substance; reports by emergency room personnel), the Fish and Boat Code, 30 Pa.C.S. § 5125 (relating to chemical testing to determine amount of alcohol or controlled substance) and the Game and Wildlife Code, 34 Pa.C.S. § 2502 (relating to hunting or furtaking under the influence of alcohol or controlled substance), as qualified to perform the types of services which will reflect the presence of controlled substances or their biotransformation products in urine.

Depending upon their capability and performance in proficiency surveys, laboratories are approved to perform screening and/or confirmatory urine drug analyses. Laboratories approved to perform screening tests only are designated on the approval list by an "S" after the laboratory's name. Laboratories approved to perform confirmatory testing only are designated by a "C" following the laboratory's name. Those approved to perform both screening and confirmatory analyses are designated by the letters "SC". Screening analyses provide a presumptive indication that a controlled substance is present. Confirmatory testing is used to substantiate screening results.

Persons seeking forensic urine drug analysis services from any of the listed laboratories should determine that the laboratory employs techniques and procedures acceptable for the purpose. They should also determine that the director of the facility is agreeable to performing analyses for that purpose. Persons seeking the analyses are responsible for specifying the extent to which the presence of a controlled substance is to be verified. That specification should be predicated upon the purpose for which the analysis is being sought.

The list of approved laboratories will be revised semiannually and published in the *Pennsylvania Bulletin*. Questions regarding this list should be directed to M. Jeffery Shoemaker, Ph.D., Director, Division of Chemistry and Toxicology, Department of Health, Bureau of Laboratories, P. O. Box 500, Exton, PA 19341-0500, (610) 363-8500.

Persons with a disability who require auxiliary aid service should contact Dr. Shoemaker at V/TT: (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT & T Relay Service at (800) 654-5984 [TT].

Abington Memorial Hospital-S
1200 Old York Road
Abington, PA 19001
215-576-2350

ACT Lab Services, Inc.-SC
270 Commerce Drive
Fort Washington, PA 19034
215-283-6370

Albert Einstein Medical Center North-SC
5501 Old York Road
Philadelphia, PA 19141
215-456-6100

Allegheny County Division of Labs., Toxicology Section-S
10 County Office Building
Pittsburgh, PA 15219
412-355-6873

Allegheny General Hospital Dept. Lab. Med.-S
320 East North Avenue
Pittsburgh, PA 15212
412-359-3521

Altoona Hospital-S
620 Howard Avenue
Altoona, PA 16601
814-946-2340

American Medical Laboratories-SC
14225 Newbrook Drive
Chantilly, VA 20153
703-802-6900

Analytic Biochemistries, Inc.-SC
1680-D Loretta Avenue
Feasterville, PA 19053
215-322-9210

Associated Clinical Laboratories-SC
1526 Peach Street
Erie, PA 16501
814-453-6621

Associated Regional & Univ. Path.-SC
500 Chipeta Way
Salt Lake City, UT 84108
800-242-2787

Ayer Clinical Lab-Penn Hospital-S
Eighth and Spruce Streets
Philadelphia, PA 19107
215-829-3541

Bendiner & Schlesinger, Inc.-SC
47 Third Avenue
New York, NY 10003
212-254-2300

Bio Reference Laboratories, Inc.-SC
481 Edward H. Ross Drive
Elmwood Park, NJ 07407
201-791-3600

Bon Secours-Holy Family Reg. Health-S
2500 Seventh Avenue
Altoona, PA 16602
814-949-4495

Braddock Medical Center-S
412 Holland Avenue
Braddock, PA 15104
412-636-5000

Bradford Hospital-S
116-156 Interstate Parkway
Bradford, PA 16701
814-834-8282

Brandywine Hospital and Trauma Center-S
Route 30 Bypass
Coatesville, PA 19320
610-383-8000

Brownsville General Hospital-S
125 Simpson Road
Brownsville, PA 15417
724-785-7200

Canonsburg General Hospital-S
RD 1, Box 147, Route 519
Canonsburg, PA 15317
724-745-6100

Carlisle Hospital-S
245 Parker Street
Carlisle, PA 17013
717-249-1212

Cedar Crest Emergicenter-S
1101 South Cedar Crest Blvd.
Allentown, PA 18103
610-433-4260

Centre Community Hospital-S
1800 East Park Avenue
State College, PA 16803
814-234-6117

Chambersburg Hospital-S
112 North Seventh Street
Chambersburg, PA 17201
717-267-7152

Charles Cole Memorial Hospital-S
RD 1, Box 205
Coudersport, PA 16915
814-274-9300

Chester County Hospital-S
701 East Marshall Street
West Chester, PA 19380
610-431-5182

Chestnut Hill Hospital-S
8835 Germantown Avenue
Philadelphia, PA 19118
215-248-8630

Children's Hospital of Philadelphia-S
One Children's Center, 34th & Civic Center Blvd.
Philadelphia, PA 19104
215-590-1000

City Avenue Hospital-S
4150 City Avenue, Dept. of Pathology
Philadelphia, PA 19131
215-871-1000

Clarendon Laboratory-SC
1125 Flatbush Avenue
Brooklyn, NY 11226
718-856-4700

Clarion Hospital-S
1 Hospital Drive
Clarion, PA 16214
814-226-9500

Clinical Science Laboratory, Inc.-S
51 Francis Avenue
Mansfield, MA 02048
508-339-6106

Clintox Laboratories-SC
601 Gay Street
Phoenixville, PA 19460
610-933-6550

Community Hospital of Lancaster-S
1100 East Orange Street
Lancaster, PA 17604
717-397-3711

Community Medical Center-S
1822 Mulberry Street
Scranton, PA 18510
717-969-8000

Conemaugh Valley Memorial Hospital-S
1086 Franklin Street
Johnstown, PA 15905
814-534-9000

Corry Memorial Hospital-S
612 West Smith Street
Corry, PA 16407
814-664-4641

Crozer-Chester Medical Center-S
1 Medical Center Blvd.
Upland, PA 19013
610-447-2000

De John Med Laboratory, Inc.-S
1570 Garrett Road
Upper Darby, PA 19082
610-626-2112

Delaware County Memorial Hospital-S
501 North Lansdowne Avenue
Drexel Hill, PA 19026
610-284-8100

Department of Pathology & Lab Med-HUP-SC
3400 Spruce Street
Philadelphia, PA 19104
215-662-6880

Doylestown Hospital-S
595 West State Street
Doylestown, PA 18901
215-345-2250

DrugScan, Inc.-SC
1119 Mearns Road, P. O. Box 2969
Warminster, PA 18974
215-674-9310

DrugScan, Inc.-Limerick Division-S
Sanatoga & Evergreen Roads
Sanatoga, PA 19464
610-327-1200

DrugScan, Inc.-Peach Bottom Division-S
1848 Lay Road (Atom Road)
Delta, PA 17314
717-456-3026

Easton Hospital-S
250 South 21st Street
Easton, PA 18042
610-250-4140

Elk County Regional Medical Center-S
94 Hospital Street
Ridgway, PA 15853
814-776-6111

Episcopal Hospital-S
100 East Lehigh Avenue
Philadelphia, PA 19125
215-427-7333

Evangelical Community Hospital-S
1 Hospital Drive
Lewisburg, PA 17837
570-522-2510

Fitness for Duty Center-S
Pennsylvania Power and Light Company
PO Box 467
Berwick, PA 18603
717-542-3336

Forbes Regional Health Center-S
2570 Haymaker Road
Monroeville, PA 15146
412-858-2560

Frankford Hospital-Bucks County Campus-S
380 North Oxford Valley Road
Langhorne, PA 19047
215-934-5227

Frankford Hospital-Frankford Division-S
Frankford Avenue and Wakeling Street
Philadelphia, PA 19124
215-831-2068

Frankford Hospital-Torresdale Division-S
Knights and Red Lion Roads
Philadelphia, PA 19114
215-612-4000

Frick Hospital and Community Health Center-S
508 S. Church Street
Mount Pleasant, PA 15666
724-547-1500

Friends Hospital-S
4641 Roosevelt Blvd.
Philadelphia, PA 19124
215-831-4771

Friends Medical Lab, Inc.-SC
5820 Southwestern Blvd.
Baltimore, MD 21227
412-247-4417

Garcia Laboratory-S
2195 Spring Arbor Road
Jackson, MI 49203
517-787-9600

Geisinger Medical Center-SC
North Academy Road
Danville, PA 17822
717-271-6338

Germantown Hospital & Medical Center-S
One Penn Blvd.
Philadelphia, PA 19144
215-951-8800

Gnaden Huetten Memorial Hospital-S
11th and Hamilton Streets
Lehighton, PA 18235
610-377-1300

Good Samaritan Hospital-S
4th and Walnut Streets, PO Box 1281
Lebanon, PA 17042
717-270-7500

Good Samaritan Regional Medical Center-S
700 East Norwegian Street
Pottsville, PA 17901
717-611-4000

GPU Nuclear Corp., TMI Med. Dept.-S
P. O. Box 480
Middletown, PA 17057
717-948-8189

Graduate Hospital-S
1800 Lombard Street
Philadelphia, PA 19146
215-893-2240

Guthrie Clinic Path Lab-S
Guthrie Square
Sayre, PA 18840
717-888-5858

Graham-Massey Analytical Labs-SC
60 Todd Road
Shelton, CT 06484
203-926-1100

Hahnemann University Hospital-S
Broad and Vine Streets, MS 435
Philadelphia, PA 19102
215-762-1783

Harrisburg Hospital-S
South Front Street
Harrisburg, PA 17101
717-782-3131

Hazleton General Hospital-S
East Broad Street
Hazleton, PA 18201
717-450-4156

Health Network Laboratories-SC
2024 Lehigh Street
Allentown, PA 18103
610-402-8150

Health Quest Medical Laboratories, Inc.-S
1503 Sunset Drive, Suite 4
Pottstown, PA 19464
610-327-2520

Holy Redeemer Hospital-S
1648 Huntingdon Pike
Meadowbrook, PA 19046
215-947-3000

Holy Spirit Hospital-SC
503 North 21st Street
Camp Hill, PA 17011
717-763-2206

Horizon Hospital System-Greenville Campus-S
110 North Main Street
Greenville, PA 16125
724-588-2100

Horizon Hospital System-Shenango Campus-S
2200 Memorial Drive
Farrell, PA 16121
724-981-3500

Indiana Hospital Dept. Lab. Med.-S
P. O. Box 788
Indiana, PA 15701
724-357-7166

Jeanes Hospital-S
7600 Central Avenue
Philadelphia, PA 19111
215-728-2347

Jersey Shore Hospital-S
1020 Thompson Street
Jersey Shore, PA 17740
717-398-0100

John F. Kennedy Memorial Hospital-S
Cheltenham and Langdon Streets
Philadelphia, PA 19124
215-831-7203

Kensington Hospital-S
136 West Diamond Street
Philadelphia, PA 19122
215-426-8100

Lab Corp Occupational Testing Services-SC
4022 Willow Lake Blvd
Memphis, TN 38118
901-795-1515

Lab Corp Occupational Testing Services-SC
1904 Alexander Drive
Research Triangle Park, NC 27709
919-549-8263

Lab Corp of America Holdings-SC
69 First Avenue - PO Box 500
Raritan, NJ 08869
201-526-2400

LabOne, Inc.-SC
10101 Renner Boulevard
Lenexa, KS 66219
913-888-1770

Laboratory Specialists, Inc.-SC
1111 Newton Street
Gretna, LA 70053
504-361-8989

Lancaster General Hospital-Susquehanna Division-S
306 North Seventh Street
Columbia, PA 17512
717-684-2841

Lancaster General Hospital-S
555 North Duke Street-PO Box 3555
Lancaster, PA 17603
717-299-5511

Latrobe Area Hospital-S
West Second Avenue
Latrobe, PA 15650
724-537-1550

Lewistown Hospital-S
Highland Avenue
Lewistown, PA 17044
717-248-5411

Lock Haven Hospital-S
24 Cree Drive
Lock Haven, PA 17745
717-893-5000

Magee Women's Hospital-S
Forbes Avenue and Halket Street
Pittsburgh, PA 15213
412-647-4651

Main Line Clinical Laboratories-Bryn Mawr CP-S
130 Bryn Mawr Avenue
Bryn Mawr, PA 19010
610-526-3554

Main Line Clinical Laboratories-Lankenau CP-S
100 East Lancaster Avenue
Wynnewood, PA 19096
610-645-2615

Main Line Clinical Laboratories-Paoli Memorial CP-S
255 West Lancaster Avenue
Paoli, PA 19301
610-648-1000

Meadville Medical Center-Liberty Street-S
751 Liberty Street
Meadville, PA 16335
814-336-3121

Medical College of Pennsylvania Hospital-S
3300 Henry Avenue
Philadelphia, PA 19129
215-842-6615

MedTox Laboratories, Inc.-SC
402 West County Road D
New Brighton, MN 55112
612-636-7466

Memorial Hospital Lab-S
1 Hospital Drive
Towanda, PA 18848
717-265-2191

Mercy Health Lab-Mercy Fitzgerald Hospital-S
Lansdowne Avenue and Bailey Road
Darby, PA 19023
610-237-4175

Mercy Health Lab-Mercy Hospital/Phila.-S
5301 Cedar Avenue
Philadelphia, PA 19143
215-748-9170

Mercy Health Partners-S
746 Jefferson Avenue
Scranton, PA 18510
717-348-7100

Mercy Hospital-S
25 Church Street
Wilkes-Barre, PA 18765
717-826-3100

Mercy Hospital Laboratory-S
Pride and Locust Streets
Pittsburgh, PA 15219
412-232-7831

Mercy Suburban Hospital-S
2701 Dekalb Pike
Norristown, PA 19404
610-278-2075

Methodist Hospital Div./TJUH, Inc.-S
2301 South Broad Street
Philadelphia, PA 19148
215-952-9059

Miner's Hospital of N. Cambria-S
2205 Crawford Avenue
Spangler, PA 15775
814-948-7171

Monongahela Valley Hospital, Inc.-S
Country Club Road - Route 88
Monongahela, PA 15063
724-258-2000

Montgomery Hospital-S
Powell and Fornance Streets
Norristown, PA 19401
610-270-2173

Nason Hospital-S
Nason Drive
Roaring Spring, PA 16673
814-224-6215

National Med. Services STAT Tox Lab-SC
2300 Stratford Avenue
Willow Grove, PA 19090
215-748-1600

National Medical Services, Inc.-SC
3701 Welsh Road
Willow Grove, PA 19090
215-657-4900

Nazareth Hospital-S
2601 Holme Avenue
Philadelphia, PA 19152
215-335-6245

North Penn Hospital-S
100 Med Campus Drive
Lansdale, PA 19446
215-368-2100

Northwest Medical Center-Oil City Campus-S
174 E. Bissell Avenue
Oil City, PA 16301
814-677-1711

Omega Medical Laboratories, Inc.-SC
2001 State Hill Road, Suite 100
Wyomissing, PA 19610
610-378-1900

Parkview Hospital-Parkview-S
1331 East Wyoming Avenue
Philadelphia, PA 19124
215-537-7430

Parkway Clinical Laboratory-S
3494 Progress Drive, Suite A
Bensalem, PA 19020
215-676-2296

Penn State Geisinger WVMC-S
1000 E. Mountain Drive
Wilkes-Barre, PA 18711
717-826-7830

Penna. Dept. of Health, Bureau of Labs.-SC
P. O. Box 500
Exton, PA 19341-0500
610-363-8500

Pharmchem Laboratories, Inc.-SC
1505-A O'Brien Drive
Menlo Park, CA 94025
415-328-6200

Phoenixville Hospital-Dept. of Pathology-S
140 Nutt Road
Phoenixville, PA 19460
610-983-1612

Pinnacle Health/Community General Osteopathic
Hospital-S
4300 Londonderry Road, P. O. Box 3000
Harrisburg, PA 17109
717-657-7214

Pittsburgh Criminalistics-SC
1320 5th Avenue
Pittsburgh, PA 15219
412-391-6118

Pocono Medical Center Lab.-S
206 East Brown Street
East Stroudsburg, PA 18301
717-476-3544

Polyclinic Hospital-S
2601 North Third Avenue
Harrisburg, PA 17110
717-782-4141

Pottstown Memorial Medical Center-S
1600 East High Street
Pottstown, PA 19464
610-327-7111

Pottsville Hospital and Warne Clinic-S
420 South Jackson Street
Pottsville PA 17901
717-621-5262

Presbyterian Medical Center of Phila.-S
3400 Spruce Street - Dept. of Pathology
Philadelphia, PA 19104
215-662-3435

Princeton Biomedical Laboratories, Inc.-S
2000-B Hartel Complex
Levittown, PA 19057
215-943-0700

Psychomedics Corporation-SC
5832 Uplander Way
Culver City, CA 90230
800-522-7424

Quest Diagnostics-SC
7470-A Mission Valley Road
San Diego, CA 92108
800-446-4728

Quest Diagnostics, Inc.-SC
One Malcolm Avenue
Teterboro, NJ 07608
201-288-0900

Quest Diagnostics, Inc.-S
1901 Sulphur Spring Road
Baltimore, MD 21227
301-247-9100

Quest Diagnostics, Inc.-SC
4444 Giddings Road
Auburn Hills, MI 48326
800-444-0106

Quest Diagnostics of PA, Inc.-S
900 Business Center Drive
Horsham, PA 19044
215-957-9300

Quest Diagnostics of PA, Inc.-SC
875 Greentree Road, 4 Parkway Center
Pittsburgh, PA 15220
412-920-7600

Quintiles Laboratories, Ltd.-SC
5500 Highlands Parkway, Suite 600
Smyrna, GA 30082
770-434-8492

Reading Hospital & Medical Center-S
6th and Spruce Streets
Reading, PA 19603
610-378-6080

Redwood Toxicology Laboratory-SC
3573 Westwind Boulevard
Santa Rosa, CA 95403
707-577-7958

Roxborough Memorial Hospital-S
5800 Ridge Avenue
Philadelphia, PA 19128
215-483-9900

Sacred Heart Hospital-S
Fourth and Chew Streets
Allentown, PA 18102
610-776-4727

Saint Clair Memorial Hospital-S
1000 Bower Hill Road
Pittsburgh, PA 15243
412-561-4900

Saint Francis Hospital-S
1000 South Mercer Street
New Castle, PA 16101
724-658-3511

Saint Joseph Hospital-S
250 College Avenue, P. O. Box 3509
Lancaster, PA 17604
717-291-8022

Saint Mary Medical Center-S
Langhorne and Newtown Roads
Langhorne, PA 19047
215-750-2162

Scientific Testing Labs, Inc.-SC
463 Southlake Boulevard
Richmond, VA 23236
804-378-9130

Serenity Hall, Inc.-S
414 West Fifth Street
Erie, PA 16057
814-459-4775

Sewickley Valley Hospital-S
Blackburn Road and Fitch Drive
Sewickley, PA 15143
412-741-6600

Shadyside Hospital-S
5230 Centre Avenue
Pittsburgh, PA 15232
412-622-2315

Sharon Regional Health System-S
740 East State Street
Sharon, PA 16146
724-983-3911

Sierra Analytical Laboratories-SC
625 East Drinker Street
Dunmore, PA 18512
717-341-2224

Skippack Medical Laboratory-S
3887 Skippack Pike
Skippack, PA 19474
610-584-1669

SmithKline Beecham Clinical Laboratories, Inc.-SC
400 Egypt Road
Norristown, PA 19403
610-631-4200

SmithKline Bio-Science Laboratories-SC
7600 Tyrone Avenue
Van Nuys, CA 91405
818-376-6259

Soldiers and Sailors Memorial Hospital-S
Central Avenue
Wellsboro, PA 16901
717-724-1631

Somerset Hospital-S
225 South Center Avenue
Somerset, PA 15501
814-443-2626

South Hills Health System—Jefferson-S
575 Coal Valley Road
Pittsburgh, PA 15236
412-469-5723

Southern Chester County Medical Center-S
1015 West Baltimore Pike
West Grove, PA 19390
610-869-1080

Specialty Laboratories-S
2211 Michigan Avenue
Santa Monica, CA 90404
310-828-6543

St. Francis Central Hospital-S
1200 Centre Avenue
Pittsburgh, PA 15219
412-562-3060

St. Francis Medical Center-S
400-45th Street
Pittsburgh, PA 15201
412-622-4838

St. Joseph Quality Medical Laboratory-SC
215 North 12th Street, Box 316
Reading, PA 19603
610-378-2200

St. Joseph's Hospital-Div. NPHS-S
16th Street and Girard Avenue
Philadelphia, PA 19130
215-787-9000

St. Mary's Regional Medical Center-S
763 Johnsonburg Road
St. Mary's, PA 15857
814-834-8519

Suburban General Hospital-S
100 South Jackson Avenue
Bellevue, PA 15202
412-734-6000

Sunbury Community Hospital-S
350 North 11th Street
Sunbury, PA 17801
717-286-3333

Taylor Hospital, Div. of CCMC-S
175 E. Chester Pike
Ridley Park, PA 19078
610-595-6450

TechNow-S
2710 Township Line Road
Havertown, PA 19083
610-449-5039

Temple Lower Bucks Hospital-S
501 Bath Road
Bristol, PA 19007
215-785-9200

Temple University Hospital-S
3401 North Broad Street
Philadelphia, PA 19140
215-221-3453

The Medical Center-Beaver, PA, Inc.-S
1000 Dutch Ridge Road
Beaver, PA 15009
724-728-7000

Thomas Jefferson University Hospital-S
125 South 11th Street-204 Pavilion
Philadelphia, PA 19107
215-955-6374

Titusville Area Hospital-S
406 West Oak Street
Titusville, PA 16354
814-827-1851

Toxi-Con-SC
120 Monahan Avenue-Suite 101
Dunmore, PA 18512
717-963-0722

University of Pittsburgh Medical Center/Beaver Valley-S
2500 Hospital Drive-Pathology Department
Aliquippa, PA 15001
724-857-1238

University Hospital-Milton S. Hershey Medical Center-S
500 University Avenue
Hershey, PA 17033
717-531-8353

University of Pittsburgh Medical Center-CLSI-SC
Room 5929 Main Tower/CLSI
200 Lothrop Street
Pittsburgh, PA 15213
412-647-7813

UPMC Bedford Memorial Hospital-S
10455 Lincoln Highway
Everett, PA 15537
814-623-6161

UPMC Lee Regional Hospital-S
320 Main Street
Johnstown, PA 15901
814-533-0130

UPMC Saint Margaret Hospital-S
815 Freeport Road
Pittsburgh, PA 15215
412-784-4000

Valley Forge Medical Center and Hospital-S
1033 W. Germantown Pike
Norristown, PA 19403
610-539-8500

Warminster Hospital-S
225 Newtown Road
Warminster, PA 18974
215-441-6700

Waynesboro Hospital-S
East Main Street
Waynesboro, PA 17268
717-765-3403

The Western Pennsylvania Hospital-S
4800 Friendship Avenue
Pittsburgh, PA 15224
412-578-5779

Western Reserve Care System-SC
North Side Medical Center-500 Gypsy Lane
Youngstown, OH 44504
216-740-3794

Westmoreland Hospital-S
532 W. Pittsburgh Street
Greensburg, PA 15601
724-832-4365

Williamsport Hospital and Medical Center-S
777 Rural Avenue
Williamsport, PA 17701
717-321-2300

WVHCS Hospital-General Campus-SC
Corner North River and Auburn Streets
Wilkes-Barre, PA 18764
717-829-8111

York Hospital-S
1001 South George Street
York, PA 17405
717-771-2696

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 99-1144. Filed for public inspection July 16, 1999, 9:00 a.m.]

DEPARTMENT OF REVENUE

Notice of Repeal of Utilities Gross Receipts Tax Upon Gas Companies

Section 33(c) of the act of May 12, 1999 (P. L. _____, No. 4), provides that the repeal of the utilities gross receipts tax upon gas companies is conditioned upon the enactment of legislation which restructures and deregulates the natural gas utility industry in the Commonwealth and allows customers to purchase natural gas supply services from their choice of supplier. In accordance with section 33(c), the Secretary of Revenue hereby gives notice of the enactment of such legislation in Act 21 of 1999, approved by Governor Tom Ridge on June 22, 1999.

The Act 4 amendments repeal the utilities gross receipts tax upon gas companies by amending section 1101(a) and repealing section 1104 of the Tax Reform Code of 1971 (72 P. S. §§ 8101(a) and 8104), and are

effective for taxable years beginning on or after January 1, 2000.

ROBERT A. JUDGE, Sr.,
Secretary

[Pa.B. Doc. No. 99-1145. Filed for public inspection July 16, 1999, 9:00 a.m.]

The Money Game 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 The Money Game.
2. *Price:* The price of a The Money Game instant lottery game ticket is \$2.00.

3. *Play Symbols:*

(a) Each The Money Game instant lottery game ticket will contain three play areas, designated as Game 1, entitled "Money Bags," Game 2, entitled "3 for the Money" and Game 3, entitled "Match for Money." Each game has a different game play method and is played separately.

(b) The play area for Game 1 will feature one "Your Prize" area and one "Money Bag Prizes" area. The play symbols and their captions located in the "Your Prize" and "Money Bag Prizes" areas are: \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$3⁰⁰ (THR DOL), \$4⁰⁰ (FOR DOL), \$5⁰⁰ (FIV DOL), \$6⁰⁰ (SIX DOL), \$8⁰⁰ (EGT DOL), \$10⁰⁰ (TEN DOL), \$12⁰⁰ (TWELVE), \$15⁰⁰ (FIFTEEN), \$20\$ (TWENTY), \$25\$ (TWY FIV), \$40\$ (FORTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN) and \$30,000 (TRY THO).

(c) The play symbols and their captions located in the play area for Game 2 are: \$2⁰⁰ (TWO DOL), \$3⁰⁰ (THR DOL), \$4⁰⁰ (FOR DOL), \$5⁰⁰ (FIV DOL), \$6⁰⁰ (SIX DOL), \$8⁰⁰ (EGT DOL), \$10⁰⁰ (TEN DOL), \$12⁰⁰ (TWELVE), \$15⁰⁰ (FIFTEEN), \$20\$ (TWENTY), \$25\$ (TWY FIV), \$40\$ (FORTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN) and \$30,000 (TRY THO).

(d) The play area for Game 3 will feature one "Lucky Symbol" area and one "Your Symbols" area. The play symbols and their captions located in the "Lucky Symbol" area and "Your Symbols" area are: Coins Symbol (COINS), Dollar Bill Symbol (DOLLAR), Piggy Bank Symbol (PIGBNK), Horseshoe Symbol (SHOE), Pot of Gold Symbol (GOLD) and Clover Symbol (CLOVER).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the "Prize" area for Game 3 are : \$2⁰⁰ (TWO DOL), \$3⁰⁰ (THR DOL), \$4⁰⁰ (FOR DOL), \$5⁰⁰ (FIV DOL), \$6⁰⁰ (SIX DOL), \$8⁰⁰ (EGT DOL), \$10⁰⁰ (TEN DOL), \$12⁰⁰ (TWELVE), \$15⁰⁰ (FIFTEEN), \$20\$ (TWENTY), \$25\$ (TWY FIV), \$40\$ (FORTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN) and \$30,000 (TRY THO).

5. *Prizes:* The prizes that can be won in Game 1 are \$1, \$2, \$3, \$4, \$5, \$6, \$8, \$10, \$12, \$15, \$20, \$25, \$40, \$50, \$100, \$200 and \$30,000. The prizes that can be won in Games 2 and 3 are \$2, \$3, \$4, \$5, \$6, \$8, \$10, \$12, \$15, \$20, \$25, \$40, \$50, \$100, \$200 and \$30,000. The player can win up to eight times on each ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 3,840,000 tickets will be printed for The Money Game instant lottery game.

7. *Determination of Prize Winners:*

(a) Determination of prize winners for Game 1 is: Holders of tickets that match any of the "Money Bag Prizes" play symbols to the "Your Prize" play symbol, on a single ticket, shall be entitled to that prize amount.

(b) Determination of prize winners for Game 2 are:

(1) Holders of tickets with three matching play symbols of \$30,000 (TRY THO) in the play area for Game 2, on a single ticket, shall be entitled to a prize of \$30,000.

(2) Holders of tickets with three matching play symbols of \$200 (TWO HUN) in the play area for Game 2, on a single ticket, shall be entitled to a prize of \$200.

(3) Holders of tickets with three matching play symbols of \$100 (ONE HUN) in the play area for Game 2, on a single ticket, shall be entitled to a prize of \$100.

(4) Holders of tickets with three matching play symbols of \$50\$ (FIFTY) in the play area for Game 2, on a single ticket, shall be entitled to a prize of \$50.

(5) Holders of tickets with three matching play symbols of \$40\$ (FORTY) in the play area for Game 2, on a single ticket, shall be entitled to a prize of \$40.

(6) Holders of tickets with three matching play symbols of \$25\$ (TWY FIV) in the play area for Game 2, on a single ticket, shall be entitled to a prize of \$25.

(7) Holders of tickets with three matching play symbols of \$20\$ (TWENTY) in the play area for Game 2, on a single ticket, shall be entitled to a prize of \$20.

(8) Holders of tickets with three matching play symbols of \$15⁰⁰ (FIFTEEN) in the play area for Game 2, on a single ticket, shall be entitled to a prize of \$15.

(9) Holders of tickets with three matching play symbols of \$12⁰⁰ (TWELVE) in the play area for Game 2, on a single ticket, shall be entitled to a prize of \$12.

(10) Holders of tickets with three matching play symbols of \$10⁰⁰ (TEN DOL) in the play area for Game 2, on a single ticket, shall be entitled to a prize of \$10.

(11) Holders of tickets with three matching play symbols of \$8⁰⁰ (EGT DOL) in the play area for Game 2, on a single ticket, shall be entitled to a prize of \$8.

(12) Holders of tickets with three matching play symbols of \$6⁰⁰ (SIX DOL) in the play area for Game 2, on a single ticket, shall be entitled to a prize of \$6.

(13) Holders of tickets with three matching play symbols of \$5⁰⁰ (FIV DOL) in the play area for Game 2, on a single ticket, shall be entitled to a prize of \$5.

(14) Holders of tickets with three matching play symbols of \$4⁰⁰ (FOR DOL) in the play area for Game 2, on a single ticket, shall be entitled to a prize of \$4.

(15) Holders of tickets with three matching play symbols of \$3⁰⁰ (THR DOL) in the play area for Game 2, on a single ticket, shall be entitled to a prize of \$3.

(16) Holders of tickets with three matching play symbols of \$2⁰⁰ (TWO DOL) in the play area for Game 2, on a single ticket, shall be entitled to a prize of \$2.

(c) Determination of prize winners for Game 3 are:

(1) Holders of tickets upon which any one of the "Your Symbols" play symbols matches the "Lucky Symbol" and a prize play symbol of \$30,000 (TRY THO) appears in the "Prize" area under that "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$30,000.

(2) Holders of tickets upon which any one of the "Your Symbols" play symbols matches the "Lucky Symbol" and a prize play symbol of \$200 (TWO HUN) appears in the "Prize" area under that "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(3) Holders of tickets upon which any one of the "Your Symbols" play symbols matches the "Lucky Symbol" and a prize play symbol of \$100 (ONE HUN) appears in the "Prize" area under that "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(4) Holders of tickets upon which any one of the "Your Symbols" play symbols matches the "Lucky Symbol" and a prize play symbol of \$50\$ (FIFTY) appears in the "Prize" area under that "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(5) Holders of tickets upon which any one of the "Your Symbols" play symbols matches the "Lucky Symbol" and a prize play symbol of \$40\$ (FORTY) appears in the "Prize" area under that "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(6) Holders of tickets upon which any one of the "Your Symbols" play symbols matches the "Lucky Symbol" and a prize play symbol of \$25\$ (TWY FIV) appears in the "Prize" area under that "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(7) Holders of tickets upon which any one of the "Your Symbols" play symbols matches the "Lucky Symbol" and a prize play symbol of \$20\$ (TWENTY) appears in the "Prize" area under that "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(8) Holders of tickets upon which any one of the "Your Symbols" play symbols matches the "Lucky Symbol" and a prize play symbol of \$15⁰⁰ (FIFTEEN) appears in the "Prize" area under that "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$15.

(9) Holders of tickets upon which any one of the "Your Symbols" play symbols matches the "Lucky Symbol" and a prize play symbol of \$12⁰⁰ (TWELVE) appears in the "Prize" area under that "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$12.

(10) Holders of tickets upon which any one of the "Your Symbols" play symbols matches the "Lucky Symbol" and a prize play symbol of \$10⁰⁰ (TEN DOL) appears in the "Prize" area under that "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(11) Holders of tickets upon which any one of the "Your Symbols" play symbols matches the "Lucky Symbol" and a prize play symbol of \$8⁰⁰ (EGT DOL) appears in the "Prize" area under that "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$8.

(12) Holders of tickets upon which any one of the "Your Symbols" play symbols matches the "Lucky Symbol" and a prize play symbol of \$6⁰⁰ (SIX DOL) appears in the "Prize" area under that "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$6.

(13) Holders of tickets upon which any one of the "Your Symbols" play symbols matches the "Lucky Symbol" and a prize play symbol of \$5⁰⁰ (FIV DOL) appears in the "Prize" area under that "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(14) Holders of tickets upon which any one of the "Your Symbols" play symbols matches the "Lucky Symbol" and a prize play symbol of \$4⁰⁰ (FOR DOL) appears in the "Prize" area under that "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(15) Holders of tickets upon which any one of the "Your Symbols" play symbols matches the "Lucky Symbol" and a prize play symbol of \$3⁰⁰ (THR DOL) appears in the "Prize" area under that "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$3.

(16) Holders of tickets upon which any one of the "Your Symbols" play symbols matches the "Lucky Symbol" and a prize play symbol of \$2⁰⁰ (TWO DOL) appears in the "Prize" area under that "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$2.

8. *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:

<i>Win With Prize(s) Of:</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 3,840,000 Tickets</i>
G1-\$2	\$2	1:18.75	204,800
G2-\$2	\$2	1:18.75	204,800
G3-\$2	\$2	1:18.75	204,800
G1-\$3	\$3	1:50	76,800
G2-\$3	\$3	1:75	51,200
G3-\$3	\$3	1:100	38,400
G1-\$1 + G2-\$3	\$4	1:150	25,600
G2-\$2 + G3-\$2	\$4	1:150	25,600
G1-\$4	\$4	1:750	5,120
G2-\$4	\$4	1:375	10,240
G3-\$4	\$4	1:375	10,240
G1-\$2 + G3-\$3	\$5	1:150	25,600
G1-\$5	\$5	1:375	10,240
G2-\$5	\$5	1:750	5,120
G3-\$5	\$5	1:375	10,240
G1-\$2 + G2-\$2 + G3-\$2	\$6	1:1,500	2,560
G3-\$4 + \$2	\$6	1:1,500	2,560
G1-\$6	\$6	1:1,500	2,560
G2-\$6	\$6	1:1,500	2,560
G3-\$6	\$6	1:1,500	2,560

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<i>Win With Prize(s) Of:</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 3,840,000 Tickets</i>
G1-\$2 + G2-\$4 + G3-\$2	\$8	1:1,500	2,560
G1-\$4 x 2	\$8	1:1,500	2,560
G3-\$3 + \$5	\$8	1:1,500	2,560
G1-\$8	\$8	1:1,500	2,560
G2-\$8	\$8	1:1,500	2,560
G3-\$8	\$8	1:1,500	2,560
G1-\$4 + G2-\$2 + G3-\$2 x 2	\$10	1:300	12,800
G3-\$5 x 2	\$10	1:1,500	2,560
G1-\$10	\$10	1:1,500	2,560
G2-\$10	\$10	1:750	5,120
G3-\$10	\$10	1:1,500	2,560
G1-\$4 x 2 + G2-\$4	\$12	1:750	5,120
G1-\$12	\$12	1:750	5,120
G2-\$12	\$12	1:1,500	2,560
G3-\$12	\$12	1:1,500	2,560
G3-\$2 + \$3 + 10	\$15	1:750	5,120
G1-\$5 x 2 + G3-\$5	\$15	1:1,500	2,560
G1-\$15	\$15	1:1,500	2,560
G2-\$15	\$15	1:1,500	2,560
G3-\$15	\$15	1:1,500	2,560
G1-\$10 x 2	\$20	1:1,500	2,560
G2-\$8 + G3-\$8 + \$4	\$20	1:1,500	2,560
G1-\$20	\$20	1:1,500	2,560
G2-\$20	\$20	1:1,500	2,560
G3-\$20	\$20	1:1,500	2,560
G1-\$2 x 2 + G2-\$20	\$24	1:1,500	2,560
G3-\$12 + \$10 + \$2	\$24	1:1,500	2,560
G2-\$20 + G3-\$4	\$24	1:1,500	2,560
G1-\$6 x 4	\$24	1:750	5,120
G1-\$5 x 5	\$25	1:1,500	2,560
G1-\$5 x 3 + G3-\$10	\$25	1:1,500	2,560
G2-\$10 + G3-\$10 + \$5	\$25	1:1,500	2,560
G1-\$5 + G2-\$5 + G3-\$15	\$25	1:1,500	2,560
G1-\$25	\$25	1:1,500	2,560
G2-\$20 + G3-\$20	\$40	1:6,000	640
G1-\$10 x 2 + G2-\$10 + G3-\$10	\$40	1:6,000	640
G1-\$40	\$40	1:6,000	640
G2-\$40	\$40	1:6,000	640
G3-\$40	\$40	1:6,000	640
G1-\$10 + G2-\$20 + G3-\$20	\$50	1:12,000	320
G1-\$25 + G3-\$25	\$50	1:12,000	320
G1-\$5 x 5 + G2-\$25	\$50	1:12,000	320
G1-\$10 x 3 + G2-\$10 + G3-\$10	\$50	1:12,000	320
G1-\$15 x 2 + G2-\$10 + G3-\$10	\$50	1:12,000	320
G1-\$5 x 5 + G3-\$25	\$50	1:12,000	320
G1-\$20 x 2 + G3-\$10	\$50	1:12,000	320
G1-\$50	\$50	1:12,000	320
G2-\$50	\$50	1:12,000	320
G3-\$50	\$50	1:12,000	320
G1-\$50 + G2-\$50	\$100	1:30,000	128
G1-\$25 x 4	\$100	1:30,000	128
G1-\$25 x 2 + G2-\$25 + G3-\$25	\$100	1:30,000	128
G1-\$10 x 5 + G2-\$25 + G3-\$25	\$100	1:30,000	128
G1-\$5 x 5 + G2-\$50 + G3-\$25	\$100	1:30,000	128
G1-\$5 x 5 + G3-\$25 x 3	\$100	1:30,000	128
G1-\$20 x 4 + G2-\$10 + G3-\$10	\$100	1:30,000	128
G1-\$100	\$100	1:30,000	128
G2-\$100	\$100	1:30,000	128
G3-\$100	\$100	1:30,000	128
G1-\$50 x 2 + G2-\$100	\$200	1:60,000	64
G2-\$100 + G3-\$100	\$200	1:60,000	64
G1-\$200	\$200	1:60,000	64
G2-\$200	\$200	1:60,000	64
G3-\$200	\$200	1:60,000	64
G1-\$30,000	\$30,000	1:1,920,000	2
G2-\$30,000	\$30,000	1:960,000	4

<i>Win With Prize(s) Of:</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 3,840,000 Tickets</i>
G3-\$30,000	\$30,000	1:1,920,000	2

Game 1: When any of the "Money Bag Prizes" matches "Your Prize," win that amount.

Game 2: Match 3 like prize amounts, win that amount.

Game 3: When any of "Your Symbols" matches the "Lucky Symbol," win prize shown under the matching symbol.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell The Money Game instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of The Money Game, prize money from winning The Money Game 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 Money Game 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.

11. *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.

12. *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 The Money Game or through normal communications methods.

ROBERT A. JUDGE, Sr.,
Secretary

[Pa.B. Doc. No. 99-1146. Filed for public inspection July 16, 1999, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the designated standing committees may issue comments within 20 days of the close of the public comment period, and the Commission may issue comments within 10 days of the close of the committee comment period. The Commission comments are based upon the criteria contained in section 5a(h) and (I) of the act (75 P. S. § 745.5a(h)(I)).

The Commission has issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulation. The final-form regulations must be submitted by the dates indicated.

<i>Reg No.</i>	<i>Agency/Title</i>	<i>Issued</i>	<i>Final-Form Submission Deadline</i>
16A-5112	State Board of Nursing Fees (29 Pa.B. 2299 (May 1, 1999))	7/1/99	5/31/01
16A-527	State Board of Optometry Application Fees (29 Pa.B. 2300 (May 1, 1999))	7/1/99	5/31/01

State Board of Nursing Regulation No. 16A-5112

Fees

July 1, 1999

We have reviewed this proposed regulation from the State Board of Nursing (Board) and submit for consideration the following objections and recommendations. Subsections 5.1(h) and 5.1(i) of the Regulatory Review Act (71 P. S. § 745.5a(h) and (i)) specify the criteria the Commission must employ to determine whether a regulation is in the public interest. In applying these criteria our Comments address issues that relate to fiscal impact and clarity. We recommend that these Comments be carefully considered as you prepare the final-form regulation.

1. Sections 21.5. and 21.147 Fees.—Fiscal Impact and Clarity.

Administrative overhead costs.

In the proposed regulation's fee report forms, there are significant differences in the costs covered by different fees except for "Administrative Overhead" costs. With the exception of the fee for certification of scores, the administrative overhead costs are the same for all of the fees. According to staff at the Department of State and its Bureau of Professional and Occupational Affairs (BPOA), the allocated share of overhead costs for each fee category is calculated by dividing total overhead costs by the number of active licensees. This methodology for overhead cost allocation is not unreasonable and has been consistently applied. On the other hand, the staff cost allocations are based on estimates of the actual time BPOA staff spends performing the tasks related to each fee.

For overhead cost allocations, there appears to be no relationship to the services covered by the fees or frequency of fee payments. Therefore, there is no indication that the fees will recover actual or projected overhead costs. In addition, the allocated costs are based on past expenditures rather than estimates or projections of future expenditures. Hence, there is no certainty that the fees' "projected revenues will meet or exceed projected expenditures" under section 7.5(a) of the Professional Nursing Law (63 P. S. § 667.5(a)) and section 21.2(a) of the Practical Nurse Law (63 P. S. § 221.2(a)).

We question the use of a constant overhead cost allocation that appears to be unrelated to the actual costs of activities covered by different fees. Even though this

process was used to determine other fees, why should BPOA maintain this approach? The Board and BPOA should specifically identify the overhead costs, or portion of the total overhead, to be recouped by these fees, and review their methodology for allocating these overhead costs. Is it the Board's goal to allocate all overhead costs by category to each fee? If so, we do not believe the current allocation formula gives the desired result.

Differing overhead costs

The administrative overhead costs for all fees are \$8.21, except for the certification of scores, which is \$9.76. The Board should explain why the administrative costs for certification of scores are different.

State Board of Optometry Regulation No. 16A-527

Application Fees

July 1, 1999

We have reviewed this proposed regulation from the State Board of Optometry (Board) and submit for consideration the following objections and recommendations. Subsections 5.1(h) and 5.1(i) of the Regulatory Review Act (71 P. S. § 745.5a(h) and (i)) specify the criteria the Commission must employ to determine whether a regulation is in the public interest. In applying these criteria, our Comments address issues that relate to fiscal impact and clarity. We recommend that these Comments be carefully considered as you prepare the final-form regulation.

Section 23.91. Fees.—Fiscal impact and Clarity

Administrative overhead costs

In the proposed regulation's Fee Report Forms, there are significant differences in the costs covered by different fees except for "Administrative Overhead" costs. According to staff at the Department of State and its Bureau of Professional and Occupational Affairs (BPOA), the allocated share of overhead cost for each fee category is calculated by dividing total overhead costs by the number of active licensees. This methodology for overhead cost allocation is not unreasonable and has been consistently applied. On the other hand, the staff cost allocations are based on estimates of the actual time BPOA staff spends performing the tasks related to each fee.

For overhead cost allocations, there appears to be no relationship to the services covered by the fees or frequency of fee payments. Therefore, there is no indication that the fees will recover actual or projected overhead costs. In addition, the allocated costs are based on past expenditures rather than estimates or projections of future expenditures. Hence, there is no certainty that the fees' "projected revenues will meet or exceed projected expenditures" under section 9(c) of the Optometric Practice and Licensure Act (63 P. S. § 244.9(c)).

We question the use of a constant overhead cost allocation that appears to be unrelated to the actual costs of activities covered by different fees. Even though this process was used to determine other fees, why should BPOA maintain this approach? The Board and BPOA should specifically identify the overhead costs, or portion of the total overhead, to be recouped by these fees, and review their methodology for allocating these overhead costs. Is it the Board's goal to allocate all overhead costs by category to each fee? If so, we do not believe the current allocation formula gives the desired result.

Differing overhead costs

The administrative overhead costs for all fees are \$15.77, except for the verification of licensure and certification of scores, or licensure, or both, which is \$9.76. The Board should explain why the administrative costs for the verification of licensure and certification of scores, or licensure, or both are different.

Unclear estimate of applicants on Fee Report Form

The Board is adding a fee for application for continuing education program approval. The Fee Report Form for the "Application for Continuing Education Program Approval" estimates that 1,500 approvals will be issued for the biennial period.

In their comments, the House Professional Licensure Committee observed that the estimated number of applicants seemed excessive. They asked the Board to explain how continuing education programs are approved, and whether the fee is paid by licensees, providers, or both. We agree with the Committee's comments. We request that the Board provide the additional information requested by the Committee.

Inconsistency in fee title

The fee for "certification of scores or licensure, or both", as written, states that a request for either certification of scores or licensure costs \$25, while certification for both, if asked for simultaneously, costs \$25. We understand that this category is actually a fee for certification of examination scores. The Board should clarify this category in its final-form rulemaking. For instance, this provision could be revised to read "certification of examination scores [or licensure, or both]."

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 99-1147. Filed for public inspection July 16, 1999, 9:00 a.m.]

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission received, on the dates indicated, the following regulations for review. To obtain the date and time of the meeting, interested parties may contact the office of the Commission at (717) 783-5417. To obtain a copy of the regulation, interested parties should contact the agency promulgating the regulation.

Final-Form

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
106-4	Environmental Hearing Board Practice and Procedure	July 2, 1999

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 99-1148. Filed for public inspection July 16, 1999, 9:00 a.m.]

INSURANCE DEPARTMENT

Appeal of E. B. O'Reilly Servicing Corporation Under the Storage Tank and Spill Prevention Act, Underground Storage Tank Indemnification Fund; Doc. No. UT99-06-032

A prehearing telephone conference shall be held on August 10, 1999, at 10 a.m. 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 27, 1999. Answers to petitions to intervene, if any, shall be filed on or before August 3, 1999.

The hearing shall occur on August 26, 1999, 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 partici-

pate in the hearing, should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 99-1149. Filed for public inspection July 16, 1999, 9:00 a.m.]

Eligible Surplus Lines Insurer List

In accordance with section 1605(b) of The Insurance Company Law of 1921 (40 P. S. § 991.1605(b)), the Insurance Department hereby publishes the most recent Eligible Surplus Lines Insurer List. This list replaces in its entirety the Eligible Surplus Lines Insurer List as of January 1, 1999, published at 29 Pa.B. 247 (January 9, 1999).

Persons who have questions concerning this notice, should contact Cressinda Bybee, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 787-2735.

<i>Key Number</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
4001	Acceptance Insurance Company	222 South 15th Street Suite 600 North Omaha, NE 68102-1616
4002	Admiral Insurance Company	1209 Orange Street Wilmington, DE 19801
4005	Adriatic Insurance Company	314 East Thayer Avenue Bismarck, ND 58501
4010	Agricultural Excess and Surplus Insurance Company	The Corporation Trust Company 1209 Orange Street Wilmington, DE 19801
4017	Allianz Underwriters Insurance Company	3400 Riverside Drive Suite 300 Burbank, CA 91505-4669
4047	American Dynasty Surplus Lines Insurance Company	The Corporation Trust Company 1209 Orange Street Wilmington, DE 19801
4050	American Empire Surplus Lines Insurance Company	1209 Orange Street Wilmington, DE 19801
4052	American Equity Insurance Company	7676 East Pinnacle Peak Road Scottsdale, AZ 85255
4055	American International Specialty Lines Insurance Company	550 West 7th Street Anchorage, AK 99501
4062	American Western Home Insurance Company	600 Fidelity Plaza Oklahoma City, OK 73102
4081	Appalachian Insurance Company	Allendale Park P. O. Box 7500 Johnston, RI 02919-0500
4085	Assicurazioni Generali Di Trieste	Piazza Duca Degli Abruzzi, 2 Trieste, Italy 34132
4090	Associated Electric & Gas Insurance Services Limited	Argus Insurance Building P. O. Box HM1064 Hamilton, Bermuda HMEX
4095	Associated International Insurance Company	21820 Burbank Boulevard, #330 Woodland Hills, CA 91367

<i>Key Number</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
4100	Audubon Indemnity Company	2829 Lakeland Drive Suite 1400 Jackson, MS 39208
4000	AXA Reinsurance UK plc	London Underwriting Centre 3 Minster Court, Mincing Lane London, England EC3R 7DD
4135	British Aviation Insurance Company Limited	Fitzwilliam House 10 St. Mary's Axe London, England EC3A 8EQ
4145	Caliber One Indemnity Company	1209 Orange Street Wilmington, DE 19801
4150	Canal Indemnity Company	400 East Stone Avenue Greenville, SC 29601
4158	Centennial Casualty Company	2200 Woodcrest Place Suite 200 Birmingham, AL 35209
4159	Century American Insurance Company	3401 West End Avenue Suite 600 Nashville, TN 37209
4160	Century Surety Company	2400 Corporate Exchange Drive Columbus, OH 43231
4170	Chubb Custom Insurance Company	32 Loockeman Square Dover, DE 19901
4175	Clarendon America Insurance Company	224 West State Street Trenton, NJ 08608
4140	CNA Reinsurance Company Limited	Fountain House 125-135 Fenchurch Street London, England EC3M 5DJ
4180	Colony Insurance Company	9201 Forest Hill Avenue Suite 200 Richmond, VA 23235-6865
4193	Columbia Casualty Company	CNA Plaza Chicago, IL 60685
4196	Commercial Underwriters Insurance Company	200 Corporate Pointe Suite 300 Culver City, CA 90230
4200	Commercial Union Assurance Company plc	St. Helen's 1 Undershaft London, England EC3P 3DQ
4210	Commonwealth Insurance Company	595 Burrard Street, Suite 1500 Bentall Centre III Vancouver, B.C., Canada V7X 1G4
4213	Connecticut Specialty Insurance Company	9 Farm Springs Road Farmington, CT 06032
4216	Copenhagen Reinsurance Company (UK) Limited	25/26 Lime Street London, England EC3M 7HR
4215	Copenhagen Reinsurance Company Limited	4, Lyngby Hovedgade P. O. Box 325 Lyngby, Denmark DK-2800
4220	Coregis Indemnity Company	181 West Madison Avenue Suite 2600 Chicago, IL 60602
4222	Cross River Insurance Company	10306 Regency Parkway Drive Omaha, NE 68113
4225	Crusader Insurance Company	23251 Mulholland Drive Woodland Hills, CA 91364

<i>Key Number</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
4230	Dakota Specialty Insurance Company	316 North Fifth Street Bismarck, ND 58502
4245	Eden Park Insurance Company	One Indiana Square Suite 1800 Indianapolis, IN 46204
4255	Empire Indemnity Insurance Company	809 Northwest 36th Street Oklahoma City, OK 73118
4268	Essex Insurance Company	1209 Orange Street Wilmington, DE 19801
4270	Evanston Insurance Company	Shand Morahan Plaza Evanston, IL 60201
4275	Everest Indemnity Insurance Company	Corporation Trust Center 1209 Orange Street Wilmington, DE 19801
4280	Executive Risk Specialty Insurance Company	82 Hopmeadow Street Simsbury, CT 06070-7683
4315	Fidelity Excess and Surplus Insurance Company	515 Main Street Cincinnati, OH 45202
4317	Fireman's Fund Insurance Company of Ohio	312 Walnut Street Suite 1100 Cincinnati, OH 45202
4319	First Financial Insurance Company	528 South Fifth Street Suite 210 Springfield, IL 62701-1822
4320	First Mercury Insurance Company	525 West Monroe Street, Suite 1600 Chicago, IL 60661
4321	First Specialty Insurance Corporation	237 East High Street Jefferson City, MO 65102
4329	Frontier Pacific Insurance Company	4250 Executive Square Suite 200 La Jolla, CA 92037
4331	Fulcrum Insurance Company	199 Water Street New York, NY 10038-3526
4332	Gan Insurance Company Limited	Gan House 12 Arthur Street London, England EC4R 9BJ
4333	Gemini Insurance Company	Corporation Trust Center 1209 Orange Street Wilmington, DE 19801
4335	General Agents Insurance Company of America, Inc.	4308 North Classen Boulevard Oklahoma City, OK 73118
4337	General Security Indemnity Company	2 World Trade Center New York, NY 10048-2495
4338	General Star Indemnity Company	695 East Main Street P. O. Box 10354 Stamford, CT 06904-2354
4345	Generali-France Assurances	5, rue de Londres Paris, France 75009
4350	Genesis Indemnity Insurance Company	316 North Fifth Street Bismarck, ND 58501
4360	Gotham Insurance Company	330 Madison Avenue New York, NY 10017
4370	Great Lakes Reinsurance (UK) PLC	Upper Ground Floor, 1 Minster Court Mincing Lane London, England EC3R 7AA

<i>Key Number</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
4390	Gulf Underwriters Insurance Company	One CityPlace Drive St. Louis, MO 63141
4395	Hallmark Insurance Company, Inc.	Three Bala Plaza, East Suite 300 Bala Cynwyd, PA 19004
4420	Houston Casualty Company	13403 Northwest Freeway Houston, TX 77040-6094
4427	Illinois Emcasco Insurance Company	815 Commerce Drive Oak Brook, IL 60521-1978
4432	Illinois Union Insurance Company	8755 West Higgins Road Chicago, IL 60631
4438	Indemnity Marine Assurance Company Limited	St. Helen's 1 Undershaft London, England EC3P 3DQ
4440	Independence Indemnity Insurance Company	515 South Kansas Avenue Topeka, KS 66603
4441	Indian Harbor Insurance Company	One Greenwich Plaza P. O. Box 2568 Greenwich, CT 06836-2568
4445	Industrial Insurance Company Limited	Vattuniemenkuja 8 A Helsinki, Finland FIN-00035
4430	INEX Insurance Exchange	1 South Wacker Drive Suite 2720 Chicago, IL 60606-4617
4448	International Insurance Company of Hannover Limited	Fountain House 130 Fenchurch Street London, England EC3M 5DJ
4451	Interstate Fire & Casualty Company	55 East Monroe Street Chicago, IL 60603
4453	Investors Insurance Company of America	200 Schulz Drive Red Bank, NJ 07701-6741
4425	ITT Pacific Insurance Company, Limited	Hartford Plaza Hartford, CT 06115
4460	Kemper Indemnity Insurance Company	445 South Figueroa Los Angeles, CA 90071
4471	Landmark American Insurance Company	9800 South Meridian Boulevard Englewood, CO 80112
4472	Landmark Insurance Company	777 South Figueroa Street Los Angeles, CA 90017
4475	Legion Indemnity Company	190 S. LaSalle Street Chicago, IL 60603
4478	Lexington Insurance Company	1209 Orange Street Wilmington, DE 19801
4482	Liberty Mutual Insurance Company (UK) Limited	4th Floor, One Minster Court Mincing Lane London, England EC3R 7AA
4480	Liberty Surplus Insurance Corporation	175 Berkeley Street Boston, MA 02117
4492	Lloyd's (Underwriters at)	One Lime Street London, England EC3M 7HA
4510	London and Edinburgh Insurance Company Limited	Excess House 13 Fenchurch Avenue London, England EC3M 5BT
4530	Marine Insurance Company Limited	34/36 Lime Street London, England EC3M 7JE
4540	Maritime Insurance Company Limited	P. O. Box 6 Surrey Street Norfolk, England NR1 3NS

<i>Key Number</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
4565	Monticello Insurance Company	1209 Orange Street Wilmington, DE 19801
4575	Mt. Hawley Insurance Company	7400 College Boulevard Suite 330 Overland Park, KS 66210
4590	NAMIC Insurance Company, Inc.	3601 Vincennes Road Indianapolis, IN 46268
4598	National Fire & Marine Insurance Company	3024 Harney Street Omaha, NE 68131-3580
4605	Nautilus Insurance Company	7273 East Butherus Drive Scottsdale, AZ 85260
4595	NIC Insurance Company	123 William Street New York, NY 10038-3871
4637	North American Capacity Insurance Company	650 Elm Street Manchester, NH 03101-2524
4645	Northern Assurance Company Limited	St. Helen's 1 Undershaft London, England EC3P 3DQ
4652	Northfield Insurance Company	12935 North Forty Drive St. Louis, MO 63141
4665	Nutmeg Insurance Company	Hartford Plaza Hartford, CT 06115
4667	Ocean Marine Insurance Company Limited	St. Helen's 1 Undershaft London, England EC3P 3DQ
4840	Odyssey Re (London) Limited	52-54 Leadenhall Street London, England EC3A 2BJ
4668	Old Republic Union Insurance Company	307 North Michigan Avenue Chicago, IL 60601
4700	Pacific Insurance Company	c/o CT Corp 818 West 7th Street Los Angeles, CA 90017
4710	Paradigm Insurance Company	2450 One Indiana Square Indianapolis, IN 46204
4720	Phoenix Assurance plc	1 Bartholomew Lane London, England EC2N 2AB
4730	Preferred National Insurance Company	210 University Drive Suite 900 Coral Springs, FL 33071
4735	Princeton Excess and Surplus Lines Insurance Company	1013 Centre Road Wilmington, DE 19805
4740	Professional Underwriters Liability Insurance Company	50 West Broadway Salt Lake City, UT 84101
4755	QBE International Insurance Limited	14 Fenchurch Avenue London, England EC3M 5BS
4756	Queensway International Indemnity Company	One South Orange Avenue Suite 500 Orlando, FL 32801
4757	Realm National Insurance Company	125 Maiden Lane New York, NY 10038
4760	Reliance Insurance Company of Illinois	233 South Wacker Drive Suite 9220 Chicago, IL 60606
4787	Rock River Insurance Company	3400 80th Street Moline, IL 61265-5886
4793	Royal Surplus Lines Insurance Company	500 Winding Brook Drive Glastonbury, CT 06033

<i>Key Number</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
4802	SAFECO Surplus Lines Insurance Company	SAFECO Plaza Seattle, WA 98185
4810	Savers Property & Casualty Insurance Company	700 West 47th Street Kansas City, MO 64112-1802
4816	Scottsdale Insurance Company	One Nationwide Plaza Columbus, OH 43215
4819	Sheffield Insurance Corporation	3760 River Run Drive Birmingham, AL 35243
4821	Sirius International Insurance Corporation	Birger Jarlsgatan 57B Stockholm, Sweden SE-113 93
4804	SR International Business Insurance Company Limited	71-77 Leadenhall Street London, England EC3A 2PQ
4806	St. Paul Reinsurance Company Limited	52 Lime Street London, England EC3M 7BS
4807	St. Paul Surplus Lines Insurance Company	32 Loockerman Square Dover, DE 19901
4845	Steadfast Insurance Company	Suite 202 32 Loockerman Square Dover, DE 19901
4849	Stonewall Insurance Company	31 Inverness Center Parkway Suite 200 Birmingham, AL 35242
4860	Storebrand Skadeforsikring AS	P. O. Box 1380 Vika Oslo, Norway 0114
4875	Terra Nova Insurance Company Limited	41/43 Mincing Lane London, England EC3R 7SP
4880	Through Transport Mutual Insurance Association Limited	Windsor Place, Queen Street P. O. Box HM655 Hamilton, Bermuda HMCX
4870	TIG Specialty Insurance Company	444 Market Street San Francisco, CA 94111
4881	Trafalgar Insurance Company	600 Bank of Oklahoma Plaza 201 Robert S. Kerr Avenue Oklahoma City, OK 73102
4879	Transnational Insurance Company	One Commercial Plaza Hartford, CT 06103
4882	Travelers Excess and Surplus Lines Company	One Tower Square Hartford, CT 06183
4884	Tudor Insurance Company	91 Court Street Keene, NH 03431
4893	U.S. Underwriters Insurance Company	316 North Fifth Street Sixth Floor Bismarck, ND 58501
4887	ULICO Indemnity Company	320 West Capital Street Suite 1000 Little Rock, AR 72201-3525
4889	Underwriters Indemnity Company	8 Greenway Plaza Suite 400 Houston, TX 77046
4890	Unionamerica Insurance Company Limited	The London Underwriting Centre 3 Minster Court, Mincing Lane London, England EC3R 7DD
4897	United Capitol Insurance Company	400 Perimeter Center Terrace Atlanta, GA 30346
4900	United Coastal Insurance Company	40 North Central Avenue Phoenix, AZ 85004

<i>Key Number</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
4930	Vesta Insurance Company Limited	Folke Bernadottes vei 50 Bergen, Norway 5020
4935	Voyager Indemnity Insurance Company	5950 Live Oak Parkway Suite 300 Norcross, GA 30093
4950	WASA International (UK) Insurance Company Limited	WASA House 26/27 Regency Square Brighton, East Sussex, England BN1 2FX
4955	Wausau General Insurance Company	1431 Opus Place Downers Grove, IL 60515-1169
4957	Westchester Surplus Lines Insurance Company	Six Concourse Parkway Suite 2500 Atlanta, GA 30328-5346
4962	Western Heritage Insurance Company	6263 N. Scottsdale Road Suite 240 Scottsdale, AZ 85250
4963	Western Indemnity Insurance Company	820 Gessner Suite 1200 Houston, TX 77024
4966	Western World Insurance Company	91 Court Street Keene, NH 03431
4925	Winterthur International America Underwriters Insurance Company	5810 East Skelly Drive Suite 700 Tulsa, OK 74135
4980	Yorkshire Insurance Company Limited	Pitheavlis Perth, Scotland PH2 0NH
4985	ZC Specialty Insurance Company	400 West 15th Street Suite 7 Austin, TX 78701
4990	Zurich International (Bermuda) Ltd.	Crawford House 50 Cedar Avenue Hamilton, Bermuda HM 11
4995	Zurich Specialties London Limited	The Zurich Building 90 Fenchurch Street London, England EC3M 4JX

Since publication of the January 1, 1999 eligible surplus lines insurer list, the following significant changes have occurred:

	(Key Number)	(Company Name)	(Date)
Additions:	4448	International Insurance Company of Hannover, Limited	01/28/99
	4230	Dakota Specialty Insurance Company	01/07/99
	4337	General Security Indemnity Company	01/07/99
	4879	Transnational Insurance Company	01/07/99
	4440	Independence Indemnity Insurance Company	04/12/99
	4821	Sirius International Insurance Corporation	04/29/99
	4222	Cross River Insurance Company	05/10/99
Deletions:	4014	Alliance General Insurance Company	03/23/99
	4630	NORCAL Mutual Insurance Company	05/05/99
	4070	Americas Insurance Company	05/24/99
	4232	Diamond State Insurance Company	06/25/99
Name Changes:			
	From:	4995 Zurich Reinsurance (London) Limited	04/16/99
To:	4995 Zurich Specialties London Limited		

M. DIANE KOKEN,
Insurance Commissioner

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing, as authorized by the act of June 17, 1998 (P. L. 464, No. 68) in connection with their company's termination of the insured's automobile policies. The hearings will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). All administrative hearings are held in the Insurance Department Offices in Harrisburg, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The hearings will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Tammy M. Foster; file no. 99-280-32298; Liberty Insurance Corporation; doc. no. PH99-06-029; August 3, 1999, at 10 a.m.;

Appeal of Richard Sills; file no. 99-210-32088; American Independent Insurance Co.; doc. no. PH99-06-030; August 3, 1999, at 1 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses and the like necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Commissioner may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearings, 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. 99-1151. Filed for public inspection July 16, 1999, 9:00 a.m.]

LEGISLATIVE REFERENCE BUREAU

Documents Filed But Not Published

The Legislative Reference Bureau accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of Bulletin). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no such documents have been received. For questions concerning or copies of documents filed, but not published, please call (717) 783-1530.

Department of Community and Economic Affairs

Home Rule Charter Amendment (May 18, 1999) for City of Allentown, Lehigh County.

Home Rule Charter Amendment (May 18, 1999) for Municipality of Mt. Lebanon, Allegheny County.

Home Rule Charter Amendment (May 18, 1999) for Borough of State College, Centre County.

Governor's Office

Management Directive No. 205.32—Hiring Sign Language Interpreters/Transliterators—Date June 16, 1999.

Management Directive No. 205.33—Workplace Violence—Dated June 22, 1999.

Management Directive No. 205.34—Acceptable Use Standards for Electronic Mail Communication on Commonwealth Networks—Dated June 22, 1999.

Management Directive No. 245.16—Pennsylvania Justice Network (JNET) Governance Structure—Dated June 16, 1999.

Management Directive No. 310.18—Reporting of Pending or Threatened Claim—Revision No. 1—Dated May 27, 1999.

Management Directive No. 325.8—Remedies for Recipient Noncompliance with Audit Requirements—Amended June 11, 1999.

Management Directive No. 530.26—Benefit Entitlements for Employees on Military Leave—Amended June 1, 1999.

Management Directive No. 615.3—Rates and Billing for Motor Vehicles of the Commonwealth Automotive Fleet—Amended June 23, 1999.

Administrative Circular No. 99-17—Submission of Construction Requisitions Financed by Lapsing Funds—Dated June 4, 1999.

Administrative Circular No. 99-18—Use of Seat Belts in Commonwealth Fleet Vehicles—Dated June 4, 1999.

Administrative Circular No. 99-19—State Employees Purchasing Vehicles at the Commonwealth Auction—Dated June 4, 1999.

Administrative Circular No. 99-20—Automotive Fleet Preventive Maintenance Schedule—Dated June 4, 1999.

GARY R. HOFFMAN,
Director
Pennsylvania Bulletin

[Pa.B. Doc. No. 99-1152. Filed for public inspection July 16, 1999, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Gas Service Without Hearing

A-120011 F0002; A-120011; A-121200 F2000; A-122150 F2000. PG Energy, Inc., Honesdale Gas Company and Southern Union Company. Joint Application of PG Energy, Inc., Honesdale Gas Company and Southern Union Company for all approvals required under the Public Utility Code for: the merger of Pennsylvania Enterprises, Inc., into Southern Union Company, the merger of Honesdale Gas Company into PG Energy, Inc., the merger of PG Energy, Inc., into Southern Union Company; the right of Southern Union Company to furnish gas service; the abandonment of gas service by Honesdale Gas Company; and the abandonment of gas service by PG Energy, Inc.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before August 2, 1999, under 52 Pa. Code (relating to public utilities).

Applicant: PG Energy, Inc., Honesdale Gas Company, Southern Union Company, Pennsylvania Enterprises, Inc.,

Through and By Counsel: Thomas J. Sniscak, Norman James Kennard, Malatesta, Hawke & McKeon, LLP, Harrisburg Energy Center, 100 North Tenth Street, Harrisburg, PA 17101.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 99-1153. Filed for public inspection July 16, 1999, 9:00 a.m.]

Railroad With Hearing

I-00990083. R. J. Corman Railroad Company. Investigation Upon the Commission's Own Motion into matters pertaining to the proper service, accommodation, convenience and safety of the traveling public using the bridge carrying Bailey Road (AAR 148 690 R, T-372) over and above railroad right-of-way owned by R. J. Corman Railroad Company in Union Township, Clearfield County.

An initial hearing on this matter will be held Tuesday, August 31, 1999, at 10 a.m. in an available hearing room, Ground Floor, North Office Building, North Street and Commonwealth Avenue, Harrisburg, PA, when and where

all persons in interest may appear and be heard, if they so desire.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 99-1154. Filed for public inspection July 16, 1999, 9:00 a.m.]

Railroad With Hearing

C-00981691. Wayne Rhoads v. Southwest Pennsylvania Railroad. Complainant states the railroad crossing at Waltzmill makes a switch at McNasha Paper Box Company between 10:30 p.m. and 4 a.m. every night and there is no warning to the people that they are moving railroad cars through the rail highway crossing and someone may get hurt by the moving railroad cars. Complainant states some kind of signal or flashing lights to warn people should be placed at this section.

An initial hearing on this matter will be held Thursday, September 2, 1999, 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 interest may appear and be heard, if they so desire.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 99-1155. Filed for public inspection July 16, 1999, 9:00 a.m.]

Report and Recommendation of the Universal Service Task Force (Monitoring and Reporting/Subscriberhip Subcommittee); Doc. No. I-00940035

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

Public Meeting held
June 24, 1999

Formal Investigation to Examine and Establish Updated Principles and Policies for Telecommunications Services in the Commonwealth

Order

By the Commission:

On January 28, 1997, the Pennsylvania Public Utility Commission (Commission) adopted an order which established a Universal Telephone Service Task Force (Task Force) in Pennsylvania. The purpose of this Task Force is to provide a collaborative forum through which all interested telecommunications-related entities can provide input on a wide spectrum of universal service issues. The Monitoring and Reporting/Subscriberhip Subcommittee (Monitoring Subcommittee) is one of four established Task Force subcommittees.

On September 29, 1997, the Task Force issued a Report and Recommendation which suggested, among other things, that the Monitoring Subcommittee reconvene to review the Commission's existing Extended Area Service (EAS) regulations codified at 52 Pa. Code §§ 63.71—63.77. The Monitoring Subcommittee subsequently met at

times during July through September of 1998, and drafted a Report on EAS issues which both addressed EAS regulations and recommended Commission action regarding these regulations. The Monitoring Subcommittee submitted its EAS Report to the Commission on January 27, 1999. The EAS Report follows this order as Annex A.

In pertinent part, the EAS Report (at page 5) recommends the following:

1. Continue application of the Extended Area Service Regulations with the exception of conducting the biennial traffic usage studies. Suspend the biennial traffic usage studies until the Monitoring and Reporting/Subscribership Subcommittee further recommends how to conduct more accurate traffic usage data.
2. While the Monitoring and Reporting/Subscribership Subcommittee evaluates the accuracy and usefulness of traffic usage data collection, the current toll traffic usage studies from 1997 should be utilized. However, in a formal complaint process, it is suggested that if an Administrative Law Judge concludes that there is a strong community of interest demonstrated, a more current traffic usage study may be ordered.
3. The Monitoring and Reporting/Subscribership Subcommittee will evaluate the accuracy and usefulness contained in the traffic usage studies, determine how to conduct more accurate traffic usage studies, and review the regulations and the need for additional revisions.

By order entered March 25, 1999, the Commission directed that the EAS Report be published in the *Pennsylvania Bulletin* for public comment. The Commission's March 25, 1999 order and the EAS Report were published on April 10, 1999 at 29 Pa.B. 1959 with a 30-day comment period. On May 10, 1999, the Pennsylvania Telephone Association (PTA) filed comments which strongly support the EAS Report recommendations and urge the Commission to adopt those recommendations. The Office of Consumer Advocate also filed comments in support of the EAS Report recommendations.

The telecommunications landscape has changed significantly since the last amendment to the Commission's EAS regulations on June 19, 1993. We believe that current circumstances support the adoption of the EAS Report recommendations. As the Report notes, the increasing level of competition in the local service market has blurred the distinction between interLATA and intraLATA calls, because a call placed through a CLEC may be considered a local call while a similar call placed through an ILEC may be a toll call. Thus, some intraLATA traffic may not be included in traffic usage studies. In addition, current traffic usage studies do not include dial-around calls. With the raw data flawed in this manner, it is difficult to compare and analyze traffic and ILEC traffic usage studies may be inaccurate or incomplete.

The Monitoring Subcommittee needs to evaluate methods for conducting more accurate traffic studies. It would be illogical to continue to require flawed and inaccurate traffic studies until the Monitoring Subcommittee has completed this task. In light of the foregoing, the Commission will accept the recommendations set forth in the Monitoring Subcommittee EAS Report and we will use our authority to waive 52 Pa. Code § 63.72 (relating to

EAS traffic usage studies) until the Monitoring Subcommittee has had an opportunity to further analyze this issue; *Therefore,*

It is Ordered that:

1. A copy of this order and the Monitoring Subcommittee EAS Report be forwarded to the *Pennsylvania Bulletin* for publication.
2. This order and the Monitoring Subcommittee EAS Report be posted on the Commission's website.
3. The requirements set forth at 52 Pa. Code § 63.72 (requiring LECs to complete biannual interexchange toll traffic usage studies) are waived until further notice.
4. The Commission use the existing 1997 toll traffic usage studies unless, during a formal complaint proceeding, an Administrative Law Judge concludes that a more current traffic usage study is necessary.
5. The Monitoring Subcommittee evaluate the data contained in the traffic usage studies for accuracy and usefulness, determine how to increase the accuracy of those studies, review the pertinent regulations for possible additional revisions and report its findings to the Commission.

JAMES J. MCNULTY,
Secretary

Annex A
Report of the Monitoring and
Reporting/Subscribership Subcommittee on
Extended Area Service
September 30, 1998

Background

The Monitoring and Reporting/Subscribership Subcommittee's review of the Extended Area Service (EAS) regulations is an outgrowth of the Public Utility Commission's January 28, 1997 Opinion and Order on universal service in the telecommunications industry in Pennsylvania. That Order established a "Universal Telephone Service Task Force" for the purpose of providing a collaborative forum through which all interested telecommunications stakeholders could participate in the development of recommendations on a wide range of issues involving universal telephone service. Four subcommittees were created as part of the Task Force, including the Monitoring and Reporting/Subscribership Subcommittee.

On September 29, 1997, after meeting over a period of 6 months, the Universal Service Task Force issued its Final Report and Recommendation. That report included a recommendation that the Monitoring and Reporting/Subscribership Subcommittee be reconvened to review the EAS regulations in detail and make a final recommendation to the Commission. The Commission, in its March 19, 1998 Final Opinion and Order, adopted and approved the Task Force's Final Report.

The March 19 Order had the additional directive that the Commission's Bureau of Fixed Utility Services (FUS), with the assistance of the Law Bureau, analyze the results of the 1997 traffic usage studies and determine whether the number of qualifying EAS routes were significant enough that the EAS requirements should be maintained, and provide a recommendation to the Office of Executive Director for further action if necessary. The FUS report, issued on June 12, 1998, recommended that the Commission continue to maintain the EAS requirements in some form until such time that the Commission could rely on local competition to address the concerns of

limited local calling areas throughout the Commonwealth. The FUS report also recommended that the Subcommittee be reconvened to resolve a number of issues and make a final recommendation on the EAS regulations.

On July 15, 1998 the Office of Executive Director announced that the Monitoring and Reporting/Subscribership Subcommittee would be reconvening and issued an invitation to all interested parties to work with the Subcommittee to review the EAS regulations and make a recommendation to the Commission. The following report, with concluding recommendations, is a result of the Subcommittee meetings held from July—September, 1998.

Discussion

As the members of the Subcommittee began reviewing the EAS regulations, it became apparent that the discussion continually centered around and focused on the biennial traffic usage studies. The biennial traffic usage studies measure the interexchange toll traffic over both intraLATA and interLATA routes. Industry representatives expressed their concern that with the increasing level of competition in the local service market, it is becoming difficult to expend scarce competitive resources on this reporting obligation. As a greater number of companies enter local and toll markets, the sources from which data must be gathered and aggregated increases, as well as the complexity, ready availability and cost of gathering that data.

With the increased level of competition in the local service market, there is a blurring of the distinction between local and toll calls. An Incumbent Local Exchange Carrier's (ILEC) local calling area has been subject to regulation, but Competitive Local Exchange Companies (CLECs) have the option to expand that local calling area. As that occurs, it becomes difficult to compare and analyze traffic over a particular route when one company charges toll rates for that route and another considers it a local call. For these and other reasons, traffic usage studies submitted by ILECs, may not reflect complete or accurate data.

Consumer representatives on the Subcommittee also expressed the opinion that with increasing competition it becomes difficult to obtain accurate EAS studies. The competitive entry by CLECs and IXCs (Interexchange Carriers) in the local and intraLATA toll markets has made it more difficult to conduct meaningful studies.

While there was agreement among the Subcommittee members concerning the inaccuracy of the biennial traffic usage studies, and that competition is designed to provide consumers with a greater variety of local or toll calling plans, there was disagreement concerning whether the Commission should phase out the current EAS regulations. Further, there was a fundamental difference how the issue was perceived: some members viewed the source of consumer complaints as a toll problem—"my toll bill is too high." Others viewed the source of consumer complaints as a local problem—"my local calling area is too small."

Certain members suggested that with local or toll competition, there is no longer a need for maintaining the regulations. With the growing number of carriers, each with a different market share, not all carriers will have the same cross section of customers and thus the same community of interest. These members also maintained that robust toll competition will alleviate the need for the current EAS regulations.

Other representatives argued that local and toll competition has not yet provided an alternative means of responding to extended area service needs. The number of CLECs that offer local service areas that differ from those offered by the ILECs, remains extremely low. In fact, CLECs have had little success in even penetrating the ILECs' service territories; and in the majority of ILEC territories, there is no local competition.

Focusing on the issue of the preparation of complete and meaningful traffic usage studies, remained the point of consensus. Current traffic studies do not include all intraLATA traffic and dial-around calls, which has led to possibly incomplete and inaccurate traffic usage studies. This led to the agreement by the members that the periodic mandatory traffic usage studies in their current form, should be suspended pending the resolution of all traffic study issues.

This is not to suggest that there was agreement for eliminating the requirement that traffic usage studies ever be conducted. The agreement was to end the mandatory biennial traffic usage studies by all LECs. The Commission should reserve the ability to require a traffic usage study in the context of a formal complaint process. It is suggested that if an ALJ concludes that there is a strong community of interest demonstrated, an updated traffic usage study may be ordered.

When traffic usage studies are conducted, competitively neutral guidelines for the submission and aggregation of the data are necessary. With increasing competition, carriers do not want to provide their competitors with their intraLATA and interLATA toll usage data. It is inappropriate for carriers to provide competitively sensitive, customer-specific information to competitors. This led to the consensus among the members that there should be a competitively-neutral aggregator of the data. Commission staff was identified as the most logical choice, given staff expertise to aggregate and analyze such data.

Finally, while the Subcommittee is recommending that the biennial traffic usage studies be suspended, it will evaluate how to conduct more accurate traffic usage studies. Given the limited time frame that the Subcommittee had to review the current requirements, the Subcommittee will in the coming months continue to evaluate and analyze how more meaningful traffic usage studies can be produced.

Subcommittee Recommendations

1. Continue application of the Extended Area Service Regulations with the exception of conducting the biennial traffic usage studies. Suspend the biennial traffic usage studies until the Monitoring and Reporting/Subscribership Subcommittee further recommends how to conduct more accurate traffic usage data.

2. While the Monitoring and Reporting/Subscribership Subcommittee evaluates the accuracy and usefulness of traffic usage data collection, the current toll traffic usage studies from 1997 should be utilized. However, in a formal complaint process, it is suggested that if an Administrative Law Judge concludes that there is a strong community of interest demonstrated, a more current traffic usage study may be ordered.

3. The Monitoring and Reporting/Subscribership Subcommittee will evaluate the accuracy and usefulness of the data contained in the traffic usage studies, determine how to conduct more accurate traffic usage studies, and

review the regulations and the need for additional revisions.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 99-1156. Filed for public inspection July 16, 1999, 9:00 a.m.]

**Reporting Requirements for Biennial Updates of
Network Modernization Plans Filed Under 66
Pa.C.S. § 3003(b)(6); Doc. No. M-00930441**

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

Public Meeting held
April 29, 1999

Opinion and Order

By the Commission:

A. Procedural History

On August 5, 1993, the Commission entered an order at Docket No. M-00930441, which initiated efforts to implement Chapter 30.¹ In addition to issuing an advance notice of proposed rulemaking to commence the process of promulgating regulations, the order scheduled a public forum to solicit comments from interested parties regarding procedural and substantive issues relating to Chapter 30 litigation.

The public forum was held on August 16, 1993, and the Commission received both oral and written comments from various interested parties that offered numerous recommendations and suggestions regarding implementation of Chapter 30. Based on the comments received, the Commission entered an order on August 27, 1993, in the same docket, establishing procedural requirements only for petitions for an alternative form of regulation, including network modernization plans, filed under 66 Pa.C.S. § 3003. In that order, the Commission provided guidance with respect to what information should be included in a company's network modernization plan by stating:

In order to meet its evidentiary burden, each filing LEC shall be required to submit detailed information, including maps and quantitative data, which in great detail identify its plan in all parts of its service territory. The plan shall inventory the LEC's present infrastructure including detailed information regarding the capability of all existing central office switching and transport facilities. The plan shall then detail all projected development, using at most two year intervals, relating the development to both existing and new plant throughout its service territory. The plan shall also discuss in detail any potential opportunities for joint ventures and discuss and qualitatively analyze why its plan results in adequate universal bandwidth.

¹ On July 8, 1993, Acting Governor Mark signed Chapter 30 of the Public Utility Code into law, effective immediately. Chapter 30 authorizes local exchange carriers (LECs) to petition the Commission for approval of an alternative form of regulation which, if approved, would replace traditional rate base/rate of return regulation, 66 Pa.C.S. § 3003. Smaller LECs (less than 50,000 access lines) are also authorized to petition the Commission for approval of a streamlined form of regulation, 66 Pa.C.S. § 3006. Each LEC which files for approval of an alternative or streamlined form of regulation must also include in its petition a network modernization plan for Commission review and approval. 66 Pa.C.S. § 3003(b).

Re Implementation of Chapter 30 of the Public Utility Code, Docket No. M-00930441, at 13-14 (Order entered August 27, 1993).

Since this original order was entered in 1993, the telecommunications industry has experienced substantial technological, market and legislative changes. These changes have had a major impact on how telecommunications carriers intend to and will carry out their responsibilities to modernize their networks under Chapter 30. On the legislative front, for example, the Federal Telecommunications Act of 1996 (TA-96) has impacted how incumbent local exchange carriers (ILECs) will meet their interconnection responsibilities and how they will offer unbundled network elements to new entrants. Moreover, mega-mergers in the telecommunications industry, the concept of one-stop shopping, and the introduction of advanced telecommunications services, such as xDSL,² are forever changing the telecommunications landscape.

B. Comments to August 27, 1998 Order

In recognition of this evolving market, the Commission on August 27, 1998, adopted a motion which reopened Docket No. M-00930441 to receive comments from interested parties to assist in developing reporting guidelines for use by all companies required to file biennial updates of their network modernization plans under section 3003(b)(6) of the Public Utility Code, 66 Pa.C.S. § 3003(b)(6). This motion, which was subsequently entered as an Order on September 22, 1998, acknowledged the need to examine closely how to define "broadband" availability and to determine how a company's network modernization plan accelerates deployment of a universally-available, state-of-the-art, interactive, public-switched broadband telecommunications network. *Reporting Requirements for Biennial Updates of Network Modernization Plans Filed Pursuant to 66 Pa.C.S. § 3003(b)(6) and Re: Implementation of Chapter 30 of the Public Utility Code*, Docket No. M-00930441, Opinion and Order, entered September 22, 1998 (September 22, 1998 Order).

Further, the September 22, 1998 Order asked commentators to consider what the Commission has requested from Bell Atlantic-Pennsylvania, Inc. (BA-PA) in previous updates to its network modernization plan. In this regard, the Commission requested the following information from BA-PA: (1) detail on the location for upgrades in switches, the location for the placement of fiber access lines and other upgrades or expansions; (2) a statement of actual and projected investment to build the modified network; (3) a description of network architecture; (4) a projected deployment schedule; (5) a statement of progress toward universal broadband capability as measured in percentages referenced to access lines in urban, suburban and rural categories, as well as percentages referenced to total access lines; and (6) detail on broadband deployment, including use of consistent school listings. September 22, 1998 Order at 3.

Based again on evolving technology and market forces, we stated in the September 22, 1998 Order that we must develop parameters for reporting so that we are able to fairly and consistently evaluate what is provided by each company. In this regard, for example, we asked for comments on what type of detail should be provided if the Commission decided to seek reporting information which provides specificity with respect to services which are

² xDSL is a term of art referring to several forms of Digital Subscriber Line technology. It is a compression technology that enables the provision of different combinations of high-speed data, voice and fax through copper loops using packet-switched routing.

available and being subscribed to, broken down by customer class, that is, residential, business and institutional.

On or about October 20, 1998, the Commission received initial comments from BA-PA, the Office of Consumer Advocate (OCA), the Pennsylvania Telephone Association (PTA), AT&T Communications of Pennsylvania, Inc. (AT&T), and MCI Metro Access Transmission Services, Inc. (MCI). In its comments, BA-PA identified the following 10 uniform reporting guidelines for the biennial updates of network modernization plans:

(1) The biennial updates should report the status of achieving commitments to universal broadband availability, which should be defined "in terms of the infrastructure being in place so that the end users may purchase existing or future broadband services if they choose to do so—not in terms of the number of customers actually purchasing a specific broadband service." BA-PA Comments of October 20, 1998, at 3-4. BA-PA cautioned against the Commission micro-managing the network to the extent of analyzing whether customers are purchasing broadband services.

(2) The biennial updates should report present and projected upgrades to switches, fiber deployment, intelligent signaling and ISDN availability. *Id.* at 7.

(3) The biennial updates should explain the carrier's planned architecture for its broadband network. The Commission's reporting requirements must ensure that the carrier is meeting its broadband commitments while at the same time allowing the carrier the flexibility to change its architecture with changing technology and market environments. *Id.* at 7-8.

(4) The biennial updates should project the carrier's deployment schedule. *Id.* at 8-9.

(5) The biennial updates should identify broadband availability in or adjacent to public rights-of-way abutting health care facilities, public schools and industrial parks. *Id.* at 9.

(6) The biennial updates should describe how the carrier is meeting the commitment made in its plan to achieve reasonably balanced broadband availability to urban, suburban and rural areas within its service territory. *Id.* at 9-10.

(7) Expenditures on or revenues from the network should not be required because they are not permissible statutory criteria to approve or reject the updates. How much money a carrier is spending on its network modernization plan is irrelevant to whether the update is "consistent with and in furtherance of the [company's] currently effective implementation plan." The statute also does not require carriers to report expenditures and revenues broken down between urban, suburban and rural categories. *Id.* at 10-12.

(8) The biennial updates should report on joint ventures. *Id.* at 12-13.

(9) The biennial updates should report on the status of products and services that enhance the quality of life for those with disabilities. *Id.* at 13.

(10) Proprietary information should be protected so as not to impact competitively sensitive information in the biennial updates by allowing carriers to file under seal when appropriate. *Id.* at 13-14.

The OCA disagrees with BA-PA's positions that the Commission should not be analyzing the number of customers who are purchasing broadband service or that

a carrier's investment level to update its network is irrelevant. The OCA instead submits that the following uniform reporting requirements should be included with any biennial updates:

(1) The updates should provide the Commission with information on how many customers are buying broadband services. The OCA agrees with the August 27, 1998 Motion at page 2 that such information should be provided and "broken down by class of customer, i.e., business, residential, and institutional." In addition, the OCA asserts that this information should be broken down by region or geographic area within each service territory of the filing LEC. OCA Comments of October 20, 1998, at 5-6.

(2) Using the same quantity, class and geographic breakdown outlined in subparagraph (1) above, the OCA asserts that LECs should also report the type of broadband services customers are actually subscribing to. In addition to the type of service, the OCA submits that the price and speed of all LEC service offerings should be included within the biennial update report. *Id.* at 6-8.

(3) The level of investment being made to develop the broadband network should be reported in the biennial reports. Specifically, information regarding the historic, current and projected levels of capital investment in the network as well as updated depreciation report information should be provided. *Id.* at 8-9.

The PTA suggests the following biennial reporting requirements:

(1) Progress on the percentage deployment standards under which a company-specific network modernization plan is to be measured: (a) digital switching, (b) signaling, (c) trunking, and (d) distribution facilities.

(2) A statement of whether the company is "on track" for the earlier period reported as well as for the future.

(3) If it has been revised substantially from the last biennial report, a general description of the architecture of the carrier's network.

PTA Comments of October 20, 1998, at 6.

The PTA asserts that any biennial reporting requirements imposed by the Commission should not add additional or modify existing network modernization commitments. The PTA submits that any reporting requirements must recognize that each Chapter 30 company's network modernization commitment differs. The PTA also asserts that the Commission should measure compliance with a specific commitment to that company's goals, as set forth in the company's approved network modernization plan. *Id.* at 2-4.

The PTA agrees with BA-PA that the number of customers or type of broadband services purchased should not become the measurement of compliance under Chapter 30 nor does Chapter 30 require a commitment to a specific dollar amount expended for the network. The PTA also argues that the Commission should fully utilize existing information resources, rather than require the development of new information. Finally, the PTA asserts that all the Chapter 30 companies other than BA-PA are rural, and that therefore it is not necessary to have reporting requirements along urban, suburban and rural lines. *Id.* at 4-5.

AT&T does not offer uniform reporting requirements for biennial updates of network modernization plans, rather it focuses its remarks exclusively on what BA-PA should provide in its biennial reports. AT&T Comments of Octo-

ber 20, 1998, at 1-16. As to BA-PA, AT&T recommends the following reporting requirements:

(1) BA-PA should submit detailed accounts of its investment in network modernization. AT&T Comments of October 20, 1998, at 9-10.

(2) BA-PA should identify and detail which broadband services are available to residential and business customers in urban, suburban and rural areas. *Id.* at 10-11.

(3) BA-PA should provide a detailed analysis of which customers are subscribing to broadband services in which customers have broadband availability at 45 Mbps capacity. *Id.* at 12-14.

(4) BA-PA should provide information not only on the availability of existing broadband services, but should also provide the Commission with information on its future plans to introduce new broadband services in its service territory. *Id.* at 14.

(5) BA-PA should provide detailed explanations of how broadband technology at 45 Mbps is available within 5 days of a service request by a customer. *Id.*

(6) BA-PA should be required to explain how it intends to bring GTE North, Inc.'s current network into compliance with BA-PA's network modernization plan if the merger of the parents of the two companies is completed. *Id.* at 15.

Finally, MCI generally supports the positions advocated by the OCA and AT&T. MCI offers the following reporting guidelines for consideration:

(1) The information described at page 3 of the Commission's September 22, 1998 Order that is required from BA-PA in its biennial updates, should be required for all Chapter 30 network modernization plans. MCI and Comments of October 20, 1998, at 2.

(2) The Commission should require the filing of comparative data before and after the network modernization plan to ensure that the plan truly accelerated deployment. *Id.* at 3-4.

(3) "Availability" should mean more than just the deployment of facilities; it should measure the number of customers who requested and contracted for a specific service. In addition, the carrier should provide information on how many requests for broadband services were generated from schools, libraries, health care facilities and industrial parks. *Id.* at 4-5.

(4) A Chapter 30 company should be required to provide its depreciation expense and its total capital investment by expense category to insure that the Chapter 30 company is replacing the value of the network that is being depreciated. *Id.* at 6.

(5) The biennial report should include information related to the impact the network modernization plan has had on employment levels in the state. *Id.*

On or about October 27, 1998, the Commission received reply comments from BA-PA, OCA, PTA, AT&T and the United Telephone Company of Pennsylvania d/b/a Sprint (Sprint). In its reply comments, BA-PA asserts that AT&T and MCI missed the mark by failing to provide useful suggestions for arriving at generic, uniformly applicable Chapter 30 guidelines. BA-PA also argues that this is not the proper docket to consider issues related to the proposed merger between BA-PA and GTE. BA-PA Reply Comments of October 27, 1998, at 1-3.

Specifically, BA-PA argues that Chapter 30 does not require detailed reporting of expenditures on the network.

Chapter 30, in its view, simply focuses on the end result—meeting the network modernization commitments, regardless of the cost. Reporting on expenditures to build the network is not relevant because Chapter 30 does not require a LEC to commit to increasing its expenditures by any specific amount. *Id.* at 3-4.

Similarly, BA-PA asserts that any review of information on depreciation of network assets is not relevant to whether a LEC is meeting its infrastructure modernization commitments. According to BA-PA, depreciation expense is the recovery of past investment; there is no connection between capital spent in the past to improve the network and capital spent today. Indeed, BA-PA asserts, rapid advances in technology and the increasing impact of competition have resulted in falling prices for many products necessary to modernize the network. *Id.* at 4-6.

BA-PA also argues that Chapter 30 does not require the Commission to count the number of customers that use the network; the statute only requires the Commission to look at whether the network is being built. *Id.* at 6-9. Finally, BA-PA disagrees strongly with MCI's suggestion that Chapter 30 companies should report on the impact their network modernization plans have had on employment in Pennsylvania. BA-PA argues that the statute does not contemplate the reporting of such employment levels; and, in any event, there is no way that BA-PA would be able to report accurately on the impact the network has had on employment in Pennsylvania. *Id.* at 9-10.

Both the PTA and Sprint support BA-PA's view that the level of expenditures, customer penetration levels, employment, depreciation and other similar criteria are irrelevant to whether a LEC is meeting its network modernization commitments. PTA Reply Comments of October 27, 1998, at 2-3; Sprint Reply Comments of October 27, 1998, at 2-8. The PTA points out that the biennial reporting requirements are only intended to provide the Commission with information regarding the current status of a LEC's compliance with its network modernization commitments; it is not intended to provide "a further opportunity for extracting additional commitments from a company with respect to its future provisioning of services." PTA Reply Comments of October 27, 1998, at 3.

Sprint agrees with the PTA that a LEC's network modernization plan provides "the appropriate guidelines to be used for purposes of analyzing biennial updates." Sprint Reply Comments of October 27, 1998, at 1. The level of detail suggested by the OCA, AT&T and MCI to be included in biennial updates, Sprint asserts, is inappropriate and unwarranted. *Id.* at 1-2. Sprint also submits that the Commission must be aware that imposing reporting guidelines for biennial updates, if they are required by all companies, must be done in the context of a formal rulemaking proceeding. *Id.* at 8.

In their reply comments, both the OCA and AT&T support the view that providing the Commission with the number and location of customers utilizing broadband services is relevant to the issue of whether Chapter 30's modernization goals are actually being realized. OCA Reply Comments of October 27, 1998, at 2; AT&T Reply Comments of October 27, 1998, at 3-4. The OCA further submits that the level of expenditures invested is relevant and important in determining a Chapter 30 company's level of commitment to its network modernization plan. OCA Reply Comments of October 27, 1998, at 1.

The OCA also states in its reply comments its support of BA-PA's position on "reporting requirements relative to the provision of broadband services to public schools, libraries, health care facilities and industrial parks." *Id.* at 2. In this regard, BA-PA has reported the percentage of these institutions where it has deployed fiber-optic availability to the nearest abutting right-of-way, and the OCA submits that this should be the reporting requirement for all Chapter 30 companies. *Id.* at 2-3. Finally, the OCA agrees that competitively sensitive information should be protected, but that the Commission and public advocates, such as the OCA, should have "automatic access to this information subject to appropriate proprietary agreements." *Id.* at 3.

C. Discussion

The order we issue today establishing generic reporting guidelines for biennial updates of network modernization plans filed under Chapter 30 of the Public Utility Code is a direct result of consideration of the above-described comments. We appreciate and thank all the commenting parties who provided worthwhile suggestions to aid the Commission in the development of these reporting guidelines.

Before delineating any specific guidelines to address the types of information that should be included in biennial update reports, however, we wish to briefly address the Commission's authority to issue the guidelines. The Commonwealth Court's decision in *Pennsylvania Human Relations Comm'n v. Norristown Area Sch. Dist.*, 342 A.2d 464 (1975), which was affirmed by the Pennsylvania Supreme Court at 374 A.2d 678, establishes the ability of the Commission to issue guidelines. Specifically, the Commonwealth Court in the *Norristown* decision emphasized the distinction between a regulation and a guideline or other statement of policy.

In discussing this distinction, the Commonwealth Court observed that a statement of policy is defined in the Commonwealth Documents Law, 45 P. S. § 1102(13), as including actions that interpret or implement any statute that is enforced or administered by such agency. As the Commonwealth Court recognized, such a document need not be promulgated as a regulation. Further, the Pennsylvania Administrative Code defines a "guideline" as a document which announces the policy that any agency intends to implement in future rulemakings, adjudications, or which will otherwise guide the agency in the exercise of its administrative discretion. 1 Pa. Code § 1.4.

In the present case, by these guidelines, we announce policy that we intend to implement which will provide assistance to LECs in understanding what the Commission believes is necessary and relevant in fulfilling the Commission's responsibility to review and approve biennial updates filed under Chapter 30 of the Public Utility Code. As such, this action we take today is in complete compliance with applicable provisions of the Commonwealth Documents Law and the Administrative Code.

Turning our attention then to what specific guidelines we should adopt, perhaps the two most difficult and controversial issues raised in the comments relate to the meaning of "universal broadband availability" in section 3003(b)(1) and to what extent capital investment information, including depreciation expenses, should be provided. Addressing the "universal broadband availability" issue first, while the Commission recognizes the position presented by BA-PA, PTA, and Sprint that the term "availability" should only mean evaluating the actual deployment of facilities, we believe, consistent with the position

supported by the OCA, AT&T, and MCI, that a way to measure the true success of a network modernization plan is by analyzing the number of customers actually buying the broadband services offered by the LEC.

As we already stated in our September 22, 1998 Order in this docket, "the true measure of any local exchange carrier's compliance with its Network Modernization Plan is the provision of actual 'broadband' services to customers." September 22, 1998 Order at 3. A network modernization plan offering broadband services with few, if any, subscribers may not benefit Pennsylvania or its citizens as we move into the 21st Century.

It is critical, therefore, that we be provided accurate information in the biennial reports showing how many customers are buying broadband services and what broadband services are being purchased by customers. Without this information regarding the actual use of an advanced telecommunications network by Pennsylvania consumers, we cannot effectively exercise oversight responsibilities given to the Commission by Chapter 30 to "ensure the efficient delivery of technological advances and new services throughout the Commonwealth in order to improve the quality of life for all Pennsylvanians." 66 Pa.C.S. § 3001(5) (emphasis added).³

The other contentious issue presented by the parties is whether the Commission should require capital investment information, including depreciation expense information. As described above, BA-PA, the PTA, and Sprint each argue that knowing how much a LEC is spending on its network modernization efforts is irrelevant because Chapter 30 does not require a LEC to commit to increasing its expenditures by any specific amount—it just requires that the network be built. They also argue that depreciation expense information is not relevant because there is no connection between money spent historically to upgrade the broadband network versus money spent now or in the future to improve the network. Finally, Sprint submits that requiring the additional information from all LECs filing biennial reports can only be done through a formal rulemaking proceeding and not through reporting guidelines.

The OCA, AT&T and MCI, on the other hand, each assert that the level of capital investment being made, as well as updated depreciation expenses, should be included in the biennial reports. They contend that the amount of capital investment being made to build the network is a relevant measure of whether the incentives provided by alternative regulation have actually stimulated an increased development and modernization of the network. To fully measure whether the incentives are working as they should, the three entities submit that current levels of investment must be compared with both past and projected levels of capital investment in the network, as well as depreciation expense information.

We have previously examined this issue in the context of what was required for the biennial updates to BA-PA's network modernization plan. As noted in our September 22, 1998 Order, in that context in the past we have requested from BA-PA that it provide actual and projected investment levels to build its network. While it is true that Chapter 30 does not explicitly require the production of the information, Chapter 30 does not prohibit produc-

³ See also *Re: Bell Atlantic—Pennsylvania, Inc.'s Petition and Plan for Alternative Form of Regulation Under Chapter 30*, Docket No. P-00930715, Opinion and Order, entered June 28, 1994, at 167 (Commission found that "[t]he biennial filings are not merely informational in nature," that "[t]he Commission's oversight is critical to assure that the deployment has been and will continue to be reasonably balanced among urban, suburban, and rural areas" and that its review was to be more than "a simple progress evaluation."

tion of this type of information if the Commission concludes that it would be helpful in its analysis of whether the network is being deployed and upgraded consistent with the intent of the statute.

We believe capital investment and annual depreciation reports would be helpful in the Chapter 30 context, because, without information to analyze historical data versus projected trends, we cannot adequately determine or even identify all the issues or concerns necessary to ensure that the LEC is meeting its network deployment obligations. In any event, this type of information is already required to be produced by LECs providing telephone service with over 50,000 access lines or which have gross intrastate operating revenues in excess of \$20 million per year under 52 Pa. Code §§ 73.1—73.9, which regulations became effective in August 1995. *Final Rulemaking Re Public Utility Depreciation Practices and Capital Planning*, Docket No. L-00920062, Order entered May 5, 1995 (May 5, 1995 Order). The stated purpose of Chapter 73 of our regulations “is to establish uniform and industry-wide reporting requirements designed to improve the Commission’s ability to monitor on a regular basis the depreciation practices and capital planning” of telephone and other utilities subject to Commission jurisdiction. 52 Pa. Code § 73.1.

Sections 73.3 and 73.4 provide for detailed annual depreciation reports (ADRs) to be filed with the Commission. Sections 73.7 and 73.8 provide that telephone utilities meeting the minimum thresholds, except telecommunications interexchange carriers, resellers and radio common carriers, shall file a capital investment plan report every 3 years, with the first report due by August 31, 1998.

In deciding that our Chapter 30 biennial reporting guidelines should include capital investment and depreciation expense information for LECs having gross intrastate revenues in excess of \$20 million per year or access lines in excess of 50,000,⁴ the LECs may coordinate their reporting obligations, consistent with our May 5, 1995 Order at 8-9. The coordination will allow the reports required by Chapter 73 in the Pa. Code to be used to provide this Commission with a LEC’s capital investment and depreciation expense information in the biennial reports required by Chapter 30 of the Public Utility Code.⁵ In fact, 52 Pa. Code § 73.8(6) expressly recognizes that “information required by this section” that has been provided to the Commission in another required report, need not be filed again so long as the utility notifies the Office of Special Assistants as to the location of the information, and, if necessary, converts the information to the electronic format required under Chapter 73.⁶

Finally, three other Chapter 30 reporting guideline issues need to be addressed in this order. The first issue involves the continuing reporting obligations of a LEC under other statutory provisions of the Public Utility Code and regulations adopted by this Commission once

⁴ For the smaller LECs, we believe the biennial reports should contain information that is similar to the information required under 52 Pa. Code §§ 73.4 and 73.8. The smaller LECs are encouraged to meet with Commission Staff before they file their biennial reports to develop more precisely what information is actually needed, and, at the same time, to minimize any administrative burdens that the reporting requirements will place on the smaller LECs.

⁵ Any LEC that has not filed its ADR for 1998 or capital investment plan report by August 31, 1998, as required by Chapter 73 of the Pa. Code, shall file these reports with the Commission within 60 days of the entry of this order.

⁶ We do recognize, as noted above, that Chapter 73 of our regulations requires capital investment plan reports every 3 years, while the biennial reports required by Chapter 30 of the Public Utility Code are, by definition, required every 2 years. To effectuate the type of coordination contemplated in this Order, and at the same time minimize any additional administrative burdens on LECs that may arise from producing this information in the biennial reports, the LEC may use the most recently filed Chapter 73 capital investment plan report then on file with the Commission to provide us with this same information when its biennial report is due.

its network modernization plan has been approved. Some LECs have asserted in other proceedings or filings before this Commission that language in at least some of our Chapter 30 network modernization approval orders eliminates any other reporting obligations outside of Chapter 30. This order and the guidelines we adopt today clarifies that any such language in earlier Chapter 30 orders was only intended to address reports required under Chapter 30 and was not intended to obviate reports otherwise specifically required in other chapters of the Public Utility Code or in the regulations implementing these other chapters.

The second issue relates to how “public schools” as used in section 3003(b)(3) should be defined so that the Commission can receive uniform and consistent information on broadband deployment to public schools. No party filed comments relating to this issue. The Commission believes that the most prudent course is to follow how public schools are defined and interpreted throughout the Public School Code contained in Title 24 of Purdon’s Statutes. For reporting purposes under Chapter 30, therefore, public schools shall include the 501 public school districts within the Commonwealth of Pennsylvania, the intermediate units, all charter schools and all area vocational-technical schools.

The last issue involves AT&T’s position that this Commission should evaluate the impact BA-PA’s pending merger with GTE Corporation will have on BA-PA’s network modernization obligations while the joint application to merge is pending. We agree with BA-PA’s position that any issues relating to this potential impact are more properly considered in the merger proceeding than at this docket; *Therefore,*

It Is Ordered that:

1. The following Chapter 30 Biennial Update Reporting Guidelines are adopted by the Commission, effective on the date of entry of this Order.

2. A local exchange carrier that has not filed its annual depreciation report for 1998 or capital investment plan report by August 31, 1998, as required by 52 Pa. Code §§ 73.3—73.4 and 73.7—73.8 shall file these reports with the Commission within 60 days of the entry of this order.

3. This order will clarify this Commission’s position that approval of a LEC’s network modernization plan and acceptance and approval of biennial reports required under Chapter 30 of the Public Utility Code will not alleviate that LEC’s obligation to provide any and all reports required in any other provision of the Public Utility Code or in the Commission’s regulations implementing these other provisions.

4. The Secretary shall certify this order and attached Reporting Guidelines, and deposit them with the Legislative Reference Bureau to be published in the *Pennsylvania Bulletin*.

5. The Reporting Guidelines shall be served upon all incumbent and competitive local exchange carriers, the Office of Consumer Advocate, the Office of Small Business Advocate and the Pennsylvania Telephone Association.

JAMES J. MCNULTY,
Secretary

Chapter 30 Biennial Update Reporting Guidelines for Local Exchange Carriers

1. The biennial updates required under 66 Pa.C.S. § 3003(b)(6) should provide specific information on how many customers are buying broadband services. This

information should be provided both by class of customer, that is, business, residential and institutional, and by region or geographic area within each service territory of the filing local exchange carrier (LEC).

2. Using the same quantity, class and geographic breakdown outlines in Paragraph No. 1 above, the biennial updates should report the type of broadband service being offered by the LEC.

3. The biennial updates should report present and projected upgrades to switches, fiber development, intelligent signaling and ISDN availability.

4. The biennial updates should explain the LEC's planned architecture for its broadband network. If the LEC's architecture has been revised substantially from the last biennial update because of changing technology or market environment, the LEC should provide a specific description of the new architecture and the reasons for the change.

5. The biennial updates should project the LEC's deployment schedule.

6. The biennial updates should identify broadband availability in or adjacent to public rights-of-way abutting health care facilities, public schools and industrial parks. For reporting purposes, "public schools" shall include all public school districts within the Commonwealth of Pennsylvania, all intermediate units, all charter schools and all area vocational-technical schools.

7. The biennial updates should describe how the LEC is meeting the commitment made in its Chapter 30 network modernization plan to achieve reasonably balanced broadband availability to urban, suburban and rural areas within its service territory consistent with each company's approved Chapter 30 plan.

8. Consistent with the reporting obligations contained in 52 Pa. Code §§ 73.1—73.9, for LEC's providing telephone service with over 50,000 access lines or which have grossed intrastate operating revenues in excess of \$20 million per year, the biennial updates should provide the level of capital investment being made to develop the broadband network. Specifically, information regarding the historical, current and projected levels of capital investment in the network as well as updated depreciation report information should be provided. A LEC may coordinate its reporting obligations required by Chapter 73 to comply with this paragraph so long as the LEC complies with the notification requirement contained in 52 Pa. Code § 73.8(6).

9. For LEC's providing telephone service with less than 50,000 access lines or which have gross intrastate operating revenues less than \$20 million per year, the biennial updates should contain information similar to what is required under 52 Pa. Code §§ 73.4 and 73.8. These small LECs may meet with Commission Staff to determine the precise information to be provided so as to balance the Commission's specific informational needs with the LEC's need to minimize any administrative burdens created by the production of this information.

10. The biennial updates should report on joint ventures.

11. The biennial updates should report on the status of products and services that enhance the quality of life for those with disabilities.

12. As provided in the order approving these guidelines, the acceptance and approval of a network modernization plan and subsequent biennial reports required by

Chapter 30, will not eliminate the obligation of a LEC to provide any other reports required in any other chapter of the Public Utility Code or in the Commission's existing regulations.

13. Proprietary information will be protected so as not to impact adversely competitively sensitive information in the biennial updates by allowing a LEC to file under seal when appropriate; provided, however, that the Office of Consumer Advocate, the Office of Small Business Advocate and the Office of Trial Staff will have access to this competitively sensitive information subject only to the public advocates entering into appropriate proprietary agreements with the producing LEC.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 99-1157. Filed for public inspection July 16, 1999, 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 9, 1999, 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 *additional 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-00115884, Folder 2. James R. Kimble, (Executor of the Estate of Girdie Kimble, Deceased), t/d/b/a Girdie Kimble and Son Limousine Service (24 North Felton Street, Philadelphia, Philadelphia County, PA 19139)—the transportation of persons in limousine service: (1) persons attending funerals between points in the city and county of Philadelphia, and within an airline radius of 30 statute miles of City Hall in said city; and (2) persons attending weddings or christening parties to or from homes of wedding or christening parties and churches or places at which marriage ceremonies or christening parties are performed in the city and county of Philadelphia; which is to be a transfer of all the rights authorized under the certificate issued at A-00104627, to Girdie Kimble (deceased) and James R. Kimble, Copartners, t/d/b/a Girdie Kimble and Son Limousine Service.

Applications of the following for approval of the *beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights* as described under each application.

A-00116021. Paul J. Diveglia, t/d/b/a St. Topaz Limousine Service (1929 North Sixth Avenue, Altoona, Blair County, PA 16601)—persons in limousine service, between points in the counties of Blair and Cambria, and from points in said counties, to points in Pennsylvania,

and return; which is to be a transfer of all of the rights authorized under the certificate issued at A-00108798 to Richard M. Steinbugl, t/d/b/a St. Topaz Limousine, subject to the same limitations and conditions.

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-00116019. North Warren Volunteer Fire Department (12 South State Street, North Warren, Warren County, PA 16365), a corporation of the Commonwealth of Pennsylvania—persons in paratransit service, between points in the county of Warren, and from points in said county, to points in Pennsylvania, and return. *Attorney:* Todd A. Woodin, 400 Market Street, Warren, PA 16365.

A-00116020. Glory to Glory, Inc., t/d/b/a Glory to Glory (340 West Milne Street, Philadelphia, Philadelphia County, PA 19144), a corporation of the Commonwealth of Pennsylvania—persons in paratransit service, from points in the city and county of Philadelphia, to correctional facilities located at points in Pennsylvania.

Applications of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under each application.

A-00115452, Folder 2. T. J. McGeehan Sales and Service, Ltd. (R.R. 1, Box 101-D, White Haven, Luzerne County, PA 18661), a corporation of the Commonwealth of Pennsylvania—additional right—persons in limousine service, between points in the counties of Carbon and Luzerne, and from points in said counties, to points in Pennsylvania, and vice versa.

A-00111323, Folder 3. Terry J. Kovach, t/d/b/a Vogue Limousines (508 Route 30 East, Irwin, Westmoreland County, PA 15642)—additional right—persons in group and party service: (1) between points in the counties of Armstrong, Beaver, Bedford, Butler, Cambria, Fayette, Greene, Indiana, Lawrence, Somerset, Washington and Westmoreland, and from points in said counties, to points in Pennsylvania, and return; and (2) from points in the county of Allegheny, to points in Pennsylvania, and return; rights 1 and 2 subject to the following condition: that the service is limited to the transportation of persons attending weddings, proms, formals, concerts, special events and nights-on-the-town.

Applications of the following for approval of the right to begin to operate as a broker for the transportation of persons as described under each application.

A-00116018. James J. Roccio & Patricia Seitz, Co-partners, t/d/b/a Festival Travel (903 Scalp Avenue, Johnstown, Cambria County, PA 15904)—brokerage license—to arrange for the transportation of persons and their baggage, between points in Pennsylvania.

Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Colonial Coach Corp.; Doc. No. A-00094605C99 Fs. 1,2,3,4

Complaint

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania, empowered to regulate motor carriers and brokers within this Commonwealth. The Commission

has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Colonial Coach Corp., respondent, maintains a principal place of business at 408 Madison Avenue, Mt. Holly, NJ 08060.

2. That all times relevant to this Complaint, respondent held certificates of public convenience issued by this Commission at Application Docket No. A-00094605, Fs. 1,2,3 & 4.

3. That pursuant to Section 512 of the Public Utility Code, 66 Pa.C.S. § 512, and 52 Pa. Code Chapter 32; respondent is required to maintain evidence of current insurance on file with this Commission.

4. That respondent has failed to maintain evidence of bodily injury and property damage liability insurance, in violation of the Public Utility Code and regulations cited in Paragraph 3 of this complaint.

5. That as a result of failure to maintain evidence of current insurance on file with this Commission, the Bureau of Transportation and Safety Prosecutory Staff requests that the Secretary of the Commission revoke respondent's certificates of public convenience.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Secretary of the Commission revoke the certificates of public convenience held by Colonial Coach Corp. at Docket No. A-00094605, Fs. 1,2,3 & 4, for failure to maintain current evidence of insurance on file with the Commission.

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

Notice to Plead

A. You must file an answer within twenty (20) days of the date of service. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice to plead. 52 Pa. Code § 1.56(a). The answer must raise all factual and legal arguments that you wish to claim in your defense and must include the docket number of this Complaint. Your answer must be verified and the original and two (2) 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 (10) days of the date of service as identified in Paragraph A. above, the Bureau of Transportation and Safety will request that the Commission enter an order revoking your certificate of public convenience; contract carrier permit; or brokerage license or imposing such other remedy as may be appropriate.

C. In lieu of an answer, you may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations. The proof of insurance must be filed with the Secretary of the Commission at the address set forth in Paragraph A. Upon receipt of the proof of insurance from your insurer, the complaint proceeding shall be closed.

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 that the Commission enter an order revoking your certificate of public convenience; contract carrier permit; or brokerage license.

E. If you file an answer which contests the complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Medical Express & General Courier Service, Inc.; Doc. No. A-00104479C99

Complaint

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania, empowered to regulate motor carriers and brokers within this Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Medical Express & General Courier Service, Inc., respondent, maintains a principal place of business at 4494 Steubenville Pike, Pittsburgh, PA 15205.

2. That all times relevant to this Complaint, respondent held a certificate of public convenience issued by this Commission at Application Docket No. A-00104479.

3. That pursuant to Section 512 of the Public Utility Code, 66 Pa.C.S. § 512, and 52 Pa. Code Chapter 32; respondent is required to maintain evidence of current insurance on file with this Commission.

4. That respondent has failed to maintain evidence of bodily injury and property damage liability insurance, in violation of the Public Utility Code and regulations cited in Paragraph 3 of this complaint.

5. That as a result of failure to maintain evidence of current insurance on file with this Commission, the Bureau of Transportation and Safety Prosecutory Staff requests that the Secretary of the Commission revoke respondent's certificate of public convenience.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Secretary of the Commission revoke the certificate of public convenience held by Medical Express & General Courier Service, Inc. at Docket No. A-00104479, for failure to main-

tain current evidence of insurance on file with the Commission.

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

Notice to Plead

A. You must file an answer within twenty (20) days of the date of service. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice to plead. 52 Pa. Code § 1.56(a). The answer must raise all factual and legal arguments that you wish to claim in your defense and must include the docket number of this Complaint. Your answer must be verified and the original and two (2) 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 (10) days of the date of service as identified in Paragraph A. above, the Bureau of Transportation and Safety will request that the Commission enter an order revoking your certificate of public convenience; contract carrier permit; or brokerage license or imposing such other remedy as may be appropriate.

C. In lieu of an answer, you may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations. The proof of insurance must be filed with the Secretary of the Commission at the address set forth in Paragraph A. Upon receipt of the proof of insurance from your insurer, the complaint proceeding shall be closed.

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 that the Commission enter an order revoking your certificate of public convenience; contract carrier permit; or brokerage license.

E. If you file an answer which contests the complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Geno Taxi Co.; Doc. No. A-00110885T99 P-1280

Complaint

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania, empowered to regulate motor carriers and brokers within this Commonwealth. The Commission has delegated its authority to initiate proceedings which

are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Geno Taxi Co., respondent, maintains a principal place of business at 1824 West Rockland Street, Philadelphia, PA 19141.

2. That all times relevant to this Complaint, respondent held a certificate of public convenience issued by this Commission at Application Docket No. A-00110885, P-1280.

3. That pursuant to Section 512 of the Public Utility Code, 66 Pa.C.S. § 512, and 52 Pa. Code Chapter 32; respondent is required to maintain evidence of current insurance on file with this Commission.

4. That respondent has failed to maintain evidence of bodily injury and property damage liability insurance, in violation of the Public Utility Code and regulations cited in Paragraph 3 of this complaint.

5. That as a result of failure to maintain evidence of current insurance on file with this Commission, the Bureau of Transportation and Safety Prosecutory Staff requests that the Secretary of the Commission revoke respondent's certificate of public convenience.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Secretary of the Commission revoke the certificate of public convenience held by Geno Taxi Co. at Docket No. A-00110885, P-1280, for failure to maintain current evidence of insurance on file with the Commission.

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

Notice to Plead

A. You must file an answer within twenty (20) days of the date of service. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice to plead. 52 Pa. Code § 1.56(a). The answer must raise all factual and legal arguments that you wish to claim in your defense and must include the docket number of this Complaint. Your answer must be verified and the original and two (2) 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 (10) days of the date of service as identified in Paragraph A. above, the Bureau of Transportation and Safety will request that the Commission enter an order revoking

your certificate of public convenience; contract carrier permit; or brokerage license or imposing such other remedy as may be appropriate.

C. In lieu of an answer, you may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations. The proof of insurance must be filed with the Secretary of the Commission at the address set forth in Paragraph A. Upon receipt of the proof of insurance from your insurer, the complaint proceeding shall be closed.

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 that the Commission enter an order revoking your certificate of public convenience; contract carrier permit; or brokerage license.

E. If you file an answer which contests the complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 99-1158. Filed for public inspection July 16, 1999, 9:00 a.m.]

Sewage Without Hearing

A-230245. Manwalamink Sewer Company. Application of Manwalamink Sewer Company for approval to begin to offer, render, furnish or supply sanitary sewage collection and disposal service to the public in additional territory in the townships of Smithfield and Middle Smithfield, Monroe County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before July 26, 1999, under 52 Pa. Code (relating to public utilities).

Applicant: Manwalamink Sewer Company

Through and By Counsel: Gerald F. Durkin, River Road, Fort Depuy, 2nd Floor, P. O. Box 93, Shawnee-on-Delaware, PA 18356.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 99-1159. Filed for public inspection July 16, 1999, 9:00 a.m.]

Telecommunications

A-310663. ALLTEL Communications Services Corporation and Aerial Operating Company, Inc. Joint Petition of ALLTEL Communications Services Corporation and Aerial Operating Company, Inc. for approval of an Interconnection Agreement under section 252(e) of the Telecommunications Act of 1996.

ALLTEL Communications Services Corporation and Aerial Operating Company, Inc., by its counsel, filed on May 21, 1999, at the Pennsylvania Public Utility Commission (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. Comments are due on or before 10 days after the date of publication of this notice. Copies of the ALLTEL Communications Services Corporation and Aerial Operating Company, Inc. Joint Petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 99-1160. Filed for public inspection July 16, 1999, 9:00 a.m.]

Transfer of Control Without Hearing

A-140325 F0002. El Paso Field Services Company, Pentex Natural Gas Company and Pentex Pipeline Company. Joint Application of El Paso Field Services Company, Pentex Natural Gas Company, and Pentex Pipeline Company for approval of the Transfer of Control of Pentex Pipeline Company, by Stock Purchase Agreement, from El Paso Field Services Company to Pentex Natural Gas Company.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before August 2, 1999, under 52 Pa. Code (relating to public utilities).

Applicant: El Paso Field Services Company, Pentex Natural Gas Company

Through and By Counsel: David M. Kleppinger, Esquire, Pamela C. Polacek, Esquire, 100 Pine Street, P. O. Box 1166, Harrisburg, PA 17108-1166.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 99-1161. Filed for public inspection July 16, 1999, 9:00 a.m.]

Wastewater Without Hearing

A-230081. Warwick Drainage Company. Application of Warwick Drainage Company for a certificate of public convenience to operate a public wastewater collection, treatment and disposal plant for properties within St. Peter's Village, located in Warwick Township, Chester County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before July 26, 1999, under 52 Pa. Code (relating to public utilities).

Applicant: Warwick Drainage Company

Through and By Counsel: Joseph E. Brion, Esquire, Buckley, Nagle, Gentry, Brion, McGuire & Morris, LLP, 304 North High Street, West Chester, PA 19380.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 99-1162. Filed for public inspection July 16, 1999, 9:00 a.m.]

Water Service Without Hearing

A-211420F2000. Kawon, Inc. Application of Kawon, Inc. for approval of the abandonment or discontinuance of water service and transfer to service provided by Hazleton City Authority, water department.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before July 26, 1999, under 52 Pa. Code (relating to public utilities).

Applicant: Kawon, Inc.

Through and By Counsel: Dominic Yannuzzi, President, Kawon, Inc., P. O. Box A, Hazleton, PA 18201.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 99-1163. Filed for public inspection July 16, 1999, 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:

August 25, 1999	James J. Hartz (Premium Assistance)	1 p.m.
	Ellen D. Packel (Multiple Service Membership)	2:30 p.m.

Persons with a disability who wish to attend the above-listed hearings and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact 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 the General Rules of Administrative Practice and Procedure, 1 Pa. Code Part II unless specific exemption is granted.

DALE H. EVERHART,
Secretary

[Pa.B. Doc. No. 99-1164. Filed for public inspection July 16, 1999, 9:00 a.m.]

TURNPIKE COMMISSION

Retention of an Engineering Firm

Geotechnical-Engineering Services Systemwide

Reference No. 3-115

The Turnpike Commission (Commission) will retain an engineering firm for an open-end contract for various geotechnical-engineering services on various projects. The contract will cover the entire Turnpike system. This contract will be for a period of 2 years or \$500,000, whichever occurs first.

The firm may be required to perform, but will not be limited to, the following geotechnical engineering services: review geotechnical work performed by private engineering firms; perform geotechnical design for Commission designed projects; prepare scopes of work; investigate slope movements and other geologic hazards for future programming; install and/or monitor geotechnical instruments; provide geotechnical consultation during and after construction; provide drilling inspection in accordance with PennDOT Design Manual Part 4 / Publication 293 qualifications and criteria; provide emergency response to geologic hazards; review and comment on Commission procedures and documents; investigate stability of retaining systems; develop specifications; prepare cost estimates; prepare and review pavement designs; respond to requests from construction and maintenance for various types of investigations; perform stability analyses of slopes and retaining structures; prepare erosion and sedimentation plans; perform scour analyses and develop remedial solutions; perform settlement analyses and develop remedial solutions; review contour grading plans; review value engineering proposals; prepare prints and information required for a value engineering review; prepare geotechnical engineering reports; attend field views and prepare minutes; prepare submissions for field view meetings; perform field reconnaissance; plot topography and cross sections; and attend coordination and status meetings with Commission personnel and prepare meeting minutes.

In most cases, the Commission will provide drilling and sampling services through separate open-end drilling contracts. However, the firm may be required to let separate contracts for drilling and will be required to have soil, rock and water testing capabilities. The soil and rock testing must be performed at an AASHTO Materials Reference Laboratory (AMRL) accredited laboratory and the water testing must be performed at a Pennsylvania Department of Environmental Resources certified laboratory. Some tests may be required to be performed under a HASP.

Environmental related work may include, but not be limited to, the following; perform geotechnical investigations under a Health and Safety Plan; develop Health and Safety Plans (HASPs) for projects; develop remediation for acid mine drainage (AMD) problems; review preliminary area reconnaissance (PARs), initial site assessments (ISAs), preliminary site investigations (PSIs), detailed site investigations (DSIs), and waste management plans.

The format and content of all documents, plans and specifications will be consistent with applicable State and Federal regulations and guidelines.

The geotechnical, geological and engineering services identified above are the general work activities that can be expected under this open-end contract. A more specific and project-related scope of work will be outlined for each individual work order developed under this open-end contract.

The following factors will be considered by the Commission during the evaluation of the firms submitting Letters of Interest for this project:

a. Specialized experience and technical competence of prime consultant and subconsultants. The Team must clearly demonstrate an ability to analyze available data to make decisions and develop plans to complete the project in a timely and cost effective manner.

b. Past record of performance with respect to cost control, work quality, ability to meet schedules and previous experience on similar projects. The consultant should identify similar projects that have been completed by that firm as the prime, the magnitude of the project and the client.

c. The specific experience and number of individuals who constitute the firm.

d. Workload of the prime consultant and subconsultants for all Pennsylvania Department of Transportation and Pennsylvania Turnpike Commission projects.

e. Other factors, if any, specific to the project.

Address these items and any necessary further details in a brief yet comprehensive manner in the letter of interest.

Direct inquiries to Kenneth M. Heirendt, P.G., Pennsylvania Turnpike Commission, Western Regional Office, at (724) 755-5187 or by e-mail at kheirendt@paturnpike.com.

General Requirements and Information

Firms interested in providing the above work and services are invited to submit a Letter of Interest with the required information. The Letters of Interest must include the following:

1. One page transmittal letter clearly identifying the project reference number, brief description of the project from the advertisement, the firm's Federal identification number, the firm's legal name, contact person or project manager, address of corporate office and project office. If the firm has multiple offices, the location of the office performing the work must be identified.

2. Three page expression of interest in the advertised project. Each firm should demonstrate their ability to perform the specific requirements indicated for this project and provide explanation that the firm has successfully completed similar type projects of the same magnitude.

3. An organization chart for the project, identifying key personnel and any subconsultants and their roles. Any

deviation from the subconsultants listed in the letter of interest will require written approval from the Commission.

4. Tabulation of workload for the prime consultant and all subconsultants for all Pennsylvania Department of Transportation and Pennsylvania Turnpike Commission projects.

5. A copy of the Annual Qualification Package submitted to the Pennsylvania Department of Transportation for the current year that is in the same District as the project or one that is best suited for the project.

The Annual Qualification Package should contain at a minimum, the following information for the prime consultant and all subconsultants which should be attached to the back of the letter of interest (subs to follow primes):

- Standard Form (SF) 254—Architect-Engineer and Related Services Questionnaire in its entirety, not more than 1 year old as of the date of the advertisement.
- Resumes of key personnel expected to be involved in the project. Limit to one 8 1/2 x 11 page, one side, per person. Only resumes of key personnel should be included.
- Copy of the firm's registration to do business in this Commonwealth as provided by the Department of State for firms with out-of-State headquarters or corporations not incorporated in Pennsylvania.
- A copy of the Department's DBE/WBE Certification, if applicable.

If a Joint Venture responds to a project advertisement, the Commission will not accept separate letters of interest from joint venture constituents. A firm will not be permitted to submit a letter of interest on more than one joint venture for the same project reference number. Also, a firm that responds to a project as a prime may not be included as a designated subconsultant to another firm that responds to the same project advertisement. This does not preclude a firm from being set forth as a designated subconsultant to more than one prime consultant responding to the project advertisement.

Firms interested in performing the above services are invited to submit a letter of interest and required information to Barry L. Troup, P.E., Assistant Chief Engineer for Design, at the PA Turnpike Commission Administration Building located on Eisenhower Boulevard at the Harrisburg-East Interchange (No. 19). (FedEx address: Route 283 and Eisenhower Boulevard, Highspire, PA 17034) (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676).

The letter of interest and required information must be received by 12 noon, Friday, August 6, 1999. Letters of interest received after this date and time will be time-stamped and returned.

Based on an evaluation of acceptable letters of interest received in response to this solicitation, one firm will be selected for each project. The order of preference will be established for the purpose of negotiating an agreement with the highest ranked firm established by the Technical Review Committee and approved by the Selection Committee. Technical Proposals or Requests for Proposals will not be requested prior to selection.

The Commission reserves the right to reject all letters of interest, to cancel solicitation requested under this

notice, and/or to re-advertise solicitation for the work and services.

JAMES F. MALONE, III,
Chairperson

[Pa.B. Doc. No. 99-1165. Filed for public inspection July 16, 1999, 9:00 a.m.]

Retention of an Engineering Firm

Construction Materials Inspection and Testing Services Districts 1 and 2, Milepost 0.00 to 199.00 in Allegheny, Beaver, Bedford, Butler, Franklin, Fulton, Huntingdon, Lawrence, Somerset and Westmoreland Counties

Reference No. 1-115

The Turnpike Commission (Commission) will retain an engineering firm to perform construction materials inspection and testing services both at the project site and at related plant locations in the Western Region (Milepost 0.0 to Milepost 199.0) of the Pennsylvania Turnpike. The types of projects that materials inspection and testing will be conducted on under this contract may include, but are not limited to, roadway reconstruction, bituminous overlays, bridge construction and rehabilitations, service plaza parking lot expansions and toll plaza construction. A testing laboratory capable of performing concrete, bituminous, aggregate and soils tests, in a timely, manner must be available throughout the life of the contract.

The contract will be for a maximum cost of \$750,000 or for a 36 month period. 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 construction meetings with the Commission.

The selected firm may be required to test materials at asphalt and concrete plants, perform soils and aggregate testing, or perform testing associated with the manufacture of selected construction materials. Duties may also include the witnessing of onsite testing by the contractor. In addition, the selected firm may be required to keep records, document the construction work, attend monthly job conferences, determine from the project records the final quantities of certain contract items and perform other duties as may be required.

The following factors will be considered by the Commission during the evaluation of the firms submitting Letters of Interest for this project:

a. Specialized experience and technical competence of prime consultant and subconsultants. The Team must clearly demonstrate an ability to analyze available data to make decisions and develop plans to complete the project in a timely and cost effective manner.

b. Past record of performance with respect to cost control, work quality, ability to meet schedules and previous experience on similar projects. The consultant should identify similar projects that have been completed by that firm as the prime, the magnitude of the project and the client.

c. The specific experience and number of individuals who constitute the firm.

d. Location of consultant's office where the work will be performed.

e. Workload of the prime consultant and subconsultants for all Pennsylvania Department of Transportation and Pennsylvania Turnpike Commission projects.

f. Other factors, if any, specific to the project.

Address these items and any necessary further details in a brief yet comprehensive manner in the letter of interest.

Direct inquiries to John S. Ozimok at (717) 939-9551, ext. 3501; or by e-mail at jozimok@paturnpike.com.

General Requirements and Information

Firms interested in providing the above work and services are invited to submit a Letter of Interest with the required information. The Letters of Interest must include the following:

1. One page transmittal letter clearly identifying the project reference number, brief description of the project from the advertisement, the firm's Federal identification number, the firm's legal name, contact person or project manager, address of corporate office and project office. If the firm has multiple offices, the location of the office performing the work must be identified.

2. Three page expression of interest in the advertised project. Each firm should demonstrate their ability to perform the specific requirements indicated for this project and provide explanation that the firm has successfully completed similar type projects of the same magnitude.

3. An organization chart for the project, identifying key personnel and any subconsultants and their roles. Any deviation from the subconsultants listed in the letter of interest will require written approval from the Commission.

4. Tabulation of workload for the prime consultant and all subconsultants for all Pennsylvania Department of Transportation and Pennsylvania Turnpike Commission projects.

5. A copy of the Annual Qualification Package submitted to the Pennsylvania Department of Transportation for the current year that is in the same District as the project or one that is best suited for the project.

The Annual Qualification Package should contain at a minimum, the following information for the prime consultant and all subconsultants which should be attached to the back of the letter of interest (subs to follow primes):

- Standard Form (SF) 254—Architect-Engineer and Related Services Questionnaire in its entirety, not more than 1 year old as of the date of the advertisement.

- Resumes of key personnel expected to be involved in the project. Limit to one 8 1/2 x 11 page, one side, per person. Only resumes of key personnel should be included.

- Copy of the firm's registration to do business in this Commonwealth as provided by the Department of State for firms with out-of-State headquarters or corporations not incorporated in Pennsylvania.

- A copy of the Department's DBE/WBE Certification, if applicable.

If a Joint Venture responds to a project advertisement, the Commission will not accept separate letters of interest from joint venture constituents. A firm will not be permitted to submit a letter of interest on more than one joint venture for the same project reference number. Also,

a firm that responds to a project as a prime may not be included as a designated subconsultant to another firm that responds to the same project advertisement. This does not preclude a firm from being set forth as a designated subconsultant to more than one prime consultant responding to the project advertisement.

Firms interested in performing the above services are invited to submit a letter of interest and required information to Michael W. Flack, P.E., Assistant Chief Engineer for Construction, at the PA Turnpike Commission Administration Building located on Eisenhower Boulevard at the Harrisburg-East Interchange (No. 19). (FedEx address: Route 283 and Eisenhower Boulevard, Highspire, PA 17034) (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676).

The letter of interest and required information must be received by 12 noon, Friday, August 6, 1999. Letters of interest received after this date and time will be time-stamped and returned.

Based on an evaluation of acceptable letters of interest received in response to this solicitation, one firm will be selected for each project. The order of preference will be established for the purpose of negotiating an agreement with the highest ranked firm established by the Technical Review Committee and approved by the Selection Committee. Technical Proposals or Requests for Proposals will not be requested prior to selection.

The Commission reserves the right to reject all letters of interest, to cancel solicitation requested under this notice, and/or to re-advertise solicitation for the work and services.

JAMES F. MALONE, III,
Chairperson

[Pa.B. Doc. No. 99-1166. Filed for public inspection July 16, 1999, 9:00 a.m.]

Retention of an Engineering Firm

Widening and Rehabilitation of Bridge Nos. EB-849 Eastbound and WB-849 Westbound at Milepost 162.08 Bedford County, PA

Reference No. 2-057

The Turnpike Commission (Commission) will retain an engineering firm for the widening and rehabilitation design of Bridge Nos. EB-849 Eastbound and WB-849 Westbound at Mileposts 162.08, in Bedford County. Bridge Nos. EB-849 Eastbound and WB-849 Westbound are dual nine-span prestressed concrete adjacent box beam structures that carry the Turnpike over SR 70 and old Route 126 (Light House Road). The selected firm will be responsible for the pre-final and final design of this project.

The engineering services required include field surveys, cross sections, evaluation of utility conflicts and potential relocations, development of erosion and sedimentation control plans, preliminary and final traffic control plans, preparation of type, size, and location plans and final bridge plans, geotechnical investigations and structural foundation reports, preparation of preliminary and final right-of-way plans, preparation of preliminary and final construction plans and specifications, in order for the Commission to let one construction contract. The intent is to widen both bridges to provide a minimum of two

12-foot travel lanes, a 12-foot shoulder right shoulder, and a minimum 4-foot left shoulder.

The following factors will be considered by the Commission during the evaluation of the firms submitting Letters of Interest for this project:

a. Specialized experience and technical competence of prime consultant and subconsultants. The Team must clearly demonstrate an ability to analyze available data to make decisions and develop plans to complete the project in a timely and cost effective manner.

b. Past record of performance with respect to cost control, work quality, ability to meet schedules and previous experience on similar projects. The consultant should identify similar projects that have been completed by that firm as the prime, the magnitude of the project and the client.

c. The specific experience and number of individuals who constitute the firm.

d. Location of consultant's office where the work will be performed.

e. Workload of the prime consultant and subconsultants for all Pennsylvania Department of Transportation and Pennsylvania Turnpike Commission projects.

f. Other factors, if any, specific to the project.

Address these items and any necessary further details in a brief yet comprehensive manner in the letter of interest.

Direct inquiries to Gary L. Graham, P.E., at 939-9551, ext. 5990; or by e-mail at ggraham@paturndpike.com.

General Requirements and Information

Firms interested in providing the above work and services are invited to submit a Letter of Interest with the required information. The Letters of Interest must include the following:

1. One page transmittal letter clearly identifying the project reference number, brief description of the project from the advertisement, the firm's Federal identification number, the firm's legal name, contact person or project manager, address of corporate office and project office. If the firm has multiple offices, the location of the office performing the work must be identified.

2. Three page expression of interest in the advertised project. Each firm should demonstrate their ability to perform the specific requirements indicated for this project and provide explanation that the firm has successfully completed similar type projects of the same magnitude.

3. An organization chart for the project, identifying key personnel and any subconsultants and their roles. Any deviation from the subconsultants listed in the letter of interest will require written approval from the Commission.

4. Tabulation of workload for the prime consultant and all subconsultants for all Pennsylvania Department of Transportation and Pennsylvania Turnpike Commission projects.

5. A copy of the Annual Qualification Package submitted to the Pennsylvania Department of Transportation for the current year that is in the same District as the project or one that is best suited for the project.

The Annual Qualification Package should contain at a minimum, the following information for the prime consultant and all subconsultants which should be attached to the back of the letter of interest (subs to follow primes):

- Standard Form (SF) 254—Architect-Engineer and Related Services Questionnaire in its entirety, not more than 1 year old as of the date of the advertisement.

- Resumes of key personnel expected to be involved in the project. Limit to one 8 1/2 x 11 page, one side, per person. Only resumes of key personnel should be included.

- Copy of the firm's registration to do business in the Commonwealth as provided by the Department of State for firms with out-of-State headquarters or corporations not incorporated in Pennsylvania.

- A copy of the Department's DBE/WBE Certification, if applicable.

If a Joint Venture responds to a project advertisement, the Commission will not accept separate letters of interest from joint venture constituents. A firm will not be permitted to submit a letter of interest on more than one joint venture for the same project reference number. Also, a firm that responds to a project as a prime may not be included as a designated subconsultant to another firm that responds to the same project advertisement. This does not preclude a firm from being set forth as a designated subconsultant to more than one prime consultant responding to the project advertisement.

Firms interested in performing the above services are invited to submit a letter of interest and required information to Barry L. Troup, P.E., Assistant Chief Engineer for Design, at the PA Turnpike Commission Administration Building located on Eisenhower Boulevard at the Harrisburg-East Interchange (No. 19). (FedEx address: Route 283 and Eisenhower Boulevard, Highspire, PA 17034) (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676).

The letter of interest and required information must be received by 12 noon, Friday, August 6, 1999. Letters of interest received after this date and time will be time-stamped and returned.

Based on an evaluation of acceptable letters of interest received in response to this solicitation, one firm will be selected for each project. The order of preference will be established for the purpose of negotiating an agreement with the highest ranked firm established by the Technical Review Committee and approved by the Selection Committee. Technical Proposals or Requests for Proposals will not be requested prior to selection.

The Commission reserves the right to reject all letters of interest, to cancel solicitation requested under this notice, and/or to re-advertise solicitation for the work and services.

JAMES F. MALONE, III,
Chairperson

[Pa.B. Doc. No. 99-1167. Filed for public inspection July 16, 1999, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". A qualified small business concern is an independently owned, operated for profit, business employing 100 or fewer employes and is not a subsidiary or affiliate of a corporation otherwise not qualified.

Such penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter. The small business concern must include on every invoice submitted to the Commonwealth: "(name of vendor) is a qualified small business concern as defined at 4 Pa. Code § 2.32".

For information on the required payment date and annual interest rate, please call the Pennsylvania Department of Commerce, Small Business Action Center, 483 Forum Building, 783-5700.

Reader's Guide

Legal Services & Consultation—26

- ① Service Code Identification Number
- ② Commodity/Supply or Contract Identification No.

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services
 Location: Harrisburg, Pa.
 Duration: 12/1/93-12/30/93
 Contact: Procurement Division
 787-0000

③ Contract Information

④ Department

⑦

⑤ Location

(For Commodities: Contact:)
 Vendor Services Section
 717-787-2199 or 717-787-4705

⑥ Duration

REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, "Frequently Asked Questions About State Contracts," explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**
 Pennsylvania State Treasury
 Room G13 Finance Building
 Harrisburg, PA 17120
 717-787-2990
 1-800-252-4700

BARBARA HAFER,
State Treasurer

Commodities

6505-08 Infant feeding and food supplements. For copy of the bid fax request to (717) 787-0725.

Department: General Services
Location: Various
Duration: 11/15—11/14
Contact: General Services, (717) 787-2199/4705

5660-0 Guide rail and accessories. For copy of the bid fax request to (717) 787-0725.

Department: General Services
Location: Various
Duration: 11/01—10/31
Contact: General Services, (717) 787-2199/4705

7930-07 Laundry products without service. For copy of the bid fax request to (717) 787-0725.

Department: General Services
Location: Various
Duration: 11/01—10/31
Contact: General Services, (717) 787-2199/4705

560-01 Reinforced cement concrete pipe. For copy of the bid fax request to (717) 787-0725.

Department: General Services
Location: Various
Duration: 12/01—11/30
Contact: General Services, (717) 787-2199/4705

GRA The State Correctional Institution at Graterford is seeking vendors to supply various amounts and types of yarn used in hosiery, knitting and weaving applications. Including but not limited to: acrylics, nylon filaments, mercerized combed peeler cotton, 100% cotton and 50/50 poly/cotton. Contracts will be awarded during the period July 1, 1999, through June 30, 2000. To obtain bid information contact Rick Bower, Mgr. 1 at (610) 489-4151, Ext. 2289.

Department: Corrections
Location: Correctional Industries at Graterford, P. O. Box 246 (off Route 29), Graterford, PA 19426
Duration: July 1, 1999 through June 30, 2000
Contact: Rick F. Bower, Mgr. 1, (610) 489-4151, Ext. 2289

6850-03 Chemicals, water treatment—air conditioner. For copy of the bid fax request to (717) 787-0725.

Department: General Services
Location: Various
Duration: 11/01—10/31
Contact: General Services, (717) 787-2199/4705

7111-02 Diskettes, SD, DD, SS, DS. For copy of the bid fax request to (717) 787-0725.

Department: General Services
Location: Various
Duration: 11/01—10/31
Contact: General Services, (717) 787-2199/4705

GRA 4943 The Weaver Plant at the State Correctional Institution at Graterford is looking to purchase approximately 4,000 yards of 60" width, 12 ounce weight woven continuous terry cloth, 100% cotton or 86% cotton/14% polyester. Bleached Snow White. To be delivered FOB to the institution in Graterford, PA. To obtain bid information contact Rick Bower, Mgr. 1 at (610) 489-4151, Ext. 2289.

Department: Corrections
Location: Correctional Industries at Graterford, P. O. Box 246 (off Route 29), Graterford, PA 19426
Duration: Delivery date to be July 1999
Contact: Rick F. Bower, Mgr. 1, (610) 489-4151, Ext. 2289

6675-01 Drafting equipment and supplies. For copy of the bid fax request to (717) 787-0725.

Department: General Services
Location: Various
Duration: 11/15—11/14
Contact: General Services, (717) 787-2199/4705

8010-04 White and yellow traffic line paint/low heat/rapid dry. For copy of the bid fax request to (717) 787-0725.

Department: General Services
Location: Various
Duration: 12/01—11/30
Contact: General Services, (717) 787-2199/4705

8540-01 Paper towels, tissues, dietary napkins. For copy of the bid fax request to (717) 787-0725.

Department: General Services
Location: Various
Duration: 11/01—10/31
Contact: General Services, (717) 787-2199/4705

9985-09 Microfilm equipment maintenance and repair. For copy of the bid fax request to (717) 787-0725.

Department: General Services
Location: Various
Duration: 10/01—9/30
Contact: General Services, (717) 787-2199/4705

9985-10 Relocation consulting services.

Department: General Services
Location: Various
Duration: 11/01—10/30
Contact: General Services, (717) 787-2199/4705

8160620 250 gallons Epolon No. 91 Alert Yellow—Component A; 250 gallons Epolon No. 91 Alert Yellow—Component B; 250 gallons Epolon rust inhibitor II 615 Component A; 250 gallons Epolon rust inhibitor II 615 Component B; 100 gallons Epolon No. 9 Onyx Black Component A; 100 gallons Epolon No. 9 Onyx Black Component B; 550 gallons Epolon Reducer No. 145. For copy of the bid fax request to (717) 787-0725.

Department: Transportation
Location: Emporium
Duration: FY 99—00
Contact: General Services, (717) 787-2199/4705

ADV No. 35 Indiana University of Pennsylvania (IUP) Indiana, PA 15705, is seeking bids for delivery, furnish, set-up and training for a microscope for the Biology Department. Acceptable manufacturer/model: Olympus BX50 or approved equal. Requests for a bid package should be made in writing, referencing Advertisement No. ADV 35 and directed to Patty Bash, Purchasing Agent, IUP, 650 S. 13th Street, Indiana, PA 15705; fax (724) 357-2670; phone (724) 357-3077; or e-mail: PABash@grove.iup.edu. Requests for a bid package will be accepted until July 22, 1999. The University encourages responses from small and disadvantaged, minority and women-owned firms.

Department: State System of Higher Education
Location: Indiana University of Pennsylvania, Indiana, PA 15705
Duration: Indeterminate 1999—2000
Contact: Patty Bash, Purchasing, (724) 357-3077

ADV No. 36 Indiana University (IUP) Indiana, PA 15705, is seeking bids for equipment for students with disabilities. Equipment to be purchased: Braille printer, software printer, enlargers, speech synthesizers. Acceptable manufacturers/models: Blazie Versa Point, Hewlett Packard Scan Jet 6200, Henter Joyce Jaws Speech and Henter Joyce Dectalk Speech or approved equal. Requests for a bid package should be made in writing, referencing Advertisement No. 36 and directed to Patty Bash, Purchasing Agent, IUP, 650 S. 13th Street, Indiana, PA 15705; fax (724) 357-2670; phone (724) 357-3077; or e-mail: PABash@grove.iup.edu. Requests for a bid package will be accepted until July 22, 1999. The University encourages responses from small and disadvantaged, minority and women-owned firms.

Department: State System of Higher Education
Location: Indiana University of Pennsylvania, Indiana, PA 15705
Duration: Indeterminate 1999—2000
Contact: Patty Bash, Purchasing, (724) 357-3077

1735818 1 lot Verising software—onsite PK1 solutions and associated key recovery service. For copy of the bid fax request to (717) 787-0725.

Department: Governor's Office
Location: Harrisburg, PA
Duration: FY 99—00
Contact: General Services, (717) 787-2199/4705

0065-07 Forest Warden News. For copy of the bid fax request to (717) 787-0725.

Department: General Services
Location: Various
Duration: 11/01—10/31
Contact: General Services, (717) 787-2199/4705

1078119 83 each furnish and install double hung replacement windows size 38 1/2" w x 88" h, color white; 15 each furnish and install double hung replacement windows size 28" w x 78" h color white; 6 each furnish and install replacement windows size 8" w x 90" h color white; 4 each furnish and install replacement windows size 1/2 round color white; 4 each furnish and install round window color white. For copy of the bid fax request to (717) 787-0725.

Department: Corrections
Location: Cambridge Springs, PA
Duration: FY 99—00
Contact: General Services, (717) 787-2199/4705

8504940 400 each spray tanks, 3 gallon, Ref. Rhomar No. RH553-S. For copy of the bid fax request to (717) 787-0725.

Department: Transportation
Location: Harrisburg, PA
Duration: FY 99—00
Contact: General Services, (717) 787-2199/4705

LCE-55 175 sets leather gear, holsters, belts, beltkeepers, handcuff cases, etc., Bianchi.

Department: State Police
Location: 20th and Herr Streets, Harrisburg, PA
Duration: Indefinite
Contact: Robert Stare, Procurement and Supply Division, (717) 705-5921

SERVICES

Audio/Video—04

WC 730 West Chester University is soliciting sealed bids for the expansion of the current CCTV system with Panasonic Closed Circuit Television equipment. This expansion is to include 14 cameras, lenses, housings, 1 controller, 1 duplex multiplexer, 1 VCR, 1 monitor and the professional installation services required to integrate this equipment into the current system. The University currently operates a centrally monitored Panasonic Closed Circuit Television System to monitor and record the activities in several public areas around the campus. It is the intention of this project to expand this system to include the main lobbies of all residence halls on campus. The University desires to have all images sent to the central dispatch center for monitoring and recording over the University fiber optics network. The expanded system shall be covered by a full warranty and a Service Maintenance Plan. The plan shall include all hardware components and installation. To obtain a bid package contact Jacki Marthinsen at (610) 436-2705.

Department: State System of Higher Education
Location: West Chester University, West Chester, PA 19383
Duration: 90 calendar days from notice to proceed
Contact: Jacki Marthinsen, Contracts Manager, (610) 436-2705

015DGSA509-102 Rev. Rebid Project title: Replace Roof—Building No. 2. Brief description: Install new shingle roofing system including new gutters, flashings, valleys, downspouts and 5% deck replacement. Estimated range: \$100,000 to \$500,000. General construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5 per set or provide your express mail account number to the office listed. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, August 4, 1999, at 1 p.m.

Department: General Services
Location: Norristown State Hospital, Norristown, Montgomery County, PA
Duration: 120 calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

0280-05 This contract will provide manpower, equipment and incidental guide rail material for installation of approximately 18,000 linear feet of strong post guide rail at various locations throughout Elk County. All guide rail material will be supplied by the Department of Transportation except for the bolts, nuts, washers, rotating brackets, bridge connection plates, anchor bolts, concrete for end treatments and end anchorages. It will be the contractors responsibility to pick up the material and deliver it to the work sites. A mandatory prebid meeting (only 1 day) will be held which will include review of the guide rail locations, and sites to be determined where the guide rail material will be stored. The Department shall be responsible for removal of all existing guide rail and for any grading of shoulder stabilization prior to the placement of the guide rail by the contractor. Requests for bid packages must be received by fax at (814) 781-6708 (Attn: Thomas Saline).

Department: Transportation
Location: Various locations within Elk County, PA
Duration: One year
Contact: Thomas C. Saline, (814) 834-2861

MI-771 Project name: Duncan House Bathroom Renovation. Scope of work: Construct a toilet room (approximately 65 sf), shower room (approximately 70 sf) and a sump pump room (approximately 16 sf) in an existing basement room. Include partitions, finishes, doors, hardware, plumbing, fixtures, electrical and some minor duct modifications. To obtain a bid package contact Jill Coleman at (717) 872-3730.

Department: State System of Higher Education
Location: Duncan House, Millersville University, Millersville, PA 17551
Duration: 60 calendar days
Contact: Jill M. Coleman, (717) 872-3730

Construction—09

FDC-429-123 Removal of concrete structures; diversion and care of water; shoring and bracing; silt removal; chainlink fencing; gate valve and sluice gate maintenance; riprap; landscaping; cast-in-place concrete walls and slabs; repair concrete; pipe railing anchorage; miscellaneous steel; stop logs; gantry crane; and electric trolley hoist. Work is to rehabilitate dam at Lackawanna State Park.

Department: Conservation and Natural Resources
Location: Lackawanna State Park, North Abington Township, PA
Duration: 180 days
Contact: R. P. Stakem, (717) 787-5055

Engineering Services—14

08430AG2381 To provide preliminary engineering, environmental studies, final design and services during construction on S. R. 0080, Section 545 (Interstate 80/PA 36 Interchange) in Jefferson County.

Department: Transportation
Location: Engineering District 10-0
Duration: Forty-eight months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2373 To provide construction inspection and documentation services for highway occupancy permit projects, guide rail repair, roadside development contracts and general maintenance contracts in Bucks County in Engineering District 6-0.

Department: Transportation
Location: Engineering District 6-0
Duration: Sixty months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2374 Construction inspection and documentation services for S. R. 0095, Section FDN in Delaware and Philadelphia Counties in Engineering District 6-0.

Department: Transportation
Location: Engineering District 6-0
Duration: Fifteen months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2377 To provide construction inspection and documentation services for highway occupancy permit projects, guide rail repair, roadside development contracts and general maintenance contracts in Montgomery County in Engineering District 6-0.

Department: Transportation
Location: Engineering District 6-0
Duration: Sixty months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2375 To provide construction inspection and documentation services for highway occupancy permit projects, guide rail repair, roadside development contracts and general maintenance contracts in Chester County in Engineering District 6-0.

Department: Transportation
Location: Engineering District 6-0
Duration: Sixty months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2376 To provide construction inspection and documentation services for highway occupancy permit projects, guide rail repair, roadside development contracts and general maintenance contracts in Philadelphia County in Engineering District 6-0.

Department: Transportation
Location: Engineering District 6-0
Duration: Sixty months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2378 To provide construction inspection and documentation services for highway occupancy permit projects, guide rail repair, roadside development contracts and general maintenance contracts in Delaware County in Engineering District 6-0.

Department: Transportation
Location: Engineering District 6-0
Duration: Sixty months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2379 A multiphase specific project assignment to perform environmental studies and preliminary engineering, final design and services during construction for the betterment and upgrade of S. R. 0061, Section 15S in the Township of Ontelaunce and the Borough of Leesport, Berks County, Engineering District 5-0.

Department: Transportation
Location: Engineering District 5-0
Duration: Twenty-one months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2380 To provide construction inspection services on S. R. 4003, Section A09, S. R. 4003/Nelson—Houston and S. R. 4003, Section A10, McKnight Road, both in Allegheny County.

Department: Transportation
Location: Engineering District 11-0
Duration: Eleven months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2372 Construction inspection and documentation services in Engineering District 6-0, that is Bucks, Chester, Delaware, Montgomery and Philadelphia Counties.

Department: Transportation
Location: Engineering District 6-0
Duration: Sixty months
Contact: Consultant Agreement Division, (717) 783-9309

Food—19

F-5 Meat: To be delivered weekly during contract period. To obtain a bid package contact Theresa Barthel at (610) 948-2493.

Department: Military Affairs
Location: South Eastern Veterans Center, Spring City, PA 19475
Duration: October 1, 1999 through December 31, 1999
Contact: Theresa Barthel, Purchasing Agent, (610) 948-2493

F-3 Bread and rolls—To be delivered 3 times weekly during contract period. To obtain a bid package contact Theresa Barthel at (610) 948-2493.

Department: Military Affairs
Location: South Eastern Veterans Center, Spring City, PA 19475
Duration: October 1, 1999 through December 31, 1999
Contact: Theresa Barthel, Purchasing Agent, (610) 948-2493

F-2 Fresh produce—To be delivered 2 times weekly during the contract period. To obtain a bid package contact Theresa Barthel at (610) 948-2493.

Department: Military Affairs
Location: South Eastern Veterans Center, Spring City, PA 19475
Duration: October 1, 1999 through December 31, 1999
Contact: Theresa Barthel, Purchasing Agent, (610) 948-2493

F-6 Poultry—To be delivered weekly during contract period. To obtain a bid package contact Theresa Barthel at (610) 948-2493.

Department: Military Affairs
Location: South Eastern Veterans Center, Spring City, PA 19475
Duration: October 1, 1999 through December 31, 1999
Contact: Theresa Barthel, Purchasing Agent, (610) 948-2493

F-7 Frozen foods—To be delivered weekly during contract period. To obtain a bid package contact Theresa Barthel at (610) 948-2493.

Department: Military Affairs
Location: South Eastern Veterans Center, Spring City, PA 19475
Duration: October 1, 1999 through December 31, 1999
Contact: Theresa Barthel, Purchasing Agent, (610) 948-2493

Hazardous Material Services—21

4700-04 Provide removal and disposal of hazardous waste. Xylene and T-900 (fast thinner) and black opaque ink, and transparent color inks in 55 gallon drums. Estimated quantities 8—12 drums per year. Vendor must provide approved overpacks for each drum removed.

Department: Transportation
Location: PA Department of Transportation
Duration: 3 years
Contact: Carl A. Marocco, (717) 783-4340

Janitorial Services—23

07-C-99 Provide full janitorial services for the Clearfield Job Center, 209 East Locust Street, Clearfield, PA 16830. Provide equipment and supplies to clean and maintain premises (5,660 square feet). Work to be done in accordance with Department of Labor and Industry Janitorial Services General Conditions and Instructions.

Department: Labor and Industry
Location: Clearfield Job Center, 209 East Locust Street, Clearfield, PA 16830
Duration: October 01, 1999 through September 30, 2001
Contact: Beverly Fenton, (717) 787-2560

Bid No. 7953 Furnish all equipment, materials and labor to perform janitorial services, including emptying waste baskets; clean lavatories; sweep floors; machine buff tile floors, vacuum carpets; dust furniture; wash windows inside and outside; general housecleaning twice a year; shampoo carpets at the Somerset Station, 142 Sagamore Street, Somerset, PA 15501-8356. Detailed work schedule and bid must be obtained from Facility Management Division at (717) 783-5484.

Department: State Police
Location: Somerset Station, 142 Sagamore Street, Somerset, PA 15501-8356
Duration: September 1, 1999 to August 31, 2002
Contact: Donna L. Enders, (717) 783-5484

065005 Provide janitorial services at the PennDOT Philadelphia County Maintenance Office. Cleaning will commence at 3:30 p.m. between Labor Day and Memorial Day and commence at 3 p.m. between Memorial Day and Labor Day. To obtain a bid package contact Jill Logue at (215) 225-1415.

Department: Transportation
Location: PennDOT Office, Blaine and Ruffner Streets, Philadelphia, PA 19140-2889
Duration: October 1, 1999 to September 30, 1999 (with option for two 2 year renewals)
Contact: Jill Logue, (215) 225-1415

Lodging/Meeting—27

PDA430 Provide exhibition space, reception and dinner for the Agriculture International Event AGRO 2000 to be held January 6, 7 and 8, 2000. AGRO 2000 will be held along with the Pennsylvania State Farm Show 2000. The facility must be within 15 miles of Harrisburg, PA to limit travel time of our international visitors. The services required are: 100 exhibit booths, reception for 1,100 followed by dinner for 1,100 and other services associated with a large event.

Department: Agriculture
Location: Harrisburg, PA
Duration: January 6 to 9, 2000
Contact: Mike Mesaris, (717) 787-5674

Property Maintenance—33

07-B-99 Snow/Ice Removal Services—To be provided for parking lot (approximately 60' x 150'), driveway (approximately 270') and sidewalks (approximately 740') on an as-needed basis (at 1316 State Street, Erie, PA) at the discretion of the Office Manager or when snow accumulation reaches 3" or more in the parking lot and driveway and 1" or more for sidewalks. Snow to be physically removed from the parking lot as necessary to ensure that all parking spots are clear. Service to include spreading of antiskid materials, which is to be included in price quote. Damage to parking lot surface, sidewalks, lawns to be repaired or replaced by contractor.

Department: Labor and Industry
Location: Erie Job Center, 1316 State Street, Erie, Erie County, PA 16501
Duration: October 01, 1999 through May 30, 2001
Contact: Beverly Fenton, (717) 787-2560

Sanitation—36

0450 Refuse removal at Building No. 046-5762 in District 4-5, T. R. 706, 2.5 miles east of Montrose. Provide one 30 cubic yard storage container with a minimum of 36 pickups and/or a maximum of 108 pickups for the period. This will be a 3 year contract.

Department: Transportation
Location: R. D. 1, Box 40, Montrose, PA 18801
Duration: Three (3) years
Contact: Dave Maciak, (570) 278-1171

Security Services—37

07-A-99 One armed security guard with two-way radio for Reading Job Center, Reading State Office Building, 625 Cherry Street, Reading, PA 19602-1184. Hours 8 a.m.—5:15 p.m. Monday through Friday (no holidays) October 1, 1999 through June 30, 2001.

Department: Labor and Industry
Location: Reading Job Center, Reading State Office Building, 625 Cherry Street, Reading, PA 19602-1184
Duration: October 01, 1999 to June 30, 2001
Contact: Beverly Fenton, (717) 787-2560

Miscellaneous—39

RFA 98-07-17 The Department of Health, Bureau of Chronic Diseases and Injury Prevention is issuing a Request for Application (RFA) 98-07-17 to fund innovative research ideas related to breast or cervical cancer. Twelve copies of the application must be submitted to the Pennsylvania Department of Health, Division of Contracts, Room 824, Health and Welfare Building, P. O. Box 90, Harrisburg, PA 17108-0090. No preproposal conference will be held.

Department: Health
Location: Statewide
Duration: 12 months
Contact: Dr. Godwin Obiri, Bureau of Epidemiology, (717) 783-4677

RFA 98-07-19 The Department of Health is issuing a Request for Applications (RFA) 98-07-19 to fund projects that will help promote physical activity in Pennsylvania. The Department, through the Governor's Council on Physical Fitness and Sports, seeks to fund population-based activities promoting physical activity. Ten copies of the application should be submitted to the Pennsylvania Department of Health, Division of Contracts, Room 824, Health and Welfare Building, P. O. Box 90, Harrisburg, PA 17108-0090. A preproposal conference will be held at the time and date specified in the cover letter. To request a bid package contact Brian Wyant, Program Manager at (717) 787-2957.

Department: Health
Location: Statewide
Duration: 6 months
Contact: Brian Wyant, Project Manager, (717) 787-2957

KURFP-0005 Kutztown University is seeking interested firms for the option of leasing space for the purpose of installation and operation of public mobile service antennae to be located on the University North water tower. Requests for RFP packages must be submitted in writing and directed to: Barbara Reitz, Director of Purchasing, Kutztown University, Purchasing Department, Room 224, Kutztown, PA 19530, phone: (610) 683-4132, fax: (610) 683-4674, or e-mail: reitz@kutztown.edu. RFP packages are available July 19, 1999. Questions requiring clarification prior to proposal submissions need to be submitted by 12 noon on July 29, 1999. Proposals will be received August 10, 1999 by 2 p.m. Nondiscrimination and equal opportunity are the policies of the Commonwealth and the State System of Higher Education.

Department: State System of Higher Education
Location: Kutztown University, Kutztown, PA 19530
Duration: Five year term with option to renew
Contact: Barbara Reitz, (610) 683-4132

99-CI02 Blanket lining fabric; various blends.

Department: Corrections
Location: Correctional Industries throughout the Commonwealth of PA
Duration: 1 year
Contact: MaryAnn Ulrich, (717) 731-7134

CI-4809-999 Contractor to provide installation and/or reconfiguration service of modular furniture, delivery and assembly of metal and wood case goods, and when requested, modular office systems or other related design services.

Department: Corrections
Location: Commonwealth-wide
Duration: September 1, 1999 through June 30, 2002
Contact: Angela M. Corish, (717) 731-7134

[Pa.B. Doc. No. 99-1168. Filed for public inspection July 16, 1999, 9:00 a.m.]

DESCRIPTION OF LEGEND

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| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,
Secretary

Contract Awards

The following awards have been made by the Department of General Services, Bureau of Purchases:

Requisition or Contract No.	PR Award Date or Contract Effective Date	To	In the Amount Of
0024-02	07/01/99	Printech, Inc.	40,055.60
1014159-01	07/06/99	All Mobile Video	149,800.00
1021159-01	07/06/99	Peirce-Phelps, Inc.	41,069.68
1033159-01	07/06/99	Sloyer Sound	26,970.00
1544218-01	07/06/99	USA Clean	44,358.80
1622388-01	07/06/99	Phil's Heating and Air Conditioning, Inc.	52,188.00
1658118-01	07/06/99	Gregson Industries, Inc.	29,912.00
1675148-01	07/06/99	Electrophysics Corp.	35,280.00
1678168-01	07/06/99	Advance Training Systems, Inc.	12,660.00
1685078-01	07/06/99	Reading Electric	37,498.00
1698118-01	07/06/99	Tabb Textile Co., Inc.	128,400.00
1709138-01	07/06/99	Lireben Associates Engineered Products, Inc.	72,946.00
1710118-01	07/06/99	George Marker & Sons, Inc.	205,000.00
1722138-01	07/06/99	Penn State Seed Co.	65,256.37
1740388-01	07/06/99	Foster F. Wineland, Inc.	259,974.00
1742388-01	07/06/99	Foster F. Wineland, Inc.	17,410.00
1747158-01	07/06/99	Digital Now, Inc.	35,890.00
1756148-01	07/06/99	Whiteside's of Cambridge, Inc.	160,900.00
1756148-02	07/06/99	Hondru Chrysler Plymouth, Inc.	22,000.00

Requisition or Contract No.	PR Award Date or Contract Effective Date	To	In the Amount Of
1757358-01	07/06/99	Westco Scientific Instruments, Inc.	21,620.00
1762118-01	07/06/99	Greg Sweet Chevrolet Buick Olds Pontiac, Inc.	92,502.52
1763158-01	07/06/99	Keystone Truck Sales, Inc.	112,710.00
1773218-01	07/06/99	Lighthouse Electric Company, Inc.	279,900.00
5710-01 Supp. No. 1	06/28/99	JMG Enterprises, Inc.	374,025.00
7314210-01	07/06/99	S & G Packaging, LLC	263,920.00
7314210-02	07/06/99	Gray Bros. Bag, Inc.	215,160.00
7510-10 RIP No. 1	07/06/99	School Specialty	133,140.00
8055440-01	07/06/99	Anteon Corporation	77,228.00
8205460-01	07/06/99	National Patent Analytical Systems, Inc.	130,000.00
8205460-02	07/06/99	Intoximeters, Inc.	43,780.00
8250020-01	07/06/99	International Cybernetics Corp.	331,000.00
8430-06	07/01/99	Thomaston Company	4,000.00
8430-06	07/01/99	Weinbrenner Shoe Company	51,885.00
8430-06	07/01/99	Danner Shoe Manufacturing Co.	216,660.00

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 99-1169. Filed for public inspection July 16, 1999, 9:00 a.m.]