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PENNSYLVANIA BULLETIN

Volume 30

Number 31

Saturday, July 29, 2000 • Harrisburg, Pa.

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Proposed Rulemaking on the
Storage Tank Program

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Department of Public Welfare
Department of Transportation
Environmental Quality Board
Independent Regulatory Review Commission
Insurance Department
Liquor Control Board
Milk Marketing Board
Pennsylvania Infrastructure Investment Authority
Pennsylvania Public Utility Commission
Public School Employees' Retirement Board

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

No. 309, August 2000

PENNSYLVANIA



BULLETIN

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Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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Part II

This part contains the
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THE GENERAL ASSEMBLY

COMMISSION ON SENTENCING

Meeting Notice

The Commission on Sentencing announces the following public meetings, to be held at the Westin William Penn, 530 William Penn Place, Pittsburgh, PA 15219.

Tuesday, August 8, 2000	Strategic Planning Session	2—5 p.m.
Wednesday, August 9, 2000	Quarterly Commission Mtg.	9—11:30 a.m.
Wednesday, August 9, 2000	Strategic Planning Session	1—3 p.m.

MARK H. BERGSTROM,
Executive Director

[Pa.B. Doc. No. 00-1273. Filed for public inspection July 28, 2000, 9:00 a.m.]

THE COURTS

Title 255—LOCAL COURT RULES

LEHIGH COUNTY

Adoption of Local Rules of Civil Procedure 1910.11(a)-1 to 1940.7 for Actions for Support, Actions for Custody and Visitation, Actions for Divorce or Annulment and Voluntary Mediation in Custody/Visitation Disputes; No. 2000-J-15

Order

And Now, this 11th day of July, 2000, *It Is Ordered* that the following rules for actions for support, actions for custody and visitation, actions for divorce and annulment, and voluntary mediation in custody/visitation disputes in the 31st Judicial District composed of Lehigh County be, and the same are, promulgated herewith, to become effective thirty (30) days after publication of the rules in the *Pennsylvania Bulletin*; and that the present Lehigh County Rules of Civil Procedure 1915.1 through 1920.55 are revoked, effective at the same time.

The Court Administrator of Lehigh County is directed to:

1. File seven (7) certified copies of this Order with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified copies and one disk copy with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. File one (1) certified copy with the Domestic Relations Procedural Rules Committee.
4. File one (1) copy with the Clerk of Courts of the Lehigh County Court of Common Pleas.
5. Forward one (1) copy for publication in the Lehigh County Law Journal.

By the Court:

JAMES KNOLL GARDNER,
President Judge

ACTIONS FOR SUPPORT

Rule 1910.11(a)-1. Attorney Appearances

Each attorney who attends a support conference or hearing on behalf of a party shall enter an appearance for that party in the support action by filing a praecipe for appearance with the domestic relations section. The entry of an appearance shall continue in effect for all aspects of the support action; provided, however, that by specific notation on the praecipe an appearance at or prior to a support conference may be limited to the conference itself.

Note: Any attorney may withdraw his appearance (1) without leave of court by filing a written notice of withdrawal if 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 (See Pa.R.C.P. 1012(b)), or (2) with leave of court by filing a written petition to withdraw pursuant to the procedure set forth in Lehigh County R.C.P. 206.1.

Rule 1910.11(a)-2. Continuances.

A request for continuance of any support matter scheduled to be heard by the court shall be presented to the

judge assigned to hear the matter, or if he/she is unavailable, to the family court motions judge. A request for continuance of any matter scheduled before a domestic relations conference officer shall initially be presented to the director of the domestic relations section for decision. Any party dissatisfied with the decision of the director may appeal his/her decision to the judge assigned to hear such matters.

Rule 1910.11(j). Special Listings.

A party requesting a special listing for a support matter shall file a praecipe for special listing with the domestic relations section on the form provided for this purpose. The domestic relations section shall forward the praecipe to the judge assigned to hear the matter, who shall conduct a telephone conference with counsel and any unrepresented parties and shall enter an appropriate order. The order may include, *inter alia*, an estimate of the length of the hearing, a summary of the issues to be presented, the date after which the hearing shall be scheduled, and instructions regarding discovery.

Rule 1910.25. Special Relief.

Where there is an imminent prospect of the cessation or material interruption of the basic necessities of health, education or welfare, a party may apply for a special order of support prior to the conference with a domestic relations conference officer. Applicants for such relief shall use the application, notice, certificate of service, and response forms available in the domestic relations and court administrator's offices. A copy of the completed application, the notice, and a blank form for responding to the application shall be served by the sheriff or a competent adult upon the defendant in the manner set forth in Pa.R.C.P. 1930.4. The completed application and certificate of service shall be filed with the domestic relations section. The defendant must respond to the application within ten days, after which the application, certificate of service and response, if any, will be docketed to the case file and transmitted by the domestic relations section to a judge for disposition. Any order of support entered pursuant to the application will be effective as of the date the application was filed and will be enforceable by the domestic relations section. Credit will be given for all moneys paid pursuant to such an order.

ACTIONS FOR CUSTODY, VISITATION

Rule 1915.3. Commencement of the Action.

(a) A proposed order, in the form prescribed by Pa.R.C.P. 1915.15(b), shall be attached to the complaint directing the defendant and any other interested parties to appear at the time and place for the purpose specified. The plaintiff shall obtain a date from the child custody office for mediation or conference prior to filing the complaint.

(b) Any party may request mediation or a conference by praecipe where a pleading has been previously filed.

(c) The original and one complete copy of all notices, pleadings and documents shall be filed with the clerk of courts. The clerk shall transmit the copy of such filing to the child custody office.

(d) If the case has been assigned to a judge, the name of the assigned judge shall be stated in the caption.

Rule 1915.4-2. Procedures in Claims for Partial Custody and Visitation.

Any party aggrieved by an order entered by a custody conference/hearing officer in a partial custody or visitation case may file written exceptions with the court administrator's office within ten days of notice of entry of the order. If exceptions are filed by any party, any other party may file exceptions within ten days of the date of service of the original exceptions. Both parties should be present at the scheduled date for argument on the exceptions, since the judge assigned to the matter may wish to hear additional testimony from the parties themselves.

Rule 1915.4-3. Procedures in Claims for Primary Physical or Shared Physical Custody.

(a) In actions for primary or shared custody, the custody conference/hearing officer shall schedule a conference within thirty days after referral from the mediator or, in the absence of mediation, within thirty days after service of the pleading commencing the action or seeking modification of an existing order.

(b) Conferences shall be conducted informally by the custody conference/hearing officer. The parties and their counsel shall attend. Child(ren) shall not attend unless directed to do so by the custody conference/hearing officer acting at the request of either party or sua sponte. Counsel and unrepresented parties shall be prepared to present testimony of the parties and offers of proof for any other witnesses who would be called at a full hearing.

(c) If an agreement is not reached at the conference, the custody conference/hearing officer shall prepare a recommended order for the court including, where appropriate, agreements, stipulations, interim relief pending a hearing, and such other matters as the custody conference/hearing officer deems relevant, along with a memorandum setting forth the reasons for such recommendations and a summary of the information presented at the conference.

(d) If all parties agree, the recommended order may include provisions for examination and evaluation by experts of the parties and/or the subject child(ren), including home studies and psychological evaluations, as provided by Pa.R.C.P. 1915.8. In the event the custody conference/hearing officer deems an examination or evaluation by experts of the parties and/or the subject child(ren), including home studies and psychological evaluations, to be appropriate, and has not obtained the agreement of all parties for the same, then the custody conference/hearing officer shall prepare a memorandum with proposed order setting forth such recommendation addressed to the judge assigned to hear the matter or, if none, to the administrative judge of the family division. Any party seeking such an examination or evaluation by experts may present a motion to the judge assigned to the case or, if none, to the family court motions judge.

(e) Any party aggrieved by the interim order may, within ten days of the mailing of such order and memorandum, seek interim relief by filing written exceptions with the court administrator's office. Both parties should be present at the scheduled hearing date for argument on the exceptions, since the judge assigned to hear the matter may wish to hear additional testimony from the parties themselves. This proceeding will not replace a full hearing before a judge on custody issues.

(f) The custody conference/hearing officer shall certify the case for trial before a judge.

Rule 1915.4-4. Relocation Rules.**(a) GENERAL**

(1) A "relocation" is a change in the principal residence of the child(ren) for more than thirty days that significantly impairs the ability of the non-relocating party to exercise his/her custodial or visitation rights.

(i) Any interstate move is automatically deemed to be a relocation.

(ii) An intrastate move may be a relocation for which a notice of relocation must be filed if the principal residence of the child(ren) is moved outside of Lehigh County. Whether a move is a relocation shall be decided by the court.

(2) "Principal residence of a child" means:

(i) The location designated by a court to be the primary residence of the child;

(ii) In the absence of a court order, the location at which the parties have expressly agreed the child will primarily reside; or

(iii) In the absence of a court order or an express agreement, the location, if any, at which the child, preceding the time involved, lived with the child's parents or parent, or a person acting as parent, for at least six consecutive months and, in the case of a child less than six months old, the location at which the child lived from birth with any of the persons mentioned. Periods of temporary absence of any of the named persons are counted as part of the six-month or other period. In the case of joint physical custody, the location at which the child lived with either parent for at least six consecutive months preceding the time involved shall be considered the principal residence of the child, for purposes of this rule.

(3) This rule applies to any proposed relocation.

(4) No relocation shall occur unless:

(i) Each parent or person acting as parent, and every individual who has custody or visitation rights to the child pursuant to a court order, consents in writing to the proposed relocation; or

(ii) No objection is filed after proper notice is filed and served; or

(iii) The court approves the proposed relocation.

(b) NOTICE

(1) The party proposing the relocation shall provide written notice to every person specified in paragraph (4)(i) above, in accordance with Pa.R.C.P. 1930.4 (relating to service of original process in domestic relations matters).

(2) Notice shall be given no later than:

(i) the sixtieth day before the date of the proposed relocation; or

(ii) the tenth day after the date that the individual knows of the relocation, if:

(aa) the individual did not know and could not reasonably have known of the relocation in sufficient time to comply with the sixty-day notice; and

(bb) it is not reasonably possible to delay the date of relocation so as to comply with the sixty-day notice.

(3) The following information, if available, must be included with the notice of the proposed relocation:

(i) The address of the intended new residence.

(ii) The mailing address, if not the same as the address of the intended new residence.

(iii) The home telephone number of the intended new residence.

(iv) The name of the new school district and school.

(v) The date of the proposed relocation.

(vi) A proposal for a revised custody or visitation schedule, including transportation arrangements.

(vii) The reasons for the proposed relocation.

(viii) The names of all persons who will be residing at the intended new residence.

(ix) Any other information which the party proposing the relocation deems appropriate.

(x) A warning to the non-relocating party that if the non-relocating party does not file with the clerk of courts an objection to the proposed relocation within thirty days after receipt of the notice, that party may be foreclosed from objecting to the relocation.

(4) If any of the information set forth in paragraph (3) is not known when the notice is sent but is later made known to the party proposing the relocation, then that party shall promptly inform every individual who received notice under this subsection.

(5) A copy of the notice shall be filed with the clerk of courts along with proof of service.

(c) **OBJECTION TO PROPOSED RELOCATION**

(1) An objection to the proposed relocation shall be filed with the clerk of courts within thirty days of service of the relocation notice. A copy of the objection shall be served on the party proposing the relocation, and a copy shall be delivered to the child custody office. The party objecting to relocation may seek a temporary or permanent order to prevent the relocation by filing a petition for special relief pending litigation.

(2) Absent exigent circumstances, it is the policy of the court that no relocation shall occur within the thirty-day period for filing an objection.

(3) Confirmation of relocation. If no objection to the proposed relocation is timely filed with the clerk of courts, the party proposing the relocation may file the following with the clerk of courts prior to the relocation:

(i) an affidavit stating that the party provided notice to every individual entitled to notice, that the time to file an objection to the proposed relocation has passed, and that no individual entitled to receive notice has filed an objection to the proposed relocation;

(ii) a petition to confirm the relocation and modify any existing custody or visitation order in accordance with the revised custody/visitation schedule proposed in the notice; and

(iii) a proposed order containing the information required in subsection (b)(3)(i) to (vi) inclusive.

(d) **CUSTODY CONFERENCE AND HEARING**

(1) If a timely objection has been filed to the proposed relocation, the custody conference/hearing officer shall promptly schedule an expedited conference with the parties and their counsel. Mediation shall not be required in cases of relocation.

(2) If an agreement is not reached at the conference, the custody conference/hearing officer shall certify the matter for hearing before a judge. The court administra-

tor's office shall then immediately schedule an expedited hearing on the proposed relocation before the judge assigned to hear the matter.

(3) If exigent circumstances exist, a petition for special relief may be filed for a preliminary hearing before the court on the relocation.

(4) If the court approves the proposed relocation, it shall:

(i) modify any existing custody or visitation order; or

(ii) establish the terms and conditions of a custody or visitation order.

(5) Psychological evaluations shall be performed only if:

(i) The parties agree to the evaluations; or

(ii) Evaluations are ordered by the court on motion or for legal cause shown.

Rule 1915.4-5. Continuances.

A request for continuance of any custody matter scheduled to be heard by the court shall be presented to the judge assigned to hear the matter, or if he/she is unavailable, to the family court motions judge. A request for continuance of any matter scheduled before the custody conference/hearing officer shall initially be presented to this officer for decision. Any party dissatisfied with the decision of this officer may appeal the decision to the judge assigned to hear the matter, or if he/she is unavailable or if no judge has been assigned, to the family court motions judge.

Rule 1915.4-6. Attorney Appearances.

Each attorney who attends a custody conference or hearing on behalf of a party shall enter an appearance for that party in the custody action by filing a praecipe for appearance with the clerk of courts. The entry of an appearance shall continue in effect for all aspects of the custody action; provided, however, that by specific notation on the praecipe an appearance at or prior to a custody conference may be limited to the conference itself.

NOTE: Any attorney may withdraw his appearance

(1) without leave of court by filing a written notice of withdrawal if 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 (See Pa.R.C.P. 1012(b)), or (2) with leave of court by filing a written petition to withdraw pursuant to the procedure set forth in Leh.R.C.P. 206.1.

Rule 1915.5. Jurisdiction and Venue. Responsive Pleadings.

(a) A party must raise the questions of personal jurisdiction or venue by preliminary objections filed within twenty days of service of the pleading to which objection is made or at the time of conference, whichever first occurs, pursuant to Pa.R.C.P. 1915.5 and Leh.R.C.P. 1028. Failure to raise such questions shall constitute a waiver of any underlying rights related to personal jurisdiction and/or venue.

(b) Any issues of jurisdiction arising under the Uniform Child Custody Jurisdiction Act, 42 Pa.C.S. § 5341 et seq., shall be raised by presenting an appropriate petition to the judge assigned to hear the matter, or if none, to the family court motions judge.

Rule 1915.8. Disclosure of Expert Evaluations of Persons and Residences in Custody, Partial Custody or Visitation Actions.

(a) A party to a custody, partial custody or visitation action shall not disclose the contents of an expert report

prepared pursuant to Pa.R.C.P. 1915.8, including home study evaluations, and physical, mental, drug and/or alcohol evaluations, to anyone except his/her attorney, another party, or an expert consultant. Disclosure to an unauthorized person, including the child who is the subject of the action, may result in sanctions. An attorney who provides such a report to a party whom he represents, or the custody conference/hearing officer who provides such a report to an unrepresented party, shall advise the party in writing of the limits on disclosure imposed by this rule.

(b) All home study evaluations and physical, mental, drug and/or alcohol evaluations filed with the court shall be sealed by the clerk of courts, and shall be unsealed only by an order of court.

Rule 1915.11. Appointment of Attorney for Child.

(a) A party's request for appointment of an attorney for the child(ren) shall be made initially to the custody conference/hearing officer.

(b) The procedure for appealing the recommendation of a custody conference/hearing officer on a request for the appointment of an attorney to represent the child(ren) shall be the same as the procedure set forth in Leh.R.C.P. 1915.4-3(e) to appeal an interim order.

Rule 1915.12. Civil Contempt for Disobedience of Custody Order.

(a) Generally, petitions for civil contempt shall be scheduled for conference before the custody conference/hearing officer. If the contempt matter is not resolved before the custody conference/hearing officer, it shall then be scheduled for a hearing before a judge.

(b) In case of an emergency or extenuating circumstances, petitions for civil contempt may be presented initially to the judge assigned to hear the matter, or if none, to the family court motions judge.

Rule 1915.13. Special Relief.

(a) At any time after the commencement of the action, a party may request special relief by presenting an appropriate petition to the judge assigned to hear the matter, or if none, to the family court motions judge.

(b) Appropriate interim or special relief may be granted only after written notice and hearing unless it appears to the satisfaction of the court that immediate and irreparable injury will be sustained before notice can be given or a hearing held, in which event the court may issue a preliminary or special injunction without hearing and without notice upon such terms and conditions as it deems just, including the filing of security. In determining whether relief should be granted and whether notice of hearing should be required, the court may act on the averments of the pleading or petition and may consider affidavits or any other proof.

(c) Special and/or interim relief granted without notice to the opposing party shall be deemed dissolved unless a hearing on the continuance of such relief is held within five days after it is granted or within such time as the parties may agree or as the court upon cause shall direct.

Rule 1915.19. Co-Parent Education Program.

(a) All parties to divorce, custody, and other domestic relations actions, excluding domestic violence, contempt, and support actions, where the interests of children under the age of 18 years are involved, shall complete a program entitled the "Co-Parent Education Program," hereinafter referred to as "COPE."

(b) The moving party shall register for and attend COPE within sixty days of filing an applicable action. The responding party shall register for and attend COPE within sixty days of service of the applicable pleading.

(c) The moving party shall serve upon the responding party, with the applicable pleading, a copy of this rule and a registration form. Copies of this rule and registration forms for COPE shall be available at the office of the clerk of courts, and the child custody office.

(d) Payment of a fee established by the court is required for participation in COPE and must be submitted with the registration form. Any request for waiver or reduction of the fee shall be presented to the custody conference/hearing officer or forwarded with the registration form along with verification of eligibility for social security disability benefits or cash public assistance benefits, a verified affidavit of indigence, or other proof of financial hardship. Fees will not be accepted at the COPE session. Any request for an extension of time to complete COPE shall be made to Family/Divorce Services, P. O. Box 318, Trexlertown, PA 18087 (tel. 610-366-8868), or to such other place as the court shall direct.

(e) No final custody hearing shall be held or divorce decree granted in an applicable case until both parties have completed COPE, unless this requirement is waived by a judge or by the custody conference/hearing officer for good cause shown. Applications for waiver shall initially be presented to the custody conference/hearing officer.

(f) Failure to comply with this order may result in the dismissal of the action, striking of pleadings, or other appropriate action including sanctions for contempt.

ACTIONS FOR DIVORCE OR ANNULMENT

Rule 1920.2. Venue.

A party who enters an appearance in order to file preliminary objections to venue in an action of divorce or an action for annulment of marriage shall not be deemed to be participating in the proceeding for purposes of Pa.R.C.P. 1920.2(a)(2)(ii).

Rule 1920.3. Commencement of Action.

(a) An action shall be commenced by filing a complaint with the clerk of courts. All subsequent pleadings filed pursuant to the Divorce Code or by separate petition relating to any matter involving the same parties shall be filed with the clerk of courts and docketed to the same docket number.

(b) In all cases the plaintiff, upon filing a complaint, shall pay to the clerk of courts a filing fee that shall include \$55.00 as an administration fee. Where claims for costs and expenses are contained in the complaint, the administration fee shall be subject to apportionment between the parties as with any other fees, costs and expenses incurred in the action.

(c) Every pleading or petition filed pursuant to these rules which makes a separate claim for relief shall include in its caption the social security number and present address of each adult party. If the social security number is not available or the address is not known, the pleading or petition shall contain an averment so stating.

Rule 1920.4. Service.

Proof of service or acceptance of service as authorized by Pa.R.C.P. 1920.4(a) and (d) shall be filed within thirty days of service of process. A copy of the certificate of service shall be forwarded to the master-in-divorce.

Rule 1920.12. Complaint.

(a) In addition to the requirements of Pa.R.C.P. 1920.12, the plaintiff shall set forth in the complaint,

(1) a statement that the plaintiff specifically waives or reserves the right to request that the court require the parties to participate in counseling in any action under section 3301(a)(6), (c), or (d) of the Divorce Code. If a reservation of such request for counseling is contained in the complaint, waiver of the right of plaintiff must be contained in the affidavit submitted under Pa.R.C.P. 1920.72, or a separate waiver must be submitted by the plaintiff prior to the entry of the divorce decree if counseling has been completed pursuant to court order.

(2) an allegation as to the military or non-military service of the parties. If no such allegation is made, the allegation must be contained in the affidavit submitted under Pa.R.C.P. 1920.72 or by separate affidavit prior to the entry of the divorce decree.

(3) a statement as to any children born to the parties, whether such children are minors, and that the plaintiff and defendant have been advised of the requirement to participate in the Co-Parent Education (COPE) Program administered by the Lehigh County Court of Common Pleas pursuant to Leh.R.C.P. 1915.19.

(4) if desired, a request that the parties participate in the Interim Relief Program before the master-in-divorce.

(b) An additional copy of the verified complaint in divorce shall be filed for each of the following claims set forth in the divorce complaint:

- (1) Custody;
- (2) Equitable distribution;
- (3) Other types of ancillary relief.

(c) A claim for custody, whether filed in a separate complaint or petition or as a count in the divorce complaint shall conform to the requirements of the Uniform Child Custody Jurisdiction Act, 42 Pa.C.S. § 5341 et seq., and Pa.R.C.P. 1915.1 et seq.

Rule 1920.13. Pleading More than One Cause of Action. Alternative Pleading.

(a) Where a claim for relief under the Divorce Code is made in addition to a claim of divorce or for annulment, the plaintiff shall set forth in the complaint or petition requesting such relief, allegations as to whether either party had previously requested the same or similar relief in this or any other jurisdiction and the number, commencement date, and present status (if pending) or the final disposition of such proceeding.

(b) As provided in Pa.R.C.P. 1920.13(d), the court may order reasonable counsel fees, costs and expenses pending final disposition of any claim. In the first instance, the master-in-divorce shall hear all petitions for interim counsel fees, costs and expenses. All such requests shall be made by petition and rule to show cause delivered to the master-in-divorce office. An original plus two copies shall be delivered, after which the master shall fix a date and time on the rule returnable and shall have the original and copies filed with the clerk of courts. The rule to show cause shall be given a return date for the filing of an answer and also a conference date with the master, and shall be forwarded directly to the parties by the master-in-divorce office.

(c) The petition for interim counsel fees, costs and expenses shall contain:

(1) an identification of all other pending litigation between the parties;

(2) the petitioner's income and expense statement in the form required by the practice and procedure governing an action for support, together with a true copy of the petitioner's most recent federal income tax return and pay stubs, if any, for the preceding six months;

(3) the petitioner's inventory of all property owned or possessed in the form sufficient to inform the master of the size, nature, and extent of the assets of the parties, both marital and non-marital;

(4) the specific amounts claimed for interim counsel fees and expenses and any statement for services, bills, estimates, or other itemization or explanation.

(d) The answer to the petition shall include:

(1) the respondent's income and expense statement and an inventory as required of petitioner, together with a true copy of the respondent's most recent federal income tax return and pay stubs, if any, for the preceding six months;

(2) a concise statement of the respondent's position regarding the amounts claimed by the petitioner.

(e) If no answer is filed by the return date, upon praecipe and an affidavit of service of the petition and rule returnable, showing service more than ten days before the return date, the master will recommend that the rule be made absolute.

Following conference, the master will make a recommendation in the form of a draft order of court to the administrative judge of the family division for entry of an interim order recommending the allowance of specific amounts as interim counsel fees and expenses; directing that the fees and/or expenses be paid by the non-moving party or from existing marital assets; denying the petition; or granting such other relief as may be warranted under the circumstances. The order will provide that any party aggrieved may file a written demand for de novo review before the court within ten days. If neither party files a demand for review within ten days thereafter, the recommendation shall become a final court order. A demand for de novo review shall be placed on the next available family court miscellaneous list for disposition.

1920.15. Counterclaim. Subsequent Petition.

Where a claim for relief under the Divorce Code is made in addition to a claim for divorce or for annulment, the defendant shall set forth in the counterclaim or petition requesting such relief, allegations as to whether either party had previously requested the same or similar relief in this or any other jurisdiction and if so, the caption, court, term and number, commencement date, and present status (if pending) or the final disposition of such other proceedings.

Rule 1920.16. Severance of Actions and Claims. Interim Relief Program.

(a) The master-in-divorce shall be empowered to hear petitions for interim relief to assist parties either through agreement or by recommendation for entry of a court order to stabilize their financial circumstances, preserve assets subject to equitable distribution, and provide for interim distribution of marital assets warranted by the circumstances. Other issues subject to interim relief may include the use or possession of marital assets by the parties pending equitable distribution; payment of joint credit card debt or other liens during the divorce action, including mortgages, car payments, car insurance, per-

sonal loans, etc.; whether cash assets should be escrowed or whether they should be distributed in whole or in part; whether certain marital assets should be sold or disposed of during the pendency of the divorce; and issues of discovery. This shall be known as the "Interim Relief Program".

(1) Participation in the Interim Relief Program shall be voluntary by mutual agreement of the parties. Parties shall retain the right to proceed directly to the court, if so desired, on any matter that may be submitted pursuant to the Interim Relief Program or for special relief pursuant to Pa.R.C.P. 1920.43.

(2) Petitions pursuant to the Interim Relief Program may be filed contemporaneously with the divorce complaint or at anytime thereafter. All such petitions shall be titled "Plaintiff's/Defendant's Petition for Interim Relief pursuant to Lehigh County Rule of Civil Procedure 1920.16". The original of the petition shall be filed with the clerk of courts. A time-stamped copy of the petition shall be provided to the master-in-divorce office at least five days prior to the intended date of presentation to the master. Written proofs of notice of presentation as well as agreement of opposing counsel to proceed before the master-in-divorce shall be attached to the petition.

(3) Petitions shall be heard by the master on Tuesday and Thursday mornings commencing at 9:30 a.m. in the master-in-divorce office. No ex parte petitions will be entertained by the master. The parties and their counsel shall be entitled to attend the proceedings, although the presence of the parties shall not be required. No record of the proceedings shall be provided by the master. The parties shall have the right to arrange and provide for their own stenographic services.

(4) Every attempt shall be made by the master to dispose of all requests/petitions on the date of presentation or hearing. If the parties cannot agree on an order for relief, the master will make a written recommendation in the form of an Interim court order which will be automatically processed by one of the judges of the family division. Any party aggrieved by the order shall be entitled to file a written demand for review by the court within ten days of receipt of the order. Demands for review shall be placed on the earliest available family court miscellaneous list. There shall be no record of the proceedings before the master unless arranged by either of the parties. If a written demand for review from the recommended order is filed by either party, the master shall prepare and file a written statement of the reasons for the recommendation, if not already stated in the recommended order.

Rule 1920.31. Alimony, Alimony Pendente Lite, Counsel Fees, Costs and Expenses.

(a) A claim for alimony pendente lite, whether made by the plaintiff or the defendant, shall in the first instance be decided by the domestic relations section of the court. Where a claim for such relief is made, the clerk of courts shall transmit a duplicate copy of the pleading requesting such relief to the domestic relations section. The practice and procedure with respect to any such claims, including pre-hearing conferences conducted by the domestic relations section, shall be the same as the procedure in cases for support instituted by civil complaint.

(b) Claims for interim counsel fees shall be made in accordance with Lehigh County Rule of Civil Procedure 1920.13.

(c) A motion to modify an award of alimony shall be made in accordance with the general motion procedure under Lehigh County Rule of Civil Procedure 206.1. The judge assigned to the matter

may hear testimony on the motion or may refer it to the standing master-in-divorce or to a substitute master for hearing and recommendation.

Rule 1920.33. Joinder of Related Claims. Distribution of Property. Enforcement.

(a) As provided in Lehigh County Rule of Civil Procedure 1920.4, within thirty days of service of the complaint containing a claim for equitable distribution of property, the plaintiff shall prepare and file a certificate of service. A time-stamped copy of said certificate of service shall promptly be forwarded to the master-in-divorce.

The master shall prepare a recommended order setting forth the filing date for the respective parties' inventories in compliance with Pa.R.C.P. 1920.33(a), and the recommended order shall be forwarded to the administrative judge of the family division for immediate processing.

The failure of any party to file the necessary inventory of all property as required by Pa.R.C.P. 1920.33(a) may be enforced by the adverse party by presenting a motion or petition to the family court motions judge, or to the master-in-divorce pursuant to the Interim Relief Program, for such relief as deemed appropriate.

(b) A proposed qualified domestic relations order may be presented for approval at any regularly scheduled session of family motion/miscellaneous court, or alternatively it may be submitted by mail to the court administrator's office for assignment to a judge of the family division. The court will not enter a qualified domestic relations order unless both parties, either personally or through their attorneys of record, have signed the proposed order or have otherwise signified their approval in writing.

Rule 1920.42. Court Review Officers.

Case papers transmitted to the court pursuant to Pa.R.C.P. 1920.42(a) shall be reviewed by court review officers. Court review officers shall be practicing attorneys designated by the Court.

Rule 1920.43. Special Relief.

A petition setting forth facts entitling a party to relief under Pa.R.C.P. 1920.43 shall be filed with the clerk of courts with rule returnable, subject to all Lehigh County rules relative to the notice and presentation of said petition; or it may be presented to the master-in-divorce pursuant to the Interim Relief Program. The master-in-divorce shall be empowered to hear all petitions presented under subdivision (a) of Pa.R.C.P. 1920.43 by direct petition according to the procedure set forth in Lehigh County Rule of Civil Procedure 1920.16 or by directive of the court.

Rule 1920.45. Counseling.

A request for counseling shall be substantially the following form:

REQUEST FOR COUNSELING

The undersigned, pursuant to Pa.R.C.P. 1920.45, herewith requests counseling and prays the court to enter an order requiring up to a maximum of three counseling sessions within (xxxxxx) days from

(Plaintiff)

(Defendant)

The request shall be presented to the family court motions judge, who shall enter an appropriate order; or it may be presented to the master-in-divorce pursuant to

the Interim Relief Program, for a recommendation of appropriate action by the court.

Rule 1920.51. Hearing by the Court. Appointment of Master. Notice of Hearing.

As provided in Pa.R.C.P. 1920.51(a)(3), the motion for the appointment of a master and order shall be substantially the form prescribed by Pa.R.C.P. 1920.74. The motion shall be filed in duplicate with the clerk of courts. All motions shall be accompanied with a check payable to the clerk of courts in the amount of \$250.00, unless the \$55.00 administration fee required under Leh. R.C.P. 1920.3 has not as yet been paid. In that event, the motion shall be accompanied with a payment in the amount of \$305.00. Any motion that fails to conform to the claims or defenses raised in the pleadings of record may be denied.

The master's fee specified above shall cover the master's review of the file, scheduling of the initial conference, the initial conference, preparation and filing of the scheduling order, the settlement conference (if requested by the parties), and the first full day of master's hearings. Should proceedings not be concluded after a full day of master's hearing, the master shall be empowered to request that an additional fee of \$200.00 per day be imposed for any subsequent master's hearings and that this fee be paid prior to the scheduling of a second master's hearing.

If a case is settled or discontinued prior to the scheduling of the initial conference, the full deposit of \$250.00 shall be refunded. If a case is settled or discontinued after the initial conference has been scheduled but before the conference has been held, only \$100.00 of the deposit shall be refunded. If a case is settled or discontinued after the initial conference, no portion of the deposit shall be refundable.

No motion for the appointment of a master shall be filed unless the moving party has filed an inventory in the form and manner set forth in Pa. R.C.P. 1920.33 and 1920.75. The clerk of courts may refuse to accept for filing any motion for appointment if the moving party has failed to file an inventory either prior to or contemporaneous with the filing of the motion. The moving party shall serve upon the non-moving party a true and correct copy of the motion filed, the proposed order, and the signed order when received from the court.

Upon receipt by the master of the order appointing him/her, an initial conference before the master shall be scheduled. Written confirmation of the date and time of the initial conference shall be sent to the parties directly from the master-in-divorce office. With the exception of an unrepresented party, the initial conference shall be between only the master and counsel for the parties.

At the initial conference, counsel for the parties and any unrepresented party shall submit an informational sheet containing a summary of marital assets and debts with valuations on the dates of acquisition, separation, and distribution. A recommended form of such summary is available in the master-in-divorce office. Copies of the parties' latest federal and state income tax returns or other evidence of the incomes of the parties, if any, shall also be provided to the master.

Following the initial conference, the master will prepare a recommended order setting forth any additional discovery to be conducted by the parties, with time limits within which to complete such discovery, as well as a schedule for the filing of the pretrial statements in accordance with Pa. R.C.P. 1920.33(b) and a date for the master's hearing. The recommended order shall be sub-

mitted to the administrative judge of the family division for immediate processing. Any party dissatisfied with all or any part of a recommended order may file a written demand for review by the court. Such a written demand must be filed with both the clerk of courts, and the master-in-divorce office within ten days after service of the recommended order. Upon the timely filing of a written demand for court review, the court administrator's office will issue a rule placing the matter on the next available family court miscellaneous list.

As provided in the recommended order, either party may request a settlement conference with the master prior to the filing of the pre-trial statements. No settlement conference shall be scheduled as of course. If a settlement conference is held, counsel and the parties are required to attend. At least five days prior to the date of the settlement conference (if not previously provided in the parties' inventory or at the time of the initial conference), the parties shall submit to the master a summary of the marital and non-marital estate, including valuations of assets on dates of acquisition, separation, and distribution, as well as a proposed resolution of the economic issues. Copies of all appraisals, expert reports, or other documentation to support the parties' claims should also be available for the master's review. If the matter is not resolved at the settlement conference, the parties shall proceed with filing of pre-trial statements and other provisions of the initial conference order. The scheduling of the settlement conference shall not relieve the parties from compliance with the initial conference order, unless otherwise directed by the master.

There shall be a mandatory pre-trial conference held by the master in every case. Except in unusual cases, the pretrial conference shall be held on the date of the scheduled master's hearing commencing at 9:30 a.m. Matters such as the sequence of witnesses, the submission of exhibits, proposed stipulations, and rulings on preliminary legal issues shall be reviewed at that time. The parties are required to be present at the pretrial conference. No witnesses, except for the parties, shall appear for the hearing until at least 10:00 a.m. Stenographic services shall not be required until at least 10:00 a.m.

The master's hearing shall be conducted in accordance with Rule Leh.R.C.P. 1920.55-2 providing for a full record hearing.

After the conclusion of the hearing, the master shall provide to the parties an opportunity to submit proposed findings of fact and/or conclusions of law or legal memoranda; no prejudice shall result by any party's failure to do so. No specific form of submission shall be required; a letter addressed to the master and served upon the opposing party/counsel is acceptable.

Rule 1920.53. Extension of Time for Filing Master's Report.

In contested actions, if the master cannot file the report within thirty days after the receipt of the notes of testimony, as required by Pa.R.C.P. 1920.53(a)(1), the master shall apply in writing to the administrative judge of the family division for an extension of time prior to the expiration of that period. A copy of such application shall be provided to counsel of record in the case, or directly to any unrepresented party.

Rule 1920.55-2. Exceptions to Master's Report.

(a) Copies of exceptions to the master's report shall be delivered to the court administrator's office, to the master, to opposing counsel, and to any unrepresented party. The court administrator's office will issue a rule placing the exceptions on an appropriate family court miscellaneous list for argument. The exceptant shall file a brief at least fourteen days prior to the scheduled argument date, and the other party shall file a responsive brief at least seven days before this date. Briefs shall be in the form specified in Leh.R.C.P. 210 and shall be filed with the clerk of courts, with copies to the court administrator's office and to other counsel or to the opposing party if unrepresented.

(b) If no timely exceptions are filed to the master's report, and proof of notice of filing the master's report has been filed, the clerk of courts, after all costs have been paid, shall cause the entire record to be delivered to the court for review and adjudication.

**VOLUNTARY MEDIATION IN
CUSTODY/VISITATION DISPUTES**

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

(a) Upon the commencement of an action for custody, partial custody or visitation of minor children, or the filing of a petition seeking modification or contempt of an existing order for custody, partial custody or visitation, the child custody office shall identify those cases not suitable for mediation, which shall include those in which:

- (1) a party or a child of either party is or has been the subject of domestic violence or child abuse either during the pendency of the action or within twenty-four months preceding the filing of the action;
- (2) there is a significant history or allegation of sexual or substance abuse, or mental illness or retardation;
- (3) a party is incarcerated;
- (4) third-party standing is at issue; or
- (5) participation in mediation would, as a result of a party's physical or medical condition, or place of residence or employment, constitute a demonstrable hardship.

(b) All child custody actions shall be scheduled for a mediation orientation session within thirty days after the pleading commencing the action or seeking a modification or contempt has been served, except those cases identified as not suitable for mediation by the child custody office. As to those cases not suitable for mediation, they shall be scheduled for conference within thirty days after the pleading commencing the action or seeking a modification or contempt has been served.

(c) Any request to bypass mediation or to continue a scheduled mediation or conference shall be presented initially to the custody conference/hearing officer for decision. Any party dissatisfied with the decision may appeal to the judge assigned to hear the matter or, if none, to the family court motions judge.

(d) Mediation may be recommended after a conference in the child custody office when deemed appropriate by the custody conference/hearing officer or the court.

(e) All cases referred to mediation by the child custody office or by the court shall be scheduled for an initial orientation session that, with the parties' agreement, may

be immediately followed by a mediation session. This initial orientation/mediation session shall be scheduled for one to one and one-half hours. Upon agreement of the parties, additional mediation sessions may be scheduled. The parties' attorneys shall not attend the orientation or any mediation sessions.

Rule 1940.4. Minimum Qualifications of the Mediator.

A mediator is a person approved by the Lehigh County Court of Common Pleas who has met the requirements of Pa.R.C.P. 1940.4 and any additional qualifications this court may from time to time require, and who is either a mediator under contract with Lehigh County or a mediator employee of Lehigh County or any other mediator who has been approved by the court to perform mediator services hereunder. All mediators shall adhere to the mediator standards of practice adopted by the Academy of Family Mediators, and the American Bar Association.

Rule 1940.6. Termination of Mediation.

(a) If an agreement is reached through mediation, the mediator shall prepare a memorandum of agreement, which shall be mailed to the parties for them to review with their respective attorneys, if any, and to sign. A signed memorandum of agreement shall be presented to the court for approval and adoption of its terms as an order of court.

(b) The mediator shall refer issues not resolved by mediation to the child custody office, which shall schedule the case for conference before the custody conference/hearing officer.

(c) All discussion at any mediation session shall be confidential and shall not be disclosed by the mediator or any of the participants; provided, however, that the parties may disclose the discussion to their respective attorneys. Unless otherwise directed by the court, a mediator shall not testify at any hearing in any matter in which he or she has acted as mediator.

Rule 1940.7. Mediator Compensation.

Each party shall pay \$50.00 to the County of Lehigh for the initial one to one and one-half hour orientation/mediation session. Each party shall pay an additional \$30.00 per hour for any additional one-hour mediation sessions. Waiver or reduction of costs may be granted for good cause shown upon application to the custody conference/hearing officer.

[Pa.B. Doc. No. 00-1274. Filed for public inspection July 28, 2000, 9:00 a.m.]

LUZERNE COUNTY

**Order Adopting Rules for Compulsory Arbitration;
No. 4767-C 2000**

Order

Now This 11th day of July, 2000, Luzerne County Rules of Court No. 1301 is hereby repealed effective January 1, 2001. The annexed Luzerne County Rules of Court Nos.

1301. Arbitration, 1302. Appointment of the Board, 1303. Hearing. Notice, 1306. Return and Entry of Award, 1308. Appeal. Praecepta for Trial List, are adopted effective January 1, 2001.

It is further ordered that the District Court Administrator shall file seven (7) certified copies of this Rule with the Administrative Office of Pennsylvania Courts, two (2) certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, one (1) certified copy to the Civil Procedural Rules Committee, one (1) certified copy to the Judicial Council of Pennsylvania Statewide Rules Committee, and one (1) copy to the *Luzerne Legal Register* for publication in the next issue.

It is further ordered that these local rules shall be kept continuously available for public inspection and copying in the Prothonotary's Office.

By the Court

JOSEPH M. AUGELLO,
President Judge

Rule 1301. Arbitration.

All civil actions and actions in replevin in which the amount in controversy, exclusive of interest and costs, is FIFTY THOUSAND (\$50,000.00) DOLLARS or less shall be submitted to and heard and decided by a Board of Arbitrators pursuant to and in accordance with the provisions of 42 Pa.C.S. Sec. 7361 and Pa.R.C.P. 1301 et seq.

Rule 1302. Appointment of the Board.

(a) On praecipe of either counsel or by agreement of reference, a board of arbitrators shall be appointed by the prothonotary in sequential order from the list of qualified arbitrators submitted by the district court administrator. The prothonotary's list of such appointments shall be open to public inspection. An original and a number of copies of the praecipe or agreement sufficient to serve all members of the board and all parties of record, or their counsel, shall be given to the prothonotary.

(b) Arbitrators shall be members of the bar of the Supreme Court of Pennsylvania in good standing and on active status who are residents of Luzerne County and members of the Wilkes Barre Law and Library Association and who have indicated to the district court administrator their willingness and desire to serve by filing with the district court administrator a written statement to that effect.

The name of any attorney appearing on the prothonotary's list of qualified arbitrators may be removed by the district court administrator when the prothonotary's records indicate an attorney's failure to withdraw after appointment, as provided by section (d) of this rule, or any attorney's absence or failure to appear twice after appointment at any scheduled hearing; and the attorney's name shall not again be placed on the list of arbitrators except by order of court.

If an arbitrator fails to appear within the 10 minutes after the scheduled time of hearing, the arbitrator shall be disqualified, and the prothonotary shall immediately appoint a replacement irrespective of the arbitrator's place on the list.

(c) Notice of appointment: The prothonotary shall note on the praecipe or agreement of reference, the names of the arbitrators so appointed, and the time and place of hearing and the prothonotary shall mail a copy thereof to each member of the board of arbitrators and to each party of record, or their counsel within ten (10) days after filing of the praecipe or agreement.

(d) Withdrawal after Appointment: Within five (5) days of receipt of notice of appointment to a board of arbitrators, an arbitrator who desires to be excused on account of illness or incapacity, or who pursuant to Pa.R.C.P. 1302 would be disqualified shall notify the prothonotary, whereupon the next qualified arbitrator shall be appointed from the sequential list. Notice of the substitution of an arbitrator shall be given to the arbitrators, and parties of record or their counsel.

(e) Appointment after Disqualification: An arbitrator who is disqualified for appointment to a particular board shall be appointed to the next board for which the arbitrator is qualified.

(f) Compensation: Each member of a board of arbitrators who has signed the report or signs a dissent shall receive as compensation for services a fee of one hundred twenty-five (\$125.00) dollars. If a matter is referred to a judge of the court pursuant to Pa.R.C.P. 1303(b)(2) or if the matter is resolved by agreement of the parties without a hearing, each member of the board who appears shall receive as compensation fifty (\$50.00) dollars. In cases requiring hearings of unusual duration or involving questions of unusual complexity, the court, on petition of the members of the board and for cause shown, may allow additional compensation. The court may also, on petition of any party to a case, on cause shown and to prevent injustice, reduce the amount of such compensation or disallow compensation entirely. The members of a board shall not be entitled to receive their fees until after filing a report with the prothonotary. When the same is filed, the prothonotary shall issue an order for payment of such fees which shall be immediately paid from county funds as in the case of all other county debts. Fees paid to arbitrators shall not be taxed as costs nor follow the award as other costs.

Rule 1303. Hearing. Notice.

(a)(1) All cases subject to arbitration shall be scheduled for hearing at the Luzerne County Courthouse on a date to be fixed by the prothonotary which date shall not be less than forty (40) days and no more than sixty (60) days from the filing of the praecipe for appointment of a board of arbitrators. Continuances shall be approved by the court, however, if all parties consent the chair may grant one continuance of a scheduled hearing. Cases set for hearing may not be continued by the chair for more than sixty (60) days from the date scheduled unless by order of court upon cause shown. In the event the hearing is not held on the continued date, and no further continuance is granted by the court, the case shall be stricken from the arbitration list and the arbitrators shall be discharged by order of court.

(2) The written notice of hearing shall include the following statement:

"This matter will be heard by a board of arbitrators at the time, date and place specified but, if one or more of the parties is not present at the hearing, the matter may

be heard at the same time and date before a judge of the court without the absent party or parties. There is no right to a trial de novo on appeal from a decision entered by a judge.”

(b)(2) If one or more parties is not ready, and if all parties present consent, the motion’s judge or such other judge selected by the district court administrator shall determine if the court should hear the matter or whether the matter should proceed in arbitration. If the court is to hear the matter, it shall be heard on the same date as the scheduled arbitration hearing.

Rule 1306. Return and Entry of Award.

Within seven (7) days after hearing the board shall make its report and award signed by all or a majority of the members. The prothonotary shall enter the same of record and give immediate notice thereof to the parties or their attorneys.

Rule 1308. Appeal. Praeceptum for Trial List.

Appeals from an award of the board of arbitrators shall be ordered on the trial list on praecipe of either party.

[Pa.B. Doc. No. 00-1275. Filed for public inspection July 28, 2000, 9:00 a.m.]

RULES AND REGULATIONS

Title 22—EDUCATION

DEPARTMENT OF EDUCATION

[22 PA. CODE CH. 701]

Nurse Aide Applicant Criminal History Record Information

The Department of Education (Department) adopts Chapter 701 (relating to nurse aide training program applicant criminal history record information) to read as set forth in Annex A under the Nurse Aide Resident Abuse Prevention Training Act (act) (63 P. S. §§ 671—680).

Purpose and Requirements

The process of developing Chapter 701 was undertaken in accordance with section 6 of the act (63 P. S. § 676), which directs the Department to promulgate regulations necessary to carry out the criminal history record information requirements and ensure compliance with the act. Section 6(2) of the act further requires that the regulations provide for the confidentiality of criminal history record information.

Comments and Responses

Comments were received from the House Education Committee on August 31, 1998, the Senate Education Committee on September 1, 1998, and the Independent Regulatory Review Commission (IRRC) on September 21, 1998. Public comments were received from five Statewide health associations, two Statewide education associations and one nurse aide training facility.

Section 701.1. Definitions—Clarity.

Two commentators suggested that language be more clear for the “nurse aide” definition. The Department accepts the definition as stated in the act. IRRC and a commentator recommended some changes in wording to clarify § 701.1 and to be consistent with wording throughout the regulations. The Department agreed to make these changes in its final-form regulations.

Section 701.2. Compliance—Need for Rule and Clarity.

IRRC questioned the need to include the compliance statement in § 701.2. The Department agreed that this is not necessary on final-form rulemaking, but has included the statement as part of the Preamble’s purpose and requirements.

Section 701.11. Submission of Criminal History Record Information (CHRI) report—Legislative Intent.

Some commentators suggested that secondary school students be exempted from the CHRI reports. They noted that CHRI reports do not show criminal offenses unless the student is convicted as an adult and completing the report would be a financial and paperwork burden imposed on school districts by § 701.11. IRRC and the Senate Education Committee agreed with the proposed regulations as written. The Department does not have the statutory authority to provide exemptions through regulations. Therefore, the Department has not made this change on the final-form rulemaking.

Section 701.11. Submission of CHRI Report—Consistency with Statute and Clarity.

A commentator recommended a 30-day grace period for receiving CHRI reports. The intent of the law is to have

reports reviewed before the program begins to prevent a person convicted of offenses stated in the act from entering the program. The Department will leave § 701.11 as proposed. However, IRRC recommended some changes in wording to clarify § 701.11. The Department agreed to make these changes in § 701.11.

IRRC, the Senate Committee and some commentators recommended that the residency requirements be changed to agree with the residency requirements in the Older Adults Protective Services Act (35 P. S. §§ 10225.101—10225.708). The Department accepts their recommendation and the residency requirements are changed on the final-form rulemaking.

One commentator recommended that the CHRI report be completed by the Pennsylvania State Police (PSP) and the Federal Bureau of Investigation (FBI) for residents of less than 2 years. The FBI CHRI report is a Nationwide report and includes offenses on the PSP database. The Department believes the language as proposed is sufficient and no change will be made on the final-form rulemaking.

Section 701.11(1). Receipt of CHRI Report by Facility—Need for Rule and Clarity.

IRRC, the House and Senate Committees and some commentators recommended changes in wording (omit a phrase and clarify a word) be made in § 701.11(1). The Department agreed and these have been made on the final-form rulemaking.

Section 701.11(2). Submission of CHRI Report—Need for Rule and Reasonableness.

IRRC recommended that the applicant, who has resided in this Commonwealth less than the required residency time, obtain its FBI CHRI report directly from the FBI. The law is very explicit in charging the Department to enforce the provision of the act; and it is an FBI policy that applicants do not directly contact their agency to obtain CHRI reports. Furthermore, the Department is consistent with established procedures set forth in similar statutes and regulations, namely Act 34 (clearance for teachers). The Department has retained § 701.11(2) as originally proposed. In addition, recently passed act of May 12, 1999 (P. L. 63, No. 5) has specifically given the Department authority to do background checks on the applicants.

Section 701.12(1). Receipt of CHRI report by facility—Need for Reasonableness.

A commentator recommended that the position title and not the designated representative be responsible for receipt of the CHRI report. The Department leaves the language as stated.

Subsection 701.12(3)(i). Receipt of CHRI report by facility—Consistency with Statute and Clarity.

IRRC and a commentator recommended that flexibility be given to allow applicants to submit originals or copies of their CHRI reports. The Department agreed and changes have been made on the final-form rulemaking.

Section 701.15. Confidentiality of Information—Reasonableness and Clarity.

IRRC, the House and Senate Committees, and commentators suggested that two separate policies included unnecessary wording and are not needed. The Department agreed and the changes have been made on the final-form rulemaking.

Section 701.16. Violations—Reasonableness and Clarity.

One commentator recommended that the penalty be on the facility and not the designated representative. It is the intent of the law that the representative and not the facility be held in compliance. The Department has retained the regulation as proposed.

The Department added an additional paragraph to provide clarity to § 701.16 as it relates to § 701.12(i).

The Senate Committee expressed concern that two numbering systems for the proposed regulations were used. The numbering system for the proposed regulations were delivered to the Senate Committee on July 7, 1998 and were published at 28 Pa.B. 3412 (July 18, 1998). The Department recognizes that it is in the purview of the Legislative Reference Bureau to make changes and has used their numbering system in the final-form rule-making.

Fiscal Impact and Paperwork Requirements

The amendments have a fiscal impact upon this Commonwealth at the State level. During the first full year, the State Police project their fiscal impact at \$31,940. This includes staffing and equipment. The Department may need to hire additional clerical assistance for the FBI criminal background checks. This is estimated at \$14,028 for the first year. The regulations would have no fiscal impact upon the local entities. The regulations impose no new significant paperwork requirements beyond those required by the act. However, the Department will need to readjust the length of time for monitoring each nurse aide training program in order to review the criminal history record information for all enrolled nurse aide students.

Effective Date

These final-form regulations take effect on the date of publication in the *Pennsylvania Bulletin*.

Sunset Date

The effectiveness of proposed Chapter 701 will be reviewed by the Department every 4 years. Thus, no sunset date is necessary.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on July 18, 1998, the Department submitted a copy of the notice of proposed rulemaking, published at 28 Pa.B. 3412, to IRRC and to the Chairpersons of the House and Senate Committees on Education for review and comment.

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

Under section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), these final-form regulations were approved by the Senate Education Committee on June 5, 2000, and the House Education Committee on June 7, 2000 and were approved by IRRC on June 22, 2000, in accordance with section 5(c) of the Regulatory Review Act.

Contact Person

The official responsible for information on the Department's process of promulgating these final-form regulations is Jane M. Acri, Vocational Services Supervisor,

Bureau of Vocational-Technical Education, 333 Market Street, Harrisburg, PA 17126-0333, (717) 783-6867.

Findings

The Department finds that:

(1) Public notice of the intention to adopt these regulations was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated there under 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) The adoption of the regulations in the manner provided by this order is necessary and appropriate for administration of the authorizing statute.

Order

The Department, acting under the authorizing statute, orders that:

(a) The regulations of the Department, 22 Pa. Code Chapter 701, are amended by adding §§ 701.1, 701.11—701.16 and 701.21 to read as set forth in Annex A.

(b) The Secretary of Education will submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for review and approval as to legality and form as required by law.

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

(d) This order is effective upon final publication in the *Pennsylvania Bulletin*.

EUGENE W. HICKOK,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 30 Pa.B. 3534 (July 8, 2000)).

Fiscal Note: Fiscal Note 6-262 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 22. EDUCATION

PART XIX. CRIMINAL HISTORY RECORD INFORMATION

CHAPTER 701. NURSE AIDE TRAINING PROGRAM APPLICANT CRIMINAL HISTORY RECORD INFORMATION

GENERAL

Sec.
701.01. Definitions.

RESPONSIBILITIES OF FACILITIES AND DESIGNATION REPRESENTATIVE

701.11. Submission of CHRI report.
701.12. Receipt and review of CHRI report by facility.
701.13. Nonacceptance of certain applicants.
701.14. Notification to applicant regarding CHRI report.
701.15. Confidentiality of information.
701.16. Violations.

RESPONSIBILITIES OF THE DEPARTMENT

701.21. Responsibilities of the Department.

GENERAL

§ 701.1. Definitions.

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

Act—The Nurse Aide Resident Abuse Prevention Training Act (63 P. S. §§ 671—680).

Applicant—An individual applying for admission into a program.

CHRI—Criminal History Record Information—A report of criminal history from the State Police or a statement that its central repository contains no information; or a report of criminal history from the Federal Bureau of Investigation, or a statement that its files contain no information.

Department—The Department of Education of the Commonwealth.

Enrollment—Approval of an applicant for admission in a program.

Facility—An institution or agency that sponsors a program.

Nurse aide—An individual providing nursing or nursing-related services to residents in a nursing facility or skilled nursing facility. The term does not include an individual who is a licensed health professional or an individual who volunteers to provide the services without monetary compensation.

Program—The State approved nurse aide training program.

RESPONSIBILITIES OF FACILITIES AND DESIGNATED REPRESENTATIVE

§ 701.11. Submission of CHRI report.

The facility shall require an applicant to submit a CHRI report, which was obtained in the preceding 1-year period, prior to enrolling as a nurse aide student into the program, according to one of the following:

(1) The facility shall require all applicants who have resided in this Commonwealth for a minimum of 2 full years prior to their dates of application to obtain a CHRI report from the State Police.

(2) The facility shall require all applicants who have resided in this Commonwealth less than 2 full years prior to their dates of application to obtain a CHRI report from the Federal Bureau of Investigation by contacting the Department for the required form.

§ 701.12. Receipt and review of CHRI report by facility.

In receiving and reviewing CHRI reports, the facility shall do the following:

(1) The facility administrator shall designate in writing the appropriate facility representative, to review the CHRI report for enrollment eligibility and maintain a copy of the designation in the facility's file.

(2) The facility's designated representative shall receive the applicant's original CHRI report or a copy thereof.

(3) The facility's designated representative shall review the CHRI report in the following manner:

- (i) Sign and date a copy of the CHRI report.
- (ii) Review the CHRI report for the offenses listed in § 701.13 (relating to nonacceptance of certain applicants).
- (iii) Place the signed and dated copy of the CHRI report in a specific file for all CHRI reports.

§ 701.13. Nonacceptance of certain applicants.

The facility and its designated representative may not enroll a nurse aide applicant whose CHRI report indicates the applicant has been convicted of any of the following offenses:

(1) An offense designated as a felony under The Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. §§ 780-101—780-144).

(2) An offense under one or more of the following provisions of 18 Pa.C.S. (relating to crimes and offenses):

- (i) Chapter 25 (relating to criminal homicide).
- (ii) Section 2702 (relating to aggravated assault).
- (iii) Section 2901 (relating to kidnapping).
- (iv) Section 2902 (relating to unlawful restraint).
- (v) Section 3121 (relating to rape).
- (vi) Section 3122.1 (relating to statutory sexual assault).
- (vii) Section 3123 (relating to involuntary deviate sexual intercourse).
- (viii) Section 3124.1 (relating to sexual assault).
- (ix) Section 3125 (relating to aggravated indecent assault).
- (x) Section 3126 (relating to indecent assault).
- (xi) Section 3127 (relating to indecent exposure).
- (xii) Section 3301 (relating to arson and related offenses).

(xiii) Section 3502 (relating to burglary).

(xiv) Section 3701 (relating to robbery).

(xv) A felony offense under Chapter 39 (relating to theft and related offenses) or two or more misdemeanors under Chapter 39.

(xvi) Section 4101 (relating to forgery).

(xvii) Section 4114 (relating to securing execution of documents by deception).

(xviii) Section 4302 (relating to incest).

(xix) Section 4303 (relating to concealing death of child).

(xx) Section 4304 (relating to endangering welfare of children).

(xxi) Section 4305 (relating to dealing in infant children).

(xxii) Section 4952 (relating to intimidation of witnesses or victims).

(xxiii) Section 4953 (relating to retaliation against witness or victim).

(xxiv) A felony offense under section 5902(b) (relating to prostitution and related offenses).

(xxv) Section 5903(c) or (d) (relating to obscene and other sexual materials and performances).

(xxvi) Section 6301 (relating to corruption of minors).

(xxvii) Section 6312 (relating to sexual abuse of children).

(3) A Federal or out-of-State offense similar in nature to those crimes listed under paragraph (1) or (2).

§ 701.14. Notification to applicant regarding CHRI report.

The facility shall notify the applicant in writing which is clear and understandable, if the decision not to admit the applicant is based in whole or in part on the CHRI report.

§ 701.15. Confidentiality of information.

The facility shall establish a policy that ensures the confidentiality of the CHRI report by placing it in a locked file cabinet or similar storage area and ensuring that the CHRI report is not available to anyone who is not directly involved in evaluating the applications for enrollment into the program, except State and Federal personnel who monitor the program.

§ 701.16. Violations.

(a) An individual who is responsible for reviewing and approving applications for enrollment into the program (that is, the facility's designated representative) and who willfully fails to comply with § 701.12(2) and (3) or § 701.13 (relating to receipt and review of the CHRI report by facility; and nonacceptance of certain applicants) shall be subject to a civil penalty as provided for in § 701.21 (relating to responsibilities of the Department).

(b) A facility administrator who willfully fails to comply with § 701.12(1) shall be subject to a civil penalty as provided in § 701.21.

RESPONSIBILITIES OF THE DEPARTMENT

§ 701.21. Responsibilities of the Department.

(a) The Department will determine compliance violations.

(b) As part of the routine monitoring of facilities, the Department's monitoring staff will record the name of the designated facility representative and review the facility's files of all nurse aide students who are enrolled in the program after July 29, 2000.

(c) The Department will receive and investigate complaints which allege violations of the act or this chapter.

(d) Based upon the information gathered as part of its routine monitoring or its investigation of a complaint, the Department may hold a hearing to determine violations of § 701.16 (relating to violations).

(1) The procedures for the hearing will conform to 2 Pa.C.S. (relating to administrative law and procedure).

(2) After the hearing, the Department may assess a civil penalty of not more than \$2,500 per violation.

[Pa.B. Doc. No. 00-1276. Filed for public inspection July 28, 2000, 9:00 a.m.]

emit (PTE) for VOCs are 25 tons per year or greater. The compliance deadline for the presumptive RACT requirements does not apply to wood furniture manufacturing operations that have obtained EPA-approved SIP revisions for case-by-case RACT prior to June 10, 2000. Major VOC-emitting wood furniture manufacturing operations will no longer be subject to the RACT requirements in §§ 129.91—129.95 (relating to stationary sources of NO_x and VOCs) because the EPA has now issued a CTG for the control of VOC emissions from wood furniture manufacturing operations (61 FR 25223 (May 20, 1996)). Therefore, the Department will withdraw any case-by-case RACT determination that has not been EPA-approved as a SIP revision by June 10, 2000.

[Pa.B. Doc. No. 00-00-1027. Filed for public inspection June 9, 2000, 9:00 a.m.]

Title 55—PUBLIC WELFARE

DEPARTMENT OF PUBLIC WELFARE

[55 PA. CODE CHS. 101, 125, 133, 141, 145, 166, 175, 177, 178, 181 AND 183]

Public Assistance

The Department of Public Welfare (Department), by this order, adopts the final-form rulemaking to read as set forth in Annex A, under the authority of sections 201(2) and 403(b) of the Public Welfare Code (62 P. S. §§ 201(2) and 403(b)).

Notice of proposed rulemaking is omitted in accordance with section 204(1)(iv) of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204(1)(iv)), known as the Commonwealth Documents Law (CDL), and 1 Pa. Code § 7.4(1)(iv) because the administrative regulations relate to Commonwealth grants and benefits. Additionally, notice of proposed rulemaking is omitted for good cause as unnecessary and contrary to the public interest in accordance with section 204(3) of the CDL (45 P. S. § 1204(3)) and 1 Pa. Code § 7.4(3).

The amendments, except for the amendment pertaining to allowable medical expense income deductions, are a result of Federal and State statutory mandates allowing for no administrative discretion. These amendments, except the amendment pertaining to allowable medical expense income deductions, have been implemented through Notices of Rule Change (NORCs) published at 24 Pa.B. 4425 (August 27, 1994), effective September 1, 1994; 25 Pa.B. 2762 (July 8, 1995), effective July 1, 1995; 26 Pa.B. 2865 (June 15, 1996), effective June 17, 1996; and 27 Pa.B. 1092 (March 1, 1997), effective March 3, 1997. Additionally, these amendments include a discretionary provision which benefits applicants and recipients and was implemented through a NORC published at 23 Pa.B. 3433 (July 17, 1993), effective July 17, 1993.

The amendment pertaining to allowable medical expense income deductions is a result of section 1902(a)(17) of the Social Security Act (42 U.S.C.A. § 1396a(a)(17)(D)), as clarified by the Health Care Financing Administration (HCFA), which defines what states may use as allowable medical expense income deductions when determining eligibility for Federally-funded categories of Medically Needy Only (MNO)-Medical Assistance (MA). This amendment applies to the Federally-funded categories of MNO-MA and will also be applied to the General Assist-

Title 25—ENVIRONMENTAL PROTECTION

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CHS. 121, 129 AND 139]

[Correction]

Surface Coating Processes (RBI # 4)

An error occurred in the preamble to this document which appeared at 30 Pa.B. 2995, 2997 (June 10, 2000). A compliance date in § 129.101 (relating to general provisions and applicability), was printed incorrectly. The correct date for compliance is June 11, 2001. The correct version of the paragraph in question is as follows:

Subsection (b) requires the owners or operators of wood furniture manufacturing operations to comply with the requirements of §§ 129.101—129.107 by June 11, 2001, if the actual emissions or potential to

ance (GA)-related MNO-MA category. This amendment was implemented on February 1, 1999, through written procedural instructions.

These amendments conform State regulations with State statute, reduce State costs, streamline the GA program and ensure that needy individuals of this Commonwealth are assisted in their efforts to become self-sufficient in accordance with legislation enacted by the General Assembly.

Purpose

The purpose of these amendments is to incorporate eligibility requirements for GA, GA-related MA, Federal Temporary Assistance for Needy Families (TANF—which replaced the Aid to Families With Dependent Children [AFDC] Program), TANF-related MA and MNO-MA. These amendments are mandated by State and Federal law as discussed in the following section.

Background

The act of June 16, 1994 (P. L. 319, No. 49) (Act 49) amended the Public Welfare Code by making significant changes to the GA Program that had been largely untouched by reform measures since the passage in 1982 of Act 1982-75 (Act 75). Act 75 introduced time-limited cash grants and a distinction between Transitionally Needy (TN-employable) and Chronically Needy (CN) GA recipients. Act 49 reduced the eligibility period for TN benefits, imposed a 60-day residency requirement on TN and CN clients, tightened eligibility requirements under the CN component and reduced MA services available to both TN and CN clients. The legislative mandates of Act 49 were implemented effective September 1, 1994, through a NORC published at 24 Pa.B. 4425 (August 27, 1994). Effective December 9, 1997, the Department stopped applying the 60-day durational residency requirement for GA (62 P. S. § 432.4(a)) added by section 6 of Act 49. The United States District Court for the Western District of Pennsylvania, in the case of *Warrick et al. v. Snider et al.*, C.A. No. 94-1634, U.S.D.C., W.D., Pa., ruled that section 432.4(a) of the Public Welfare Code (62 P. S. § 432.4(a)) is unconstitutional. See 2 F. Supp. 2d 720. That decision was affirmed by the U. S. Court of Appeals for the Third Circuit, at C.A. No. 98-3010, August 17, 1999. See 191 F.3d 446. Consequently, no regulations will be promulgated to implement the 60-day residency portion of 62 P. S. § 432.4(a).

The act of June 30, 1995 (P. L. 129, No. 20) (Act 20) further amended the Public Welfare Code by eliminating the TN component of the GA Program and deleting or replacing references to the CN component with the phrase "General Assistance" as applicable. Categorical eligibility for the GA program is now determined using criteria formerly referred to as CN criteria. These provisions were implemented through a NORC published at 25 Pa.B. 2762 (July 8, 1995) effective July 1, 1995.

Thereafter, the act of May 16, 1996 (P. L. 175, No. 35) (Act 35) again amended the Public Welfare Code by further tightening GA eligibility criteria. These provisions were implemented through a NORC effective June 17, 1996 published at 26 Pa.B. 2865 (June 15, 1996). Act 35 also imposed a 12-month residency requirement on GA and a 90-day residency requirement on MA applicants and redefined categorical eligibility for the GA-related MNO Program. Based upon the advice of the Attorney General of Pennsylvania, the Department is not implementing the Act 35 12-month durational residency requirement for GA (62 P. S. § 432.4(a)), added by section 11 of Act 35, the 90-day durational residency requirement

for MA (62 P. S. § 442.1(a)(1), added by section 15 of Act 35), and the prohibition against granting assistance to noncitizens (62 P. S. § 432.22), added by section 14.1 of Act 35), and will not be promulgating regulations to implement these provisions.

In addition to the State welfare reform acts, Federal welfare reform under Title I of the Federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub.L. No. 104-193) (PRWORA) was enacted on August 22, 1996. PRWORA eliminated the AFDC Program under Part A of Title IV of the Social Security Act, established the TANF Program (42 U.S.C.A. §§ 601—619) and mandated the implementation of the TANF requirements no later than July 1, 1997. Although the TANF Program replaces the AFDC Program, most of the rules and procedures under which the Department administered AFDC, including those for the Job Opportunities and Basic Skills (JOBS) Training Program, will continue in effect as part of the new TANF Program.

This rulemaking contains only the provision of PRWORA that changes the name of the Federal cash assistance program from AFDC to TANF. That change was implemented through a NORC published at 27 Pa.B. 1092 (March 1, 1997) effective March 3, 1997. The remaining provisions of PRWORA will be promulgated at a later date under a separate rulemaking package. All references to AFDC found within 55 Pa. Code, Handbooks, Bulletins or NORCs published in the *Pennsylvania Bulletin* are to be read and considered as applicable to TANF or to a TANF applicant or recipient, unless doing so would be inconsistent with the TANF State Plan published at 27 Pa.B. 342 (January 18, 1997) effective March 3, 1997, the TANF NORC or with this rulemaking.

In addition to the legislative mandates, this rulemaking contains a requirement beneficial to applicants and recipients which was implemented effective July 17, 1993 through the NORC published at 23 Pa.B. 3433 (July 17, 1993). Verification requirements for disability were revised to permit the acceptance of physical or mental disability determinations based on documentation provided by sources such as the Social Security Administration, the Department of Veterans Affairs or the Department's Medical Review Team (MRT), in addition to the Department's standard verification forms. This revision was not mandated by State or Federal legislation but is included in this rulemaking since it relates to the sections of the *Pennsylvania Code* amended by Acts 49 and 35.

In addition to the changes announced in the NORCs, the Department is amending § 181.14 that defines an allowable medical expense income deduction when determining eligibility for MNO-MA. A clarification through instructions to Departmental staff was issued on February 1, 1999, expanding allowable medical expense income deductions. By request of the Independent Regulatory Review Commission (IRRC), this regulation was amended to support the clarification that had been issued. Medical and remedial expenses paid by a public program on behalf of an individual are allowable deductions from income when determining eligibility for MNO-MA. The public program must be wholly financed by funds from the State or political subdivision. Political subdivision includes, but is not limited to, township, county or district. Medical expenses paid by a public program that receives Federal funds are not permissible deductions from income. This regulation is beneficial to applicants/recipients applying for, or receiving, MNO-MA.

Need for Rulemaking

The Department is required to comply with Federal and State statutes. This rulemaking is needed for consistency between Department regulations and legislative changes.

Summary of Amendments

This summary of new, revised or deleted requirements is organized according to the act which mandated the requirements and the eligibility group which is affected by them.

I. Act 49

A. The following are nonfinancial eligibility requirements that apply to GA (cash) applicants and recipients:

1. *Section 141.21(r)*—Subsection (r) is added to specify that three or more GA recipients residing together will not receive more cash assistance than a comparable AFDC (now TANF) household with the same number of members. (62 P. S. § 403(b))

2. *Section 141.61(a)(1)(xii)*—Subparagraph (xii) is revised to specify that a person refusing to apply for or cooperate in establishing eligibility for AFDC (now TANF) for himself or for a child in his care will not be eligible for GA. (62 P. S. § 432.8)

3. *Section 141.61(a)(1)(xiv)*—Subparagraph (xiv) is added to specify that an applicant who terminates a job without good cause is ineligible for GA until 30 days after the job termination. (62 P. S. § 403(f))

4. *Section 141.61(d)(2)*—Paragraph (2) is amended to specify that GA recipients are eligible, at a minimum, for MNO-MA benefits plus coverage for prescribed medications. There are GA cash recipients who are eligible to receive additional MA benefits. The Department receives Federal funding for the MA benefits received by these recipients. These recipients include children under age 21, pregnant women, migrants, refugees eligible for MA up to 8 months from date of entry into the United States, repatriated nationals and persons who have applied for or are referred to the Social Security Administration for Social Security or Supplemental Security Income disability benefits.

B. The following are nonfinancial eligibility requirements that apply to TANF and GA (cash) applicants and recipients:

1. *Section 177.21(a)(11)*—Paragraph (11) is added to specify that a savings account established in a bank or other financial institution and restricted for payment of educational expenses is not considered in determining eligibility. The moneys deposited and the interest earned are exempt as long as the account is designated for educational expenses. Funds withdrawn from the restricted account and used for purposes other than educational expenses will be added to the total resources of the budget group to determine eligibility in the month of withdrawal and subsequent months. (62 P. S. § 408(2))

2. *Section 177.21(a)(12)*—Paragraph (12) is added to specify that a savings account established under the Tuition Account Program and bonds purchased under the Tuition Account Program and College Savings Bond Act (24 P. S. §§ 6901.101—6901.509) are not considered in determining eligibility. (62 P. S. § 408(2))

Note: These exemptions were implemented in the TANF program effective March 3, 1997. When Act 49 was enacted in 1994, the TANF Block Grant Program was not yet in place. These exemptions could not be applied to AFDC, TANF's predecessor program, without a Federal waiver which the Commonwealth did not receive. The

Department is including these TANF provisions in this pre-TANF regulation upon the recommendation of IRRC.

C. The following are nonfinancial eligibility requirements that apply to persons who qualify for GA (cash) or GA-related Nonmoney Payment (NMP) MA:

1. *Section 141.61(d)(1)(ii)*—The original provision of subparagraph (ii) is deleted and new language is added to specify that parents residing in a two-parent household with their child who is under 18 years of age are eligible for GA or GA-related NMP-MA. Eligibility under this criterion does not apply if the child qualifies for AFDC (now TANF). Both parents as well as the child must be included in the application for GA benefits. (62 P. S. § 432(3)(i)(B))

Note: The provisions of this subparagraph became effective September 1, 1994, but were superseded by a requirement of Act 35 that permits parents residing with their child to receive GA only if the child is under age 13 unless the child is disabled. (See III.D.1., the section relating to GA cash and GA-related MA Program requirements, § 141.61(d)(1)(ii).) The provision of Act 35 became effective June 17, 1996. The language in Annex A reflects current requirements.

2. *Section 141.61(d)(1)(vi)*—The original provision of subparagraph (vi) is deleted and new language is added to specify that a pregnant woman whose pregnancy is medically verified and who has been determined ineligible for AFDC (now TANF) is eligible for GA. (62 P. S. § 432(3)(i)(F))

3. *Section 141.61(d)(1)(vii)*—The original provision of subparagraph (vii) is deleted and new language is added to specify that victims of domestic violence are eligible for GA or GA-related NMP-MA. The individual must be receiving protective services as defined in this section. Eligibility for GA under this criterion is limited to 9 months over the recipient's lifetime. (62 P. S. § 432(3)(i)(G))

D. The following are requirements that apply to persons who are eligible for GA (cash) or GA-related NMP-MA under modified criteria:

1. *Section 141.61(d)(1)(i)*—Subparagraph (i) is revised to specify that a child who is under age 18 or is age 18-20 is eligible for GA if the child does not qualify for AFDC (now TANF) and is attending a secondary or equivalent vocational or technical school full-time and is expected to graduate or complete the program before reaching age 21. (62 P. S. § 432(3)(i)(A))

2. *Section 141.61(d)(1)(iii)*—Throughout subparagraph (iii) the term "handicap" is replaced by the term "disability" as used in Act 49. The term "disability" is also used throughout the Federal Americans with Disabilities Act.

3. *Section 141.61(d)(1)(iii)(B)(II)*—Subclause (II) is added to specify that a person whose disability is established by the Social Security Administration or a person with a 50% or more disability as established by the Department of Veteran's Affairs (DVA) is eligible for GA or GA-related NMP-MA.

4. *Section 141.61(d)(1)(iii)(D)*—Clause (D) is added to clarify that a person who has been assessed by a physician or psychologist as having a verified disability that temporarily or permanently precludes any gainful employment is eligible for GA or GA-related NMP-MA. Eligibility for GA under this criterion is not contingent upon participation in a drug or alcohol treatment pro-

gram as long as the person remains disabled after the substance abuse is successfully treated. (62 P. S. § 432(3)(i)(C))

5. *Section 141.61(d)(1)(iii)(E)*—Clause (E) is added to clarify that persons who have a verified disability solely related to substance abuse that prevents any employment are eligible for GA or GA-related NMP-MA. Eligibility is contingent upon accepting and participating in an available treatment program. (71 P. S. § 1690.109(d))

6. *Section 141.61(d)(1)(iv)*—Subparagraph (iv) was revised under Act 49 to specify that nonparental caretakers of children under age 18 may be eligible for GA or GA-related NMP-MA. Act 49 added a provision that the child or disabled person for whom care is provided must reside in the home with the caretaker. (62 P. S. § 432(3)(i)(D))

Note: The provisions of this subparagraph became effective September 1, 1994, but were superseded by a requirement of Act 35 that permits nonparental caretakers of a child to receive GA only if the child is under age 13 and there is no other person in the home capable of providing the care without the need for GA. (See III.D.4., the section relating to GA cash and GA-related MA program requirements, §§ 141.61(d)(1)(iv) and 141.71.) The Act 35 provision became effective June 17, 1996. The language in Annex A incorporates all of these changes.

7. *Section 141.61(d)(1)(v)*—Subparagraph (v) was revised under Act 49 to clarify that a person receiving active treatment for substance abuse in a program administered by an agency of the Federal government is eligible for GA or GA-related NMP-MA. Eligibility under this criterion continues to be limited to 9 months in a person's lifetime. (62 P. S. § 432(3)(i)(E))

Note: The provisions of this subparagraph became effective September 1, 1994, but were superseded by a requirement of Act 35 that permits a person undergoing active treatment in an approved drug or alcohol treatment facility to receive GA only if the treatment precludes any form of employment. (See III.D.5., the section relating to GA cash and GA-related MA program requirements, §§ 141.61(d)(1)(v) and 141.71.) The Act 35 provision became effective June 17, 1996. The language in Annex A reflects current requirements.

8. *Section 141.61(d)*—Under Act 49, the period of eligibility for TN assistance was reduced to 60 days in a 24-month period. (62 P. S. § 432(3)(iii))

Note: The provisions of this paragraph which became effective July 1, 1994, were subsequently superseded by a requirement of Act 20 that eliminated the TN component of the GA Program and deleted references to TN and CN within the Public Welfare Code. (See II., the section labeled Act 20.) The Act 20 provision became effective July 1, 1995.

9. *Sections 145.63(c)(1), (3)(ii) and 145.64(b)(1)*—These sections are revised to specify that the age limit for a student attending secondary school is changed from under age 19 to under age 21. (62 P. S. § 432(3)(i)(A))

10. *Section 166.23(c)(2)*—Paragraph (2) is revised to delete the prohibition against assigning an individual 45 years of age or older to a Community Work Experience Program project.

E. The following nonfinancial requirements no longer apply as a basis for eligibility and these provisions are being deleted:

1. A person 45 years of age or older is no longer eligible for GA or GA-related NMP-MA on the basis of age. This language is deleted from § 141.61(d)(1)(ii).

2. A person who is employed 30 or more hours per week whose earned income after deductions is below the monthly assistance grant level is no longer eligible for GA. This language is deleted from § 141.61(d)(1)(vi).

3. A person who is ineligible for Unemployment Compensation (UC) and whose income falls below the assistance grant level as the result of a natural disaster is no longer eligible for GA under this criterion. This language is deleted from § 141.61(d)(1)(vii).

4. A person who maintained full-time employment defined as at least 30 hours per week for a verified minimum of 48 months out of the 8 years prior to application and has exhausted his UC benefits is no longer eligible for GA. Section 141.61(d)(1)(viii) is therefore deleted.

5. Recipients who did not meet CN criteria were permitted to receive CN assistance from April 8, 1982, through December 31, 1982. Since this provision became obsolete effective January 1, 1983, § 141.61(d)(1)(ix) is deleted.

F. For GA-related MA, the following provisions are changed:

1. *Section 141.71(c)(2)* is revised to clarify the level of MA benefits associated with the receipt of GA cash assistance. Children under age 21, pregnant women, migrants, refugees eligible for MA up to 8 months from date of entry into the United States, repatriated nationals and persons who have applied for or are referred to the Social Security Administration for Social Security or Supplement Security Income disability benefits qualify for additional MA benefits under Federally-funded MA, if otherwise eligible.

2. *Section 141.81(c)(3)(v)(A)* is revised to clarify the categories of MA that qualify for Federally-funded MA and specify persons who may be eligible for MNO-MA under the TD category.

3. *Section 178.11(4)(i) and (6)* is revised to clarify the category of MA eligibility for children and GA eligibles who do not receive cash assistance.

4. *Sections 178.11(7), 178.12(7), 181.41(4)(i), 181.41(7) and 181.42(8)* are revised to reflect the change in eligibility conditions, the age limits and type of MA coverage provided under Act 49.

Note: The provisions of §§ 178.11(7), 178.12(7), 181.41(7) and 181.42(8) which became effective September 1, 1994, were superseded by changes to these provisions in Act 20 which was effective July 1, 1995. (See II., the section labeled Act 20. The language in Annex A reflects current requirements.

G. For GA-related MA, the following eligibility criterion is added:

• *Section 178.165*—An education savings account established in a financial institution and specifically designated for payment of educational expenses is disregarded in determining eligibility. A savings account established under the Tuition Account Program and bonds purchased under the Tuition Account Program and College Savings Bond Act are also disregarded in determining eligibility.

II. Act 20

A. The following sections are revised to reflect the elimination of the GA-TN component, the elimination of references to the CN component and elimination of references to the now obsolete GA-TN-related MA categories:

1. *Sections 133.23(a)(2)(ii)(L), 141.61(a)(1), (d), (d)(1), (d)(1)(ii), (d)(1)(v) and 141.71(c)(2)*—References to TN and CN are deleted.

2. *Sections 141.61(d)(1)(iii)(C)(I) and (II)*—Subclauses (I) and (II) are deleted because the TN program is eliminated and there is no longer a distinction between CN and TN recipients. Persons now eligible for GA on the basis of disability are not referred to the Employment and Training Program.

3. *Section 141.61(d)(2)*—This paragraph is deleted because the TN program is eliminated.

4. *Section 141.61(d)(3)*—Paragraph (3) is deleted because parents and children who qualify for GA are no longer designated TN and CN recipients.

5. *Section 178.11(7)*—Paragraph (7) is deleted because it described a person eligible for the TN component of GA which is eliminated.

6. *Section 178.12(7)*—Paragraph (7) is rescinded and the section has been renumbered because it described a person eligible for the TN component of GA which is eliminated.

7. *Section 181.1(d)(1) and (2)*—References to the PK and TK (TN-related) categories are deleted because the TN component of GA is eliminated.

8. *Section 181.2*—The definitions of PK and TK categories are deleted because the TN component is eliminated.

9. *Section 181.41(6)*—The reference to PK category is deleted because the TN component of GA is eliminated.

10. *Sections 181.41(7) and 181.42(8)*—These paragraphs are deleted because they described persons eligible for the TN component of GA which is eliminated.

III. *Act 35*

A. The following requirements, enacted under Act 35 and permitted by PRWORA, apply to the TANF Program, and GA cash and related NMP-MA programs:

1. *Sections 125.21(b)(1), 125.24(c)(1) and (7)(v), 181.11(a) and 183.104a(a)(3)*—The provisions of these sections are revised to specify that initial authorization of assistance will occur when all factors of eligibility are verified unless verification is pending from a third party and the client has cooperated in the verification attempt or unless certification of cooperation is pending with the domestic relations section of the Court of Common Pleas. Initial authorization of cash assistance will not be delayed more than 30 days after application. If the applicant establishes eligibility, assistance will be authorized effective with the date that all conditions of eligibility are verified. (62 P. S. § 432.19)

Note: The NORC published at 26 Pa.B. 2865 (June 15, 1996) incorrectly identified § 125.74 as a section that would incorporate the previous requirement specified. It has been incorporated into § 181.11.

2. *Sections 177.2 and 183.2*—These sections are revised to amend the definition of budget group to read “one or more related or unrelated individuals who occupy a common residence or would occupy a common residence if they were not homeless and whose needs and eligibility are considered together in determining eligibility for cash assistance under one category of assistance.” This revised definition essentially copies the statutory definition of assistance group which was added to section 402 of the Public Welfare Code under Act 35. (62 P. S. § 402)

B. The following requirements apply to the TANF and GA cash assistance programs:

- *Section 141.21(s) and (t)*—Subsections (s) and (t) are added to specify that an applicant or recipient of AFDC (now TANF) or GA who has been convicted of violating section 481(a) of the Public Welfare Code (62 P. S. § 481(a)), that is, has been convicted of securing or attempting to secure, or aiding or abetting or attempting to aid or abet any person in securing cash assistance, MA or Federal food stamps by means of a willfully false statement or misrepresentation, or by impersonation or by willfully failing to disclose a material fact regarding eligibility either prior to, or at the time of, or subsequent to the application for assistance, a crime commonly referred to as welfare fraud, is ineligible for cash assistance for 6 months from the date of a first conviction, for 12 months from the date of a second conviction, and permanently from the date of a third conviction. (62 P. S. § 481(f))

C. The following requirement applies to the GA cash assistance program:

- *Section 175.23(d)*—Subsection (d) is added to specify that cash assistance granted shall be reduced by amounts obtained by cashing an assistance check at a gambling casino, racetrack, bingo hall or other establishment that derives more than 50% of its gross revenues from gambling. (62 P. S. § 434)

Note: The NORC published at 26 Pa.B. 2865 (June 15, 1996) provided an incorrect citation (§ 175.24(f)) for this requirement. The citation is correct as specified previously.

D. The following requirements apply to the GA cash and the GA-related MA programs:

1. *Section 141.61(d)(1)(ii)*—Subparagraph (ii) is revised to specify that persons eligible for GA and GA-related NMP-MA include persons who are parents residing in a two-parent household with their child who is under 13 years of age or their child under age 21 who has a verified disability. The requirement supersedes the provision of Act 49 which permitted two parents residing in a household with their child who was under age 18 to receive GA. (62 P. S. § 432(3)(i)(B))

2. *Section 141.61(d)(1)(iii)*—Subparagraph (iii) is revised to specify that a person who has been assessed by a physician or psychologist as having a verified physical or mental disability which causes a permanent or temporary disability that precludes gainful employment shall provide verification of the disability in a form prescribed by the Department and completed by a physician or psychologist. The verification of the physical or mental disability shall be based on acceptable clinical and laboratory diagnostic techniques rather than a statement of symptoms by the applicant or recipient. (62 P. S. § 432(3)(i)(C))

3. *Section 141.61(d)(1)(iii)(F)*—Clause (F) is added to specify that an applicant or recipient who has a verified mental or physical disability which is temporary must seek and comply with appropriate treatment as a condition of eligibility. (62 P. S. § 432(3)(i)(C))

4. *Sections 141.61(d)(1)(iv) and 141.71*—These sections are revised to specify that persons eligible for GA and GA-related NMP-MA include the nonparental caretaker of a child under 13 years of age. Assistance will not be granted to a person under this criterion if there is

another adult in the household who is capable of providing the care without GA being required. This requirement supersedes the provision of Act 49 which allowed nonparental caretakers of children under age 18 to receive GA. (62 P. S. § 432(3)(i)(D))

5. *Sections 141.61(d)(1)(v) and 141.71*—These sections are revised to specify that a person undergoing active treatment for substance abuse in an approved drug or alcohol treatment program qualifies for GA or GA-related NMP-MA only if the treatment precludes the person from engaging in employment. The 9-month lifetime limitation remains unchanged. This requirement supersedes the provision of Act 49 which allowed a person undergoing active treatment for substance abuse to receive GA regardless of whether the treatment precluded the person from engaging in gainful employment. (62 P. S. § 432(3)(i)(E))

E. The following requirements apply to the MA program:

1. *Section 141.81(a)(1)*—Paragraph (1) is revised to specify that a person applying for MNO-MA shall meet the standards of both financial and nonfinancial eligibility. Additional revisions are made as editorial corrections and do not reflect a change in the policy. (62 P. S. § 442.1(a)(2)).

Note: The NORC published at 26 Pa.B. 2865 (June 15, 1996) provided an incorrect citation (§ 125.74) for this requirement. The citation is correct as previously specified.

2. *Section 141.81(c)(3)(ii)(C)*—Clause (c) is revised to add a pregnant woman as a person who may be eligible for MNO-MA under the TC category. (62 P. S. § 442.1(a)(3)(ii)(E))

3. *Section 141.81(c)(3)(iv)*—Subparagraph (iv) is revised to specify that a person with a disability who is receiving Social Security disability benefits, who has been referred to the Social Security Administration for a determination of eligibility for Supplemental Security Income disability benefits or who is under review for disability by the Department based upon Social Security disability criteria, may be eligible for MNO-MA under the TJ category. (62 P. S. § 442.1(a)(3)(ii)(F))

4. *Section 141.81(c)(3)(v)*—Subparagraph (v) is revised to specify that a person who is a custodial parent of a dependent child under age 21, a person age 59 or older, or a person who is employed 100 hours per month earning at least the minimum wage, may be eligible for MNO-MA under the TD category. (62 P. S. § 442.1(a)(3)(ii)(B), (C) and (G))

5. *Sections 181.1(b) and 181.12*—This section and subsection are revised to specify that in determining eligibility for retroactive MNO-MA, income received or expected to be received in a 6-month period is used, even if the person requests MA coverage for less than 6 months. The 6-month period can include both retroactive and prospective months. Medical coverage can continue as long as the need exists, but no longer than the consecutive 6-month period from which income is counted. (62 P. S. § 442.1(c))

IV. *PRWORA*

1. *Section 101.1* is revised to incorporate references to the Federal TANF program that replaced the AFDC program and to include a statement that most of the rules that were in effect under the AFDC program remain in effect under TANF.

V. *Federal Legislation—42 U.S.C.A. § 1396a(a)(17)(D)*

1. *Section 181.12(c)(2)* is revised to amend the cross reference to include the addition of medical and remedial expenses paid by a public program as allowable medical expense income deductions when determining eligibility for retroactive MNO-MA.

2. *Sections 181.14(d)(3), (e)(6) and (7)*—These paragraphs are revised to expand allowable medical expense income deductions when needed for a determination of eligibility for MNO-MA. Individuals may qualify for MNO-MA without the deduction of medical expenses if total net countable income does not exceed the MNO-MA income limit. If the net income exceeds the limit, allowable medical expenses may be used as deductions to spend down the income that exceeds the limit. Allowable medical expenses include expenses incurred by an applicant who is liable to pay the expense. Medical expenses paid by a third party are not deductible from an individual's income. However, section 1902(a)(17) of the Social Security Act (42 U.S.C.A. § 1396a(a)(17)), as clarified by HCFA, permits states to expand the definition of allowable medical expense income deductions. Therefore, these revisions allow medical and remedial expenses paid by a public program funded by a state or political subdivision on behalf of an individual as allowable medical expense income deductions. The public program may not be financed in whole or in part by Federal funds. This is the sole exception to the requirement that medical expenses paid by a third party are not permissible deductions from income.

Affected Individuals and Organizations

This rulemaking affects applicants and recipients of TANF, GA and MA. Providers of medical and psychological services are also affected due to the reduction or termination of compensable services under certain GA-related MA programs as well as the more stringent verification requirements imposed on persons who state that they are either temporarily or permanently disabled.

Accomplishments/Benefits

Implementation of the regulations by various NORCs has had the effect of bringing regulations into compliance with State law, reducing State costs, streamlining the GA program and ensuring that needy individuals of this Commonwealth are assisted in their efforts to become self-sufficient in accordance with legislation enacted by the General Assembly.

Fiscal Impact

Commonwealth:

The savings for the current year include \$111.178 million for Act 49; \$28.136 million for Act 20; and \$214.679 million for Act 35. These estimates reflect prior year budget projections. This is due to an inability to separately identify the effect of changes which have been implemented in prior years.

Public Sector:

There will be no costs or savings incurred by the public sector.

Private Sector:

There will be no costs or savings incurred by the private sector.

Paperwork Requirements

Revisions to the GA disability requirements under Act 35 precipitated the development of the following forms:

- PA 1663—Employability Assessment Form
- PA 1664—Employability Reassessment Form
- PA 1671—Health Sustaining Medication Assessment Form
- PA 1672—Drug and Alcohol Treatment Information Form

Effective Date

The effective date of the provisions found in §§ 141.21, 141.61, 141.71, 141.81, 145.63, 145.64, 166.23, 177.21, 178.11, 178.12, 178.165, 181.41 and 181.42, as amended by Act 49, when published as final-form rulemaking in the *Pennsylvania Bulletin* are retroactive to September 1, 1994. The effective date of the savings for education exemption found in § 177.21, applicable to the TANF program, is retroactive to March 3, 1997.

The effective date of the regulations found in §§ 133.23, 141.61, 141.71, 178.11, 178.12, 181.1, 181.2, 181.41 and 181.42, as amended by Act 20, is retroactive to July 1, 1995.

The effective date of the regulations found in §§ 125.21, 125.24, 141.21, 141.61, 141.71, 141.81, 175.23, 177.2, 181.1, 181.11, 181.12 and 183.2 and the Statement of Policy found in § 183.104a, as amended by Act 35, is retroactive to June 17, 1996.

The effective date of the regulation found in § 101.1, as amended by PRWORA, is retroactive to March 3, 1997.

The effective date of the disability verification provision under § 141.61(d)(iii)(B)(II) is retroactive to July 17, 1993; and the expansion of allowable medical expense income deductions found in §§ 181.12 and 181.14 is retroactive to February 1, 1999.

Sunset Date

There is no sunset date. The Department conducts periodic reviews of the GA Program in accordance with section 403(e) of the Public Welfare Code. TANF and MA regulations are also reviewed through the Department's Quality Control and Corrective Action review process.

Public Comments

Although these amendments are being adopted without prior notice, interested persons are invited to submit their written comments within 30 days from the date of this publication for consideration by the Department as to whether the regulations should be revised. Comments should be sent to the Department of Public Welfare, Edward Zogby, Director, Bureau of Policy, Room 431, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-4081.

Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (Voice users).

Regulatory Review Act

Under section 5.1(c) of the Regulatory Review Act (71 P. S. § 745.5a(c)), on May 17, 2000, the Department submitted a copy of these final-omitted regulations to the Chairpersons of the House Committee on Health and Human Services and the Senate Committee on Public Health and Welfare. On the same date, the final-omitted regulations were submitted to the Office of the Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

In accordance with section 5.1(d) of the Regulatory Review Act, these final-form regulations were deemed

approved by the Committees on July 3, 2000. These final-form regulations were approved by IRRC on July 13, 2000.

Findings

The Department finds that:

(1) Public notice of intention to adopt the administrative regulations by this order is omitted because the regulations relate to Commonwealth grants and benefits and is unnecessary and contrary to public interest under section 204(1)(iv) and (3) of CDL and the regulations thereunder, 1 Pa. Code §§ 7.4(1)(iv) and (3).

(2) The adoption of these amendments in the manner provided in this order is necessary and appropriate for the administration and enforcement of the Public Welfare Code.

Order

The Department, acting under the Public Welfare Code, orders:

(a) The regulations of the Department, 55 Pa. Code Chapters 101, 125, 133, 141, 145, 166, 175, 177, 178, 181 and 183, are amended by amending §§ 101.1, 101.2, 125.21, 125.24, 133.23, 141.21, 141.61, 141.71, 141.81, 145.63, 145.64, 166.23, 175.23, 177.2, 177.21, 178.11, 178.12, 181.1, 181.2, 181.11, 181.12, 181.14, 181.41, 181.42, 183.2 and 183.104a and by adding § 178.165 to read as set forth in Annex A with ellipses referring to the existing text of the regulations.

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

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

(d) This Order shall take effect upon publication in the *Pennsylvania Bulletin* as follows: The effective date of the regulations found in §§ 141.21, 141.61, 141.71, 141.81, 145.63, 145.64, 166.23, 177.21, 178.11, 178.12, 178.165, 181.41 and 181.42, as amended by Act 49, when published as final rulemaking in the *Pennsylvania Bulletin* are retroactive to September 1, 1994. The effective date of the savings for education exemption found in § 177.21, applicable to the TANF program, is retroactive to March 3, 1997. The effective date of the regulations found in §§ 133.23, 141.61, 141.71, 178.11, 178.12, 181.1, 181.2, 181.41 and 181.42, as amended by Act 20, is retroactive to July 1, 1995. The effective date of the regulations found in §§ 125.21, 125.24, 141.21, 141.61, 141.71, 141.81, 175.23, 177.2, 181.1, 181.11, 181.12 and 183.2 and the Statement of Policy found in § 183.104a, as amended by Act 35, is retroactive to June 17, 1996. The effective date of the regulation found in § 101.1, as amended by PRWORA, is retroactive to March 3, 1997. The effective date of the disability verification provision under § 141.61(d)(iii)(B)(II) is retroactive to July 17, 1993; and the expansion of allowable medical expense income deductions found in §§ 181.12 and 181.14 is retroactive to February 1, 1999.

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 30 Pa.B. 3872 (July 29, 2000).)

Fiscal Note: 14-467. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 55. PUBLIC WELFARE
PART II. PUBLIC ASSISTANCE MANUAL
Subpart A. ASSISTANCE POLICIES AND PROCEDURES
CHAPTER 101. GENERAL PROVISIONS

§ 101.1. Policy.

(a) Scope. The policies, procedures and standards for determining eligibility, the amount of the grant and for making payments for all types of assistance administered by the Department are included in this part.

(1) Although the TANF Program replaces the AFDC Program, most of the rules and procedures under which the Department administered AFDC, including those for the job opportunities and Basic Skills (JOBS) Training Program, will continue in effect as part of the new TANF Program.

(2) The references to AFDC found within this title are to be read and considered as applicable to the TANF Program or to a TANF applicant or recipient, unless doing so would be inconsistent with the TANF requirements or with this section.

* * * * *

(d) Purpose of TANF. TANF has the following purposes:

(1) TANF is intended to provide money for dependent children who are in need because support from the usual source, parents, is not available. The money will be provided so that these children may live in family homes with their own parents, or with certain relatives who take the place of parents. Thus, it is the purpose of the TANF Program to prevent a child from being forced to be away from his own family for economic reasons alone.

(2) TANF is a time-limited money payment to an adult on behalf of children because the program recognizes the child needs an adult to look after him. The parents are the persons who have the right and obligation to rear, care for, support and make major decisions for the child. Usually, it is a parent who applies for assistance. Which-ever one applies, both share responsibility for the child, and the other parent should, if possible and advisable, have some part in the decision on going through with an application for assistance.

* * * * *

§ 101.2. Definitions.

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

* * * * *

AFDC—The Aid to Families with Dependent Children Program, replaced by the TANF Program effective March 3, 1997.

* * * * *

TANF—The Temporary Assistance for Needy Families Program.

* * * * *

Subpart B. INTAKE AND REDETERMINATION
CHAPTER 125. THE APPLICATION PROCESS

AFDC/GA PROVISIONS FOR THE APPLICATION PROCESS

§ 125.21. Policy.

* * * * *

(b) Verification. Conditions of eligibility, need, which includes need for special need allowances, and resource items will be verified at the application interview and prior to authorizing cash assistance and at the time of each redetermination, complete or partial, as specified in Chapter 133 (relating to redetermining eligibility).

(1) If necessary verification is pending from a third party including certification of cooperation from the Domestic Relations Section of the Court of Common Pleas and the client has cooperated in the verification attempt, initial authorization of cash assistance will not be delayed more than 30-calendar days from the date of receipt of a completed, signed application.

* * * * *

§ 125.24. Procedures.

* * * * *

(c) The application interview. The application interview shall be held within 13-calendar days of the date the CAO receives the application. The interview will be conducted in accordance with the following principles:

(1) The facts necessary for a decision on eligibility are assembled at the application interview. The maximum lapse of time between the receipt of a completed, signed application and authorization of the first assistance payment or other disposition of the application will be 30-calendar days. In accordance with section 432.19 of the Public Welfare Code (62 P. S. § 432.19), an application will not be denied for lack of verification if the applicant has cooperated in seeking verification which is pending from a third party including certification of cooperation with the Domestic Relations Section.

* * * * *

(7) The application interview shall conform with the following:

* * * * *

(v) A decision concerning the applicant's eligibility shall be made without delay based on the verification factors and information provided by the applicant. A decision on eligibility shall be made within 30-calendar days of the receipt of an application. In accordance with section 432.19 of the Public Welfare Code (62 P. S. § 432.19), assistance may not be denied for lack of verification if the applicant has cooperated in seeking verification which is pending from a third party including certification of cooperation from the Domestic Relations Section.

* * * * *

**CHAPTER 133. REDETERMINING ELIGIBILITY
REDETERMINING ELIGIBILITY PROVISIONS FOR
TANF/GA**

§ 133.23. Requirements.

(a) *Reapplication.* A reapplication or complete redetermination of eligibility shall conform with the following:

* * * * *

(2) *Items subject to review.* A redetermination shall conform with the following:

* * * * *

(ii) In the redetermination of eligibility, the worker shall make a finding as to whether the client who is the payment name wants assistance to continue, what plans the client may have or be developing for self-support or self-care and when the plans may mature. This redetermination shall include at least one interview with the person who is the payment name for the budget group. If the client wants assistance continued, the worker shall redetermine those eligibility factors which are subject to change. The redetermination shall include a review of the need and resource items and verification of items subject to change:

* * * * *

(L) Criteria that establish GA categorical eligibility.

* * * * *

Subpart C. ELIGIBILITY REQUIREMENTS

**CHAPTER 141. GENERAL ELIGIBILITY
PROVISIONS**

ELIGIBILITY PROVISIONS FOR TANF/GA

§ 141.21. Policy.

* * * * *

(r) Neither the income eligibility limits nor the cash benefits for three or more GA recipients residing in the same household may exceed the limits for a TANF budget group with the same number of recipients. The term "household" is defined as a common residence and does not include single-room occupancy residences, rooming houses, shelters for the homeless, nonprofit residential programs or personal care home facilities receiving charitable or government funds including funds from Federal, State or local units.

(s) An applicant or recipient of GA who has been convicted of violating section 481(a) of the Public Welfare Code (62 P. S. § 481(a)), that is, has been convicted of securing or attempting to secure, or aiding or abetting or attempting to aid or abet any person in securing GA, TANF, MA or Federal food stamps by means of a willful false statement or misrepresentation, or by impersonation or by willfully failing to disclose a material fact regarding eligibility either prior to or at the time of, or subsequent to the application for assistance is ineligible for GA as follows:

- (1) For 6 months from the date of first conviction.
- (2) For 12 months from the date of a second conviction.
- (3) Permanently from the date of a third conviction.

(t) An applicant or recipient of TANF who has been convicted of violating section 481(a) of the Public Welfare Code, that is, has been convicted of securing TANF by means of a willful false statement or misrepresentation, or by impersonation or by willfully failing to disclose a material fact regarding eligibility either prior to or at the

time of, or subsequent to the application for TANF or GA is ineligible for TANF and GA as follows:

- (1) For 6 months from the date of first conviction.
- (2) For 12 months from the date of a second conviction.
- (3) Permanently from the date of a third conviction.

ELIGIBILITY PROVISIONS FOR GA

§ 141.61. Policy.

(a) *Conditions of eligibility.* The following relates to eligibility for GA:

(1) A person is eligible for GA under the requirements established in subsection (d) and if the appropriate eligibility conditions in the following chapters are met:

* * * * *

(xii) Furthermore, eligibility for GA requires that the person be ineligible for TANF because of failure to meet TANF definitive conditions. An applicant or recipient who does not meet a definitive condition for TANF solely because of a refusal to establish eligibility for TANF is ineligible for GA. A person meeting definitive conditions but ineligible for TANF because of income, resources or participation in a strike is not eligible for GA. A person who refuses without good cause to cooperate in establishing paternity or support as required in the TANF program is not eligible for GA.

* * * * *

(xiv) A GA cash assistance applicant is ineligible for 30 days after the termination of employment if the applicant voluntarily terminates the employment without good cause. Good cause includes the circumstances beyond a person's control specified § 165.52(a) (relating to good cause).

* * * * *

(d) *Determining GA categorical eligibility.* An applicant for, or recipient of, GA is determined to be eligible in accordance with the following:

(1) A person is eligible to receive GA for an indeterminate period due to medical, social or related circumstances. Persons who may qualify for GA are limited to the following:

(i) A child who is under age 18; or who is 18 through 20 years of age and is attending a secondary or equivalent vocational or technical school full-time and may reasonably be expected to complete the program before reaching 21 years of age. Age, school enrollment and attendance shall be verified.

(ii) Parents residing in a two-parent household with their child who is under 13 years of age or their child who is under 21 years of age and who has a disability. The age, residence and disability (if applicable) of the child shall be verified. Both parents as well as the child shall be included in the application. If the family is ineligible under this provision, either parent or child may qualify under another criterion.

(iii) A person who has been assessed by a physician or psychologist as having a temporary or permanent disability which precludes him from working in any gainful employment. The following conditions apply:

(A) Documentation which demonstrates the relationship between the disability and the inability to work shall be provided by the client during the application interview for cash assistance or, in the case of recipients, within 30-calendar days after the date of the redetermination.

(B) With the exception of documentation under subclause (II), documentation shall be on a form provided by the Department and completed by a physician or a psychologist.

(I) The CAO's medical consultant may be used in those cases that the IMU worker is unable to establish the inability to work based on the disability.

(II) The verification may also be provided by sources including, but not limited to, the SSA indicating approval for disability benefits or on a disability determination of 50% or greater made by the Department of Veterans Affairs (DVA). A medical certification of disability provided by the Department's Medical Review Team (MRT) is also acceptable documentation of illness or disability. Documentation from sources other than the SSA, DVA or MRT is also acceptable if it clearly states the relationship between the disability and the person's employability. In addition, this documentation shall be less than 6 months old at the time of application or redetermination unless the condition to which it refers is permanent or chronic. The verification of physical or mental disability shall be based on acceptable clinical and laboratory diagnostic techniques rather than a statement of symptoms by the applicant or recipient.

(C) An applicant or recipient who claims a physical or mental disability which temporarily or permanently precludes the applicant or recipient from any gainful employment but who does not have the documentation at the application or within 30 days of the redetermination interview shall be determined ineligible for GA until the documentation is presented to the CAO. The CAO shall determine eligibility for the MNO Program to cover the cost of the employability assessment only for persons who allege eligibility based on a physical or mental disability. Reasonable accommodations to assist a person to secure documentation during this period shall be provided to a person who is prevented from cooperating due to a physical or mental disability.

(D) A person who has a serious physical or mental disability which prevents employment and which is documented in accordance with this subparagraph may be authorized as GA even if the person is undergoing active treatment or has undergone treatment for substance abuse in a drug or alcohol treatment program. Eligibility for GA on the basis of having a serious physical or mental disability is not contingent upon participation in a drug or alcohol treatment program as long as the person remains disabled after the substance abuse is successfully treated.

(E) A person who has a disability solely related to substance abuse that prevents employment and which has been documented in accordance with this subparagraph may be authorized as GA. Eligibility for GA on this basis is contingent upon accepting and participating in available drug or alcohol treatment services.

(F) An applicant or recipient who has a verified physical or mental disability which is temporary shall seek appropriate treatment as a condition of eligibility.

(iv) A nonparental caretaker of a child under 13 years of age or a caretaker of an individual who is ill or disabled. The caretaker shall reside with the individual for whom he provides care and his presence must be required. A caretaker's presence in the home will not be considered as required if there is another person in the home who is able to provide the care without the need for GA. The caretaker shall provide documentation of the age of the child or the illness or disability of the individual needing care.

(v) A person who is undergoing active treatment for substance abuse in a drug or alcohol treatment program licensed or approved by the Department of Health or administered by an agency of the Federal government as long as the treatment precludes the person from engaging in any form of employment. Eligibility under this criterion is limited to a maximum of 9 months in the lifetime of the person regardless of whether or not treatment is continuing upon expiration of the 9-month time limit.

(vi) A pregnant woman whose pregnancy has been medically verified and who is ineligible for TANF.

(vii) A person who is a victim of domestic violence or another abusive living situation and is receiving protective services. It is not necessary that the service be continuous or rendered on a daily, weekly or monthly basis. Eligibility under this criterion is limited to a maximum of 9 months in the lifetime of the person, regardless of whether or not protective services are continuing upon expiration of the 9-month time limit. The person shall verify that the person is receiving one of the following protective services, or is involved in one of the following activities:

(A) Residing in an emergency shelter or emergency housing for abused persons.

(B) Receiving supportive counseling from a professional counseling source.

(C) Receiving social services to prevent further potential abuse.

(D) Receiving social services necessary to enable the person to remain in his own home.

(E) Filing of assault or battery or other charges with a law enforcement agency related to seeking protection from the abuser.

(F) Obtaining a restraining order or peace bond against the abuser.

(G) Receiving services from any branch of government (including the courts or the police) or agency meant to counsel or protect the individual from abuse. Information provided by or on behalf of a victim of abuse is confidential and subject to Chapter 105 (relating to safeguarding information).

(2) GA recipients are eligible for the MNO level of benefits. In addition, these persons receive coverage for prescribed medications. GA recipients eligible for Federally-funded MA receive additional benefits under the MA Program. Children under age 21, pregnant women, migrants, refugees eligible for MA up to 8 months from date of entry into the United States, as specified in 45 CFR 400.90 (relating to basis and scope), repatriated nationals and persons who have applied for or been referred to the SSA for Social Security or SSI disability benefits qualify for Federally-funded MA.

ELIGIBILITY PROVISIONS FOR MA FOR THE CATEGORICALLY NEEDY

§ 141.71. Policy.

* * * * *

(c) *Money payment recipients.* The following persons will be eligible for MA services provided the recipient does not have resources such as medical insurance or governmental benefits that cover the costs of the services at MA standards:

* * * * *

(2) Persons who meet the definitive conditions of TANF, GA or SBP. GA persons, who are not eligible for Federally-funded MA and who are eligible to receive a cash payment are entitled to MNO level of benefits if otherwise eligible. In addition, these persons receive coverage for prescribed medications. GA-related MA recipients eligible for Federally-funded MA receive additional benefits under the MA Program. Children under 21 years of age, pregnant women, migrants, refugees eligible for MA up to 8 months from date of entry into the United States, as specified in 45 CFR 400.90 (relating to basis and scope), repatriated nationals and persons who have applied for or been referred to the SSA for Social Security or SSI Disability benefits qualify for Federally-funded MA.

* * * * *

(g) PD (Categorically Needy NMP-GA) requirements. The policy and procedures in § 141.61 apply. A person who does not receive a cash payment and who is not eligible for Federally-funded MA as described in subsection (c)(2) is entitled to the MNO level of benefits if otherwise eligible. In addition, these persons receive coverage for prescribed medications.

ELIGIBILITY PROVISIONS FOR MNO-MA

§ 141.81. Eligibility policy for MNO.

(a) Conditions of eligibility.

(1) To be eligible for MNO-MA, the person shall comply with the following:

(i) Meet financial and nonfinancial eligibility standards established by the Department and approved by the Governor and the appropriate conditions of eligibility set forth in the following chapters or sections:

- (A) Chapter 147 (relating to residence).
- (B) Chapter 149 (relating to citizenship and alienage).
- (C) Chapter 161 (relating to persons in institutions).
- (D) Chapters 177—179 and 181.
- (E) Chapter 183 (relating to income).
- (F) Section 175.84 (relating to procedures).
- (G) Section 175.73(b) (relating to requirements).

(2) To be eligible for MA, the person shall supply evidence, as required, of the following factors:

- (i) Chapter 145 (relating to age).
- (ii) Dependent children (subsection (c)(3)(ii)).
- (iii) Blind (subsection (c)(3)(iii)).
- (iv) Permanent and total disability (subsection (c)(3)(iv)).

(3) To be eligible for MA, the person shall provide other information as is requested by the Department (subsection (b)).

(4) To be eligible for MA, the person shall sign forms.

* * * * *

(c) Other eligibility conditions and categories. Other eligibility conditions and categories are as follows:

* * * * *

(3) The categories of MA and the eligibility conditions for them are set forth as follows. A decision that the client does not meet the definitive conditions for old age, dependent children, blind or permanent and total disability must be supported in the case record.

* * * * *

(ii) *Dependent Child Category (TC)*. A parent will be considered incapacitated during the period institutional medical care, hospital-home care or nursing services in the home are received. The suffix "E" will be added to the category symbols, such as TCE, to identify migrant worker applicant groups with children who are eligible for emergency MA services. This category applies to the following:

* * * * *

(C) Pregnant women.

* * * * *

(iv) *Permanent and total disability category (TJ)*. This category applies to a person 18 years of age or older but under 65 who is permanently and totally disabled, a person with a disability who is receiving Social Security disability benefits who has been referred to the SSA for a determination of eligibility for SSI disability benefits or a person under review for a disability by the Department based upon Social Security disability criteria. For MA purposes, a person will be considered permanently and totally disabled under the following circumstances:

* * * * *

(v) *General Category (TD)*. Category TD will be treated as follows:

(A) This category is financed by Commonwealth funds only. It applies to persons who do not meet the conditions for the Federally-aided categories of MA (TA, TC, TB, TD (migrants or refugees), TU or TJ) and meet one of the following conditions:

(I) A custodial parent of a dependent child under 21 years of age.

(II) A person 59 years of age or older.

(III) A person who verifies employment of at least 100 hours per month earning at least the minimum wage. For persons whose eligibility is based upon the work requirement, past, present and continuing employment will be evaluated to determine compliance with the 100 hours per month requirement. If an episode of illness or injury is the reason for the interruption of work and it is verified that 100 hours per month employment will resume subsequent to recovery from that illness or injury, the applicant will be considered to have met the work requirement.

* * * * *

**CHAPTER 145. AGE
GA AGE PROVISIONS**

§ 145.63. Requirements.

* * * * *

(c) *Attending school or training*. The following will constitute GA age requirements for youths attending school or training:

(1) A youth under 21 years of age will be considered to have met the requirements of attending secondary school or an equivalent course of vocational training full time, if he is enrolled in a program of supervised education or vocational training approved by the authorities of the school district or by the Department of Education of the Commonwealth. The program may be part of the regular school program, or one especially arranged for the individual youth's educational or vocational needs and approved by the school authorities. A vocational training course may be a course established under section 2508.3 of the Public School Code of 1949 (24 P. S. § 25-2508.3), a

program under the Economic Opportunity Act (42 U.S.C.A. §§ 2991—2996l), or an organized training program under recognized sponsorship with a specified vocational training objective, for example, apprenticeships or training arrangements sponsored by business or industrial firms.

* * * * *

(3) GA payment will be made for the following:

* * * * *

(ii) The month the youth completes or discontinues secondary school or equivalent vocational or technical school before age 21. The date the secondary school or equivalent vocational or technical school records show the youth ended his full-time status as a student or trainee will be the date of his completion or discontinuance of secondary school or an equivalent vocational or technical school.

§ 145.64. Procedures.

* * * * *

(b) *Attending school or training.* The procedure for school or training attendance will be as follows:

(1) Certification by the school of enrollment in and attendance at a secondary school or equivalent vocational or technical school is required within the fiscal month in which the youth has his 18th birthday. After the initial certification for a youth attending a secondary or equivalent vocational or technical school, attendance will be redetermined in March, June, September and December until the youth reaches age 21. A partial redetermination will be made if there is any indication that he may no longer be enrolled as a full-time student.

* * * * *

CHAPTER 166. EMPLOYMENT AND COMMUNITY WORK EXPERIENCE PROGRAM

§ 166.23. Requirements.

* * * * *

(c) *Community work experience program.* Requirements for the Community Work Experience Program (CWEP) will be as follows:

* * * * *

(2) *Project assignment.* The EU may refer any nonexempt member of a TANF or GA unit to a project assignment at any time, including the following persons:

* * * * *

Subpart D. DETERMINATION OF NEED AND AMOUNT OF ASSISTANCE

CHAPTER 175. ALLOWANCES AND BENEFITS ALLOWANCES AND BENEFITS PROVISIONS FOR TANF/GA

§ 175.23. Requirements.

* * * * *

(e) *Grant reduction.* The family size allowance, plus special need allowance, shall be reduced by the amounts obtained by cashing an assistance check at a gambling casino, racetrack, bingo hall or other establishment that derives more than 50% of its gross revenues from gambling.

* * * * *

CHAPTER 177. RESOURCES

GENERAL RESOURCE PROVISIONS FOR TANF/GA

§ 177.2. Definitions.

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

* * * * *

Budget group—One or more related or unrelated individuals who occupy a common residence or would occupy a common residence if they were not homeless and whose needs are considered together in determining eligibility for cash assistance under one category of assistance.

* * * * *

TREATMENT OF RESOURCES

§ 177.21. Personal property.

(a) *Applicants and recipients.* For an applicant and recipient, the following personal property is not counted in determining eligibility:

* * * * *

(11) An educational savings account established by an individual at a bank or other financial institution to pay for tuition, books and incidental expenses related to attendance at a vocational school, community college, college or university. The account shall be clearly identified as having been established for or restricted to payment of educational expenses.

(i) The savings account, its ownership, the account balance and the fact that the account is restricted for payment of educational expenses shall be verified by written documentation. Documentation may include, but is not limited to, a copy of the passbook or a copy of the current account statement from the bank or other financial institution.

(ii) Monies deposited in an account plus interest earned on the account shall be exempt in determining eligibility as long as the funds remain on deposit.

(iii) Monies withdrawn to pay for educational expenses are exempt. Documentation shall be provided that verifies the expenses were incurred.

(iv) Monies withdrawn from an educational savings account that are used for a purpose unrelated to education shall be added to the budget group's resource amount and used to determine eligibility beginning with the date of withdrawal.

(12) Savings accounts established and bonds purchased under the Tuition Account Program and College Savings Bond Act (24 P. S. §§ 6901.101—6901.509).

* * * * *

CHAPTER 178. RESOURCE PROVISIONS FOR CATEGORICALLY NMP-MA AND MNO-MA

Subchapter A. GENERAL PROVISIONS FOR MA RESOURCES COMMON TO ALL CATEGORIES OF MA

CATEGORIES OF MA

§ 178.11. Categories of NMP-MA.

NMP-MA applicants/recipients shall meet the resource requirements of the category of NMP-MA for which they are eligible. The following explains the different NMP-MA categories:

* * * * *

(4) The PC category is a TANF-related category and designates an NMP person who is one of the following:

(i) A person under 21 years of age, regardless of school attendance, emancipation or marital status.

* * * * *

(6) The PD category is a GA-related category and designates an NMP person who is 21 years of age or older and under 65 years of age, who meets the eligibility requirements for GA and who chooses to receive only MA.

§ 178.12. Categories of MNO-MA.

MNO-MA applicants/recipients shall meet the resource requirements of the category of MNO-MA for which they are eligible. The following explains the different MNO-MA categories:

(1) The TA category designates an MNO person who is 65 years of age or older. This category is an SSI-related category.

(2) The TJ category designates an MNO person who meets the eligibility conditions as a disabled person. This category is an SSI-related category.

(3) The TM category designates an MNO person who meets the eligibility conditions as a blind person. This category is an SSI-related category.

(4) The TB category designates an MNO person who receives a SBP.

(5) The TC category is an AFDC-related category and designates an MNO person who is one of the following:

(i) A person under 21 years of age, regardless of school attendance, emancipation or marital status.

(ii) A person 21 years of age or older and under 65 years of age who meets the requirements of a specified relative under § 151.42 (relating to definitions) and is responsible for the care and control of a dependent child. For purposes of determining if the person 21 years of age or older and under 65 years of age is a specified relative, a dependent child, including the child who is receiving SSI, is a child under 18 years of age or under 19 years of age if the child is a full-time student in secondary school or the equivalent level of a vocational or technical school and reasonably expected to complete the program before reaching 19 years of age, and who meets the deprivation of support conditions under § 153.43(a)—(c) (relating to AFDC deprivation of support or care requirements).

(iii) A pregnant woman 21 years of age or older who is a member of a two parent household which does not meet the unemployed principal wage earner definition in § 153.44(d) (relating to procedures).

(6) The TU category is an AFDC-related category and designates an MNO person who is one of the following:

(i) The parents in a two parent household that includes a dependent child as defined in paragraph (5)(ii) and an unemployed principal wage earner as defined in § 153.44(d).

(ii) A pregnant woman who is 21 years of age or older, with no other children, in a two parent household with an unemployed principal wage earner as defined in § 153.44(d).

(7) The TD category is a GA-related category and designates an MNO person who does not meet the requirements for another category of MNO.

Subchapter C. TANF-RELATED AND GA-RELATED CATEGORIES OF MA

ADDITIONAL RESOURCE EXCLUSIONS FOR GA CATEGORIES OF MA

§ 178.165. Educational savings accounts.

(a) For GA categories of MA, an educational savings account established by an individual at a bank or other financial institution to pay for tuition, books and incidental expenses related to attendance at a vocational school, community college, college or university is not counted in determining eligibility.

(1) The account shall be clearly identified as having been established for or restricted to payment of educational expenses.

(2) The savings account, its ownership, the account balance and the fact that the account is restricted for payment of educational expenses shall be verified by written documentation. Documentation may include, but is not limited to, a copy of the passbook or a copy of a current account statement from the bank or other financial institution.

(3) Moneys deposited in an account plus interest earned on the account shall be exempt in determining eligibility for GA as long as the funds remain on deposit.

(4) Moneys withdrawn to pay for educational expenses are exempt. Documentation shall be provided that verifies the expenses were incurred.

(5) Moneys withdrawn from an educational savings account that are used for a purpose unrelated to education shall be added to the budget group's resource amount and used to determine eligibility beginning with the date of withdrawal.

(b) For GA categories of MA, savings accounts established and bonds purchased under the Tuition Account Program and College Savings Bond Act (24 P. S. §§ 6901.101—6901.509) are not counted in determining eligibility.

CHAPTER 181. INCOME PROVISIONS FOR CATEGORICALLY NEEDY NMP-MA AND MNO-MA

Subchapter A. GENERAL PROVISIONS FOR MA INCOME COMMON TO ALL CATEGORIES OF MA

GENERAL PROVISIONS FOR MA INCOME

§ 181.1. General policy on MA income common to all categories of MA.

* * * * *

(b) In determining income eligibility for MNO-MA, the total amount of income available to the applicants/recipients in a consecutive 6-calendar month period is used. In determining income eligibility for retroactive eligibility coverage for MNO-MA, the total amount of income available to the applicants/recipients in the combined retroactive and prospective period, consecutive 6-calendar month period, is used. The combined period can be less than 6 months only if the applicant/recipient is deceased.

* * * * *

(d) As a condition of eligibility for MA, an applicant/recipient shall take necessary steps to obtain and make available potential sources of income available to him, such as, but not limited to, benefits under retirement, unemployment compensation, workers compensation,

State or county retirement and disability benefits, veterans benefits, union pensions and employer's pensions and annuities.

(1) An applicant, except a PD or TD applicant—see §§ 181.41 and 181.42 (relating to categories of NMP-MA; and categories of MNO-MA)—or a recipient who, without good cause, fails to cooperate in an effort to establish eligibility for SSI, Retirement, Survivors and Disability Insurance (RSDI), or another potential benefit is ineligible for MA until the applicant complies with the cooperation requirement.

(2) A PD or TD applicant—see §§ 181.41 and 181.42—who, without good cause, fails to cooperate in establishing eligibility for a potential benefit is ineligible for MA for a minimum of 60 calendar days. Ineligibility for MA continues after the minimum of 60 calendar days until the applicant complies with the cooperation requirement.

* * * * *

§ 181.2. Definitions.

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

Applicant/recipient—A person who is applying for, or receiving, MA or a group of related persons who are living together and who choose to apply for, or receive, MA as one group.

Calendar quarter—A period of 3 full calendar months beginning with January, April, July or October.

Community spouse—The spouse living at home who has a spouse who had lived at home but is now an institutionalized spouse.

Countable net income—Income counted in determining income eligibility for MA, which is actual and deemed income less appropriate exemptions, deductions and disregards.

Deemed income—Income which is attributed to the applicant/recipient whether or not the income is actually received.

Earned income—Money or other compensation received in return for services rendered.

Full-time employment—Employment which averages at least 30 hours per week in a calendar month.

IRC—Internal Revenue Code (26 U.S.C.A. §§ 1—1043).

Infrequent income—Income that is received not more than once in a calendar quarter.

Institutionalized spouse—The spouse who is receiving skilled care, heavy care/intermediate services or intermediate care in a nursing facility or other medical institution, including services in an ICF/MR facility, for a period likely to last for at least 30 consecutive days.

Irregular income—Income that is not subject to scheduling or is unpredictable.

LRR—Legally Responsible Relative—The spouse of a person, or the natural or adoptive parent of a child under 21 years of age.

Legal guardian—A person who is court appointed as the legal guardian.

MCCA—The Medicare Catastrophic Coverage Act of 1988 (Pub. L. 100-360, 102 Stat. 602) (July 1, 1988).

NFC—Nursing Facility Care—Skilled care, heavy care/intermediate services or intermediate care in a nursing facility or other medical institution.

Nonrecurring income—Income that is received in a single payment and not expected to continue.

Parent—The natural or adoptive father or mother of a child under 21 years of age.

Part-time employment—Employment which averages less than 30 hours per week in a calendar month.

Personal property—Privately-owned possessions. The term includes, but is not limited to, cash, bank accounts, stocks, bonds, mortgages, cash value of life insurance policies, household furnishings, personal effects, motor vehicles, boats and Federal, State and local tax refunds. The term does not include real property.

Real property—Land, buildings, mobile homes and improvements thereto.

Restricted income—Income limited by the payer for the use of a specified person.

SSI—Supplemental Security Income—The benefit amount paid to an eligible person or to an eligible person and his eligible spouse under Title XIV of the Social Security Act (42 U.S.C.A. §§ 1381—1383c).

Spouse—A person who is married to another by legal ceremony or by common-law.

Unearned income—Money or other compensation received for which a service is not rendered.

CONTINUING AND RETROACTIVE ELIGIBILITY PROVISIONS FOR ALL CATEGORIES OF MA

§ 181.11. Continuing eligibility.

(a) Eligibility for continuing MA benefits begins with the date eligibility is established or the date of application, if the applicant/recipient is otherwise eligible.

(1) If the applicant is ineligible in the month of application, eligibility begins with the first day of the following month if the applicant is eligible beginning from the first day of that month.

(2) Authorization of MA benefits in the GA-related NMP category begins when all eligibility factors are verified, verification is received from a third party or the client has cooperated in the verification attempt and the applicant/recipient is otherwise eligible.

* * * * *

§ 181.12. Retroactive eligibility.

(a) The earliest possible date for retroactive MA benefits to begin is the first day of the third month preceding the month of application.

(1) The period of eligibility for retroactive MA benefits under NMP-MA begins with the first day of the month in the retroactive period in which the first medical service was incurred, if the applicant was otherwise eligible during that month.

(2) The period of eligibility for retroactive MA benefits under MNO-MA begins with the first day of the month in the retroactive period in which the first medical service was incurred, if the applicant was otherwise eligible during that month.

* * * * *

(c) For MNO-MA categories, income eligibility for retroactive MA benefits exists if one of the following applies:

(1) The applicant's/recipient's countable net income in the combined retroactive/prospective period, less medical

expenses is equal to, or less than, the appropriate MNO-MA 6-month period income limits in Appendix F.

(2) The applicant's/recipient's countable net income in the combined retroactive/prospective period, less medical expenses is equal to, or less than, the appropriate MNO-MA 6-month period income limits in Appendix F. Unpaid medical expenses that are not subject to payment by a third-party, which remain the legal obligation of the applicant/recipient, and are not to be paid for under the MA Program once MA is authorized and paid medical expenses, are deducted from the countable net income in the combined retroactive/prospective period as provided under § 181.14(e)(1)–(6) (relating to eligibility under MNO-MA spend-down). This includes medical expenses incurred before the retroactive period.

§ 181.14. Eligibility under MNO-MA spend-down.

* * * * *

(d) Deductible medical expenses include:

* * * * *

(3) Medical and remedial expenses paid by a public program if the following apply:

(i) The public program is not financed in whole or in part by Federal funds.

(ii) The expenses are wholly financed by the State or a subdivision of the State, for example, county or municipality.

(iii) The expenses have been paid in the month of application, or any month in the retroactive period, or a combination of both, for which the individual is applying.

(iv) The expenses have not been previously used as a deduction in the determination of eligibility for a prior authorization of MA.

(e) Medical expenses meeting the requirements in subsection (d) are deducted from the countable net income in the following order:

* * * * *

(6) Medical and remedial expenses paid by a public program meeting the requirements in subsection (d)(3).

(7) For an applicant/recipient receiving skilled nursing care or intermediate care, the projected cost of his care, for a period not to exceed 6 months, at the private rate for the appropriate level of care anticipated to be received by the applicant/recipient in the skilled nursing or intermediate care facility.

CATEGORIES OF MA

§ 181.41. Categories of NMP-MA.

An NMP-MA applicant/recipient shall meet the income requirements of the category of NMP-MA for which the applicant/recipient is eligible. The following explains the different NMP-MA categories:

* * * * *

(4) The PC category is a TANF-related category and designates an NMP person who is one of the following:

(i) A person under 21 years of age, regardless of school attendance, emancipation or marital status.

* * * * *

(6) The PD category is a GA-related category and designates an NMP person who is 21 years of age or older and under 65 years of age, who meets the GA eligibility requirements and who chooses to receive only NMP-MA.

§ 181.42. Categories of MNO-MA.

An MNO-MA applicant/recipient shall meet the income requirements of the category of MNO-MA for which the applicant/recipient is eligible. The following explains the different MNO-MA categories:

(1) The TA category designates an MNO person who is 65 years of age or older. This category is an SSI-related category.

(2) The TJ category designates an MNO person who meets the eligibility conditions as a disabled person. This category is an SSI-related category.

(3) The TM category designates an MNO person who meets the eligibility conditions as a blind person. This category is an SSI-related category.

(4) The TB category designates an MNO person who receives a SBP.

(5) The TC category is an AFDC-related category and designates an MNO person who is one of the following:

(i) A person under 21 years of age, regardless of school attendance, emancipation or marital status.

(ii) A person 21 years of age or older and under 65 years of age who meets the requirements of a specified relative under § 151.42 (relating to definitions) and is responsible for the care and control of a dependent child. For purposes of determining if the person 21 years of age or older and under 65 years of age is a specified relative, a dependent child, including the child who is receiving SSI, is a child under 18 years of age or under 19 years of age if the child is a full-time student in secondary school or the equivalent level of a vocational or technical school and reasonably expected to complete the program before reaching 19 years of age, and who meets the deprivation of support conditions under § 153.43(a)–(c) (relating to AFDC deprivation of support or care requirements).

(iii) A pregnant woman 21 years of age or older who is a member of a two parent household which does not meet the unemployed principal wage earner definition in § 153.44(d) (relating to procedures).

(6) The TU category is an AFDC-related category and designates an MNO person who is one of the following:

(i) The parents in a two parent household that includes a dependent child as defined in paragraph (5)(ii) and an unemployed principal wage earner as defined in § 153.44(d).

(ii) A pregnant woman who is 21 years of age or older, with no other children, in a two parent household with an unemployed principal wage earner as defined in § 153.44(d).

(7) The TD category is a GA-related category and designates an MNO person who does not meet the requirements for another category of MA.

CHAPTER 183. INCOME

INCOME PROVISIONS FOR TANF/GA

§ 183.2. Definitions.

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

* * * * *

Budget group—One or more related or unrelated individuals who occupy a common residence or would occupy a common residence if they were not homeless and whose needs and eligibility are considered together in determining eligibility for cash assistance under one category of assistance.

* * * * *

MONTHLY ASSISTANCE PAYMENT DETERMINATION

§ 183.104a. Additions to or deletions from a budget group—statement of policy.

(a) *Cash assistance.*

* * * * *

(3) In addition to removing persons promptly in accordance with established deadlines, the CAO shall ensure that persons are authorized initially or added to existing budget groups as quickly as possible. Consistent with the requirements of Chapters 125 and 133 (relating to the application process; and redetermining eligibility), a person shall receive eligibility determinations no later than 30 days from the date of receipt of a completed, signed Common Application Form (CAF). The procedures to be followed when an applicant requests removal from an existing budget group and authorization of assistance in his own name; or from a person who wishes to add someone to his budget group are as follows:

* * * * *

[Pa.B. Doc. No. 00-1277. Filed for public inspection July 28, 2000, 9:00 a.m.]

**DEPARTMENT OF PUBLIC WELFARE
[55 PA. CODE CH. 3800]**

Notice of Delay of the Implementation Date of §§ 3800.187 and 3800.188 Relating to Administration and Medications Administration Training

The Department of Public Welfare (Department) is announcing its intent to delay the implementation date of §§ 3800.187 and 3800.188 in Chapter 3800 (relating to child residential and day treatment facilities) regarding medications administration training of nonmedical staff persons.

The Department previously mandated the implementation of these requirements effective June 26, 2000. The Department hereby extends the implementation date until July 1, 2001. This extension is necessary to give training providers sufficient opportunity to develop a program that will fully comply with the Statement of Policy as specified in the Office of Children, Youth and Families' Bulletin # 3800-99-01, issued December 31, 1999, § 3800.188a (relating to medications administration training). The extension will also provide time for train-

ing providers to effectively implement the approved Medications Administration Training program.

All other aspects of Chapter 3800 remain the same.

FEATHER O. HOUSTOUN,
Secretary

Fiscal Note: 14-NOT-253. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 00-1278. Filed for public inspection July 28, 2000, 9:00 a.m.]

Title 67—TRANSPORTATION

**DEPARTMENT OF TRANSPORTATION
[67 PA. CODE CH. 175]**

Effective Date of Bus Exhaust System Regulations

The Department of Transportation (Department), acting through its Vehicle Inspection Division (Division), has reached agreement with bus transportation providers and manufacturers on the implementation of regulations governing the discharge location of exhaust systems on buses registered in this Commonwealth.

Under the authority given to the Department in the Vehicle Code, 75 Pa.C.S. §§ 4103, 4521 and 6103, the Department is charged with promulgating regulations establishing vehicle equipment standards. The sections affected by this notice were originally published at 28 Pa.B. 5670, 5684 (November 14, 1998) to be effective May 13, 1999. However, after reviewing concerns expressed by bus companies as to the difficulty of retrofitting hundreds of operating buses in a 6-month period, the Department postponed the effective date of these provisions indefinitely pending further investigation and discussion.

The Department, after consultation with the pupil transportation community, has determined that an effective date of August 1, 2001, for §§ 175.105(b)(5)(ii) and (iii) and 175.110(d)(6)(viii)(B) and (C) will provide sufficient time for all operating buses to be retrofitted with compliant exhaust systems. Therefore, the Department, by this notice, orders that the effective date of §§ 175.105(b)(5)(ii) and (iii) and 175.110(d)(6)(viii)(B) and (C) shall be August 1, 2001.

Anyone with questions or comments concerning this notice should contact the Department. The point of contact is Vehicle Inspection Division, Pennsylvania Department of Transportation, 1101 South Front Street, 4th Floor, Harrisburg, PA 17104, John Munafo, Division Manager (717) 787-3184, Kris Singer, Program Manager (717) 787-2895.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 00-1279. Filed for public inspection July 28, 2000, 9:00 a.m.]

PROPOSED RULEMAKING

DEPARTMENT OF HEALTH

[4 PA. CODE CH. 263]

[28 PA. CODE CHS. 701 AND 715]

Drug and Alcohol Facilities and Services

The Department of Health (Department) proposes to amend narcotic addiction treatment standards for the approval of narcotic addiction treatment programs under the powers and duties contained in Articles IX and X of the Public Welfare Code (62 P. S. §§ 901—922, 1001—1031 and 1051—1059) and the Pennsylvania Drug and Alcohol Abuse Control Act (71 P. S. §§ 1690.101—1690.115).

The Department proposes to replace narcotic addiction treatment standards by adding Chapter 715 (relating to standards for approval of narcotic treatment program), amending § 701.1 (relating to definitions) and repealing 4 Pa. Code Chapter 263 (relating to methadone), to read as set forth in Annex A.

Purpose

The purpose of these amendments is to revise and update current narcotic addiction treatment standards for the approval of narcotic addiction treatment programs to conform with updated Federal regulations. The Federal regulations were revised in 1994 and treatment of the narcotic addict has changed over the past 25 years. Therefore, the need exists to amend State methadone regulations to more closely align with the Federal regulations, as well as incorporate current treatment practices for narcotic addicts.

The Department's Division of Drug and Alcohol Program Licensure (Division) inspects narcotic treatment programs on an annual basis.

Chapter 715 is being created to replace current narcotic addiction treatment regulations in 4 Pa. Code Chapter 263. Existing regulations as applied are not consistent with current health practices or Federal requirements. They are more burdensome than Federal regulations.

Requirements of the Regulations

A. Definitions

§ 701.1. General definitions.

The proposal would amend this section by adding nine definitions related to narcotic treatment. In addition, several definitions would be deleted. The new definitions encompass the deleted definitions and reflect the new and current practices related to narcotic addiction treatment. These definitions clarify and explain certain terms that are specific to narcotic treatment. For example, a narcotic or opiate dependent person is a specific type of drug dependent person. These proposed amendments directly address the special needs and requirements associated with treating narcotic dependents. These regulations are in addition to the general provisions required for treatment of all drug and alcohol dependent patients.

§ 715.1. General provisions.

This section would provide generally that these regulations would apply to any entity which operates a narcotic treatment program and uses approved opiod pharmacotherapy agents.

§ 715.2. Relationship of Federal and State regulations.

This section would require narcotic treatment programs to comply with Federal regulations and requirements and when there is a difference between State and Federal regulations, the stricter requirement applies.

§ 715.3. Approval of narcotic treatment programs.

This section would establish the general requirements for approval of all narcotic treatment programs, including existing programs. All programs would be subject to inspection and approval from both State and Federal regulators. Each year, all programs would be required to be in compliance with the regulations.

This section also addresses Department coordination with Federal agencies.

§ 715.4. Denial, revocation or suspension of approval.

This section would establish provisions for denying, tracking or suspending a license. This section would also establish a link to the Federal regulations whereby the states can recommend to the Federal agencies to initiate proceedings to revoke or deny Federal approval.

§ 715.5. Patient capacity.

This section would provide the Department with the ability to limit the number of patients that may be treated at a narcotic treatment program at any one time. A program may request an increase in the approved capacity from the Department in writing.

§ 715.6. Physician staffing.

This section would set forth the requirements, responsibilities and qualifications applicable to medical directors and physicians at narcotic treatment programs. It would set forth the qualifications that are required for one to serve as a medical director. It would also provide a mechanism for programs to obtain the services of a person as medical director who does not meet the qualifications. This section would also set forth the number of physician hours for which the physician must be onsite and also, availability for consultations and verbal medication orders, and allow for physicians' assistants or certified registered nurse practitioners to perform certain medical functions under the supervision of a physician.

§ 715.7. Dispensing or administering staffing.

This section would establish staffing requirements for the manual dispensing and administering of controlled substances by a narcotic treatment program. Also addressed would be the automatic dispensing system and corresponding staff requirements.

§ 715.8. Psychosocial staffing.

This section would require that narcotic treatment programs comply with staffing ratios in Chapter 704 (relating to staffing requirements for drug and alcohol treatment activities).

§ 715.9. Intake.

This section would require screening of narcotic treatment program applicants prior to admission. The criteria for acceptance of an applicant would be included. There would be the following three exceptions to the eligibility criteria: a 1 year history of physiologic dependency would not be required for detoxification or pregnant addicts, a physical examination and lab tests would not be required for a re-admitted patient who was out of treatment for

less than 6 months after a voluntary termination, and evidence of physiologic dependency would not be required for re-admission of patients previously admitted and voluntarily detoxified within the past 2 years.

§ 715.10. Pregnant patients.

This section would establish requirements for the admission and treatment of pregnant patients. This is subject matter that is not addressed in the regulations the Department is proposing for repeal. This would be included because of the increasing rate of heroin addiction among pregnant women. These programs are designed to take into account the special circumstances surrounding pregnant opiate addicts and to promote the health and safety of the babies. In addition, there are special restrictions for the use of LAAM with regard to pregnant patients. These restrictions and requirements are identified in this section.

§ 715.11. Confidentiality of patient records.

This section reiterates that narcotic treatment programs shall comply with Federal and State confidentiality requirements regarding patient records.

§ 715.12. Informed patient consent.

This section would require an informed, voluntary consent prior to the administering of an agent for other detoxification or maintenance treatment.

§ 715.13. Patient identification.

This section would require narcotic treatment programs to develop a system for patient identification. It is necessary to assure that the drug is being administered to the appropriate patient, that security of the agent is maintained and that improper doses are not being administered to the wrong individuals and that treatment progress is being accurately maintained.

§ 715.14. Urine testing.

This section would update urine testing procedures to conform with Federal standards and to current practices. It would require testing for certain specific substances. A program may choose to test for additional substances. However, to mandate additional testing, would be too costly and burdensome to programs and results in minimal additional benefits for purposes of narcotic addiction testing.

§ 715.15. Medication dosage.

This section would require narcotic treatment programs to meet various Federal standards relating to narcotic treatment medication dosage. The current State regulations require projects to obtain Department approval prior to increasing dosage above 80 mg. The process of obtaining waivers from the Department is time consuming, and inefficient. This process would be eliminated. The new regulation would permit the physician to make reduction changes and those in excess of the Federal requirement would require the physician to document in the patient's chart the rationale for dosages above the Federal requirements.

§ 715.16. Take-home privileges.

This section would establish requirements for patients to be eligible to take medication out of the program and self-administer outside the supervision of the program. A minimal time period of adherence to program rules, policies and procedures is established. Exceptions are provided for special circumstances that are determined on a case-by-case basis.

§ 715.17. Medication control.

This section would require programs to develop and implement policies and procedures relating to pharmaceutical services, verbal medication orders and medications.

§ 715.18. Rehabilitative services.

This section would revise the requirements for rehabilitative services. Prior requirements do not accurately reflect current practices. This section would establish a full range of services that are to be provided.

§ 715.19. Psychotherapy services.

This section would establish requirements for psychotherapy services to be provided to patients.

§ 715.20. Patient transfers.

This section would require each narcotic treatment program to develop policies regarding the transfer of patients to another narcotic treatment program or another treatment environment upon the request of the patient. The concern has been that once a patient requests a transfer, for whatever reason, facilities often attempt to keep the patient longer than the patient wishes or to talk to the patient out of transferring. This causes an adverse environment for both the facility and the patient.

§ 715.21. Patient termination.

This section would require narcotic treatment programs to establish policies regarding termination of clients from the program.

§ 715.22. Patient grievance procedures.

This section would establish procedures for reviewing and resolving any patient grievances.

§ 715.23. Patient records.

This section would establish the time period which records must be kept after a patient leaves the program. It would further establish minimum information requirements that must be kept in the patient file. This section would also require an annual evaluation of the patient's status by the counselor and medical director.

§ 715.24. Narcotic detoxification.

This section would establish minimum procedures for detoxification services provided by narcotic treatment programs. Minimum standards will be established, but programs are permitted to implement additional procedures, provided they are not in conflict with the minimum standards.

§ 715.25. Prohibition of medication units.

This section would prohibit medication units. Medication units are simply dispensing stations or places where patients receive medication without any accompanying treatment or counseling services. The full advantage of narcotic treatment cannot be realized when a patient merely receives medication. The patient must also have other psychosocial services in conjunction with dispensing of medication. Studies have shown that the success of treatment is greatly improved when other services are provided.

§ 715.26. Security.

This section would establish requirements for security of controlled substances and the requirement for a narcotic treatment program to develop a plan as to how the facility will address community concerns regarding activities of clients outside the program walls.

§ 715.27. *Readmission.*

This section would provide for priority consideration for re-admission into a narcotic treatment program to be given to patients who had voluntarily left the program. This consideration would provide incentive to seek re-admission to those who had success in the program but relapsed after termination.

§ 715.28. *Unusual incidents.*

This section would require a narcotic treatment program to develop a procedure to document and respond to unusual incidents.

§ 715.29. *Exceptions.*

This section would establish a procedure for exceptions to the regulations to be requested by a narcotic treatment program. Also, documentation of any exception action would be required.

§ 715.30. *Applicability.*

This section would establish that the regulations would apply to the use of any agent whether currently approved for use or subsequently approved after the promulgation of these regulations.

Affected Persons

All staff and clients of licensed and approved narcotic treatment programs would be affected. Over 6,000 individuals benefit from the provisions of these proposed amendments.

Fiscal Impact

It is anticipated that the proposed amendments to the narcotics addiction treatment program regulations would have no fiscal impact. In fact, it is anticipated that facilities, once in compliance, will experience savings as a result of these proposed amendments. There would be no measurable costs imposed upon local or State government.

Paperwork Requirements

There would be no measurable increase in paperwork since a paperwork system for the license and approval of narcotic addiction treatment programs is already in place. The current licensure forms might require slight modification to account for the regulatory changes.

Effective Date

The regulations will become effective immediately upon publication as final-form rulemaking.

Sunset Date

No sunset date is necessary. The Department will monitor the appropriateness of these regulations on a continuing basis.

Statutory Authority

Articles IX and X of the Public Welfare Code (relating to the licensure of facilities) as transferred to the Department by Reorganization Plan Number 2 of 1977 (71 P. S. § 751-25) (relating to the transfer of drug and alcohol facility licensure authority from the Department of Public Welfare to the Governor's Council on Drug and Alcohol Abuse), and Reorganization Plan No. 4 of 1981 (71 P. S. § 751-31) (relating to the transfer of the powers and duties of the Governor's Council on Drug and Alcohol Abuse to the Department of Health) and the Pennsylvania Drug and Alcohol Abuse Control Act (71 P. S. §§ 1690.101—1690.115) (relating to the control, prevention, treatment and rehabilitation aspects of drug and alcohol abuse problems).

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on July 18, 2000, the Department submitted a copy of these proposed amendments to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Health and Human Services and the Senate Committee on Public Health and Welfare. In addition to submitting the proposed amendments, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

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

Contact Person

Interested persons are invited to submit all comments, suggestions or objections regarding the proposed amendments to John C. Hair, Director, Bureau of Community Program Licensure and Certification, Department of Health, 132 Kline Plaza, Suite A, Harrisburg, PA 17104, (717) 783-8665, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Persons with a disability who wish to submit comments, suggestions or objections regarding the proposed amendments may do so by using V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT]. Persons who require an alternative format of this document may contact John C. Hair so that necessary arrangements may be made.

ROBERT S. ZIMMERMAN,
Secretary

Fiscal Note: 10-159. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART XI. GOVERNOR'S COUNCIL ON DRUG AND ALCOHOL ABUSE

CHAPTER 263. (Reserved)

§§ 263.1—263.26. (Reserved).

(Editor's Note: The Department is proposing to delete the existing text of 4 Pa. Code Chapter 263 as it currently appears in the *Pennsylvania Code* at pages 263-1—263-17 (serial pages (235175)—(235191)).

Exhibits A—C. (Reserved).

TITLE 28. HEALTH AND SAFETY

PART V. DRUG AND ALCOHOL FACILITIES AND SERVICES

CHAPTER 701. GENERAL PROVISIONS

Subchapter A. DEFINITIONS

§ 701.1. General definitions.

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

* * * * *

Agent—Commonwealth approved opioid pharmacotherapy agent.

* * * * *

Commonwealth-approved opioid pharmacotherapy agent—Methadone, LAAM or other approved controlled drug approved by the Department for the detoxification or maintenance of opiate addiction.

* * * * *

Controlled substance—A drug, substance, or an immediate precursor included in schedules I through V of The Controlled Substance, Drug, Device, and Cosmetic Act (35 P. S. §§ 780-101—780-149), or as added, deleted or rescheduled by regulation.

* * * * *

DEA—The Federal Drug Enforcement Administration

Detoxification of a narcotic dependent person utilizing a Commonwealth approved opioid pharmacotherapy agent—Dispensing of a Commonwealth approved opioid pharmacotherapy agent in decreasing doses to an individual to alleviate adverse physiological or psychological effects incident to withdrawal from the continuous or sustained use of an opiate and for assisting patients in reaching and maintaining a narcotic drug-free state of detoxification.

* * * * *

FDA—The Federal Food and Drug Administration

* * * * *

Long term detoxification treatment—Detoxification treatment for a period of more than 30 days but not in excess of 180 days.

* * * * *

[**Maintenance approach**—The prescription of methadone or other Department approved substance in sufficient doses to achieve stabilization or prevent withdrawal symptoms. This approach differs from the drug free approach in that a maintenance substance is utilized throughout the treatment regimen. Slow withdrawal or outpatient detoxification of the client from the maintenance substance is considered as part of maintenance. The ultimate goal of maintenance is to assist the client in permanently discontinuing the use of dependency producing substances.

Maintenance substance—Methadone or other Department approved substance used in sufficient doses to achieve stabilization or prevent withdrawal symptoms.]

Maintenance treatment—Dispensing of a Commonwealth-approved opioid pharmacotherapy agent in sufficient doses to an individual on a continuing basis in conjunction with assessment, rehabilitation, treatment and ancillary services, to achieve stabilization or prevent withdrawal symptoms for treatment of an individual with an opiate dependency.

* * * * *

Medical director—A physician who meets the qualifying criteria in § 715.6(a)(1)(i)—(iii) (relating to physician staffing) and who assumes responsibility

ity for the administration of all medical services performed in the narcotic treatment program, including ensuring that the program is in compliance with all Federal, State, and local laws and regulations regarding the medical treatment of narcotic addiction with a Commonwealth-approved opioid pharmacotherapy agent.

* * * * *

Narcotic or opioid dependent person—An individual who physiologically needs heroin or an opiate to prevent the onset of signs of withdrawal and who meets the accepted diagnostic criteria for opioid dependence.

Narcotic treatment physician—A physician who meets the qualifying criteria in § 715.6(a)(1)(i)—(iii) who is employed or contracted by a narcotic treatment program to provide medical services to patients.

Narcotic treatment program—A program for chronic opiate drug users that administers or dispenses Commonwealth-approved opioid pharmacotherapy agents under a physician's order either for detoxification purposes or for maintenance and when appropriate or necessary provides a comprehensive range of medical and rehabilitative services.

* * * * *

Physician—An individual who has a currently registered license to practice medicine or osteopathic medicine in this Commonwealth.

* * * * *

Short term detoxification treatment—Detoxification treatment for 30 days or less.

* * * * *

State authority—The agency designated by the Governor or other appropriate official to exercise the responsibility and authority for the treatment of narcotic addiction with a Commonwealth-approved opioid pharmacotherapy agent.

(*Editor's Note:* Chapter 715 is proposed to be added by the Department. It is printed in regular type to enhance readability).

CHAPTER 715. STANDARDS FOR APPROVAL OF NARCOTIC TREATMENT PROGRAM

- Sec.
- 715.1. General provisions.
- 715.2. Relationship of Federal and State regulations.
- 715.3. Approval of narcotic treatment programs.
- 715.4. Denial, revocation or suspension of approval.
- 715.5. Patient capacity.
- 715.6. Physician staffing.
- 715.7. Dispensing or administering staffing.
- 715.8. Psychosocial staffing.
- 715.9. Intake.
- 715.10. Pregnant patients.
- 715.11. Confidentiality of patient records.
- 715.12. Informed patient consent.
- 715.13. Patient identification.
- 715.14. Urine testing.
- 715.15. Medication dosage.
- 715.16. Take-home privileges.
- 715.17. Medication control.
- 715.18. Rehabilitative services.
- 715.19. Psychotherapy services.
- 715.20. Patient transfers.
- 715.21. Patient termination.
- 715.22. Patient grievance procedures.
- 715.23. Patient records.
- 715.24. Narcotic detoxification.
- 715.25. Prohibition of medical units.
- 715.26. Security.

- 715.27. Readmission.
- 715.28. Unusual incidents.
- 715.29. Exceptions.
- 715.30. Applicability.

§ 715.1. General provisions.

(a) An entity within this Commonwealth which uses Commonwealth-approved opioid pharmacotherapy agents for maintenance or detoxification of persons shall obtain the approval of the Department to operate a narcotic treatment program.

(b) Approval of a narcotic treatment program shall be contingent upon the program's compliance with the standards and conditions in this part. In addition, the program shall comply with applicable Federal laws and regulations.

§ 715.2. Relationship of Federal and State regulations.

(a) A narcotic treatment program shall comply with Federal regulations and requirements governing the administration, dispensing and storage of agents.

(b) This chapter is intended to complement the Federal regulations governing narcotic treatment programs in 21 CFR 291.505 and Parts 1300—1399 (relating to conditions for the use of narcotic drugs; appropriate methods of professional practice for medical treatment of the narcotic addiction of addicts under section 4 of the Comprehensive Drug Abuse Prevention and Control Act; and Drug Enforcement Administration, Department of Justice). When there is a conflict between this chapter and the Federal regulations, the stricter standard shall apply.

§ 715.3. Approval of narcotic treatment programs.

(a) An entity shall apply for and receive approval as required from the Department, the DEA and the FDA or designee prior to offering services within this Commonwealth as a narcotic treatment program. Application for approval shall be made simultaneously to the Department, DEA and FDA or designee. The Department will forward a recommendation for approval to the Federal officials after a review of policies and procedures and an onsite inspection by an authorized representative of the Department and after a determination has been made that the requirements for approval under this chapter have been met. The decision of the Federal officials as set forth in 21 CFR 291.505 and Parts 1300—1399 (relating to conditions for the use of narcotic drugs; appropriate methods of professional practice for medical treatment of the narcotic addiction of addicts under section 4 of the Comprehensive Drug Abuse Prevention and Control Act; and Drug Enforcement Administration, Department of Justice) or other Federal statutes shall constitute the final determination on the application for approval by DEA and FDA.

(b) A narcotic treatment program shall be licensed under the Department's regulations for drug and alcohol facilities as set forth in Chapter 157, 704, 709 or 711. When a licensee applies to operate a narcotic treatment program, the history component of the application of the licensee shall include the licensee's record of operation of any facility regulated by any state or Federal entity. A narcotic treatment program may not be recommended for approval unless licensure has been obtained under chapters 157, 704, 709 or 711.

(c) The Department will grant approval as a narcotic treatment program after an onsite inspection and review

of program policies, procedures and other material, when the Department determines that the requirements for approval have been met.

(d) A narcotic treatment program shall be inspected at least annually to determine compliance with State narcotic treatment program regulations. This inspection shall consist of an onsite visit and shall include an examination of patient records, reports, files, policies and procedures, and other similar items to enable the Department to make an evaluation of the approval status of the program. The Department may inspect the narcotic treatment program without notice, which shall occur during regular business hours of the program.

(e) A narcotic treatment program shall, during the inspection process, make available to the authorized staff of the Department full and free access to its premises, facilities, records, reports, files and other similar items necessary for a full and complete evaluation. The Department may make copies it deems necessary within the provisions of State and Federal confidentiality regulations.

(f) The authorized Department representative may interview patients and staff as part of the inspection process.

(g) The Department may grant conditional approval as a narcotic treatment program after an onsite inspection when it has been determined that a program satisfies the following:

- (1) It has substantially complied with applicable requirements for approval.
- (2) It is complying with a course of correction approved by the Department.
- (3) Its existing deficiencies will not adversely alter the health, welfare or safety of the facility's patients.

(h) Notification of deficiencies involves the following:

- (1) The authorized Department representative will provide the narcotic treatment program director with a record of deficiencies with instructions to submit plans of corrections.
- (2) The narcotic treatment program shall complete plans of corrections and submit them to the Department within 15 working days after the site inspection.
- (3) The Department will not grant approval of a narcotic treatment program until the Department receives and approves the plans of corrections.

§ 715.4. Denial, revocation or suspension of approval.

(a) The Department will deny, suspend or revoke approval of a narcotic treatment program if the applicant or program fails to comply with this chapter. Procedures for the revocation, suspension, or denial of Department approval, and appeals from these actions, shall be the same as procedures in §§ 709.17, 709.18, 711.17 and 711.18.

(b) The Department may recommend to the DEA or the FDA or designee to initiate proceedings to revoke or deny Federal approval under 21 CFR 291.505(h) (relating to conditions for the use of narcotic drugs; appropriate methods of professional practice for medical treatment of the narcotic addiction of addicts under section 4 of the Comprehensive Drug Abuse Prevention and Control Act).

(c) The Department may seek an injunction for the closure of a program in a court of competent jurisdiction.

§ 715.5. Patient capacity.

The Department may limit the number of patients a narcotic treatment program may treat at a given time. The Department may raise the permitted patient capacity upon the written request of the program with the written approval of the Department based upon periodic monitoring and review. The factors the Department will consider include:

- (1) Safety.
- (2) Physical facility.
- (3) Staff size and composition.
- (4) Ability to provide required services.
- (5) Availability/accessibility of service.

§ 715.6. Physician staffing.

(a) A narcotic treatment program shall designate a medical director to assume responsibility for administering all medical services performed by the program.

(1) A medical director shall be a physician and shall have obtained one of the following:

(i) Three years documented experience in the provision of services to persons who are addicted to alcohol or other drugs, including at least 1 year of experience in the treatment of narcotic addiction with a narcotic drug.

(ii) Certification in addiction medicine by the American Society of Addiction Medicine.

(iii) A certificate of added qualifications in addiction psychiatry by the American Board of Psychiatry and Neurology, Inc.

(2) When a program is unable to hire a medical director who meets the qualifications in paragraph (1), the program may hire an interim medical director. The program shall develop and submit to the Department for approval a training plan for the interim medical director, addressing the measures to be taken in order for the interim medical director to achieve minimal competencies/proficiencies until the interim medical director meets qualifications identified in paragraph (1) (i), (ii) or (iii). The interim medical director shall meet the qualifications within 24 months of being hired.

(3) The medical director's responsibilities include the following:

- (i) Supervision of all program physicians.
- (ii) Supervision of licensed practical nurses if the program does not employ a registered nurse to supervise the nursing staff. In addition, the medical director in these instances shall ensure that licensed practical nurses adhere to written protocols for dispensing and administration of medication.

(b) Narcotic treatment programs may employ narcotic treatment physicians to assist the medical director. A narcotic treatment program physician's responsibilities include: performing a medical history and physical exam, determining diagnosis, determining narcotic dependence, reviewing treatment plans, determining dosage and all changes in doses, ordering take-home privileges, discussing cases with the treatment team, issuing verbal orders pertaining to patient care, assessing coexisting medical and psychiatric disorders, and treating or making appropriate referrals for treatment of these disorders.

(c) A narcotic treatment program physician shall be available for consultation and verbal medication orders at all times when a program is open and a physician is not present.

(d) A narcotic treatment program shall provide physician services at least 1 hour per week onsite for every ten patients.

(e) Licensed or certified health care professionals may perform functions in narcotic treatment programs if authorized by Federal, State and local laws and regulations, and if these functions are delegated to them by the medical director, and records are properly countersigned by the medical director or a narcotic treatment physician. However, one-third of all required physician time shall be provided by a physician. Time provided by other licensed or certified health care professionals may not exceed two-thirds of the required physician time.

(f) A narcotic treatment program may utilize physician assistants or certified registered nurse practitioners if supervised by the medical director. Two hours of physician assistant or certified registered nurse practitioner time shall be equivalent to 1 hour of physician time.

§ 715.7. Dispensing or administering staffing.

(a) A narcotic treatment program shall be staffed as follows:

(1) If it operates an automated dispensing system, one full-time licensed nurse or other person authorized by law to administer or dispense a controlled substance shall be available for every 200 patients.

(2) If it operates a manual dispensing system, one full-time licensed nurse or other person authorized by law to administer or dispense a controlled substance shall be available for every 100 patients.

(b) Dispensing time shall be prorated for patient census. There shall be sufficient dispensing staff to ensure that all patients are medicated in a timely and orderly manner.

§ 715.8. Psychosocial staffing.

A narcotic treatment program shall comply with staffing ratios established in Chapter 704 (relating to staffing requirements for drug and alcohol treatment activities).

§ 715.9. Intake.

(a) Prior to administration of an agent, narcotic treatment program staff shall screen all individuals to determine eligibility for admission. The program shall:

(1) Verify that the individual has reached the age of majority.

(2) Verify the individual's identity, including name, address, date of birth, emergency contact and other identifying data.

(3) Obtain a drug use history and current drug use status of the individual.

(4) Include a determination by the program physician that the individual is currently physiologically dependent upon a narcotic drug and became physiologically dependent at least 1 year before admission for maintenance treatment. Documentation shall include the basis for the physician's determination of current dependency and evidence of a 1-year history of addiction.

(b) Exceptions to the requirements in subsection (a) are:

(1) A 1 year history of physiologic dependency is not required for detoxification or for pregnant patients.

(2) Upon readmitting a patient who has been out of a program for 6 months or less after a voluntary termination, the narcotic treatment program shall update the

information in and review the patient's file to show current opiate narcotic dependency, but need not conduct a physical examination and applicable laboratory tests. Privileges earned during the previous treatment may be reinstated at the discretion of the narcotic treatment program physician.

(3) A patient who has been treated and later voluntarily detoxified from comprehensive maintenance treatment may be readmitted to maintenance treatment, without evidence to support findings of current physiologic dependence, up to 2 years after discharge, if the program attended is able to document prior narcotic drug comprehensive maintenance treatment of 6 months or more, and the admitting program physician, exercising reasonable clinical judgment, finds readmission to comprehensive maintenance treatment to be medically justified.

(c) If an applicant has previously been discharged from treatment at another narcotic treatment program, the admitting program, with patient consent, shall contact the previous facility for the treatment history.

(d) A program shall explain to each patient treatment options; pharmacology of methadone, LAAM and other agents, including signs and symptoms of overdose and when to seek emergency assistance; detoxification rights; grievance procedures; and clinic charges, including the fee agreement signed by the applicant.

(e) A narcotic treatment program shall secure a personal history from the patient within the first week of admission which shall be made a part of the patient record.

§ 715.10. Pregnant patients.

(a) A narcotic treatment program may place a pregnant patient, regardless of age, who has had a documented narcotic dependency in the past and who may return to narcotic dependency, with all its attendant dangers during pregnancy, on a comprehensive maintenance regime. For these patients, evidence of current physiological dependence on narcotic drugs is not needed if a program physician certifies the pregnancy and, exercising reasonable clinical judgment, finds treatment to be medically justified. Evidence of all findings and the criteria used to determine the findings shall be recorded in the patient's record by the admitting program physician before the initial dose is administered to the patient.

(b) Programs shall give pregnant patients the opportunity for prenatal care either by the program or by referral to appropriate health-care providers.

(c) Counseling records and other appropriate patient records shall reflect the nature of prenatal support provided by the program.

(d) Within 3 months after termination of pregnancy, the program physician shall enter an evaluation of the patient's treatment status into her record and state whether she should remain in the comprehensive maintenance program or receive detoxification treatment.

(e) Dosage levels shall be maintained at the lowest effective dose of treatment as deemed necessary.

(f) Patients who are or become pregnant may not be started or continued on LAAM, except by the written order of a physician who determines that LAAM is the best therapy for that patient. An initial pregnancy test shall be performed for each prospective female patient of childbearing potential before admission to LAAM comprehensive maintenance treatment. A monthly pregnancy test shall be performed thereafter on female patients on LAAM.

§ 715.11. Confidentiality of patient records.

A narcotic treatment program shall physically secure and maintain the confidentiality of all patient records in accordance with applicable Federal and State statutes and regulations.

§ 715.12. Informed patient consent.

Narcotic treatment programs shall obtain an informed, voluntary consent before an agent may be administered to the patient for either maintenance or detoxification treatment.

§ 715.13. Patient identification.

(a) A narcotic treatment program shall develop a system for patient identification for the purpose of verifying the correct identity of a patient prior to administration of an agent.

(b) Program staff shall maintain onsite a photograph of each patient which includes the patient's name and birth date. The program shall ensure that the photograph is updated every 3 years.

§ 715.14. Urine testing.

(a) A narcotic treatment program shall complete an initial drug-screening urinalysis for each prospective patient and a random urinalysis shall be done at least monthly thereafter. Each test shall be for opiates, methadone, amphetamines, barbiturates, cocaine and benzodiazepines. In addition, if any other drugs have been determined by a program to be abused in that program's locality or have been identified in the patient's drug and alcohol history as being a drug of abuse or use, a program may conduct a test or analysis for any of those drugs as well.

(b) A narcotic treatment program shall develop and implement policies and procedures to ensure that urine collected from patients is unadulterated. These policies and procedures shall include random observation which shall be conducted professionally, ethically and in a manner which respects patient privacy.

(c) A narcotic treatment program shall develop and implement policies and procedures addressing chain of custody of a urine specimen to ensure that the tested specimen can be traced to the person to whom it belongs.

(d) A narcotic treatment program shall ensure that a laboratory that performs the testing required under this section shall be in compliance with all applicable Federal requirements, specifically the Clinical Laboratory Improvement Amendments of 1998 (42 U.S.C.A. §§ 201 note, 263a and 263 notes) and State requirements, specifically The Clinical Laboratory Act (35 P. S. §§ 2151—2165) and its regulations.

§ 715.15. Medication dosage.

(a) A narcotic treatment program may not administer an agent to a patient at a dose that exceeds that permitted by Federal regulations without the program physician's rationale documented in the patient chart. Prior to an increase in a patient's dose above the Federal limit, the program physician shall examine the patient and this examination shall be documented in the patient chart. Dosage levels shall be reviewed as least twice a year for the purpose of determining a patient's optimum dosage. These reviews shall be performed by the program's physician with each review occurring no less than 2 months apart.

(b) The narcotic treatment physician shall determine the proper dosage level for a patient, except as otherwise

provided in this section. If the program physician determining the initial dose is not the program physician who conducted the examination, the program physician shall consult with the physician who performed the examination before determining the patient's initial dose and schedule.

(c) Methadone shall be administered or dispensed only in oral form when administered at the program. Although tablets, syrup concentrate or other formulations may be distributed by the program, all oral medication is required to be administered or dispensed in liquid form.

(d) A narcotic treatment program shall label all take-home medication with the patient's name and the program's name, address and telephone number and shall be packaged as required by Federal regulation.

(e) A narcotic treatment program shall administer LAAM in a liquid form only. Although syrup concentrate or other formulations may be distributed by the program, all oral medication is required to be administered in a liquid form.

(f) A narcotic treatment program that administers LAAM, methadone or other agents shall take appropriate measures, including contrasting color and taste to ensure that dosage forms of each agent are easily distinguished.

(g) The program shall develop written policies and procedures relating to narcotic treatment medication dosage which includes the requirements of subsections (a)—(f).

§ 715.16. Take-home privileges.

(a) A narcotic treatment program shall determine whether a patient may be provided take-home medications. A program may give take-home medications only to patients who the physician has determined are responsible and able to handle narcotic drugs outside the program. The physician shall make this determination after consultations with appropriate staff within the program. The program physician shall document in the patient record the rationale for permitting take-home medication. The length of time in treatment is a minimum standard after which a patient may be eligible to receive take-home medication. A physician may rescind take-home medication privileges. A narcotic treatment program shall develop written policies and procedures relating to granting and rescinding take-home medication privileges.

(b) The program physician shall consider the following in determining whether, in exercising reasonable clinical judgment, a patient is responsible in handling narcotic drugs:

- (1) Absence of recent abuse of drugs (narcotic or non-narcotic), including alcohol.
- (2) Regular program attendance.
- (3) Absence of serious behavioral problems at the program.
- (4) Absence of known recent criminal activity.
- (5) Stability of the patient's home environment and social relationships.
- (6) Length of time in comprehensive maintenance treatment.
- (7) Assurance that take-home medication can be safely stored within the patient's home.
- (8) Whether the rehabilitative benefit to the patient derived from decreasing the frequency of attendance outweighs the potential risks of drug diversion.

(c) A narcotic treatment program shall require a patient to come to the program for observation daily or at least 6 days a week for comprehensive maintenance treatment, unless a patient is permitted to receive take-home medication as follows:

(1) A program may permit a patient to reduce attendance at the program for observation to three times weekly and receive no more than a 2-day take-home supply of medication when, in the reasonable clinical judgment of the program physician, which is documented in the patient record:

(i) A patient demonstrates satisfactory adherence to program rules for at least 3 months.

(ii) A patient demonstrates substantial progress in rehabilitation.

(iii) A patient demonstrates responsibility in handling narcotic drugs.

(iv) A patient demonstrates that rehabilitation progress would improve by decreasing the frequency of attendance for observation.

(2) A program may permit a patient to reduce attendance at the program for observation to two times weekly and receive no more than a 3-day take-home supply of medication when in the reasonable clinical judgment of the program physician, which is documented in the patient record:

(i) A patient demonstrates satisfactory adherence to program rules for at least 2 years.

(ii) A patient demonstrates substantial progress in rehabilitation.

(iii) A patient demonstrates responsibility in handling narcotic drugs.

(iv) A patient demonstrates that rehabilitation progress would improve by decreasing the frequency of attendance for observation.

(3) A program may permit a patient to reduce attendance at the program for observation to one time weekly and receive no more than a 6-day take-home supply of medication when in the reasonable clinical judgment of the program physician, which is documented in the patient record:

(i) A patient demonstrates satisfactory adherence to program rules for at least 3 years.

(ii) A patient demonstrates substantial progress in rehabilitation.

(iii) A patient demonstrates responsibility in handling narcotic drugs.

(iv) A patient demonstrates that rehabilitation progress would improve by decreasing the frequency of attendance for observation.

(v) A patient demonstrates no major behavioral problems.

(vi) A patient is employed, is actively seeking employment, attends school, is a homemaker or is considered unemployable for mental or physical reasons.

(vii) A patient is not known to have abused alcohol or other drugs within the previous year.

(viii) A patient is not known to have engaged in criminal activity within the previous year.

(d) A program may make exceptions to the requirements in subsection (c) relating to the length of time of satisfactory adherence to program rules and number of

days of take-home medication when, in the reasonable clinical judgment of the program physician, which is documented in the patient record:

- (1) A patient has a permanent physical disability.
- (2) A patient has a temporary disability.
- (3) A patient has an exceptional circumstance which interferes with the ability to conform to the applicable mandatory attendance schedules. In all cases, the patient shall demonstrate an ability to responsibly handle narcotic drugs.
- (e) With an exception granted under subsection (d), in no case may a program permit a patient to receive more than a 2-week take-home supply of medication.
- (f) An exception granted under subsection (d) shall continue only for as long as the temporary disability or exceptional circumstance exists. In the case of a permanent disability, each case shall be reviewed at least annually to determine whether the need for the exception continues to exist.

§ 715.17. Medication control.

(a) Programs which provide pharmaceutical services shall comply with applicable Federal and State statutes and regulations regarding the storing, compounding, administering or dispensing of medication.

(b) A narcotic treatment program shall develop policies and procedures regarding verbal medication orders, including issuing and receiving of orders, identifying circumstances when orders are appropriate, and documentation of orders, in accordance with applicable Federal and State statutes and regulations.

(c) A narcotic treatment program shall develop and implement written policies and procedures regarding the medications used by patients which shall include, but not be limited to:

- (1) *Administration of medication.*
- (i) A program physician shall determine the patient's initial and subsequent dose and schedule. The physician shall communicate the initial and subsequent dose and schedule to the person responsible for the administration of medication. Each medication order and dosage change shall be written and signed by the program physician.
- (ii) An agent shall be administered or dispensed only by a practitioner licensed under the appropriate Federal and State laws to dispense agents to patients.
- (iii) Only patients shall be permitted in the dispensing area.
- (iv) There shall be only one patient permitted at a dispensing station at a given time.
- (v) Each patient shall be observed when ingesting the agent.

(2) *Drug storage areas.* A narcotic treatment program shall develop and implement written policies and procedures regarding where and how medications are stored and who has access to the medication storage area. Agents shall be stored in a locked safe that has been approved by the DEA.

(3) *Inspection of storage areas.* A narcotic treatment program shall inspect all drug storage areas and the dispensing station at least quarterly to ensure that the areas are maintained in compliance with Federal, State and local statutes and regulations. A narcotic treatment program shall develop and implement written policies and procedures regarding who performs the inspections,

how often, and in what manner the inspections are to be documented. The policies and procedures shall include the following:

- (i) Disinfectants and drugs for external use shall be stored separately from oral and injectable drugs.
- (ii) Drugs requiring special conditions for storage to insure stability shall be properly stored.
- (iii) Outdated and contaminated drugs shall be removed and destroyed according to Federal and State regulations.
- (iv) Administration of controlled substances shall be adequately documented.
- (v) Controlled substances and other abusable drugs shall be stored in accordance with Federal and State regulations.

(4) *Method for control and accountability of drugs.* A narcotic treatment program shall develop and implement written policies and procedures regarding who is authorized to remove drugs from the storage area and the method for accounting for all stored drugs. An agent or other drug prescribed or administered shall be documented on an individual medication record or sheet in a manner sufficient to maintain an accurate accounting of medication at all times and shall include:

- (i) The name of medication.
- (ii) The date prescribed.
- (iii) The dosage.
- (iv) The frequency.
- (v) The route of administration.
- (vi) The date and time administered.
- (vii) The name of staff administering medication.
- (viii) The take-home schedule, if applicable.

(5) *Security of all substances.* A narcotic treatment program shall develop and implement written policies and procedures to minimize the likelihood of loss, theft or misuse of an agent or another controlled substance as well as a plan of action if loss, theft or misuse does occur. In the event of loss, theft or misuse, the Federal and State statutes and regulations regarding reporting shall be followed.

(6) *Inventories.* A narcotic treatment program shall conduct monthly inventories of agents and other controlled substances stored. Each inventory shall include:

- (i) The date the inventory was conducted.
- (ii) The time of day it was conducted.
- (iii) The name and amount of each product on hand at the time of the inventory.
- (iv) The name of the individual conducting the inventory.

(7) *Drug reactions and medication errors.* A narcotic treatment program shall report any adverse drug reaction and medication errors to a narcotic treatment program physician immediately and initiate corrective action. The reaction or error shall be recorded in the drug administration record and the clinical chart, and all persons who are authorized to administer medication or supervise self-medication shall be informed of the reaction or error.

§ 715.18. Rehabilitative services.

A narcotic treatment program shall provide, either onsite or through referral agreements, a full range of

rehabilitative services, which shall include legal services, employment services, HIV education services, public health services, adult educational services and behavioral health services.

§ 715.19. Psychotherapy services.

A narcotic treatment program shall provide individualized psychotherapy services and shall meet the following requirements:

(1) A narcotic treatment program shall provide each patient an average of 2.5 hours of psychotherapy per month during the patient's first 2 years, 1 hour of which shall be individual psychotherapy.

(2) A narcotic treatment program shall provide each patient at least 1 hour per month of group or individual psychotherapy after 2 years.

(3) Psychotherapy is treatment, by psychological means, of the problems of an emotional nature in which a trained person deliberately establishes a professional relationship with the patient with the object of removing, modifying or retarding existing symptoms, mediating disturbed patterns of behavior, and promoting positive personality growth and development.

§ 715.20. Patient transfers.

A narcotic treatment program shall develop written transfer policies and procedures which shall require that the narcotic treatment program transfer a patient to another narcotic treatment program for continued maintenance, detoxification or another treatment activity within 7 days of the request of the patient. The transferring narcotic treatment program shall transfer patient files which include admission date, medical and psychosocial summaries, dosage level, urinalysis reports or summary, exception requests, and current status of the patient, and shall contain the written consent of the patient. The transferring narcotic treatment program shall document what materials were sent to the receiving narcotic treatment program. The receiving narcotic treatment program shall document in writing that it notified the transferring narcotic treatment program of the admission of the patient and the date of the initial dose given to the patient by the receiving narcotic treatment program.

§ 715.21. Patient termination.

A narcotic treatment program shall develop and implement policies and procedures regarding involuntary terminations. Involuntary terminations shall be initiated only when all other efforts at retention of the patient in the program have failed.

(1) A narcotic treatment program may involuntarily terminate a patient from the program if it deems that the termination would be in the best interests of the health or safety of the patient and others, or the program finds any of the following conditions to exist:

(i) The patient has committed or threatened to commit acts of physical violence in or around the program premises.

(ii) The patient possessed a controlled substance without a prescription or sold or distributed a controlled substance, in or around the program premises.

(iii) The patient has been excessively absent from the program.

(iv) The patient has failed to follow treatment plan objectives.

(2) A patient terminated involuntarily, except patients who commit or threaten to commit acts of physical violence, shall be afforded the opportunity to receive detoxification of not less than 7 days. The detoxification may take place at the facility or the patient may be referred to another narcotic treatment program or hospital licensed and approved by the Department for detoxification.

§ 715.22. Patient grievance procedures.

(a) A narcotic treatment program shall develop and utilize a patient grievance procedure.

(b) The procedure shall permit aggrieved patients a full and fair opportunity to be heard, to question and confront persons and evidence used against them and to have a fair review of their case by the narcotic treatment program director. If the grievance is filed against the narcotic treatment program director, the review of the case shall be conducted by the governing body.

(c) Penalties may not be initiated prior to final resolution with the exception of patients who have committed acts of physical violence or who have threatened to commit acts of physical violence in or around the program premises.

§ 715.23. Patient records.

(a) A narcotic treatment program shall maintain patient records in conformance with all applicable Federal and State statutes and regulations. A program shall maintain a complete file on the premises for each present and former patient of the narcotic treatment program for at least 4 years after the patient has completed treatment or treatment has been terminated. Files shall be updated regularly so that all information contained therein is current.

(b) Each patient file shall include the following information:

(1) A complete personal history.

(2) A complete drug and alcohol history.

(3) A complete medical history.

(4) The results of an initial intake physical examination.

(5) The results of all annual physical examinations given by the narcotic treatment program; examinations should include an annual reevaluation by the narcotic treatment program physician.

(6) Results of laboratory tests or other special examination given by the narcotic treatment program.

(7) Documentation of a 1-year history of narcotic dependency, if applicable.

(8) The patient's current and past narcotic dosage level.

(9) Other drugs prescribed by the narcotic treatment program physician and the reasons therefore.

(10) Urine testing results.

(11) Counselor notes regarding patient progress and status.

(12) Applicable consent forms.

(13) Patient record of services.

(14) Case consultation notes regarding the patient.

(15) Psychiatric, psychological or psychosocial evaluations of the patient.

(16) Treatment plans and applicable periodic treatment plan updates.

(17) Federal and State exceptions to this chapter granted to the project on behalf of the patient.

(18) Referrals to other projects or services.

(19) Take-home privileges granted to the patient.

(20) Annual evaluation by the counselor.

(21) Aftercare plan, if applicable.

(22) Discharge summary.

(23) Follow-up information regarding the patient.

(24) Documentation of patient grievances.

(c) An annual evaluation of each patient's status shall be completed by the patient's counselor and shall be reviewed, dated and signed by the medical director. The annual evaluation period shall start on the date of the patient's admission to a narcotic treatment program and shall address the following areas:

(1) Employment, education or training.

(2) Legal standing.

(3) Substance abuse.

(4) Financial management abilities.

(5) Physical and emotional health.

(6) Fulfillment of treatment objectives.

(7) Family and community supports.

(d) A narcotic treatment program shall prepare a treatment plan that outlines realistic short and long-term treatment goals which are mutually acceptable to the patient and the narcotic treatment program. The treatment plan shall identify the behavioral tasks a patient must perform to complete each short-term goal. The narcotic treatment program physician or the patient's counselor shall review, reevaluate, modify and update each patient's treatment plan as required by Chapters 157, 709 and 711 (relating to drug and alcohol services general provisions; standards for licensure of freestanding treatment activities; and standards for certification of treatment activities which are a part of a health care facility).

(e) Patient file records, information and documentation shall be legible, accurate, complete, written in English and maintained on standardized forms.

(f) In the event a narcotic treatment program keeps patient information in more than one file or location, it shall be the responsibility of the narcotic treatment program to provide the entire patient record to authorized persons conducting narcotic treatment program approval activities at the narcotic treatment program upon request.

§ 715.24. Narcotic detoxification.

If a narcotic treatment program provides narcotic detoxification services, the narcotic treatment program shall develop and implement narcotic detoxification policies and procedures which include the following:

(1) For detoxification from methadone or any other narcotic, the detoxification service may not exceed 180 days.

(2) For calculating the 1-year narcotic dependency history required for admission to maintenance treatment, the detoxification period may not be included.

(3) A 1-year physiologic dependence is not required for detoxification although documentation of current dependency is required.

(4) Minimum requirements for short-term detoxification treatment are as follows:

(i) Take-home medication is not allowed during a 30-day detoxification treatment. A narcotic treatment program shall observe the patient ingesting the medication 7 days per week.

(ii) The narcotic treatment program shall perform an initial drug screening test or analysis.

(iii) The narcotic treatment program shall develop a treatment plan. The patient's counselor shall monitor the patient's progress toward the goal of short-term detoxification and possible drug-free treatment referral.

(iv) No narcotic treatment program may provide short-term detoxification treatment to an individual until at least 7 days after the conclusion of any previous short-term detoxification treatment.

(5) Minimum requirements for long-term detoxification treatment are as follows:

(i) A narcotic treatment program shall administer medication to allow the regimen designed to reach a patient to attain drug-free status and to make progress in rehabilitation within 180 days or less.

(ii) A narcotic treatment program shall perform an initial drug screening test or analysis. A narcotic treatment program shall perform at least one additional random test or analysis monthly on each patient during long-term detoxification.

(iii) The narcotic treatment program shall develop an initial treatment plan, and update the plan monthly.

(iv) A narcotic treatment program shall observe the patient while ingesting the medication at least 6 days a week.

(v) No narcotic treatment program may provide long-term detoxification treatment to an individual until at least 7 days after the conclusion of any previous long-term detoxification treatment.

§ 715.25. Prohibition of medical units.

Narcotic treatment medication units as defined by Federal regulation are prohibited.

§ 715.26. Security.

(a) A narcotic treatment program shall meet the security standards for the distribution and storage of controlled substances as required by Federal and State statutes and regulations.

(b) Each narcotic treatment program shall provide the Department with a specific plan describing the efforts it will make to avoid disruption of the community by its patients and the actions it will take to assure responsiveness to the community. This plan shall include the designation of a staff member to act as community liaison.

§ 715.27. Readmission.

If a patient requests readmission to a narcotic treatment program after voluntary termination from that program, that person shall be provided with an evaluation interview and be given priority consideration for readmission.

§ 715.28. Unusual incidents.

(a) A narcotic treatment program shall develop and implement policies and procedures to respond to the following unusual incidents:

- (1) Physical assault by a patient.
- (2) Inappropriate behavior by a patient causing disruption to the narcotic treatment program.
- (3) Selling of drugs on premises.
- (4) Complaints of patient abuse (physical, verbal, sexual, emotional, financial).
- (5) Death or serious injury due to trauma, suicide, medication error or unusual circumstances.
- (6) Significant disruption of services due to disaster such as fire, storm, flood or other occurrence.
- (7) Incident with potential for negative community reaction or which the facility director believes may lead to community concern.
- (8) Theft, burglary, break-in or similar incident at the facility.
- (9) Other unusual incidents the narcotic treatment program believes should be documented.

(b) These policies and procedures shall include the following:

- (1) Documentation of the unusual incident.
 - (2) Prompt review and investigation.
 - (3) Implementation of a timely and appropriate corrective action plan, when indicated.
 - (4) Ongoing monitoring of the corrective action plan.
- (c) Narcotic treatment programs shall file a written Unusual Incident Report with the Department within 48 hours following the following unusual incidents:
- (1) Complaints of patient abuse (physical, verbal, sexual, emotional, financial).
 - (2) Death or serious injury due to trauma, suicide, medication error or unusual circumstances.
 - (3) Significant disruption of services due to disaster such as fire, storm, flood or other occurrence.
 - (4) An incident with potential for negative community reaction or which the facility director believes may lead to community concern.
 - (5) Drug related hospitalization of a patient.

§ 715.29. Exceptions.

A narcotic treatment program is permitted, at the time of application or any time thereafter, to request exception from specific regulations. The request for an exception from a specific regulation shall be in writing, with governing body approval, and shall state how the program will meet the intent of the regulation. The Department may withhold the granting of an exception and may

require a narcotic treatment program to be in actual operation to assess if the exception is appropriate. The Department will reserve the right to revoke any exception previously granted. The narcotic treatment program shall maintain documentation of the Department's approval of an exception. If the exception relates to a specific patient, the narcotic treatment program shall maintain documentation of the exception in the patient's record.

§ 715.30. Applicability.

This chapter applies to the use of any agent which may be approved by the Department for use in narcotic/opioid dependency medication therapy. This chapter applies to the administration of any agent which may be approved by the Department for use in the treatment of opioid dependency.

[Pa.B. Doc. No. 00-1280. Filed for public inspection July 28, 2000, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

[55 PA. CODE CHS. 4225 AND 4226]

Early Intervention Services; Extension of Public Comment Period

The Department of Public Welfare (Department) published a notice of proposed rulemaking at 30 Pa.B. 27852 (June 3, 2000) seeking public comment on proposed rulemaking applicable to early intervention services. The notice of proposed rulemaking provided for a 60-day public comment period to end on August 2, 2000. The public comment period on the proposed regulations is hereby extended by 90 days.

Interested parties are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to Mel Knowlton, Office of Mental Retardation, P. O. Box 2675, Harrisburg, PA 17105-2675, (717) 783-5764, fax (717) 787-6583.

The extension in the public comment period is being made because the Department wants to allow adequate opportunity for interested stakeholders to review and comment on this comprehensive regulatory proposal.

The Department is also adding two additional public hearings. They are scheduled as follows:

Western Region
October 13, 2000
State Office Building, Room 605
300 Liberty Avenue
Pittsburgh, PA 15222
10 a.m.—1 p.m.

Southeast Region
October 2, 2000
Philadelphia Office of MR Services
105 S. 7th Street, 4th Floor
Conference Room A1 & A2
Philadelphia, PA 19106
10 a.m.—1 p.m.

Request to provide verbal comments are to be addressed to:

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

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

FEATHER O. HOUSTOUN,
Secretary

[Pa.B. Doc. No. 00-1281. Filed for public inspection July 28, 2000, 9:00 a.m.]

STATEMENTS OF POLICY

Title 52—PUBLIC UTILITIES

PENNSYLVANIA PUBLIC UTILITY COMMISSION Abbreviated Dispute Resolution Process

Joint Petition of Nextlink Pennsylvania, Inc., et al., for Adoption of Partial Settlement Resolving Pending Telecommunications Issues; Doc. No. P-00991648

Joint Petition of Bell Atlantic—Pennsylvania, Inc., et al., for Resolution of Global Telecommunications Proceedings; Doc. No. P-00991649

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

Public Meeting held
July 13, 2000

Order Establishing Revised Interim Guidelines for Abbreviated Dispute Resolution Process

By the Commission:

In Appendix E to our Global Order¹ entered September 30, 1999 at Docket Nos. P-00991648 and P-00991649, the Commission adopted interim guidelines for an Abbreviated Dispute Resolution Process (ADRP) to address certain disputes between competing telecommunications carriers. An ADRP mechanism was proposed by both sets of petitioners in the Global Order proceeding and, in particular, was intended to address, in an expedited fashion, disputes between interconnecting carriers that threatened to impede the development of local telephone competition in Pennsylvania.

In the Commission's judgment, the successful introduction of local telephone competition in Pennsylvania, in accordance with Chapter 30 of the Public Utility Code and the Federal Telecommunications Act of 1996, depends upon efficient and nondiscriminatory carrier interconnection, as well as the prompt resolution of disputes between competing carriers. The Commission believes that an effective ADRP mechanism that provides for the prompt resolution of carrier disputes will be of substantial benefit to all carriers, and will facilitate this Commission's State and Federal statutory mission to create a procompetitive market for the provision of local telephone services.

On April 1, 2000, the ADRP mechanism adopted in the September 30, 1999 Global Order was published at 30 Pa.B. 1764 for public comment in order to determine the effectiveness of the process to date. The deadline for comments was April 17, 2000, and, as of that date, two parties have filed comments with the Secretary's Bureau: Bell Atlantic-Pennsylvania, Inc. (Bell Atlantic or BA-PA) and the Association for Local Telecommunications Services (ALTS). No other comments were filed.²

Summary of Comments

Generally, the comments received from BA-PA urged a relatively narrow interpretation of the ADRP process

¹ *Joint Petition of Nextlink, et al. and Joint Petition of Bell Atlantic, et al.*, Docket Nos. P-00991648 and P-00991649 (September 30, 1999) (Global Order).

² On July 7, 2000, Bell Atlantic filed, pursuant to its Federal Communications Commission (FCC) merger commitments, an alternative dispute resolution mediation process to facilitate resolution of carrier-to-carrier disputes regarding the provision of local services, including disputes related to existing and effective interconnection agreements. However, it appears that this filing is separate from and not intended to supplant either (a) the carrier dispute resolution processes contained in existing interconnection agreements or (b) the Commission's ADRP which, unlike a mediation, results in an adjudication that can be appealed.

while ALTS has urged a more liberal approach. Specifically, with regard to Paragraph No. 1 (pertaining to types of disputes eligible for ADRP), BA-PA characterizes the list of issues eligible for ADRP as too "elastic and subject to liberal interpretation." BA-PA Comments at 9. BA-PA proposes language designed to narrow the scope of matters eligible for ADRP which BA-PA describes as "true carrier-to-carrier interconnection disputes that are susceptible to expedited resolution" and limited to allegations that either a carrier's conduct jeopardizes uninterrupted service or violates an existing interconnection agreement, and collocation space limitation disputes. BA-PA Comments at 11-12.

ALTS, conversely, suggests that the scope of disputes eligible for ADRP should be "liberally construed" and, further, proposes that the list of eligible disputes should continue to include allegations of "anti-competitive" conduct and "predatory pricing." ALTS also suggests that there is a discrepancy in the scope of issues listed in Paragraph 1 (general rule) and Paragraph 3 (pertaining to interim relief) of the existing ADRP. ALTS Comments at 2-3.

In light of these comments, the description of disputes eligible for ADRP, as adopted by this order, will be revised and clarified to eliminate the discrepancy cited by ALTS. However, we will eliminate allegations of "anti-competitive" conduct from the scope of appropriate issues since, in our view, this category of issues is too open ended for an limited ADRP process. In the Commission's judgement, the net scope of issues delineated by this order will encompass those disputes that can and should be resolved on an expedited basis.

With regard to Paragraph No. 3 (pertaining to interim relief), ALTS suggests that the section be reworded to permit relief for any issue fairly raised by an ADRP petition. ALTS Comments at 4. With regard to the standard of proof for interim relief, ALTS suggests that a simple "likely to prevail in the dispute" standard is appropriate rather than limiting relief to emergency situations or requiring the moving party to carry a heavier burden of proof. ALTS Comments at 5. BA-PA, however, urges adoption of a more stringent standard. BA-PA urges a requirement of "clear and convincing evidence" of a likelihood of success on the merits, a demonstration of a threat of substantial harm, and a demonstration that balance of the hardships weighs in favor of granting the interim relief. BA-PA Comments at 12-13.

In view of these comments and in the interest of a truly expeditious ADRP, the ADRP adopted by this order makes no special provision for interim relief. We expect that the expedited schedule for ADRP adopted in this order will, in and of itself, provide a prompt resolution of the disputed issues. If, however, a party nevertheless desires interim relief, the request can be made and evaluated by the presiding ALJ using the existing provisions and standards at 52 Pa. Code §§ 3.6—3.11 of the Commission's regulations.

With regard to Paragraph Nos. 4 through 10 (pertaining to ADRP parties and proceedings), the comments focused on the availability of discovery for ADRP, the qualifications of arbitrators to hear technical and legal matters, and finally, the nature of an appeal from the informal decision of the arbitrator. ALTS advocates the use of limited discovery, and BA-PA entirely opposes the

availability of discovery as impracticable under the limited time frame afforded ADRP. ALTS Comments at 7; BA-PA Comments at 15-17. ALTS also suggests that the guidelines for assigning an arbitrator, other than an ALJ, should be flexible so as to allow a nonattorney with technical expertise to preside where appropriate, and to require an assignment to ALJ in other cases. ALTS Comments at 7-8. Finally, ALTS suggests that the appeal from an informal decision should be clarified to be a "notice" appeal, which preserves all questions raised in the original ADRP petition. ALTS Comments at 8.

In order to resolve these issues and promote the speedy resolution of disputes, the ADRP adopted by this order provides for initial assignment to an ALJ within four (4) calendar days, and authorizes the presiding ALJ to reject a petition for dispute resolution that does not qualify for the process. Also, as to discovery, we will continue to encourage informal exchanges of information; however, if the parties fail to cooperate, the presiding ALJ will be authorized to permit limited formal discovery if deemed reasonable and necessary to resolve the contested issues.

Finally, BA-PA also comments on the provision in Paragraph No. 15 (pertaining to the effect of appeals from informal decisions), suggesting that informal arbitrator decisions should not be binding if an appeal is taken to an ALJ; BA-PA also comments that permitting interested parties to intervene at the adjudicatory phase would inhibit the ability of the parties to complete discovery and present their cases before the ALJ. BA-PA Comments at 14, 17-18. With regard to the mandatory time frames for action by the arbitrator/ALJ, particularly in Paragraph No. 3 (pertaining to interim relief) and Paragraph No. 17 (pertaining to de novo review), ALTS suggests that any time frame should be discretionary so as to allow flexibility for the number and nature of the issues which may be presented for ADRP. ALTS Comments at 8.

In the interest of administrative efficiency, the ADRP adopted by this order eliminates both the informal non-ALJ and interim relief procedural steps that prompted some of these comments by BA-PA and ALTS. Upon further review, we do not view these interim steps as consistent with our goal of a prompt resolution of the dispute. The scope of parties permitted to intervene will remain a matter within the discretion of the presiding ALJ. As to the time frame for hearing and decision by the presiding ALJ, the ADRP process adopted by this order will permit extension of the 30-day time frame for good cause shown.

Conclusion

After due consideration of the parties' comments, as well as our own internal review of these procedures and our existing rules and regulations, we have determined that certain revisions to the current ADRP mechanism are appropriate to make the process more efficient and to better fulfill its purpose. In addition, we have also reviewed the accelerated docket procedures adopted by the Federal Communications Commission (FCC) in developing these further refinements to the ADRP mechanism that will be used in Pennsylvania.³

The significant changes to the existing ADRP mechanism previously established in the Global Order may be summarized as follows:

Scope of Issues—In order to eliminate some ambiguity in the prior version of the ADRP, the Commission has

redefined and clarified the limited scope of issues to be addressed by the ADRP, and has defined the term "scheduled service." The scope of disputes that qualify for the ADRP process are actions or inactions that (1) allegedly compromise the ability of a party to provide uninterrupted service, (2) unreasonably preclude the provisioning of scheduled service, (3) allegedly violate a provision of an existing interconnection agreement, (4) allegedly constitutes predatory pricing, or (5) involve collocation space limitation disputes. We have also modified the preamble to make clear that the ADRP is designed to prevent an adverse impact on "telecommunications carriers' ability to serve customers." Thus, for example, a petition for dispute resolution may be filed by a telecommunications carrier if the action or inaction compromises its ability to provide uninterrupted service or precludes the provisioning of scheduled service.

Elimination of Unnecessary Steps—The prior version of the ADRP contained several intermediate steps that, upon further review, are not consistent with our goal of achieving a prompt resolution of these disputes. Therefore, the ADRP has been streamlined in that there is no longer an informal process before the case is assigned to an Administrative Law Judge for an evidentiary hearing. The interim relief procedure has also been eliminated, thus shortening the deadline for an Initial Decision to 30 calendar days from the date the Dispute Resolution Petition is filed.

Contents of a Dispute Resolution Petition—The ADRP has been clarified and modified to reduce the evidentiary burden on a petitioner to show prior good faith negotiations and, at the same time, to ensure that all relevant information is presented as early as possible in the process. In lieu of "detailed evidence" that the petitioner has engaged in good faith negotiations for at least 30 days, the requirement has been modified to only a "demonstration" that good faith negotiations have occurred. We also recognize that good faith negotiations may nevertheless reach an impasse in less than 30 days and, therefore, will permit the filing of a dispute resolution upon a demonstration that such an impasse has occurred. At the same time, each dispute resolution petition will be required to include, in addition to the specifics of the action and/or inaction alleged to have occurred, "copies of all documents within the petitioner's possession that are likely to bear significantly on the issues raised in the petition." This requirement, as well as a similar requirement on the respondent, is intended to place all relevant documents before the presiding ALJ at the earliest possible point in the process.

Authority of Presiding ALJ—In order to qualify for the ADRP mechanism, the petitioner must demonstrate either that at least 30 days of good faith negotiations have occurred, or that the parties have reached an impasse in negotiations, and that the dispute falls within the scope of disputes delineated as qualifying for ADRP. The revised ADRP makes clear that the presiding ALJ is authorized to reject any petition for dispute resolution that does not so qualify. If the petition qualifies for ADRP, the presiding ALJ will conduct such hearings, including reasonable examination and cross-examination of witnesses, as deemed necessary to resolve the dispute. The parties will also be permitted to file briefs before the ALJ issues an adjudication.

Collocation Disputes—Additionally, the new ADRP provides special procedures for addressing currently-existing collocation disputes. However, it should be noted that the proceeding pending before ALJ Chestnut at Docket No.

³ In the Matter of Implementation of the Telecommunications Act of 1996, Amendment of Rules Governing Procedures To Be Followed When Formal Complaints Are Filed Against Common Carriers, CC Docket No. 96-238, Second Report and Order (Released July 14, 1998).

R-00994697 will provide further guidance for the resolution of all future collocation disputes. The ADRP also provides that collocation space limitation disputes must first be addressed by appropriate Commission technical staff prior to any request for ADRP. The rationale for this requirement is that it is more efficient for a technical expert from the PUC staff to evaluate and attempt to resolve the dispute informally before calling upon the adjudicative resources and procedures of the OALJ. Thereafter, if the staff determination does not resolve the dispute, a party may file a Dispute Resolution Petition. However, the staff report regarding the collocation dispute may be introduced as evidence by either party to the dispute if properly introduced and authenticated.

Availability of Discovery—The Commission recognizes that formal discovery is tedious, burdensome and, too often, a litigation tactic to delay resolution of the controversy. At the same time, we believe that in some instances under the ADRP formal discovery requests and prompt responses thereto will be essential to a fair and informed resolution of the dispute. Therefore, the revised ADRP specifies that informal discovery is encouraged, but that the parties will also be permitted to conduct “such limited formal discovery as is deemed reasonable and necessary by the presiding ALJ to resolve the contested issues.” Thus, if the documents provided through informal discovery and those provided with the petitions and responses are deemed to be inadequate, the nature, timing and scope of any formal discovery to be permitted will be a matter within the discretion of the presiding ALJ.

Availability of Mediation—Finally, the revised ADRP also recognizes and provides for the availability of Commission-sponsored mediation as a dispute resolution technique. In addition, Bell Atlantic has in place a voluntary mediation process to address local service and interconnection disputes. Mediation leading to settlement continues to be the preferred approach at this agency. Therefore, the revised ADRP provides that the parties may, at any time during the ADRP proceeding, request the services of a Commission mediator to assist them in reaching a settlement. The request will act as a 30-day stay of proceedings pending mediation. The parties may, by mutual agreement, further extend this period for an additional 30 days.

We believe that this revised ADRP represents an effective mechanism for addressing, on an expedited basis, disputes of an operational nature that require prompt resolution to insure, facilitate and nurture the development of local telephone competition. Also, by providing for notice of the process and deadlines, hearings before an ALJ, reasonable examination and cross-examination of witnesses, and an opportunity to file briefs, the revised ADRP will satisfy the requirements of the Administrative Agency Law, 2 Pa.C.S. §§ 101—754, for achieving a valid adjudication.

At the same time, however, this remains an experimental process at the Commission to deal with a limited set of disputes between telecommunications carriers during the transition to a fully competitive market. As such, we will continue to monitor the need and effectiveness of the ADRP mechanism outlined in herein.

Finally, in terms of procedure, we recognize that implementation of the ADRP mechanism will require the Commission and the presiding ALJ to waive, in certain respects, the existing rules and regulations that otherwise apply to the formal complaint process, particularly those dealing with the response times for answers to com-

plaints, to content of petitions and responses thereto, and the discovery process. We note that under our existing regulations at 52 Pa. Code § 1.2(c) the Commission or presiding ALJ may waive any procedural deadline or requirement, at any stage of a proceeding, so long as the waiver does not adversely affect the substantive rights of a party to the proceeding. Because the procedural modifications needed to implement ADRP are largely those of timing, we conclude that no substantive rights would be affected. Accordingly, there is ample authority in the existing Commission regulations to allow for the procedural modifications necessary to implement the ADRP for each disputes that so qualifies;

Therefore, It Is Ordered:

1. That the interim guidelines for an Abbreviated Dispute Resolution Process (ADRP) adopted and established in the September 30, 1999 Global Order are hereby revised, as set forth in Annex A to this Order, effective as of the entry date of this Order.
2. That the ADRP shall be implemented and managed by the Office of Administrative Law Judge (OALJ).
3. That, pursuant 52 Pa. Code § 1.2(c), the presiding ALJ is authorized to waive appropriate sections of the Commission's rules of practice and procedure, as necessary, to implement the ADRP and resolve the disputed issues within the time frames set forth in Annex A to this Order.
4. That these interim guidelines for the ADRP process shall be reviewed within one (1) year or less from the entry date of this order to evaluate their effectiveness in addressing and resolving inter-carrier disputes.
5. That this Order, together with Annex A, be published in the *Pennsylvania Bulletin* and that a copy be served upon all jurisdictional telecommunications utilities.

JAMES J. MCNULTY,
Secretary

Annex A

Interim Guidelines for Abbreviated Dispute Resolution Process

Preamble

The success of local competition in Pennsylvania is dependent on the efficiency and effectiveness of carrier interconnection. Given the fact that in addition to interconnecting with each other, carriers are also competing with each other, disputes will arise which require expedited resolution by the Commission to prevent an adverse impact on telecommunications carriers' ability to serve their customers and to provide customers with uninterrupted service in a competitive environment. Recognizing that our current mediation, arbitration, and emergency relief regulations may not address the need for prompt resolution of disputes between competing telecommunications carriers, competitive, incumbent or otherwise, we are persuaded by the request of both sets of petitioners in the Global proceedings to implement an Abbreviated Dispute Resolution Process (ADRP). The ADRP is expected to be beneficial to both carriers and the public in that it addresses the need for telecommunications carriers to be heard promptly with regard to certain issues that impact on the development of local telephone competition.

1. *Scope of ADRP.* The ADRP is limited to disputes between telecommunications carriers which involve action or inaction of a telecommunications entity that: (1) allegedly compromises the ability of a party to provide uninterrupted service, (2) unreasonably precludes the provi-

sioning of scheduled service, (3) allegedly violates a provision of an existing interconnection agreement, (4) contains allegations of predatory pricing, or (5) involves collocation space limitation disputes.

For purposes of the ADRP process, scheduled service includes scheduled appointment intervals for coordinated cut-over loop orders ("hot cuts"); scheduled connections, disconnections, and repairs of lines which one carrier sells, leases, or provides to another carrier, and the scheduled provisioning of products. A carrier unreasonably precludes the provisioning of a scheduled service when the carrier misses commitment dates for the provisioning of products (special access services, trunks, enhanced extended links, unbundled network elements platforms, etc.) or of scheduled service (hot cuts, maintenance and repair, etc.) without good cause.

ADRP is not designed to be a substitute for any dispute resolution procedures that may be specified in the parties' interconnection agreements; nor is the process designed to handle disputes that involve generic policy issues, consumer complaints against the carriers, or requests for damages.

2. *Good faith negotiations.* Before a petition is referred to ADRP, the petitioning party must engage in good faith negotiations with the answering party with respect to the dispute in question for at least 30 calendar days. However, if good faith negotiations nevertheless reach an impasse in less than 30 days, the party may demonstrate that such an impasse has occurred to qualify for ADRP. The parties may also stipulate that at least 30 days of good faith negotiations have occurred to qualify for ADRP.

3. *Collocation disputes.* Collocation space limitation disputes must first be analyzed by appropriate Commission technical staff prior to any request for ADRP. The aggrieved party in the collocation dispute shall first submit written notice to the Bureau of Fixed Utility Services (FUS) explaining the collocation dispute. The aggrieved party shall have had a tour of the carrier facility involved in the dispute prior to filing the notice with the Commission. The Commission technical staff will then tour the facility, with representatives of the parties, and listen to the arguments while viewing the evidence. Staff will then submit written findings of fact and conclusions to the parties. If the staff determination does not resolve the collocation dispute, the aggrieved party may then bring the collocation dispute before the OALJ by filing a Dispute Resolution Petition. The staff report may be introduced as evidence by either party if properly introduced and authenticated.

4. *Petition for Resolution of Disputed Issues.* A party directly involved in a dispute subject to ADRP that cannot be resolved through good faith negotiations may file a Dispute Resolution Petition with the Commission. If possible, such petitions should be submitted jointly by both parties.

Each petition shall include specifics of the action and/or inaction alleged to have violated one or more of the five standards identified in Section 1, above. The petition shall also include copies of all documents within the petitioner's possession that are likely to bear significantly on the issues raised in the petition. The petition shall be served upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Commission's Office of Trial Staff (the "Public Advocates"), and, if it is not a joint petition, upon the opposing party. As part of the Dispute Resolution Petition, the petitioning party must demonstrate either that it has engaged in good faith negotia-

tions with the other entity for at least 30 days, or that the parties have reached an impasse in negotiations in less than 30 days. Petitions specifying collocation disputes must state that the PUC technical staff has previously rendered a determination pursuant to Section 3, above.

Finally, in order to ensure proper handling by Commission staff and to provide notice to the opposing party of the expedited schedule for processing these disputes, each ADRP petition should be clearly so identified by bold typeface above the normal caption on the first page as follows:

"Dispute Resolution Petition: Answer Due Within 7 Days."

5. *Serving copies and docketing.* An original and two copies of the Dispute Resolution Petition shall be filed with the Secretary of the Commission. Each Dispute Resolution Petition will be assigned a separate docket number. Copies must also be served on the Respondent, Chief Administrative Law Judge of the Commission and upon the Public Advocates on the same date.

6. *Assignment of an ALJ.* Within four (4) calendar days of the filing and service of a Dispute Resolution Petition, an Administrative Law Judge shall be assigned to the matter. The Administrative Law Judge shall schedule a prehearing conference at the earliest possible date to determine whether the petition qualifies for ADRP and, if so, to determine the schedule for the proceeding and other matters relevant to management and resolution of the dispute. The presiding ALJ is authorized to reject any petition for dispute resolution that does not fall within the scope of these interim guidelines.

7. *Answer.* Within seven (7) calendar days of the filing of the Dispute Resolution Petition, the respondent shall file an answer with the Secretary. The answer shall include copies of all documents in the respondent's possession that are likely to bear significantly on the issues raised in the petition. Copies must also be served on the Petitioner, the Chief Administrative Law Judge and Public Advocates on the same date.

8. *Public Advocates.* The parties will be the primary participants in the Abbreviated Dispute Resolution Process. The Public Advocates may participate in the proceeding but may not conduct formal discovery and are precluded from opposing the voluntary withdrawal of a Dispute Resolution Petition due to consummation of a settlement between the parties.

9. *Evidentiary Hearing.* The presiding ALJ will conduct an evidentiary hearing including sworn witnesses, reasonable cross examination and a transcription of the record. The parties will also have the opportunity to file briefs prior to the adjudication. The ALJ shall issue an Initial Decision resolving the dispute within 30 calendar days of the filing of the Dispute Resolution Petition, unless the ALJ extends the time frame for good cause shown recognizing that an expeditious result is in the public interest.

10. *Discovery.* The parties are encouraged to exchange information informally. The parties will also be permitted to seek leave to conduct such limited formal discovery as deemed reasonable and necessary by the presiding ALJ to resolve the contested issues. Whether and the extent to which leave to conduct limited formal discovery should be granted is a matter within the discretion of the presiding ALJ.

11. *Exceptions.* Participating parties may file exceptions to the Initial Decision of the ALJ within seven (7)

calendar days of issuance. Reply exceptions must be filed within five (5) calendar days after exceptions are filed. If no exceptions are filed and if two Commissioners do not request review within 15 days of issuance, the Initial Decision of the ALJ will become a final order by operation of law. If exceptions are filed or if Commission review is requested, the matter will be assigned to the Office of Special Assistants for preparation of a recommendation for Commission consideration at the earliest possible Public Meeting.

12. *Mediation.* The parties may, at any time during the ADRP proceeding, request the services of a Commission mediator consistent with the Commission's mediation policy statement at 52 Pa.Code §§ 69.391—69.394. The request shall act as a 30-day stay of the proceedings pending mediation. The parties may, by mutual agreement, further extend this period for an additional 30 days. No further extensions shall be permitted. If no

settlement is reached, the stay will be terminated and the case referred back to the assigned Administrative Law Judge. Any time lost to unsuccessful mediation shall not count against the ALJ's time to issue an Initial Decision. If a settlement is reached, the assigned mediator will immediately issue a mediation report with the attached proposed settlement agreement to the assigned Administrative Law Judge for review and disposition by Initial Decision.

13. *Other remedies.* The ADRP is not intended to replace or preclude any other procedures or remedies otherwise available to any of the parties under law, and a party's participation in this dispute resolution process shall not be considered a waiver of any available substantive or procedural rights.

[Pa.B. Doc. No. 00-1282. Filed for public inspection July 28, 2000, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending July 18, 2000.

BANKING INSTITUTIONS

Holding Company Acquisitions

<i>Date</i>	<i>Name of Institution</i>	<i>Location</i>	<i>Action</i>
7-14-00	Fidelity Bancorp, Inc., Pittsburgh, to acquire 100% of the voting shares of Pennwood Bancorp, Inc., Pittsburgh	Pittsburgh	Effective
7-17-00	Penns Woods Bancorp, Inc., Jersey Shore, to acquire up to 19.9% of voting shares of Columbia Financial Corporation, Bloomsburg	Jersey Shore	Withdrawn

New Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-18-00	Landmark Community Bank Pittston Luzerne County <i>Correspondent:</i> Nicholas Bybel, Jr., Esq. Cheryl A. Zeman, Esq. Shumaker Williams, P.C. 3425 Simpson Ferry Road Camp Hill, PA 17011	Pittston	Filed

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-17-99	The Peoples State Bank East Berlin Adams County Purchase of assets/assumption of liabilities of one branch office of Sovereign Bank, F.S.B., Wyomissing, located at: 29 North Washington Street Gettysburg Adams County	East Berlin	Effective
7-10-00	First Liberty Bank & Trust Jermyn Lackawanna County Purchase of assets/assumption of liabilities of two branch offices of Mellon Bank, N.A., Pittsburg, located at:	Jermyn	Effective

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-14-00	101 Old Lackawanna Trail Clarks Summit Lackawanna County The Peoples Bank of Oxford, Oxford, and The Peoples Interim Bank of Oxford, Oxford Surviving Institution— The Peoples Bank of Oxford, Oxford	400 Spruce Street Scranton Lackawanna County Oxford	Approved

Merger is being effected solely to facilitate the acquisition of The Peoples Bank of Oxford by Peoples First, Inc., Oxford, a bank holding company in organization.

7-14-00	Fidelity Savings Bank, Pittsburgh, and Pennwood Savings Bank, Pittsburgh Surviving Institution— Fidelity Savings Bank, Pittsburgh	Pittsburgh	Effective
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Subsequent to the merger, both branch offices of Pennwood Savings Bank located in Kittanning will be acquired by The Farmers National Bank of Kittanning. The former main office of Pennwood Savings Bank will become a branch office of Fidelity Savings Bank as follows:

683 Lincoln Avenue
Pittsburgh
Allegheny County

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-26-00	Irwin Bank & Trust Company Irwin Westmoreland County	Scozio's Festival Foods Penn Crossing 2000 Penny Lane Jeannette Westmoreland County (Approved as Shop N Save, Harrison City.)	Opened
7-14-00	Premier Bank Doylestown Bucks County	2100 Street Road Bensalem Bucks County	Approved
7-14-00	Pennsylvania State Bank Camp Hill Cumberland County	6480 Carlisle Pike Mechanicsburg Cumberland County	Filed
7-17-00	The Peoples Bank of Oxford Oxford Chester County	Maple Heights Lane & Maryland Rte. 273 Rising Sun Cecil County Maryland	Filed

Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-22-00	Firsttrust Savings Bank Conshohocken Montgomery County	<i>To:</i> 1515 Market St. Philadelphia Philadelphia County <i>From:</i> 1601 JFK Boulevard Philadelphia Philadelphia County	Effective

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-14-00	Pennwood Savings Bank* Pittsburgh Allegheny County	125 Market St. Kittanning Armstrong County	Effective
7-14-00	Pennwood Savings Bank* Pittsburgh Allegheny County	4 Hilltop Plaza Kittanning Armstrong County	Effective

*Above-noted branch offices were acquired by The Farmers National Bank of Kittanning, simultaneous with the merger of Pennwood Savings Bank with and into Fidelity Savings Bank, Pittsburgh.

SAVINGS INSTITUTIONS**Branch Application**

<i>Date</i>	<i>Name of Association</i>	<i>Location</i>	<i>Action</i>
7-13-00	Washington Savings Association Philadelphia Philadelphia County	8729 Frankford Ave. Philadelphia Philadelphia County	Filed

CREDIT UNIONS

No activity.

DAVID E. ZUERN,
Secretary

[Pa.B. Doc. No. 00-1283. Filed for public inspection July 28, 2000, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION**Applications, Actions and Special Notices****APPLICATIONS****APPLICATIONS RECEIVED UNDER THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT****[National Pollution Discharge Elimination System Program (NPDES)]****DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER****(Part I Permits)**

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

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

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

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

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

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

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

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

PA 0058068. Sewage, **Terry Schnable**, 3234 Rockhill Road, Perkiomenville, PA 18074.

This application is for issuance of an NPDES permit to discharge treated sewage from Schnable Residence STP in Upper Frederick Township, **Montgomery County**. This is a new discharge to an Unnamed Tributary to Perkiomen Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 500 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	10	20
Suspended Solids	20	40
Total Residual Chlorine	monitor/report	monitor/report
Fecal Coliform	200 colonies/100 ml as a geometric average	
pH	within limits of 6.0—9.0 standard units at all times	

Other Conditions.

The EPA waiver is in effect.

PA 0026182. Sewage, One Vine Street, Lansdale, PA 19446.

This application is for renewal of an NPDES permit to discharge treated sewage from Lansdale Borough WWTP in Lansdale Borough, **Montgomery County**. This is an existing discharge to the West Branch of Neshaminy Creek.

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

The proposed effluent limits for Outfall 001, based on an annual average flow of 2.6 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅			
(5-1 to 10-31)	11	17	22
(11-1 to 4-30)	22	33	44
Suspended Solids	30	45	60
Ammonia (as N)			
(5-1 to 10-31)	1.5		3.0
(11-1 to 4-30)	4.5		9.0
Nitrate & Nitrate (as N)			
(7-1 to 10-31)	9.5		19.0
Phosphorus (as P)			
(4-1 to 10-31)	2.0		4.0
Total Residual Chlorine	0.013		0.043
Fecal Coliform	200 colonies/100 ml as a geometric average		
Dissolved Oxygen	minimum of 6.0 mg/l at all times		
pH	within limits of 6.0—9.0 standard units at all times		

The proposed effluent limits for outfall 002, (swirl concentrator) during wet weather conditions 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	monitor/report	monitor/report	monitor/report
Suspended Solids	monitor/report	monitor/report	monitor/report
Ammonia (as N)	monitor/report	monitor/report	monitor/report
Fecal Coliform	monitor/report	monitor/report	monitor/report
Total Residual Chlorine	monitor/report	monitor/report	monitor/report
pH (STD Units)	monitor/report (Inst. Min)	monitor/report	monitor/report

The effluent limits for outfall 003 (Ridge Street pump station), during extreme wet weather conditions are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Residual Chlorine	monitor/report	monitor/report
Fecal Coliform	monitor/report	monitor/report
pH (STD Units)	monitor/report (Inst. Min)	monitor/report

Other Conditions:

The EPA waiver is not in effect.
 Conditions for future permit modification.
 Effective disinfection.
 CSO Requirements.
 Chlorination requirements for outfalls 002 and 003.

Northeast Region: Environmental Protection Manager, Water Management, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2553.

PA 008885-A1. Industrial waste, SIC: 2621, **Procter and Gamble Paper Products Company**, P. O. Box 32, Route 87, Mehoopany, PA 18629.

This proposed action is for renewal of an NPDES permit to discharge treated process wastewater into the Susquehanna River in Washington Township, **Wyoming County**.

The receiving stream is classified for the following uses: warm water fishery, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply (PWS) considered during the evaluation is Danville Water Supply on the Susquehanna River.

The proposed effluent limits for Outfall 001 based on a design flow of 7.72 mgd are:

<i>Parameter</i>	<i>Monthly Average (lbs/day)</i>	<i>Daily Maximum (lbs/day)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	10,000	18,800	
Total Suspended Solids	9,833	18,800	
pH	6.0 to 9.0 standard units at all times		
Total Residual Chlorine	.9 mg/l		1.8 mg/l

Outfalls 002, 003, 004, 006 and 007—Stormwater outfalls

The EPA waiver is not in effect.

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

PA 0041581. SIC Code 4952, Sewage, **Liverpool Municipal Authority**, P. O. Box 357, Liverpool, PA 17045.

This application is for amendment of an NPDES permit for an existing discharge of treated sewage to the Susquehanna River, in Liverpool Township, **Perry 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 United Water Company located in Susquehanna Township, Dauphin County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.175 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
Total Residual Chlorine	1.5	—	2.5
Dissolved Oxygen	minimum of 5.0 at all times		
pH	from 6.0 to 9.0 inclusive		
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	100,000/100 ml as a geometric average		

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

The EPA waiver is in effect.

PA 0052531. SIC Code 5171, Industrial waste, **Columbia Petroleum Corporation** (Sinking Spring Bulk Storage Terminal), P. O. Box 278, Richland, PA 17087-0278.

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

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

The proposed effluent limits for Outfalls 001 and 002 are:

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

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

The EPA waiver is in effect.

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

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

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

The proposed effluent limits for Outfall 001 for a design flow of 0.280 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH		from 6.0 to 9.0 inclusive	
Oil and Grease	10	XXX	25
Temperature	monitor and report	monitor and report	XXX
Total Suspended Solids	19	31	47

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

The EPA waiver is in effect.

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

PAS 606102. Industrial waste, SIC: 5015, **Route 19 Auto Salvage, Inc.**, R. D. 1, Box 102, Canonsburg, PA 15317.

This application is for issuance of an NPDES permit to discharge stormwater from the Auto Salvage Yard in North Strabane Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, Unnamed Tributary to Little Chartiers Creek, classified as a high quality—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 Borough Municipal Water Authority, located at River Mile 4.9—Ohio River, approximately 27 miles below the discharge point.

*Outfall 001: new discharge, design flow of varied 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	monitor and report				
Total Suspended Solids			monitor and report		
Iron			monitor and report		
Aluminum			monitor and report		
Zinc			monitor and report		
Lead			monitor and report		
Oil and Grease			monitor and report		

*This outfall discharges stormwater runoff.

The EPA waiver is in effect.

*Outfall 002: new discharge, design flow of varied 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	monitor and report				
Total Suspended Solids			monitor and report		
Iron			monitor and report		
Aluminum			monitor and report		
Zinc			monitor and report		
Lead			monitor and report		

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Oil and Grease			monitor and report		

*This outfall discharges stormwater runoff.

PA 0032611. Sewage, **Portage Area Sewer Authority**, 606 Cambria Street, Portage, PA 15946.

This application is for renewal of an NPDES permit to discharge treated sewage from the Portage Area Sewage Treatment Plant in Portage Township, **Cambria County**.

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

Outfall 001: existing discharge, design flow of 1.0 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25	37.5		50
Suspended Solids	30	45		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			3.3
pH	not less than 6.0 nor greater than 9.0			

Other Conditions:

The EPA waiver is not in effect.

PA 0218588. Sewage, **Michael Weekley**, 135 Sandy Drive, Clinton, PA 15026.

This application is for issuance of an NPDES permit to discharge treated sewage from Weekley Single Residence STP in Hanover Township, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Drainage Swale to Unnamed Tributary of Traverse 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 Midland Borough Municipal Authority on the Ohio River.

Outfall 001: new discharge, design flow of 0.0005 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	10			20
Suspended Solids	10			20
Ammonia Nitrogen (5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	7.0			14.0
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	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.

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

PA 0210617. Sewage. **Evergreen Mobile Home Park**, New Springfield, OH 44443.

This application is for renewal of an NPDES Permit, to discharge treated sewage to an unnamed tributary to Sanky Run in Mahoning Township, **Lawrence County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fish, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed

downstream potable water supply considered during the evaluation is the New Castle District Pennsylvania—American Water Company on the Shenango River located at River Mile 5.0 and is located 5.0 miles below point of discharge.

The proposed discharge limits for Outfall No. 001 based on a design flow of 0.00252 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
TSS	30	60
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric average 2,000/100 ml as a geometric average	
Total Residual Chlorine	1.4	3.3
Dissolved Oxygen	minimum of 3 mg/l at all times	
pH	6.0—9.0 at all times	

The EPA waiver is in effect.

PA 0101273. Industrial waste, SIC: 3079. **BHB Industries**, 133 Railroad Street, Cambridge Springs, PA 16403.

This application is for renewal of an NPDES Permit, to discharge noncontact cooling water to French Creek in Cambridge Springs, **Crawford County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Franklin General Authority intake on French Creek located at Franklin, approximately 45 miles below point of discharge.

The proposed discharge limits for Outfall No. 001 based on a design flow of 0.018 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	monitor and report		
Oil and Grease	15		30
pH		6.0 to 9.0 at all times	

The EPA waiver is in effect.

PA 0005584. Industrial waste, SIC: 3221, 3559. **Owens-Brockway Glass Container, Inc.**, Route 219 North, Brockway, PA 15824.

This application is for renewal NPDES Permit, to discharge treated sewage, treated industrial waste, noncontact cooling water (Group 1) and stormwater to Little Toby Creek in Snyder Township, **Jefferson County**. This is an existing discharge.

The receiving water is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is Western PA Water Company on the Clarion River located at Clarion Borough, approximately 49.5 miles below point of discharge.

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

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX		
Total Suspended Solids	XX		
Chemical Oxygen Demand	XX		
Oil and Grease	XX		
Nitrate-Nitrite (as N)	XX		
Temperature (**)	XX		
pH		6.0 to 9.0 at all times	

(**)—In the absence of stormwater.

XX—Monitor and report on monthly DMRs.

The proposed discharge limits for Outfall No. 002 based on a design flow of 0.051 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX		
Oil and Grease	15		30
Total Suspended Solids	30	60	75
CL-2150	0.7		

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CL-2141	0.26		
CL-2038	4.6		
CL-455	9.9		
CL-907	127		
pH		6.0 to 9.0 at all times	

The proposed discharge limits for Outfall No. 102 based on a design flow of 0.0377 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX		
CBOD ₅	25		50
TSS	30		60
Oil and Grease	15		30
Fecal Coliform (5-1 to 9-30)	200/100 ml		
(10-1 to 4-30)	30,000/100 ml		
Total Residual Chlorine	0.5		10
pH		6.0 to 9.0 at all times	

XX—monitor and report on monthly DMRs.

The proposed discharge limits for Outfall No. 003 based on a design flow of n/a mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX		
Total Suspended Solids	XX		
Chemical Oxygen Demand	XX		
Oil and Grease	XX		
Nitrate-Nitrite (as N)	XX		
pH		6.0 to 9.0 at all times	

XX—Monitor and report on monthly DMRs.

The EPA waiver is in effect.

Proposed NPDES Permit Renewal Actions for Minor Sewage Discharges

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

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

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

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

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

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

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Requirements</i>
PA 0021695	Orbisonia-Rockhill Joint Municipal Authority P. O. Box 346 Elliott Street Orbisonia, PA 17243-0346	Huntingdon County Cromwell Township	Blacklog Creek	TRC
PA 0087041	Klass Bakker Inc. Lake in Wood CG 576 Yellow Hill Rd. Narvon, PA 17555	Lancaster County Brecknock Township	UNT Black Creek	TRC

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

Applications under the Pennsylvania Clean Streams Law

(Part II Permits)

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

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

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

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

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

WQM Permit No. 1500418. Sewerage. **City of Coatesville Authority**, 114 East Lincoln Highway, P. O. Box 791, Coatesville, PA 19320. Applicant is requesting approval for the construction and operation of two pump stations to serve a proposed residential subdivision known as Brinton Station Subdivision located in East Fallowfield Township, **Chester County**.

WQM Permit No. 1598405 Amendment No. 1. Sewerage. **West Goshen Sewer Authority**, 848 South Concord Road, West Chester, PA 19382. Applicant is requesting approval to replace a chemical feed system from a dry feed to a liquid alum system to serve the West Goshen Sewer Authority located in West Goshen Township, **Chester County**.

WQM Permit No. 4600421. Sewerage. **Montgomery County S.P.C.A.**, 19 E. Ridge Pike, Conshohocken, PA 19428. Applicant is requesting approval for the construction and operation of wastewater treatment facility with spray irrigation to serve the Montgomery County S.P.C.A. located in Upper Frederick Township, **Montgomery County**.

WQM Permit No. 2300201. Industrial waste. **Sunoco Inc. R & M**, 1801 Market Street, Philadelphia, PA 19109-1699. Applicant is requesting approval for the construction and operation of an Industrial Wastewater treatment plant to treat contaminated groundwater to serve the Sunoco A-Plus service station located in Aldan Borough, **Delaware County**.

WQM Permit No. 0900409. Sewerage. **Bucks County Water & Sewer Authority**, 1275 Almshouse Road, Warington, PA 18976. Applicant is requesting approval for the construction and operation to install a low-pressure forcemain to serve approximately 80 single-family dwellings located in Doylestown Township, **Bucks County**.

WQM Permit No. 1500419. Sewerage. **South Coventry Township**, 1002 Ridge Road, Pottstown, PA 19465. Applicant is requesting approval for the construction and operation of a 55,000-gpd-treatment facility with a sub-surface disposal (drip), which will also include construction of gravity collection system, pump station located in South Coventry 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. 6792402, Amendment 00-1. Sewage, submitted by the **Fairview Township Municipal Authority**, 599 Lewisberry Road, New Cumberland, PA 17070-2399 in Fairview Township, **York County** to rerate the hydraulic and organic capacity of the wastewater treatment plant was received in the Southcentral Region on June 28, 2000.

A. 6700406. Sewage, submitted by **Windsor Township**, 1480 Windsor Road, Red Lion, PA 17356 in Windsor Township, **York County** to construct the Taylor Estates

Pump Station and Force Main to serve the Taylor Estates Phase II was received in the Southcentral Region on July 3, 2000.

A. 5000403. Sewage, submitted by **David Thomas**, 1458 Valley Rd., Marysville, PA 17053 in Rye Township, **Perry County** to construct a sewage treatment plant to serve their single family residence was received in the Southcentral Region on July 10, 2000.

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

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

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

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

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

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

WQM Permit No. 0800402. Sewerage. **Troy Borough Wastewater Treatment Plant**, 10 Elmira Street, Troy, PA 16947. Application submitted for Organic Rerating of Plant was received on May 30, 2000 at the Northcentral Office.

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

WQM Permit No. 1900402. Sewerage. **Locust Township**, R.D. 3, Catawissa, PA 17820. Application submitted to rerate the plant for additional flow and was received on July 10, 2000 at the Northcentral Office.

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

A. 0400408. Sewerage, **YMCA of Pittsburgh**, 126 Nagle Road, Fombell, PA 16123-9414. Application for the construction and operation of a sewage treatment plant, pump station, Outfall and Headwall and a Stream Crossing to serve the Camp Kon-O-Kwee/Spencer STP located in Marion Township, **Beaver County**.

A. 5600403. Sewerage, **Arthur Leonard**, 310 Spang Road, Baden, PA 15005. Application for the construction and operation of a small flow sewage treatment plant to serve the Leonard Residence located in Middlecreek Township, **Somerset County**.

A. 6370414-A1. Sewerage, **Municipal Authority of the City of Monongahela**, 521 West Main Street, Monongahela, PA 15063. Application for the modification and operation of the sewage treatment plant to serve the City of Monongahela STP located in Monongahela City, **Washington County**.

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

WQM Permit No. 100404. Sewerage. **Western Butler County Authority**, 607 Market Street, P. O. Box 427, Zelenople, PA 16063. This project is for the construction of a new submersible pump station and flow meter pit and installation of a standby natural gas generator with enclosure in the City of Zelenople, **Butler County**.

WQM Permit No. 2400402. Sewerage, **David Lerch**, P. O. Box 92, Gifford, PA 16732. This project is for the construction of a Single Residence Sewage Treatment Plant in Keating Township, **McKean County**.

WQM Permit No. 2000409. Sewerage, **Frank E. Pashel**, 234 Guenevere Drive, Pittsburgh, PA 15237. This project is for the construction of a Single Residence Sewage Treatment Plant in Wayne Township, **Crawford County**.

INDIVIDUAL PERMITS (PAS)

NPDES Individual

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

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

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

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

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

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

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

NPDES Permit PAS10J049. Stormwater. **G & W Land Company, LP**, 1030 West Germantown Pike, P. O. Box 287, Fairview Village, PA 19409, has applied to discharge stormwater from a construction activity located in Newtown Township, **Delaware County**, to Crum Creek (HQ).

NPDES Permit PAS10-G422. Stormwater. **Realen Homes, Inc.**, 1040 Stoney Hill Road, Suite 100, Yardley, PA 19067, has applied to discharge stormwater from a construction activity located in South Coventry Township, **Chester County**, to French Creek (HQ-TSF).

Northeast Regional Office: Regional Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2511.

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

NPDES Permit PAS10Q206. Stormwater. **Jaindl Land Company**, David M. Jaindl, 3150 Coffeetown Road, Orefield, PA 18069-2511, has applied to discharge stormwater from a construction activity located in Upper Macungie Township, **Lehigh County**, to Little Lehigh Creek, HQ-CWF.

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

NPDES Permit PAS10U134. Stormwater. **Nicholas J. Pugliese**, 1072 Grand St., Phillipsburg, NJ 08865, has applied to discharge stormwater from a construction activity located in Plainfield Township, **Northampton County**, to Bushkill Creek, HQ-CWF.

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

NPDES Permit PAS10U135. Stormwater. **Marc Bartolomei, Plant Engineer**, S&L Plastics, Inc., 2860 Bath Pike, Nazareth, PA 18064, has applied to discharge stormwater from a construction activity located in Upper Nazareth Township, **Northampton County**, to Monocacy Creek, HQ-CWF.

NPDES Permit PAS702203. Stormwater. **Eastern Industries, Inc.**, Bath Blacktop Plant, P. O. Box 98, Rt. 512, 8013 Beth-Bath Pike, Bath, PA 18014 has applied to discharge stormwater from an industrial site located in East Allen Township, **Northampton County**, to Monocacy Creek.

Southcentral Regional Office: Regional Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 657-4707.

Fulton County Conservation District, District Manager, Fulton County CD, 216 North Second Street, McConnellsburg, PA 17233, (717) 485-3547.

NPDES Permit PAS-10-2804. Stormwater. **South Central Business Park c/o F.I.D.A.**, 112 North 3rd Street, McConnellsburg, PA 17233 has applied to dis-

charge stormwater from a construction activity located in Ayr Township, **Fulton County**, to Big Cove Creek. (CWF)

Berks County Conservation District, District Manager, Berks County CD, P. O. Box 520, 1238 County Welfare Road, Leesport, PA 19533, (610) 372-4657.

NPDES Permit PAS-10-C042. Stormwater. **Forino Company**, 555 Mountain Home Road, Sinking Spring, PA 19608 has applied to discharge stormwater from a construction activity located in Robeson Township, **Berks County**, to Beaver Run. (HQ, CWF, MF)

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 PAS10F091. Stormwater, **Fleetwood Farms**, Gilbert and Betty Gummo, 161 N. Fillmore Rd., Bellefonte, PA 16823 has applied to discharge stormwater from a construction activity located in Benner Township, **Centre County** to an unnamed tributary to Buffalo Run.

SAFE DRINKING WATER

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

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

3900502. Public water supply. **Borough of Catasauqua**, Eugene L. Goldfeder, Manager, 118 Bridge Street, Catasauqua, PA 18032-2598. This proposal involves the construction of a new pump station to allow utilization of an existing concrete tank as a raw water reservoir, replacement of the concrete tank floating cover and relocation of chemical feed equipment. It is located in the Borough of Catasauqua, **Lehigh County**. *Engineer:* Steven R. Henning, PE, G. Edwin Pidcock Co.

3900503. Public water supply. **Colonial Crest Water System**, Bernard A. Rodgers Twp., Manager, 5500 Camp Meeting Rd., Center Valley, PA 18034. This proposal involves a new well pump of increased capacity, new chlorination system and equipment to feed a phosphate chemical for corrosion control not associated with the lead copper rule. It is located in Upper Saucon Township, **Lehigh County**.

Engineer: Albert Kortze, PE

4000502. Public water supply. **College Misericordia**, Larry Baltz, Director, 301 Lake Street, Dallas, PA 18612. This proposal involves the installation of hypo chlorinators for disinfection and chemical feed pumps for corrosion control treatment using zinc orthophosphate. It is located in **Luzerne County**.

Engineer: Joseph Mazzoni, PE.

4500504. Public water supply. **Pocono Manor Inn**, James Ireland, Pocono Manor, PA 18349. This proposal involves the addition of a new well source and equipment for disinfection. It is located in Pocono Township, **Monroe County**.

Engineer: John A. Miller, PE

4800503. Public water supply. **Hellertown Borough Authority**, David Reigel, Authority Secretary, 501 Durham Street, Hellertown, PA 18055. This proposal involves construction of a new well source with associated wellhouses providing chemical disinfection. A 550 foot, 24 inch diameter water line will be constructed to obtain the required chlorine contact time. It is located in Hellertown Borough, **Northampton County**.

Engineer: Mark S. Geasits, PE, Schoor Depalma, Inc.

5497506. Public water supply. **Tumbling Run Filter Plant**, Jan Schaeffer, 12 West Main Street, Schuylkill Haven, PA 17972. This proposal involves major upgrade/replacement at the existing treatment plant, installation of a ground storage reservoir and transmission main at Chestnuthill, along with replacement of an existing 3½ mile water main. It is located in the Borough of Schuylkill Haven, **Schuylkill County**. *Engineer:* Brent L. Berger, Quad Three Group, Inc.

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

Under sections 304(n)(l)(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, please contact the Environmental Cleanup Program Manager in the Department Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

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

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

Conrail Parcel, Marcus Hook Borough, **Delaware County**. Bruce R. Cushing, ATC Associates, Inc., 920 Germantown Pike, Suite 200, Plymouth Meeting, PA 19462, has submitted a Notice of Intent to Remediate site soil contaminated with lead and heavy metals. The applicant proposes to remediate the site to meet site-specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in *Delaware County Times* on March 31, 2000.

Former Slonaker Millworking Company, City of Philadelphia, **Philadelphia County**. Dennis Fisher, NTH Consultants, Ltd., 860 Springdale Drive, Exton, PA 19341, has submitted a Notice of Intent to Remediate site soil contaminated with lead, heavy metals and polycyclic aromatic hydrocarbons. The applicant proposes to remediate the site to meet site-specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in *A1 Dia* on May 10, 2000.

Northern Group, Inc., City of Philadelphia, **Philadelphia County**. Andrew S. Levine, Esq., 2600 One Commerce Square, Philadelphia, PA 19103, has submitted a Notice of Intent to Remediate site soil, surface water and sediment contaminated with PCBs, lead, heavy metals, pesticides, solvents, BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons; and groundwater contaminated with solvents, BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The site is located in a special industrial area. The applicant's proposed remediation will address any immediate, direct or imminent threat to the public health and the environment and will be based on the results of the Baseline Remedial Investigation Report. A summary of the Notice of Intent to Remediate was reported to have been published in *The Philadelphia Inquirer* on May 19, 2000.

9th and Madison Streets Site, City of Chester, **Delaware County**. Christopher Orzechowski, RT Environmental Services, Inc., 215 W. Church Road, King of Prussia, PA 19406, has submitted a Notice of Intent to Remediate site soil contaminated with lead. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reported to have been published in *The Philadelphia Inquirer* on May 30, 2000.

2555 Street Road, LLC, Bensalem Township, **Bucks County**. Darryl D. Borrelli, Manko, Gold & Katcher, LLP, 401 City Avenue, Suite 500, Bala Cynwyd, PA 19004, has

submitted an amended Notice of Intent to Remediate site groundwater contaminated with solvents. The applicant proposes to remediate the site to meet site-specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in *The Bucks County Courier Times* on June 2, 2000.

The Orchards, Dublin Borough, **Bucks County**. Darryl D. Borrelli, Manko, Gold & Katcher, LLP, 401 City Avenue, Suite 500, Bala Cynwyd, PA 19004, has submitted a Notice of Intent to Remediate site groundwater contaminated with solvents. The applicant proposes to remediate the site to meet background standards. A summary of the Notice of Intent to Remediate was reported to have been published in *The Bucks County Courtier Times* on June 5, 2000.

Glasgow Bridgeport Facility, Upper Merion Township, **Montgomery County**. Christopher Orzechowski, RT Environmental Services, Inc., 215 W. Church Road, King of Prussia, PA 19406, has submitted a Notice of Intent to Remediate site soil contaminated with lead, BTEX and polycyclic aromatic hydrocarbons. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reported to have been published in *King of Prussia Courier* on June 7, 2000.

Main Street at Exton, West Whiteland Township, **Chester County**. J. Anthony Sauder, P.G., Pennoni Associates, Inc., 3001 Market Street, Suite 200, Philadelphia, PA 19104, has submitted a Notice of Intent to Remediate site soil contaminated with heavy metals, solvents, BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons and groundwater contaminated with solvents, BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The applicant proposes to remediate the site to meet site-specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in *The Daily Local News* on June 9, 2000.

John R. Hollingsworth Co., Schuylkill Township, **Chester County**. Mary Beth Yannessa, Leak D-Tech Services, Inc., 13 Doe Run Lane, Pottstown, PA 19464, has submitted a Notice of Intent to Remediate site soil contaminated with solvents, BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons and groundwater contaminated with heavy metals, solvents, BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The applicant proposes to remediate the site to meet site-specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in *The Evening Phoenix* on June 19, 2000.

Former Formal Affairs, Inc., Willistown Borough, **Chester County**. Stephen B. Fulton, P.E., P.G., ARM Group, Inc., 561 West Chocolate Avenue, Hershey, PA 17033, has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with solvents. The applicant proposes to remediate the site to meet site-specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in *The Chester County Daily Local News* on June 20, 2000.

Sun Pipe Line Company, East Goshen Township, **Chester County**. Jennifer L. Stafford, P.G., Groundwater & Environmental Services, Inc., 410 Eagleview Blvd., Suite 110, Exton, PA 19341, has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with BTEX and petroleum hydrocarbons. The applicant proposes to remediate the site to meet site-specific standards. A summary of the Notice of Intent to Remediate

was reported to have been published in *The Daily Local News* on June 23, 2000.

Rite Aid Pharmacy, City of Philadelphia, **Philadelphia County**. Mark A. Glenn, BL Companies, 2407 Park Drive, 1st Floor, Harrisburg, PA 17110, has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with lead, heavy metals and solvents. The applicant proposes to remediate the site to meet site-specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in *The News Gleaner* on or about June 28, 2000.

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

Scranton Army Ammunition Plant (a.k.a. Chamberlain Manufacturing Corporation), City of Scranton, **Lackawanna County**. David Everitt III, Environmental Scientist, MEA, Inc., 201 Center Street, Stockertown, PA 18083 has submitted a Notice of Intent to Remediate (on behalf of his clients, the Department of the Army and Chamberlain Manufacturing Corporation) concerning the remediation of site soils and groundwater found or suspected to have been contaminated with petroleum products and metals. The applicant proposes to remediate the site to meet the non-residential, non-use aquifer Statewide health standard.

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

PPL Pole Site No. 153, Eldred Township, **Lycoming County**. PPL, Inc., 2 North Ninth Street, Allentown, PA 18219, has submitted a Notice of Intent to Remediate soil contaminated with PCBs. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Williamsport Sun-Gazette* on February 16, 2000. See Final Report submission information further on in this *Pennsylvania Bulletin*.

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

Bertolino Building Site, City of Harrisburg, **Dauphin County**. RETTEW Associates, Inc., 3020 Columbia Avenue, Lancaster, PA 17603, Girard Estate, 21 South 12th Street, Philadelphia, PA 19107, and Hudson Investment, 2450 Shenango Valley Freeway, Hermitage, PA 16148 have submitted a Notice of Intent to Remediate site soils and groundwater contaminated with BTEX and PAHs. The applicants propose to remediate the site to meet the Statewide health standard requirements. A summary of the Notice of Intent to Remediate was reported to have been published in *The Patriot News* on July 8, 2000.

New Holland Manufacturing Facility Franklin Street Complex, New Holland Borough, **Lancaster County**. Aquaeter, Inc., 215 Jamestown Park, Suite 204, Brentwood, TN 37027 and New Holland North America, Inc., 500 Diller Avenue, New Holland, PA 17557 have submitted a Notice of Intent to Remediate site soils contaminated with PHCs. The applicants propose to remediate the site to meet the Statewide health standard requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Lancaster New Era/Intelligencer Journal* on May 7, 1999.

**SOLID AND HAZARDOUS WASTE
OPERATE WASTE PROCESSING OR DISPOSAL
AREA OR SITE**

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

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

Permit No. 101644. Blair County Resource Recovery Facility, Inc. (R. D. 1, Box 938A, Altoona, PA 16601). Application for permit modification for increase in daily volume and change in operating hours for a facility in Logan Township, **Blair County**. Application determined to be administratively complete in the Regional Office July 11, 2000.

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

A. 100277. Wstmoredland Waste, LLC, 1428 Delberts Drive, Unit 2, Monongahela, PA 15063. Sanitary Landfill, 900 Tyrol Blvd., Belle Vernon, PA 15012. An application for a major permit modification of the construction and operation of the North and South Expansion areas of an existing sanitary landfill in Rostraver Township, **Westmoreland County** was received in the Regional Office on July 5, 2000.

AIR QUALITY

Notice of Plan Approval and Operating Permit Applications

Nonmajor Sources and Modifications

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

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

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

Persons wishing to file protests or comments on the proposed plan approval and/or operating permits must submit the protest or comment within 30 days from the date of this notice. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Any comments or protests filed with Department Regional Offices must include a concise statement of the objections to the issuance of the

plan approval or operating permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior to the date of the hearing.

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

OPERATING PERMITS

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

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

40-320-010: Plainwell Tissue (901 Sathers Drive, P. O. Box 6000, Pittston, PA 18640) for operation of a water-based napkin printing system in Pittston Township, **Luzerne County**.

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

28-03017: New Enterprise Stone & Lime Co., Inc. (P. O. Box 77, New Enterprise, PA 16664-0077) for a Natural Minor Operating Permit for a stone crushing operation at their Dry Run facility in Fannett Township, **Franklin County**.

28-03037: Kurdziel Industrial Coatings Co. (9473 Lincoln Way, St. Thomas, PA 17252) for a Synthetic Minor Operating Permit for a spray booth and drying oven in St. Thomas Township, **Franklin County**.

67-03052: Bimax, Inc. (212 Cockeysville Road, Cockeysville, MD 21030) for a Natural Minor Operating Permit for a chemical manufacturing facility in Springfield Township, **York County**.

Notice of Intent to Issue Title V Operating Permits

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

Appointments to review copies of the Title V application, proposed permit and other relevant information must be made by contacting Records Management at the regional office telephone number noted below. 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 any objections to the permit issuance and the relevant facts upon which the objections are based.

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

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

23-00037: Sun Refining Co., Inc. (R&M) (Hog Island Road, Philadelphia, PA 19153) in Tinicum Township, **Delaware County**. The facility's major emission points include tanker ballasting and petroleum storage tanks which emit major levels of volatile organic compounds (VOCs).

15-00026: American Inks & Coatings Corp. (Pawlings Road, Valley Forge, PA 19483) in Schuylkill Township, **Chester County**. The facility's major emission points include four rolling mills, mixing tanks and equipment which emit major levels of volatile organic compounds (VOCs) and some hazardous air pollutants (HAPs).

46-00109: Eastern Continuous Forms, Inc. (1931 Morris Road, North Wales, PA 19454) in Whippen Township, **Montgomery County**. The facility's major emission points include 10 lithographic printing presses and two letter presses which emit major levels of volatile organic compounds (VOCs).

15-00016: Worthington Steel Co. (45 North Morehall Road, Malvern, PA 19355) in East Whiteland Township, **Chester County**. The facility's major emission points include steel coil coating line, zinc and nickel plating lines, HCL pickle line and various combustion units which emit major levels of volatile organic compounds (VOCs), lesser levels of particulate matter and nitrogen oxides, and some hazardous air pollutants (HAPs).

Philadelphia Department of Public Health, Air Management Services, 321 University Ave., Philadelphia, PA 19104, (215) 685-7584.

V95-032: Braceland Brothers, Inc. (7625 Suffolk Avenue, Philadelphia, PA 19153) for operation of two non-heatset litho sheetfed presses, one non-heatset litho web press, three heatset litho web presses and three 2.4 MMBTU/hr natural gas-fired ovens in the City of Philadelphia, **Philadelphia County**.

V96-047: House of Corrections (8001 State Road, Philadelphia, PA 19136) for operation of 41 boilers and hot water heaters that burn Natural Gas or No. 2 Fuel Oil; 36 units have a heat input less than 10 MMBTU/hr; 5 units have a heat input between 10 and 12 MMBTU/hr; 12 emergency generators and one perchloroethylene dry-to-dry machine and ancillary equipment in the City of Philadelphia, **Philadelphia County**.

V95-030: Inolex Chemical Co. (Jackson and Swanson Streets, Philadelphia, PA 19148) for operation of a 52 MMBTU/hr boiler (limited to 49 MMBTU/hr), a 12.5 MMBTU/hr boiler, a 6.5 MMBTU/hr boiler seven reactors, a reactor tank, a vent condenser and an adipic silo with associated emission control devices (three scrubbers and two baghouses) in the City of Philadelphia, **Philadelphia County**.

V95-058: Naval Foundry and Propeller Center (Building 592-Code 991.3, Philadelphia, PA 19112) for operation of a foundry and machine shop with the associated emission control devices (baghouses, dust collectors and particulate recovery) in the City of Philadelphia,

Philadelphia, Philadelphia County. The foundry operations include cement mixing, metal melting, metal stress relieving and metal grit blasting. The machine shop operations include machining, degreasing, painting and blasting of metal parts. The facilities air emission sources include sand mixing, 14 electric induction furnaces, sand conveying operations, laser welding, blasting, metal grinding, sawing, one emergency generator, 17 combustion units, propeller cleaning, paint spraying, and film developing.

V95-004: PECO Energy Co., Delaware Station (1325 North Beach Street, Philadelphia, PA 19125) for operation of two 1,188 MMBTU/hr boilers, one 32.7 MMBTU/hr boiler, three 233 MMBTU/hr combustion turbines, one 284 MMBTU/hr combustion turbine and one 28.7 MMBTU/hr emergency diesel generator in the City of Philadelphia, **Philadelphia County**.

V95-006: PECO Energy Co., Schuylkill Station (2800 Christian Street, Philadelphia, PA 19146) for operation of one 1,530 MMBTU/hr boiler, one 233 MMBTU/hr combustion turbine, one 284 MMBTU/hr combustion turbine and one 2.75 MW emergency diesel generator in the City of Philadelphia, **Philadelphia County**.

V95-012: Philadelphian Condominiums (2401 Pennsylvania Avenue, Philadelphia, PA 19130) for operation of one 2200 HP engine, two 600 HP boilers and two 200 HP boilers in the City of Philadelphia, **Philadelphia County**.

V95-089: Smith-Edwards-Dunlap Co. (2867 East Allegheny Avenue, Philadelphia, PA 19134) for operation of 13 non-heatset lithographic printing presses, one 150 HP No. 2 Oil-fired Boiler and one 18 HP No. 4 Oil-fired Boiler in the City of Philadelphia, **Philadelphia County**.

V95-055: Sun Chemical—General Printing Ink Division (3301 Hunting Park Avenue, Philadelphia, PA 19132) for operation of 12 mixers, 10 mills, 19 mixing and storage tanks, two dispensing units, one transfer operation, one 2.5 MMBTU/hr Natural Gas-fired Boiler and one 1.79 MMBTU/hr Natural Gas-fired air handling unit with associated emission control devices (three dust collectors) in the City of Philadelphia, **Philadelphia County**.

V95-014: Tosco Corp. (G Street and Hunting Park Avenue, Philadelphia, PA 19124) for operation of two petroleum products loading racks, nine petroleum products storage tanks (five with vapor pressure > 1.5 psia) and two oil-water separators in the City of Philadelphia, **Philadelphia County**. Gasoline loading is controlled by a vapor recovery unit.

PLAN APPROVALS

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

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

PA-23-0040A: Laurel Pipe Line Co., L.P. (3398 Garnet Mine Road, Boothwyn, PA 19061) for petroleum pipeline breakout tanks in Bethel Township, **Delaware County**.

PA-23-0012: Epsilon Products Co. (Post Road and Blueball Avenue, Marcus Hook, PA 19061) for installation of Plant 2 and thermal oxidizer in Marcus Hook Borough, **Delaware County**.

PA-09-0009B: Webcraft Direct Marketing, Inc. (4371 County Line Road, Chalfont, PA 18914) for installation of a Web Offset Press in New Britain Township, **Bucks County**.

PA-46-0067: MM SKB Energy LLC (709 Swedeland Road, Building 32, Swedeland, PA 19406) for modification of diesel engines in Upper Merion Township, **Montgomery County**.

46-312-024GP: Accupac (1501 Industrial Boulevard, Mainland, PA 19451) for construction of a Webster Boiler in Towamencin Township, **Montgomery County**.

PA-46-0115A: Knoll, Inc. (1235 Water Street, East Greenville, PA 18041) for installation of a Cyclonic Baghouse in East Greenville Borough, **Montgomery County**.

PA-15-0095A: Longwood Gardens, Inc. (401 East Street Road, Kennett Square, PA 19348) for two 800 kW Emergency Generators in East Marlborough Township, **Chester County**.

OP-09-0027: Fres-Co System USA, Inc. (3005 State Road, Telford, PA 18969) for a minor operating permit modification of Press Station 201 in West Rockhill Township, **Bucks County**.

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

48-399-043A: Elementis Pigments, Inc. (1525 Wood Avenue, Easton, PA 18042) for minor modification of apron dryer in Easton, **Northampton County**.

48-309-112: Essroc Cement Corp. (3251 Bath Pike, Nazareth, PA 18064) for construction of a new cement loadout station at Nazareth Plant 1 in Lower Nazareth Township, **Northampton County**.

39-304-009C: Tyler Pipe Co. (Ransom Industries LP, 101 North Church Street, Macungie, PA 18062) for modification of eight grinding stations in Macungie Borough, **Lehigh County**.

40-399-043: Bridon American Corp. (P. O. Box 6000, Wilkes-Barre, PA 18773) for reactivation of the wire mill and pickling operations in Ashley Borough, **Luzerne County**.

45-318-031: Tobyhanna Army Depot (Department of Army, 11 Hap Arnold Boulevard, ATTN.: AMSEL-TY-RK-E, Tobyhanna, PA 18466) for construction of a paint spray operation and association air cleaning device in Coolbaugh Township, **Monroe County**.

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

05-05002A: Hedstrom Corp. (P. O. Box 432, Bedford, PA 15522) for installation of two Venturi Scrubbers for two tube mill flame spray lines for tubing production for the Bedford Plant in Bedford Township, **Bedford County**.

06-01003J: Lucent Technologies, Inc. (P. O. Box 13396, Reading, PA 19612-3396) for a 500 kw emergency electrical generator in Muhlenberg Township, **Berks County**.

06-03121: David L. Dieffenbach (57 Host Road, Womelsdorf, PA 19567) for an animal crematory controlled by a secondary combustion chamber in Tulpehocken Township, **Berks County**.

67-03001B: Frito-Lay, Inc. (3553 Gillespie Drive, York, PA 17404) for installation of a new snack food manufacturing line at their York Facility in West Manchester Township, **York County**.

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

OP-49-0007A: Merck and Co., Inc. (P. O. Box 600, Danville, PA 17821-0600) for installation of air cleaning devices (subsurface fill lines, high level interlocks, emergency vents, vacuum breakers and flame arresters) on six 100,000 gallon tanks (TA-870, TA-871, TA-886, TA-887, TA-888 and TA-889) in the Avermectin wastewater detoxification system and for the modification of a wastewater treatment plant by increasing its actual emissions of volatile organic compounds in Riverside Borough, **Northumberland County**. The air cleaning device installations are expected to reduce the volatile organic compounds from the six tanks by approximately 89 tons per year but due to a resultant increase in volatile organic compound emissions from the downstream wastewater treatment plant, the net volatile organic compound reduction is expected to be only 64.5 tons per year.

08-316-012B: Masonite Corp. (P. O. Box 311, Towanda, PA 18848) for modification of a hardboard production line (Line I) in Wysox Township, **Bradford County**.

19-317-023C: Heinz Pet Products (6670 Low Street, Bloomsburg, PA 17815) for installation of an air cleaning device (a scrubber) on a number of gravy mixing tanks in South Centre Township, **Columbia County**. The scrubber will reduce the particulate matter emissions from the gravy mixing tanks by an unknown amount and is additionally expected to help control potential malodor emissions from the mixing tanks.

49-307-003A: ISTIL (USA) Milton, Inc. (230 Lower Market Street, Milton, PA 17847) for reactivation of a steel billet reheat furnace and bar rolling mill in Milton Borough, **Northumberland County**.

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

PA-26-519A: Metal Processing of America (1800 Paul Thomas Blvd., Brownsville, PA 15417) for surface coating at the Brownsville Facility in Luzerne Township, **Fayette County**.

PA-26-518A: Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001) for installation and operation of a portable coal crusher at the Keslar Mine in Saltlick Township, **Fayette County**.

PA-26-402A: CBF Landfill Management (P. O. Box 266, McClellandtown, PA 15458) for installation and operation of a Leachate Evaporation System and enclosed ground flare at the J & J Landfill in German Township, **Fayette County**.

PA-63-641C: Regal Industrial Corp. (P. O. Box 291, Donora, PA 15033) for installation and operation of Dust Collector 3 at the Donora Plant in Donora Borough, **Washington County**.

PA-03-223A: Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001) for installation and operation of a portable coal crusher at Cherry Run 1 Surface Mine in Plumcreek Township, **Armstrong County**.

PA-56-263B: RoxCoal, Inc. (P. O. Box 149, Friedens, PA 15541) for installation and operation of screening operation at Sarah Mine in Jenner Township, **Somerset County**.

PA-04-706A: Beaver Valley Slag, Inc. (1150 Brodhead Road, Monaca, PA 15061) for installation and operation of a screen and crusher in Center Township, **Beaver County**.

PA-65-621A: Kennametal, Inc. (P. O. Box 231, Latrobe, PA 15650) for installation of an Elinco Calciner Furnace at the Kingston Plant in Derry Township, **Westmoreland County**.

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

PA-25-025B: General Electric Co. (2901 East Lake Road, Erie, PA 16531) for revision to 12 existing surface coating sources in Erie, **Erie County**.

PA-37-013C: Southdown, Inc. (2001 Portland Park, Wampum, PA 16157) for installation of four dust collectors on the existing clinker transfer system at their Title V facility in Wampum, **Lawrence County**.

Public Notice

Wood-Mode, Inc. (One Second Street, Kreamer, PA 17833) has submitted an application (No. OP-55-0005B) to the Department of Environmental Protection (Department) under section 127.11 of Chapter 127 of Article III of the Department's Rules and Regulations for approval to modify a wood cabinet molding/rail finishing operation in Middlecreek Township, Snyder County, by increasing its emission of volatile organic compounds such that the respective molding/rail finishing operation will no longer constitute an air contamination source of "minor significance." Approval is also being requested to control the volatile organic compound emissions from the modified molding/rail finishing operation with a regenerative thermal oxidizer which is already in place at the respective facility for the control of volatile organic compound emissions from other air contamination sources.

Wood-Mode, Inc. is a major facility for which a Title V operating permit application (TVOP-55-00005) has been submitted but for which no Title V operating permit has yet been issued.

Information provided by Wood-Mode indicates that the modified molding/rail finishing operation will potentially emit up to 10.18 tons of volatile organic compounds per 12 consecutive month period, some of which will also constitute hazardous air pollutants. A preliminary review of this information by the Department indicates that the modified molding/rail finishing operation will meet all applicable air quality requirements including the best available technology requirements of sections 127.1 and 127.12 of Chapter 127 of Article III of the Department and Subpart JJ of the National Emission Standards for Hazardous Air Pollutants, 40 CFR 63.800—63.808. Based on this finding, the Department proposes to approve the application and issue plan approval for the proposed modification and thermal oxidizer use. If this plan approval is issued and if the modified molding/rail finishing operation is subsequently found to be in compliance with all conditions of the plan approval as well as all applicable regulatory requirements, the plan approval will be incorporated into an operating permit (either Operating Permit OP-55-0005 or a Title V operating permit) via administrative amendment in accordance with Section 127.450 of Chapter 127 of Article III of the Rules and Regulations of the Department.

In order to ensure compliance with all applicable standards, the Department proposes to place the following conditions in the respective plan approval.

1. This plan approval is issued for the modification of a wood cabinet molding/rail finishing operation incorporating a Delle Vedove model SLC/15 spray booth. Said modification is an increase in volatile organic compound emissions from the respective finishing operation such that the finishing operation no longer constitutes an air contamination source of "minor significance." The volatile organic compound emissions from the modified finishing operation shall be controlled by an existing Salem 75-5V RTO regenerative thermal oxidizer. This plan approval is also issued for the installation of a Salem thermal oxidizer on the respective finishing operation.

2. Under the best available technology provisions of sections 127.1 and 127.12 of Chapter 127 of Article III of the Rules and Regulations of the Department, the Salem thermal oxidizer shall maintain a combustion chamber temperature of at least 1400°F, subject the air contaminant emissions to a residence time of at least 0.5 seconds and provide a volatile organic compound (VOC) destruction efficiency of at least 95% during all times that the respective molding/rail finishing operation is generating air contaminant emissions. Additionally, the thermal oxidizer shall be equipped with a continuous combustion chamber temperature monitoring and recording system.

3. Under the best available technology provisions of sections 127.1 and 127.12 of Chapter 127 of Article III of the Rules and Regulations of the Department, the air contaminant emissions from the respective molding/rail finishing operation shall be captured at an efficiency of at least 52% and ducted to the Salem thermal oxidizer. The Department reserves the right to require a greater capture efficiency should it be demonstrated that a greater capture efficiency is occurring.

4. Under the best available technology provisions of sections 127.1 and 127.12 of Chapter 127 of Article III of the Rules and Regulations of the Department, all finishing materials applied in the respective molding/rail finishing operation shall be applied via automatic air assisted airless spray guns.

5. Under the best available technology provisions of sections 127.1 and 127.12 of Chapter 127 of Article III of the Rules and Regulations of the Department, the VOC emissions (including those resulting from any associated cleanup activities) from the respective molding/rail finishing operation shall not exceed 10.18 tons per 12 consecutive month period (as determined by the Department). Additionally, the volatile organic compound emissions from the respective finishing operation shall not exceed 2.7 tons per 12 consecutive month period until such time as the finishing operation has been ducted to the Salem thermal oxidizer.

6. Under the best available technology provisions of sections 127.1 and 127.12 of Chapter 127 of Article III of the Rules and Regulations of the Department, all containers of VOC-containing materials (finishing and/or coating materials, cleaning solutions, and the like) shall be kept closed when not in actual use. Any cleaning, rags or cloths and the like containing VOC-containing materials shall be kept in closed containers when not in actual use. VOC-containing materials shall not be disposed of by evaporation. Cleaning, rags or cloths and the like with VOC-containing materials shall not be dried or otherwise treated or pretreated prior to reuse or removal from site by any means which is intended to promote the evaporative loss of contained VOCs into the atmosphere. Spray guns and lines shall not be cleaned by spraying solvent

through the gun unless the gun is located within a spray booth which is ducted to the Salem thermal oxidizer.

7. This finishing operation shall comply with all applicable requirements of Subpart JJ of the National Emission Standards for Hazardous Air Pollutants, 40 CFR 63.800—64.808 (Hazardous Air Pollutant Emissions from Wood Furniture Manufacturing Operations), in accordance with such schedule as may be specified therein.

8. The company shall maintain comprehensive, accurate records of the identities, types (sealer, thinner, and the like), quantities, VOC contents, water content and content of each individual hazardous air pollutant of each VOC-containing material used in the respective finishing operation each month. The company shall submit the records generated under this condition to the Department on a quarterly basis by no later than the 30th day following the end of the quarter (reports due on January 30, April 30, July 30 and October 30). Additionally, these records shall be retained onsite for at least 5 years.

9. Within 180 days from the date the respective molding/rail finishing operation has been ducted to the Salem thermal oxidizer, the company shall perform testing to demonstrate compliance with the destruction efficiency and capture efficiency requirements specified in conditions 3 and 4 herein as well as to determine the capture efficiency for all other sources controlled by the Salem thermal oxidizer. This testing is to be performed in accordance with procedures which are acceptable to the Department while all of the sources controlled by the Salem thermal oxidizer are operating at maximum capacity and while coating or finishing material usage rates in all individual spray booths are being accurately monitored. A pretest plan or protocol shall be submitted to the Department at least 60 days in advance of the proposed test dates and two copies of a test report shall be submitted no more than 60 days after the performance of the testing. The pretest plan or protocol is to include a description of the proposed testing and analytical procedures to be used, a description of the procedures to be used to monitor the coating or finishing material usage in each booth during the testing and dimensioned sketches of the oxidizer inlet and outlet showing the test port locations. The test report is to include the test results, a description of the testing and analytical procedures actually used for the performance of the testing and all coating or finishing material usage data collected during the testing.

10. Issuance of an operating permit for the respective, molding/rail finishing operation is contingent upon the source being modified, the Salem thermal oxidizer being installed, and the finishing operation and thermal oxidizer subsequently being maintained and operated, as specified in the application and supplemental materials submitted for plan approval, as well as in accordance with all conditions contained herein, and upon satisfactory demonstration that any air contaminants emitted from the source are in compliance with the limitations specified in all conditions contained herein, any applicable limitations specified in Subpart JJ of the National Emission Standards for Hazardous Air Pollutants, 40 CFR 63.800—63.808, the applicable limitations specified in sections 129.52 and 129.101—129.107 of Chapter 129 of Article III of the Rules and Regulations of the Department and the limitations specified in, or established under any other applicable rule or regulation contained in Article III.

11. The company shall immediately notify the Department of any malfunction of the sources or associated air

cleaning devices which results in, or may possibly be resulting in, the emission of air contaminants in excess of the limitations specified in, or established under, any applicable rule or regulation contained in Article III of the Rules and Regulations of the Department or in excess of any applicable limitations specified in Subpart JJ of the National Emission Standards for Hazardous Air Pollutants, 40 CFR 63.800—63.808, or in excess of the limitations specified in any condition contained herein or which otherwise results in, or may possibly be resulting in, noncompliance with the requirements specified in any condition contained herein.

12. This plan approval authorizes the operation of the respective molding/rail finishing operation for a period of up to 180 days from the day the installation of ductwork from the finishing operation to the Salem thermal oxidizer has been completed. The permittee shall notify the Department of the completion of the installation within 5 days of said completion.

In accordance with section 127.45 of Chapter 127 of Article III of the Rules and Regulations of the Department, the proposed plan approval conditions do one or more of the following:

1. Identify the air contamination sources and location.
2. Establish allowable emission rates.
3. Establish monitoring, recordkeeping, testing and reporting requirements.
4. Ensure proper operation and adequate maintenance.

A copy of the application and the Department's analysis are available for public inspection during normal business hours at the address listed.

Any person wishing to protest the issuance of plan approval or provide the Department with additional information which the individual believes should be considered prior to the issuance of the plan approval may submit the protest or information to the Department at the address listed. Each written protest or comment should include the following: name, address and telephone number of the person submitting comments; identification of the proposed Plan Approval No. OP-55-0005B; and a concise statement regarding the relevancy of the information or objections to issuance of the plan approval.

A public hearing may be held if the Department, in its discretion, decides that a hearing is warranted based on the information received. All persons protesting the issuance of plan approval, submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a newspaper of general circulation in Snyder County or by publication in the *Pennsylvania Bulletin* or by telephone, where the Department determines that notification by telephone is sufficient. All protests, comments and requests must be received by the Department no later than 30 days after the final day of publication of this notice.

Written protests, comments or a request for a public hearing should be directed to David W. Aldenderfer, Environmental Program Manager, Air Quality Program, Department of Environmental Protection, Northcentral Region, 208 West Third St., Suite 101, Williamsport, PA 17701-6448, (570) 327-3745.

For additional information regarding the Department's analysis of the application, contact Richard L. Maxwell, Jr., Chief of Engineering Services, Air Quality Program, Department of Environmental Protection, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (570) 327-3745.

MINING

APPLICATIONS TO CONDUCT COAL AND NONCOAL ACTIVITIES

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

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

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

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. These NPDES permits will contain, at a minimum, technology-based effluent limitations (as described in the Department's regulations—25 Pa. Code §§ 77.522, 87.102, 88.92, 88.187, 88.242, 89.52 and 90.102) for iron, manganese, suspended solids, settleable solids, alkalinity and pH. In addition, more restrictive effluent limitations, restrictions on discharge volume, or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit when necessary for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies which have requested review of the NPDES permit requirements for a particular mining activity within the above-mentioned public comment period will be provided with a 30-day period to review and submit comments on those requirements.

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

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

Coal Mining Applications Received:

56733702. MF Land Co., Inc. (P. O. Box 68, Boswell, PA 15531), to renew the permit for the Warnick Refuse Site in Jenner Township, **Somerset County**, to renew the existing permit for reclamation only, no additional discharges. Application received May 25, 2000.

03971301. DLR Mining, Inc. (3065 Airport Road, Indiana, PA 15701), to revise the permit for the Ridge Mine in South Bend Township, **Armstrong County**, to revise the existing permit and add 145 underground acres and 120 acres to the subsidence control boundary, no additional discharges. Application received June 8, 2000.

32841312. Keystone Coal Mining Corp. (P. O. Box 219, Shelocta, PA 15774), to revise the permit for the Urling No. 1 Mine in Washington Township, **Indiana County**, to revise the existing permit to change the land use at Mudlick Portal Area to warehousing and industrial and revise the reclamation plan, no additional discharges. Application received June 9, 1999.

63743702. Eighty Four Mining Co. (P. O. Box 284, Eighty Four, PA 15330), to renew the permit for the Mine No. 84 Refuse Disposal Area in Somerset Township, **Washington County**, for renewal, no additional discharges. Application received June 27, 2000.

30743711. RAG Cumberland Resources, L. P. (P. O. Box 1020, Waynesburg, PA 15370), to renew the permit for the Cumberland Coal Refuse Disposal Area in Whiteley Township, **Greene County**, for renewal, no additional discharges. Application received June 29, 2000.

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

16753010. C & K Coal Company (P. O. Box 69, Clarion, PA 16214). Renewal of an existing bituminous strip, auger, tipple refuse disposal, coal ash disposal, and beneficial use of coal ash operation in Licking and Toby Townships, **Clarion County** affecting 1,126.6 acres. This renewal is issued for reclamation only. Receiving streams: Six unnamed tributaries to Licking Creek. Application received: May 4, 2000. Permit Issued: July 7, 2000.

16703006. C & K Coal Company (P. O. Box 69, Clarion, PA 16214). Renewal of an existing bituminous strip, auger, coal ash placement, and tipple refuse disposal operation in Perry Township, **Clarion County** affecting 1,190.0 acres. This renewal is for reclamation only. Receiving streams: Four unnamed tributaries to the Clarion River. Application received: May 4, 2000. Permit Issued: July 7, 2000.

33890122. Terry Coal Sales, Inc. (P. O. Box 58, Distant, PA 16223). Renewal of an existing bituminous strip and auger operation in Knox, Oliver and Rose Townships, **Jefferson County** affecting 200.0 acres. This renewal is issued for reclamation only. Receiving streams: Unnamed tributary to Lick Run. Application received: May 2, 2000. Permit issued: July 7, 2000.

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

17980101. Ed Hanslovan Coal Co., Inc. (R. D. 2, Box 230, Morrisdale, PA 16858), transfer of an existing bituminous surface mine-auger permit from M. B. Energy, Inc. The permit is located in Bell Township, **Clearfield County** and affects 214.2 acres. Receiving streams: un-

named tributaries of Curry Run to Curry Run to West Branch of the Susquehanna River. Application received June 29, 2000.

17840126. E. P. Bender Coal Co., Inc. (P. O. Box 594, Carrolltown, PA 15722), renewal of an existing bituminous surface mine permit in Jordan Township, **Clearfield County** affecting 341.7 acres. Receiving streams: tributary to Comfort Run to North Witmer Run, to Clearfield Creek to West Branch Susquehanna River. Application received June 26, 2000.

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

03960105. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Application received to revise permit for a variance to encroach on the 100 foot stream barrier of an unnamed tributary to Huskins Run on the properties of John M. Stille and Dorothy Smith, at a bituminous surface/auger mine located in Cowanshannock Township, **Armstrong County**, affecting 510 acres. Receiving streams: unnamed tributaries to Huskins Run and Huskins Run. Revision application received: July 6, 2000.

65960105. M. B. Energy, Inc. (175 McKnight Road, Blairsville, PA 15717-7960). Renewal application received for continued reclamation of a bituminous surface mine located in Derry Township, **Westmoreland County**, affecting 165.6 acres. Receiving streams: unnamed tributary to Stony Run and Stony Run. Renewal application received: July 12, 2000.

65840111. M. B. Energy, Inc. (175 McKnight Road, Blairsville, PA 15717-7960). Renewal application received for continued reclamation of a bituminous surface mine located in Derry Township, **Westmoreland County**, affecting 282.0 acres. Receiving streams: unnamed tributaries to Stony Run. Renewal application received: July 12, 2000.

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

32900106. Permit Renewal for reclamation only. Mears Enterprises, Inc. (P. O. Box 157, Clymer, PA 15728), for continued restoration of a bituminous surface mine in Grant Township, **Indiana County**, affecting 260.0 acres, receiving stream unnamed tributaries to Little Mahoning Creek, application received July 10, 2000.

32000105. DJ&W Mining, Inc. (P. O. Box 425, Indiana, PA 15701), commencement, operation and restoration of bituminous surface-auger mine in Washington Township, **Indiana County**, affecting 121.0 acres, receiving stream unnamed tributaries to South Branch of Plum Creek and South Branch of Plum Creek to Plum Creek to Crooked Creek to Allegheny River, application received July 11, 2000.

Bureau of Deep Mine Safety

The Bureau of Deep Mine Safety has received a request for variance from the Dunkard Mining Company. The following notification contains a summary of this request. A complete copy of the variance request may be obtained from Allison Gaida by calling (724) 439-7469 or from the BDMS web site at <http://www.dep.state.pa.us/dep/deputate/minres/dms/dms.htm>.

The Department is publishing a summary of the request to solicit comments from affected parties on the proposed variance request. Comments may be used by the Bureau to assist in its investigation of the variance

request. Comments will be accepted for 30 days following the publication of this notice. All comments should be addressed to Richard E. Stickler, Director, Bureau of Deep Mine Safety, Fayette County Health Center, 100 New Salem Road, Room 167, Uniontown, PA 15401.

Section 702 of the Bituminous Coal Mine Act, 52 P. S. §§ 701 and 702, provides a mechanism for operators to obtain variances from specific requirements of the act to accommodate the adoption of new machinery, equipment, tools, supplies, methods or processes.

Section 242(c) states that where belt conveyors are installed, main stoppings and regulators shall be so arranged as to reduce the quantity of air traveling in the belt conveyor entry to a minimum for effective ventilation and to provide an intake air split as an escapeway from the face area to the main air current.

Summary of the request: Dunkard Mining Company requests a variance to make the cable entry common with the belt/track entry at the Dunkard Mine.

APPLICATIONS RECEIVED UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT

ENCROACHMENTS

The following permit applications and requests for Environmental Assessment approval and requests for water quality certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)), requires the State to certify that the involved projects will not violate the applicable provisions of 33 U.S.C.A. §§ 1311—1313, 1316 and 1317 as well as relevant State requirements. Initial requests for 401 certification will be published concurrently with the permit application. Persons objecting to approval of a request for certification under section 401 or to the issuance of a Dam Safety or Encroachment Permit, or the approval of Environmental Assessments must submit any comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted above the application.

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

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

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

E09-805. Encroachment. **Realen Homes LLC**, 1040 Stoney Hill Road, Suite 100, Yardley, PA 19067. To remove an existing onstream nonjurisdictional dam and associated concrete lined reservoir across an unnamed tributary to Dyers Creek (WWF). Also to construct in its place a reservoir associated with a stormwater management facility to serve the proposed Loberg Tract residential development. The applicant also seeks Environmental Assessment approval to construct an onstream

nonjurisdictional dam impacting approximately 100 feet of the stream. The site is located approximately 1,250 feet southeast of the intersection of Dolington Road (S. R. 2075) and Mount Eyre Road (T-363), (Lambertville, PA-NJ USGS Quadrangle N: 2.6 inches; W: 1.2 inches) in Lower Makefield Township, **Bucks County**.

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

E13-124. Encroachment. **Chestnut Ridge Railway**, 900 Delaware Avenue, Palmerton, PA 18071-2008. To replace and maintain the superstructure of the existing railroad bridge having six (6) spans (14-foot; 20-foot; 20-foot, 2 inches; 19-foot, 11-inches; 19-foot, 7-inches; 19-foot, 11-inches) and an average underclearance of 5 feet across Aquashicola Creek (HQ-CWF, MF). The project is located at the Chestnut Ridge Railway Railroad Bridge over Aquashicola Creek (Palmerton, PA Quadrangle N: 11 inches; W: 11 inches), Lower Towamensing Township, **Carbon County** (Philadelphia District, U. S. Army Corps of Engineers).

E39-388. Encroachment. **Handwerk Farms II**, 5664 Railroad Road, Germansville, PA 18053. To place fill in a total of 0.80 acre of PEM/SS wetlands for the construction of an access road, three road crossings and site construction. The project is located with the proposed Handwerk Farms II, an 18-hole public golf course. The project is located south of S. R. 4026 and S. R. 4014 (Slatedale, PA Quadrangle N: 15.1 inches; W: 7.6 inches), Heidelberg Township, **Lehigh County** (Philadelphia District, U. S. Army Corps of Engineers).

E39-389. Encroachment. **North Whitehall Township**, 3256 Levans Road, Coplay, PA 18037. To remove the existing structure and to construct and maintain a single span bridge having a span of 12-feet with a 7.0 foot underclearance over Spring Creek (CWF). The project is located immediately northwest of the intersection of T-699 (Spring Street) in T-708 (Mulberry Street) (Cementon, PA Quadrangle N: 11.7 inches; W: 6.6 inches), North Whitehall Township, **Lehigh County** (Philadelphia District, U. S. Army Corps of Engineers).

E40-555. Encroachment. **Joe Amato**, 1 Amato Drive, Moosic, PA 18507. To construct and maintain a pile supported, private recreational dock and boathouse having a surface area of approximately 5,725 S. F. and extending 50 feet from the shore of Harveys Lake (HQ-CWF). The project is located along the southern shore at Pole 302 (Harveys Lake, PA Quadrangle N: 18.4 inches; W: 4.5 inches), Harveys Lake Borough, **Luzerne County** (Baltimore District, U. S. Army Corps of Engineers).

E40-556. Encroachment. **Department of Transportation**, District 4-0, P. O. Box 111, Scranton, PA 18501. To place fill in a de minimis area of wetlands equal to 0.02 acre; to remove the existing structure and to construct and maintain a 22 foot \times 6 foot concrete box culvert, depressed 1.0 foot below streambed elevation in Long Run (CWF). The project is located at the S. R. 3040 bridge over Long Run (Sybertsville, PA Quadrangle N: 5.4 inches; W: 0.2 inch), Butler Township, **Luzerne County** (Baltimore District, U. S. Army Corps of Engineers).

E45-396. Encroachment. **West End Fair Association**, P. O. Box 115, Gilbert, PA 18331. To modify and maintain an existing road crossing in Weir Creek (HQ-CWF) and to place fill in a de minimis area of wetlands equal to 0.03 acre for the purpose of constructing a 16-foot extension to the existing four 24-inch R.C.P. culverts. The road crossing will have a total length of 32 feet and will provide

two-way vehicular and pedestrian traffic within the fair grounds. The project is located at the West End Fairgrounds, southeast of the intersection of S. R. 3005 and S. R. 3010 (Fairgrounds Road) (Brodheads ville, PA Quadrangle N: 6.3 inches; W: 7.6 inches), Chestnuthill Township, **Monroe County** (Philadelphia District, U. S. Army Corps of Engineers).

E48-295. Encroachment. **City of Bethlehem**, City Hall, 10 East Church Street, Bethlehem, PA 18018-6025. To construct and maintain a 60-inch diameter R.C.P. under the Lehigh Canal and a stormwater outfall structure and energy dissipater along the Lehigh River (WWF). This work is associated with the East Market Street Swale Improvement Project and proposed Moravian Village Retirement Community. The project is located between East Market Street and the Lehigh River, just west of Stefko Boulevard (Hellertown, PA Quadrangle N: 21.5 inches; W: 15.8 inches), City of Bethlehem, **Northampton County** (Philadelphia District, U. S. Army Corps of Engineers).

E48-296. Encroachment. **Northampton County**, 7th and Northampton Streets, Easton, PA 18042. To remove the existing structure and to construct and maintain a 20-foot \times 7-foot precast, reinforced concrete box culvert having a 6-inch culvert depression in a tributary to Allegheny Creek (HQ-CWF). The bridge known as County Bridge No. 183, is located along Township Road T-712 (Hemlock Drive), approximately 0.1 mile north of its intersection with T-687 (Belvedere, NJ-PA Quadrangle N: 20.3 inches; W: 15 inches), Upper Mt. Bethel Township, **Northampton County** (Philadelphia District, U. S. Army Corps of Engineers).

E54-275. Encroachment. **Pine Grove Manufactured Homes, Inc.**, Attention: Wayne Fanelli, President, P. O. Box 128, Pine Grove, PA 17963. To do minor grading at the plant entrance and on a dike to relocate a fence at the plant entrance for the purpose of maintaining a factory to construct homes. The project is located on the south side of S. R. 0443 approximately 1,500 feet east of the intersection of S. R. 0443 and S. R. 0125. It is on the (Pine Grove, PA Quadrangle N: 9.95 inches; W: 0.9 inch), Pine Grove Borough and Pine Grove Township, **Schuylkill County** (Baltimore District, U. S. Army Corps of Engineers).

E54-276. Encroachment. **Schuylkill County Country Club**, Attention: Nathaniel Binns, P. O. Box 316, Orwigsburg, PA 17961. To construct and maintain an intake and outfall structure in Mahanoy Creek and encroach in and around two existing ponds to combine them into one body of water having a total surface area equal to one acre and a maximum depth of 10 feet. The purpose of the project is to provide irrigation to the Schuylkill County Country Club located approximately 2,000 feet east of the intersection of S. R. 0443 and S. R. 0061. It is on the (Pottsville, PA Quadrangle N: 4.0 inches; W: 0.95 inch), North Manheim Township, **Schuylkill County** (Philadelphia District, U. S. Army Corps of Engineers).

E54-278. Encroachment. **Borough Schuylkill Haven**, 12 West Main Street, Schuylkill Haven, PA 17972, Attention: Marlon W. Berger, Jr., Public Work Director. To construct and maintain a boat dock along the Schuylkill River and to place fill in the 100 year floodplain of the Schuylkill River for the proposed construction of a community park consisting of soccer field and softball fields. The project is located on the west side of the Schuylkill River approximately 2,000 feet south of the intersection of S. R. 0061 and S. R. 0443. (Pottsville, PA Quadrangle

N: 1.0 inch; W: 6.8 inches), Schuylkill Haven Borough, **Schuylkill 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.

E21-311. Encroachment. **Leonard Greiz**, Shenandoah Mobile Company, P. O. Box 459, 124 South Main Street, Edinburg, VA 22824. To construct and maintain a communication tower at the floodway of Yellow Breeches Creek located at Front Street about 70 feet from the Front Street and Market Street intersections (Steelton, PA Quadrangle N: 18.3 inches; W: 15.5 inches) in New Cumberland Borough, **Cumberland County**.

E31-164. Encroachment. **Joseph Harding**, Penn State University, School of Forestry Resources, 1 Merkle Bldg., University Park, PA 16802. To construct and maintain a corrugated metal arch culvert having a span of 133.2 inches and a rise of 84.0 inches in Herod Run (HQ-CWF) to provide access to private property located on an existing private drive about 200 feet east of Guyer Road (T-532) and 0.76 mile north of SR 0305 (McAlveys Fort, PA Quadrangle N: 3.25 inches; W: 17.0 inches) in Jackson Township, **Huntingdon County**.

E36-690. Encroachment. **Warwick School District**, Dave Zerbe, 301 W. Orange St., Lititz, PA 17543. To construct and maintain a pedestrian footbridge having a clear span of 16 feet with an underclearance of 3.5 feet across Moores Run (WWF) (a tributary of Lititz Run) to connect a walking path to a park area located in the Newport Square development (Lititz, PA Quadrangle N: 7.0 inches; W: 5.5 inches) in Lititz Borough and Warwick Township, **Lancaster County**.

E36-694. Encroachment. **Mark Burkhead**, Department of Transportation, Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103. To remove the existing structure and to construct and maintain a bridge of prestressed concrete I-beams and concrete abutments having a clear span of 119.5 feet on a 75 degree skew with an underclearance of 18.25 feet on SR 0222-004 across Mill Creek (WWF) (Lancaster, PA Quadrangle N: 0.45 inch; W: 6.08 inches) in West Lampeter Township, **Lancaster County**.

E44-101. Encroachment. **McVeytown Borough Authority**, P. O. Box 321, McVeytown, PA 17051. To construct and maintain an 18-inch diameter outfall pipe in Musser Run (HQ-CWF) a wild trout stream for a discharge point for a storm sewer project in the Borough of McVeytown (McVeytown, PA Quadrangle N: 21.8 inches; W: 16.5 inches) in Oliver Township, **Mifflin County**.

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

E18-301. Encroachment. **James Eppley, Chief**, Department of Conservation and Natural Resources, Bureau of Facility Design, P. O. Box 8451, Harrisburg, PA 17105-8451. To remove the existing steel I-beam timber deck bridge with a clear span of 23.33 feet and a curb to curb width of 11 feet 0 inches and a vertical underclearance of 4.95 feet and to construct and maintain a single span prestressed concrete spread box beam bridge with a total clear span of 32.97 feet on a skew of 90 degrees and an average inlet underclearance of 5.95 feet across Lick Run on Carrier Road approximately 3 miles north west of the intersection of SR 044 and SR 0644 (Glen Union, PA Quadrangle N: 12.2 inches; W: 2.0 inches) in Gallagher

Township, Clinton County. The project will impact on approximately 0.039 acre of exceptional value wetlands while impacting approximately 25 feet of waterway. Lick Run is an exceptional value stream.

E53-345. Encroachment. **Dennis W. Glassmire, Chairperson**, Homer Township, 360 South Wood Road, Coudersport, PA 16915. To remove a 4' by 6' CMP culvert and a 4' 8" by 9' 10" concrete box culvert and to construct and maintain a 5' 11" by 4' CMP culvert and a 5' by 10' reinforced concrete box culvert over an unnamed tributary of South Woods Branch Creek (Austin, PA Quadrangle N: 3.88 inches; W: 4.1 inches and N: 3.69 inches; W: 3.25 inches) in Homer Township, **Potter County**. The project will not impact on wetlands while impacting approximately 60 feet of waterway. South Woods Branch Creek is a High Quality Cold Water Fisheries Stream.

E57-089. Encroachment. **Paul E. Heise, P. E.**, Department of Transportation, P. O. Box 218, Montoursville, PA 17754-0218. To remove an existing bituminous overlaid timber deck steel I-beam bridge with an 18' 0" span, a curb to curb width of 12' 9" and a design underclearance of 3' 5" and to construct and maintain a single span precast reinforced concrete slab superstructure with a curb to curb width of 18' 4", a clear span of 18' 2" and a normal span of 15' 1" and an average underclearance of 4' 6" on a skew of 56 degrees over Big Run on SR 3003 approximately 2 miles north of Sonestown (Sonestown, PA Quadrangle N: 22.3 inches; W: 7.2 inches) in Davidson Township, **Sullivan County**. The project will not impact on wetlands while impacting approximately 60 feet of waterway. Big Run is a High Quality Cold Water fisheries stream.

E59-404. Encroachment. **Ernest Norman, Chairperson**, Liberty Township Supervisors, P. O. Box 6, Liberty, PA 16930. Remove the existing 54" diameter CMP culvert and to construct and maintain a 72" by 100" CMP arch culvert, 70 feet in length, in Brion Creek under T-337 approximately 0.7 mile northwest of SR 414 (Liberty, PA Quadrangle N: 16.9 inches; W: 7.0 inches) in Liberty Township, **Tioga County**. The project will not impact wetlands while impacting approximately 90 linear feet of waterway. Brion Creek is a High Quality Cold Water Fisheries Stream.

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

E65-762. Encroachment. **Joseph A. and Jean L. Laspina**, 111 Laspina Lane, Irwin, PA 15642. To construct and maintain a 54-inch SWPP and a 36-inch SWPP culverts in an unnamed tributary to Brush Creek (TSF) for the purpose of providing access to a residence. The project is located off of S. R. 4029, approximately 4,000 feet north of Paintertown (Irwin, PA Quadrangle N: 21.4 inches; W: 10.7 inches) in Penn Township, **Westmoreland County**.

E63-493. Encroachment. **Hardy Enterprises, Inc.**, 6000 Waterdam Plaza Drive, Suite 240, McMurray, PA 15317-5431. To construct and maintain a box culvert approximately 265 feet in length having a span of 10.0 feet with an underclearance of 5.0 feet in an unnamed tributary to Little Chartiers Creek (WWF) for the purpose of constructing the Old Oak Commons development located approximately 500 feet north from the intersection of Old Oak Road and Route 19 (Canonsburg, PA Quadrangle N: 4.7 inches; W: 0.2 inch) in Peters Township, **Washington County**.

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

E24-211. Encroachment. National Fuel Gas Supply, 1100 State Street, Erie, PA 16501. To install and maintain a 20-inch-diameter natural gas pipeline (AM-60) beginning at the existing Lamont Compressor Station (41° 36', 44" north latitude; 78° 48', 46" west longitude) and extending generally northwest to the Elk and McKean County Line (41° 37', 11" north latitude; 78° 50', 18" west longitude) crossing the following stream and wetland area located in Highland Township, **Elk County.**

1. Tributary to Wolf Run (HQ-CWF-Wild Trout) at Section 2, Station 301+60 (James City, PA Quadrangle 41° 37', 3" north latitude, 78° 49', 15" west longitude).

2. Wetland no. AM60D10 (PEM) at Section 2, Station 279+33 (James City, PA Quadrangle 41° 37' 14" north latitude, 78° 49', 41" west longitude) traversing a distance of 108 feet. This application is being considered in conjunction with Application Nos. E42-270 and E62-371.

E42-270. Encroachment. National Fuel Gas Supply, 1100 State Street, Erie, PA 16501. To install and maintain a 20-inch-diameter natural gas pipeline (AM-60) beginning at the McKean and Elk County Line (41° 36', 44" north latitude, 78° 50', 18" west longitude) and extending generally northwest to the Warren and McKean County Line (41° 43', 1" north latitude, 78° 57', 11" west longitude) crossing the following streams and wetland areas located in Hamilton and Wetmore Townships, **McKean County.** East Branch Tionesta Creek (HQ-CWF-Wild Trout-Stocked Trout) at Section 2, Station 244+37 (Kane, PA Quadrangle 41° 37', 32" north latitude, 78° 50', 14" west longitude). Tributary to East Branch Tionesta Creek (HQ-CWF-Wild Trout) at Section 2, Station 243+53 (Kane, PA Quadrangle 41° 37', 35" north latitude, 78° 50', 14" west longitude). Tributary to East Branch Tionesta Creek (HQ-CWF-Wild Trout) at Section 2, Station 220+36 (Kane, PA Quadrangle 41° 38', 58" north latitude, 78° 50', 11" west longitude). Wetland no. AM60W09 (POW) at Section 2, Station 183+19 (Kane, PA Quadrangle 41° 38', 35" north latitude, 78° 50', 10" west longitude) traversing a distance of 96 feet. Tributary to East Branch Tionesta Creek (HQ-CWF-Wild Trout) at Section 2, Station 182+15 (Kane, PA Quadrangle 41° 38', 37" north latitude, 78° 50', 10" west longitude). Wetland no. AM60W08 (PEM) at Section 2, Station 147+89 (Kane, PA Quadrangle 41° 39', 8" north latitude, 78° 50', 22" west longitude) traversing a distance of 89 feet. West Run (HQ-CWF-Wild Trout) at Section 2, Station 146+90 (Kane, PA Quadrangle 41° 39', 8" north latitude, 78° 50', 21" west longitude). Tributary to West Run (HQ-CWF-Wild Trout) as Section 2, Station 114+00 (Kane, PA Quadrangle 41° 39', 38" north latitude, 78° 50', 39" west longitude). Wetland no. AM60W07 (PEM-EV) at Section 2, Station 113+06 (Kane, PA Quadrangle 41° 39', 39" north latitude, 78° 50', 39" west longitude) traversing a distance of 245 feet. Wetland no. AM60W06 (PEM-EV) at Section 2, Station 51+88 (Kane, PA Quadrangle 41° 40', 38" north latitude, 78° 51', 1" west longitude) traversing a distance of 161 feet. Tributary to Rock Run (HQ-CWF-Wild Trout) at Section 2, Station 49+11 (Kane, PA Quadrangle 41° 40', 40" north latitude, 78° 51', 1" west longitude). Wetland no. AM60W05 (PEM-EV) at Section 2, Station 48+31 (Kane, PA Quadrangle 41° 40', 39" north latitude, 78° 51', 2" west longitude) traversing a distance of 75 feet. Wetland no. AM60W04 (PEM/PFO-EV) at Section 2, Station 23+29 (Kane, PA Quadrangle 41° 41', 6" north latitude, 78° 51', 22" west longitude) traversing a distance of 668 feet. Wetland no. AM60W03 (PEM-EV) at Section 2, Station 18+48 (Kane, PA Quadrangle 41° 41', 9" north latitude, 78° 51', 26" west longitude) traversing a distance of 178 feet. Wetland no. AM60W02 (PEM-EV)

at Section 2, Station 13+13 (Kane, PA Quadrangle 41° 41', 10" north latitude, 78° 51', 26" west longitude) traversing a distance of 73 feet. Tributary to Twomile Run (HQ-CWF-Wild Trout) at Section 2, Station 9+76 (Kane, PA Quadrangle 41° 41', 12" north latitude, 78° 51', 27" west longitude). Twomile Run (HQ-CWF-Wild Trout-Stocked Trout) at Section 2, Station 2+12 (Kane, PA Quadrangle 41° 41', 19" north latitude, 78° 51', 31" west longitude). Wetland no. AM60W01 (PEM/PFO-EV) at Section 2, Station 1+90 (Kane, PA Quadrangle 41° 41', 19" north latitude, 78° 51', 34" west longitude) traversing a distance of 106 feet. Wetland no. S1W01 (PEM/PSS-EV) at Section 1, Station 5+14 (Kane, PA Quadrangle 41° 44', 19" north latitude, 78° 52', 2" west longitude) traversing a distance of 250 feet. Wetland no. S1W02 (PEM/PSS-EV) at Section 1, Station 14+75 (Kane, PA Quadrangle 41° 41', 15" north latitude, 78° 52', 2" west longitude) traversing a distance of 22 feet. Wetland no. S1W03 (PEM/PSS-EV) at Section 1, Station 17+38 (Kane, PA Quadrangle 41° 41', 15" north latitude, 78° 51', 59" west longitude) traversing a distance of 200 feet. Twomile Run (HQ-CWF-Wild Trout-Stocked Trout) at Section 1, Station 19+18 (Kane, PA Quadrangle 41° 41', 15" north latitude, 78° 52', 3" west longitude). Wetland no. S1W04 (PEM-EV) at Section 1, Station 41+34 (Kane, PA Quadrangle 41° 41', 17" north latitude, 78° 51'41" west longitude) traversing a distance of 78 feet. Tributary of Twomile Run (HQ-CWF-Wild Trout) at Section 1, Station 42+00 (Kane, PA Quadrangle 41° 41', 18" north latitude, 78° 52', 30" west longitude). Wetland no. S1W05 (PEM-EV) at Section 1, Station 45+36 (Ludlow, PA Quadrangle 41° 41', 19" north latitude, 78° 52', 35" west longitude) traversing a distance of 43 feet. Tributary to East Branch Tionesta Creek (HQ-CWF-Wild Trout) at Section 1, Station 99+85 (Ludlow, PA Quadrangle 41° 41', 31" north latitude, 78° 53', 43" west longitude). Wetland no. S1W06 (PEM-EV) at Section 1, Station 102+22 (Ludlow, PA Quadrangle 41° 41', 31" north latitude, 78° 53', 45" west longitude) traversing a distance of 19 feet. Wetland no. S1W07 (PEM) at Section 1, Station 103+17 (Ludlow, PA Quadrangle 41° 41', 32" north latitude, 78° 53', 48" west longitude) traversing a distance of 63 feet. Wetland no. S1W08 (PEM, EV) at Section 1, Station 114+53 (Ludlow, PA Quadrangle 41° 41', 37" north latitude, 78° 54', 3" west longitude) traversing a distance of 120 feet. Wetland no. S1W09 (PEM) at Section 1, Station 138+56 (Ludlow, PA Quadrangle 41° 41', 49" north latitude, 78° 54', 30" west longitude) traversing a distance of 104 feet. Wetland no. S1W10 (PEM, EV) at Section 1, Station 143+90 (Ludlow, PA Quadrangle 41° 41', 51" north latitude, 78° 54', 37" west longitude) traversing a distance of 172 feet. Bloody Run (HQ-CWF, Wild Trout) at Section 1, Station 145+30 (Ludlow, PA Quadrangle 41° 41', 51" north latitude, 78° 54', 38" west longitude). Tributary to Bloody Run (HQ-CWF, Wild Trout) at Section 1, Station 152+71 (Ludlow, PA Quadrangle 41° 41', 55" north latitude, 78° 54', 46" west longitude). Wetland no. S1W11 (PEM) at Section 1, Station 186+42 (Ludlow, PA Quadrangle 41° 42', 15" north latitude, 78° 55', 23" west longitude) traversing a distance of 124 feet. Wetland no. S1W12 (PEM/PFO, EV) at Section 1, Station 189+85 (Ludlow, PA Quadrangle 41° 42', 17" north latitude, 78° 55', 26" west longitude) traversing a distance of 76 feet. Wetland no. S1W13 (PEM/PFO, EV) at Section 1, Station 223+65 (Ludlow, PA Quadrangle 41° 42', 34" north latitude, 78° 56', 3" west longitude) traversing a distance of 140 feet. Tributary to East Branch Tionesta Creek (HQ-CWF, Wild Trout) at Section 1, Station 225+25 (Ludlow, PA Quadrangle 41° 42', 36" north latitude, 78° 56', 4" west longitude). Wetland no. S1W14 (PEM) at Section 1,

Station 223+04 (Ludlow, PA Quadrangle 41°, 42', 40" north latitude, 78°, 56', 13" west longitude) traversing a distance of 72 feet. Tributary to East Branch Tionesta Creek (HQ-CWF, Wild Trout) at Section 1, Station 233+64 (Ludlow, PA Quadrangle 41°, 42', 40" north latitude, 78°, 56', 13" west longitude). This application is being considered in conjunction with Application Nos. E24-211 and E62-371.

E62-371. Encroachment. National Fuel Gas Supply, 1100 State Street, Erie, PA 16501. To install and maintain a 20-inch-diameter natural gas pipeline (AM-60) beginning at the Warren and McKean County Line (41°, 37', 11" north latitude, 78°, 50', 18" west longitude) and extending generally northwest to the existing Roystone Compressor Station (41°, 36', 44" north latitude, 78°, 48', 46" west longitude) crossing the following stream and wetland area located in Sheffield Township, **Warren County**. Wetland No. S1W15B (PEM) at Section 1, Station 314+76 (Ludlow, PA Quadrangle 41°, 43', 10" north latitude, 78°, 57', 48" west longitude) traversing a distance of 205 feet. Wetland No. S1W16 (PEM/PSS, EV) at Section 1, Station 332+43 (Ludlow, PA Quadrangle 41°, 43', 12" north latitude, 78°, 5', 12" west longitude) traversing a distance of 330 feet. Tributary to Twomile Run (HQ-CWF, Wild Trout) at Section 1, Station 332+70 (Ludlow, PA Quadrangle 41°, 43', 12" north latitude, 78°, 58', 12" west longitude). Twomile Run (HQ-CWF, Wild Trout, Stocked Trout) as Section 1, Station 334+29 (Ludlow, PA Quadrangle 41°, 43', 13" north latitude, 78°, 58', 14" west longitude). This application is being considered in conjunction with Application Nos. E42-270 and E24-211.

DAM SAFETY

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

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

D50-065. DEP. Daniel T. Paul (P. O. Box 224, New Bloomfield, PA 17068). To construct, operate and maintain a Cold Storage Dam across a tributary to Little Buffalo Creek (HQ-CWF), impacting 0.16 acre of wetlands (PEM) and 375 feet of stream and providing 0.16 acre of wetland mitigation, for the purpose of recreation. Newport, PA Quadrangle N: 9.47 inches; W: 13.4 inches in Centre Township, **Perry County**.

ENVIRONMENTAL ASSESSMENT

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

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

E10-013NW. Environmental Assessment. BioMost, Inc., 3016 Unionville Road, Cranberry Township, PA 16066. To place and maintain a water intake structure in a tributary to Seaton Creek, to place and maintain a 3-foot-high dam in a tributary to Seaton Creek and to

place fill in a de minimis area of PEM wetland (0.02 acre) to construct an acid mine drainage collection and treatment facility to restore water quality to a tributary to Seaton Creek. This project is known as the De Sale Phase II and will consist of two settling ponds (0.25 acre and 0.39 acre), two vertical flow ponds (2,200 tons of limestone in each), a 0.68 acre constructed treatment wetland, and a horizontal flow limestone bed (2,900 tons of limestone), and an outfall structure. This project will collect surface water from a drainage area of approximately 110 acres that is severely impacted by acid mine drainage. This project is located along a tributary to Seaton Creek approximately 2,800 feet northwest of the village of De Sale (intersection of De Sale Road and S. R. 58) located in Venango Township, **Butler County**, (Eau Claire, PA Quadrangle N: 3.5 inches; W: 11.5 inches).

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).

Permits Issued

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

NPDES Permit No. PA0052388. Sewage. Donald J. Adler, 46 Poplar Lane, Doylestown, PA 18901, is authorized to discharge from a facility located in Doylestown Township, **Bucks County** to an unnamed tributary of Neshaminy Creek.

NPDES Permit No. PA0057690. Industrial waste. **Kvaerner Philadelphia Shipyard, Inc.**, Philadelphia Naval Business Center, Philadelphia, PA 19112, is authorized to discharge from a facility located in the City of Philadelphia, **Philadelphia County** into Delaware River Outfalls 012-032, Schuylkill River Outfalls 033-047.

NPDES Permit No. PA0055212. Sewage. **Concord Township Sewer Authority**, P. O. Box 171, Concordville, PA 19331, is authorized to discharge from a facility located in Concord Township, **Delaware County** into the West Branch of Chester Creek.

NPDES Permit No. PA0057908. Sewage. **Jericho National Golf Club, Inc.**, P. O. Box 519, Washington Crossing, PA 18977, is authorized to discharge from a facility located in Upper Makefield Township, **Bucks County** to an unnamed tributary to Jericho Creek.

NPDES Permit No. PA0055468. Sewage. **Pleasant Run Trailer Park**, 594 Godshall Road, Telford, PA 18969-2209, is authorized to discharge from a facility located in New Hanover Township, **Montgomery County** into Deep Creek.

NPDES Permit No. PA0047252. Sewage. **Pantos Corporation**, 202 Black Matt Road, Douglassville, PA 19518, is authorized to discharge from a facility located at Painters Crossing STP in Chadds Ford Township, **Delaware County**, into Harvey Run.

NPDES Permit No. PA0057584. Industrial waste. **Sun Company, Inc.**, 1801 Market Street, Philadelphia, PA 19103-1699 is authorized to discharge from a facility located in West Brandywine Township, **Chester County** to an unnamed tributary to Culbertson Run.

NPDES Permit No. PA0057835. Sewage. **Robert Falkenstein**, 2898 Upper Ridge Road, Pennsburg, PA 18073, is authorized to discharge from a facility located in Marlborough Township, **Montgomery County** to an unnamed tributary to Macoby Creek.

NPDES Permit No. PA0026689. Sewerage. **City of Philadelphia Water Department**, ARAMARK Tower, 1101 Market Street, 4th Floor, Philadelphia, PA 19107-2994, is authorized to discharge from facility located at Northeast Water Pollution Control Plant located in the City of Philadelphia, **Philadelphia County**, into Delaware River Zone 3 (001-022,058), Pennypack Creek (023-027), Tacony Creek (028-041), and Frankford Creek (042-057,059,060).

NPDES Permit No. PA0026671. Sewerage. **City of Philadelphia Water Department**, ARAMARK Tower, 1101 Market Street 4th Floor, Philadelphia, PA 19107-2994, is authorized to discharge from a facility located at Southwest Water Pollution Control Plant located in the City of Philadelphia, **Philadelphia County**, into Delaware River Zone 4 Outfall 001, Schuylkill River (Outfalls 002-040 and 073-077), Cobbs Creek (Outfalls 041-072 and 078-084).

NPDES Permit No. PA0026671. Sewerage. **City of Philadelphia Water Department**, ARAMARK Tower, 1101 Market Street 4th Floor, Philadelphia, PA 19107-2994, is authorized to discharge from a facility located at Southeast Water Pollution Control Plant located in the City of Philadelphia, **Philadelphia County**, into Delaware River Zone 3 Outfalls 001, Schuylkill River (Outfalls 002-040 and 073-077), Cobbs Creek (Outfalls 041-072 and 078-084).

WQM Permit No. 1599421. Sewerage. **Owen J. Roberts School District**, 901 Ridge Road, Pottstown, PA 19465-9314. Applicant is granted approval to construct a drip irrigation sewage treatment system to serve the French Creek Elementary School located in South Coventry Township, **Chester County**.

WQM Permit No. 1569432. Amendment No. 3. Sewerage. **Shangri-La Sewer Company**, 909 Delaware Avenue, Wilmington, DE 19899. Applicant is granted approval for the modification to its wastewater treatment facility located in New Garden Township, **Chester County**.

WQM Permit No. 4600201. Industrial waste. **Sunoco, Inc. (R & M)**, 4041 Market Street, Aston, PA 19014. Applicant is granted approval for the construction of an industrial groundwater treatment facility and the well injection of treated effluent to serve Manhattan Bagel formerly Sunoco Station No. 0363-0746 located in Lower Merion Township, **Montgomery County**.

WQM Permit No. 1599202. Industrial waste. **Sunny Dell Foods, Inc.**, 214 South Mill Road, Kennett Square, PA 19348. Application is granted approval for the construction and operation of an industrial wastewater treatment plant serving Sunny Dell Foods, Inc. located in Kennet Township, **Chester County**.

WQM Permit No. 0900406. Sewage. **Bucks County Water and Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976. Applicant is granted approval for the replacement of an existing disinfection system with an ultraviolet (UV) disinfection system located at the Harvey Avenue Wastewater Treatment Plant in Doylestown Township, **Bucks County**.

NPDES Permit No. PA0055689. Sewerage. **Danny R. Hawkins**, 485 Camp Rockhill Road, Quakertown, PA 18951, is authorized to discharge from a facility located in Richland Township, **Bucks County** to an unnamed tributary to Butter Creek.

NPDES Permit No. PA0054861. Sewage. **Bruce McFarland**, P. O. Box 451, 36 Mega Way, Rushland, PA 18956, is authorized to discharge from a facility located in Wrightstown Township, **Bucks County** into Neshaminy Creek.

NPDES Permit No. PA0031771. Amendment No. 1. **Westtown Township**, 1081 Wilmington Pike, West Chester, PA 19382, is authorized to discharge from a facility located in Westtown Township, **Chester County** into East Branch of Chester Creek.

NPDES Permit No. PA0051951. Sewage. **Dave Chapman**, 51 Grays Lane, Elverson, PA 19520. Is authorized to discharge from a facility located in Warwick Township, **Chester County** to an unnamed tributary of French Creek.

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

Permit No. PA-0023736. Sewerage. **Tri-Borough Municipal Authority**, 216 East Main Street, Susquehanna, PA 18847 is authorized to discharge from a facility located in the Borough of Susquehanna, **Susquehanna County**, to the North Branch of the Susquehanna River.

Permit No. PA-0062596. Sewerage. **Laceyville Borough Joint Municipal Authority**, R. R. 2, Box 2270, Laceyville, PA 18623 is authorized to discharge from a facility located in Laceyville Borough, **Wyoming County**, to Little Tuscarora Creek.

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

WQM Permit No. 1800402. Sewerage. **Pine Creek Municipal Authority**, P. O. Box 608, Avis, PA 17721. Permission granted to replace existing pump station and maintain new stations using submersible pumps located in the wet well. The facility is located at Pine Creek Township, **Union County**.

WQM Permit No. 4100402. Sewerage. **Cameo Estates, Inc.**, 378 Maddon Road, Montoursville, PA 17754. Permission granted to construct and maintain a pressure sanitary sewer system to serve Poco Hills Estates. Facility located at Loyalsock Township, **Lycoming County**.

WQM Permit No. 1989401. Sewerage Transfer. **Candlelight Inn Inc.**, 587 Valley Rd., Danville, PA 17821. Permission granted to transfer permit from present President to Cynthia L. Peters. Facility located at Montour Township, **Columbia County**.

NPDES Permit PA0209139. Sewerage. **Tri Lateral Investment Corporation**, 2042 Route 405 Highway, Muncy, PA 17756-8659. Renewal application granted to discharge treated sewage to unnamed tributary to Muncy Creek. Facility located at Muncy Creek Township, **Lycoming County**.

NPDES Permit PA0027171. Sewerage. **Bloomsburg Municipal Authority**, 301 East Second Street, Bloomsburg, PA 17815. Renewal granted to discharge treated sewage from facility located at Town of Bloomsburg, **Columbia County**.

NPDES Permit PA0209031. Sewerage. **Loganton Borough Authority**, R. D. 1, Box 203, Loganton, PA 17747. Renewal granted to discharge treated sewage from facility located at Loganton Borough, **Clinton County**.

NPDES Permit PA0110124. Sewerage. **David A. Liberti**, Harvest Moon Mobile Home Park, 38 Harvest Moon Park, Linden, PA 17744. Renewal granted to discharge treated wastewater from facility located at Woodward Township, **Lycoming County**.

NPDES Permit PA0209201. Sewerage. **Leo H. Keiffer**, Terrace Hills Mobile Home Park, R. R. 1, Box 44A, Sugar Run, PA 18846. Renewal granted to discharge treated sewage from facility located in Wyalusing Township, **Bradford County**.

NPDES Permit PA0008796. Industrial waste. **Litton System Inc.**, 1035 Westminster Drive, Williamsport, PA 17701-3911. Renewal granted to discharge noncontact cooling water from towers 2 and 3 from facility located at Loyalsock Township, **Lycoming County**.

NPDES Permit PA0113972. Sewerage Transfer. **Candlelight Inn Inc.**, 587 Valley Road, Danville, PA 17821. Transfer granted to present President, Cynthia L. Peters. This permit is transfer in ownership or tenancy only. Facility located at Montour Township, **Columbia County**.

NPDES Permit PA0115304. Sewerage. **Litchfield Township Supervisors**, R. R. 1, Box 144J, Sayre, PA 18840. Renewal granted to discharge treated wastewater from facility located at Litchfield Township, **Bradford County**.

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

NPDES Permit No. PA0003255. Industrial. **Timken Latrobe Steel**, 2626 South Ligonier Street, Latrobe, PA 15650-0031 is authorized to discharge from a facility located at steel mill, Latrobe Borough, **Westmoreland County** to receiving waters named Sulfur Run and Loyalhanna Creek.

NPDES Permit No. PA0096105. Sewage. **Aleppo Township Authority**, P. O. Box 81, Sewickley, PA 15143-0081 is authorized to discharge from a facility located at Sewickley Heights Manor Sewage Treatment Plant, Aleppo Township, **Allegheny County** to receiving waters named Unnamed Tributary to Ohio River.

NPDES Permit No. PA0096431. Sewage. **Zigmund Barton**, R. D. 11, Box 157, Greensburg, PA 15601 is authorized to discharge from a facility located at Hempfield Highlands MHP STP, Hempfield Township, **Westmoreland County** to receiving waters named Unnamed Tributary of Little Sewickley Creek.

NPDES Permit No. PA0098531. Sewage. **Green Hills Development Corporation**, Box 875, R. D. 1, Greensburg, PA 15601 is authorized to discharge from a facility located at Green Hills MHP STP, Hempfield Township, **Westmoreland County** to receiving waters named Unnamed Tributary of Little Sewickley Creek.

NPDES Permit No. PA0205460. Sewage. **Loretta Schermock**, Georgetown Heights Mobile Estates, 20215 Sunny Shores Drive, Humble, TX 77346, is authorized to discharge from a facility located at Georgetown Heights Mobil Estates Sewage Treatment Plant, Hill Road, Greene Township, **Beaver County** to receiving waters named Smiths Run.

NPDES Permit No. PA0218448. Sewage. **Kim and Dianne Miller**, Route 2, Box 181, Wolflake Road, New Alexandria, PA 15670 is authorized to discharge from a facility located at Whitethorn Sewage Treatment Plant, Whitethorn Subdivision, Phase II, Salem Township, **Westmoreland County** to receiving waters named Unnamed Tributary to Whitethorn Creek.

Permit No. 0200405. Sewerage. **Plum Borough Municipal Authority**, 4555 New Texas Road, Pittsburgh, PA 15239. Construction of a Parallel Interceptor located in Plum Borough, **Allegheny County** to serve the Plum Creek Watershed.

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

NPDES Permit No. PA0101516. Sewage. **Oil City Area School District, Oakland Elementary School**, P. O. Box 929, Box 1113, East Second Street, Oil City, PA 16301-2507 is authorized to discharge from a facility located in Oakland Township, **Venango County** to an unnamed tributary to Two Mile Run.

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>
PAS10S081	Fifth Street Corp. 711 Sarah St. Stroudsburg, PA 18360-2121	Monroe County Stroud Township	Big Meadow Run HQ-CWF

Southcentral Regional Office, Section Chief, Water Management Program, Soils and Waterways Section, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4707.

PAS-10-4508. Individual NPDES. **Municipal Authority of the Borough of Lewistown**, 701 Chestnut Street, P. O. Box 68, Lewistown, PA 17044. To implement an Erosion and Sedimentation Control Plan for the construction of the extension of approximately 20,300 linear feet of 6 inch, 8 inch and 16 inch diameter water mains on 14.0 acres in Granville Township, **Mifflin County**. The project is located at the west corporate boundary of the Borough of Lewistown both north and south of S. R. 0522/022 (Lewistown, PA Quadrangle N: 15.1 inches; W: 15.4 inches). Drainage will be to unnamed tributaries to the Juniata River. (HQ-CWF)

INDIVIDUAL PERMITS

(PAR)

Approvals to Use NPDES and/or Other General Permits

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

The approval of coverage under these General Permits may be subject to one or more of the following: pollutant or effluent discharge limitations, monitoring and reporting, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective general permit. The Department of Environmental Protection (Department) has reviewed the NOIs and determined that they comply with administrative requirements of the respective permit application. Also, the Department has evaluated the First Land Application of Sewage Sludge for the sites applying for coverage under PAG-7, PAG-8 and PAG-9 and determined that the sites are suitable for land application of sewage sludge.

The EPA Region III Regional Administrator has waived the right to review or object to this permit action under the waiver provision: 40 CFR 123.24.

The application and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted.

*List of
General Permit Types*

PAG-1	General Permit For Discharges From Stripper Oil Well Facilities
PAG-2	General Permit For Discharges of Stormwater From Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit For Discharges From Single Residence Sewage Treatment Plant
PAG-5	General Permit For Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit For Wet Weather Overflow Discharges From Combined Sewer Systems
PAG-7	General Permit For Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit For Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-9	General Permit For Beneficial Use of Residential Septage By Land Application to Agricultural Land, Forest or a Land Reclamation Site
PAG-10	General Permit For Discharges Resulting From Hydrostatic Testing of Tanks and Pipelines

NOTICES

3841

General Permit Type—PAG-2

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Douglas Township Montgomery County	PAR10-T520	Gambone Brothers Development Company 1030 West Germantown Pike Fairview Village, PA 19409	Unnamed Tributary to Minister Creek (TSF)	Department of Environmental Protection Suite 6010, Lee Park, 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Hatfield Township Montgomery County	PAR10-T638	North Wales Associates 1101 West DeKalb Pike, 2nd Floor Wayne, PA 19087	Unnamed Tributary to West Branch Neshaminy Creek (WF, M)	Department of Environmental Protection Suite 6010, Lee Park, 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Franconia Township Montgomery County	PAR10-T650	Telvil Corporation 528 Main Street, Suite 101 Harleysville, PA 19438	Skippack Creek (TSF)	Department of Environmental Protection Suite 6010, Lee Park, 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Wyoming County Washington Township	PAR107613	Procter & Gamble Paper Products Co. P. O. Box 32 Mehoopany, PA 18629	Susquehanna River WWF	Wyoming CD (570) 836-2589
Spring Township Berks County	PAR-10-C325	Spring Meadow Shopping Center Michael Blazoski Keystone Dev. Group LLC 55 Madison Avenue Morristown, NJ 07960	UNT to Cacoosing Creek	Berks County CD P. O. Box 520 1238 County Welfare Road Leesport, PA 19533 (610) 372-4657
Tulpehocken Township Berks County	PAR-10-C327	Weaver Poultry House Ray E. & Barbara A. Bicksler 118 Wintersville Road Richland, PA 17087	UNT to Little Swatara Creek	Berks County CD P. O. Box 520 1238 County Welfare Road Leesport, PA 19533 (610) 372-4657
City of Reading Berks County	PAR-10-C329	Brentwood Industries Peter P. Pellicana 610 Morgantown Road P. O. Box 605 Reading, PA 19603-0605	Schuylkill River	Berks County CD P. O. Box 520 1238 County Welfare Road Leesport, PA 19533 (610) 372-4657
Frankstown Township Blair County	PAR-10-0693	Hunters Woods Radd Corporation Ralph J. Albarano Jr. P. O. Box 806 Duncansville, PA 16635	Brush Run	Blair County CD 1407 Blair Street Hollidaysburg, PA 16648 (814) 696-0877
Antrim Township Franklin County	PAR-10-M211	Donald and Janet Yarnel Cederwood Meadows P. O. Box 278 State Line, PA 17263	Conococheague Creek CWF	Franklin County CD 550 Cleveland Avenue Chambersburg, PA 17201 (717) 264-8074
Fayette Township Juniata County	PAR-10-3506	Fayette Area Lion's Den Inc. Fayette Lion's Den P. O. Box 355 McAlisterville, PA 17049	Little Lost Creek	Juniata County CD R. R. 3, Box 302 (Smith Road) Mifflintown, PA 17059 (717) 436-6919

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Fairview Township York County	PAR-10-Y472	Yellow Breeches Office Center Zack Bond/Taylor Trust 5015 East Trindle Road Mechanicsburg, PA 17055	Yellow Breeches	York County CD 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
Spring Garden Township York County	PAR-10-Y478	Wyndham Hills Sanitary Sewer District No. 3 Spring Garden Twp. Board of Commissioners 558 S. Ogontz Street York, PA 17403	Codorus Creek	York County CD 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
Penn Township York County	PAR-10-Y478	Penntown Properties Terry Hormel Beechwood Center 118 Carlisle Street Hanover, PA 17356	Gitts Run	York County CD 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
Lower Windsor Township Windsor Township York County	PAR-10-Y475	Anderson Brothers Subdiv. Anderson Brothers 10883 Oak Ridge Avenue Red Lion, PA 17356	UNT to Fishing Creek	York County CD 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
York Township York County	PAR-10-Y441	Honey Valley Estates Rich Jeffers Custom Homes 566 Chestnut Hill Road York, PA 17402	UNT to Inners Creek	York County CD 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
East Manchester Township York County	PAR-10-Y440	Brickyard Industrial Park Brickyard Partners LP 150 Farm Lane Drive York, PA 17402	UNT to Codorus Creek	York County CD 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
Franklin Township York County	PAR-10-Y433	Sherwood Forest S G Diamond 485 E. Elmwood Avenue Mechanicsburg, PA 17055	Conewago Creek	York County CD 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
Centre County Potter Township	PAR10F116	Susan and Ernest Romanini 100 Skytop Lane Port Matilda, PA 16870	Cedar Run	Centre County CD 414 Holmes Ave. Suite 4 Bellefonte, PA 16823 (814) 355-6817
Montour County Mahoning Township	PAR104722	Sister Paraclata Amrich Congregation of Sisters of Cyril and Methodius 875 Montour Blvd. Danville, PA 17821	Sechler Run	Dept. of Environmental Protection Water Management 208 W. 3rd St. Williamsport, PA 17701 (570) 327-3574
Butler County Allegheny Township	PAR10E127-R	A-C Valley Dev. Corp. P. O. Box 311 Foxburg, PA 16036	Little Scrubgrass Creek	Butler Conservation Dist. 122 McCune Drive Butler, PA 16001-65001 (724) 284-5270
Lawrence County Neshannock Township	PAR103737	North Lawrence Partners Russell Forney, Owner R. D. 5, Box 494 Lindsey Rd. New Castle, PA 16105	Unnamed Tributary to Shenango River (WWF)	Lawrence Cons. Dist. Lawrence Co. Government Center 430 Court Street New Castle, PA 16101-3593 (724) 652-4512

General Permit Type—PAG-3

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Chester County West Chester Borough	PAR600060	J. E. Kodish & Sons, Inc. P. O. Box 354 West Chester, PA 19381-0354	Chester Creek	Southeast Region Water Management 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Cumberland County Hampden Township	PAR603564	Shovers Auto Salvage 2385 Wertz Lane Enola, PA 17025	UNT Simmons Creek	Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Berks County Douglass Township	PAR603565	AE Minotto Auto Parts, Inc. 1496 Benjamin Franklin Highway Douglassville, PA 19518	Schuylkill River	Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lancaster County Ephrata Borough	PAR223517	Skyline Corporation/Skyline Homes P. O. Box 517 Ephrata, PA 17522-0517	Cocalico Creek	Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lancaster County Lancaster City	PAR603527	Rubin Steel Company 1430 Fruitville Pike Lancaster, PA 17604-4365	Little Conestoga Creek	Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Piatt Township Lycoming County	PAR604823	Louis and Wade Sheddy Auto Sales 1545 Devils Elbow Rd. Jersey Shore, PA 17740	Seeley Run	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664
Decatur Township Clearfield County	PAR604819	D C Enterprises P. O. Box 406 Philipsburg, PA 16866	Storm Swale to Little Laurel Run	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664
Armstrong Township Lycoming County	PAR804846	Pickelner Fuel Co., Inc. P. O. Box 1537 Williamsport, PA 17701	W. Br. Susquehanna River	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664
Allegheny County South Fayette Township	PAR116121	Ingersoll-Dresser Pump Co. 1885 Mayview Road Bridgeville, PA 15017	Chartiers Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

General Permit Type—PAG-4

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Perry County Rye Township	PAG043655	David Thomas 1458 Valley Road Marysville, PA 17053	UNT Fishing Creek	Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Madison Township Columbia County	PAG044830	Kathleen Hopewell 232 Magee Rd. Millville, PA 17846	Unnamed Tributary to Spruce Run	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Westmoreland County Hempfield Township	PAG046210	Harold C. Lepro R. D. 11, Box 618A Greensburg, PA 15601	UNT of Jacks Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

General Permit Type—PAG-7

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
	PAG079904	Burlington County Board of Chosen Freeholders 49 Rancocas Road P. O. Box 6000 Mount Holly, NJ 08060-6000		BWQP RCSOB 400 Market Street Harrisburg, PA 17105 (717) 787-8184

General Permit Type—PAG-8

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Upper Berm Township Berks County	PAG-08-0001 PAG-08-0002 PAG-08-0003 PAG-08-0008 PAG-08-0009 PAG-08-2201 PAG-08-2203 PAG-08-3501 PAG-08-3517 PAG-08-3515 PAG-08-3522 PAG-08-3825	SYNA COVO Mid Atlantic 1605 Dooley Road P. O. Box B Whiteford, MD 21160	Worrall Farm Upper Bern Twp. Berks County	SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Upper Tulpehocken Township Berks County	PAG-08-0001 PAG-08-0002 PAG-08-0003 PAG-08-0008 PAG-08-0009 APG-08-2201 PAG-08-2203 PAG-08-3501 PAG-08-3517 PAG-08-3515 PAG-08-3522 PAG-08-3825	SYNA COVO Mid Atlantic 1605 Dooley Road P. O. Box B Whiteford, MD 21160	Balthaser Farm Upper Tulpehocken Township Berks County	SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lower Chanceford Township York County	PAG-08-0001 PAG-08-0002 PAG-08-0003 PAG-08-0008 PAG-08-0009 PAG-08-2201 PAG-08-2203 PAG-08-3501 PAG-08-3517 PAG-08-3515 PAG-08-3522 PAG-08-3825	SYNA COVO Mid Atlantic 1605 Dooley Road P. O. Box B Whiteford, MD 21160	Joe Koepper Farm (Norris Road) Lower Chanceford Township York County	SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Chanceford Township Lower Chanceford Township York County	PAG-08-0001	SYNA COVO Mid Atlantic 1605 Dooley Road P. O. Box B Whiteford, MD 21160	Joe Koepper Farm (Wallace Road) Chanceford Township Lower Chanceford Township York County	SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
	PAG-08-0002			
	PAG-08-0003			
	PAG-08-0008			
	PAG-08-0009			
	PAG-08-2201			
	PAG-08-2203			
	PAG-08-3501			
	PAG-08-3517			
	PAG-08-3515			
PAG-08-3522				
PAG-08-3825				
Jefferson Township Berks County	PAG-08-0001	SYNA COVO Mid Atlantic 1605 Dooley Road P. O. Box B Whiteford, MD 21160	Hettinger Farm Jefferson Township Berks County	SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
	PAG-08-0002			
	PAG-08-0003			
	PAG-08-0008			
	PAG-08-0009			
	PAG-08-2201			
	PAG-08-2203			
	PAG-08-3501			
	PAG-08-3517			
	PAG-08-3515			
PAG-08-3522				
PAG-08-3825				
<i>General Permit Type—PAG-10</i>				
<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Chester County East/West Whiteland Townships	PAG100003	Sun Pipe Line Company Ten Penn Center 1801 Market Street Philadelphia, PA 19103	Valley Creek (Brandywine Basin)	Southeast Region Water Management 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Allegheny County Franklin Park Borough	PAR10A220-1	Zokaites Contracting Inc. 375 Golfside Drive Wexford, PA 15090	Fish Run (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Plum Borough	PAR10A229-1	PAM-LIN Enterprises 100 E. Boyce Pk. Plaza Pittsburgh, PA 15238	Plum Creek (WWF)	Allegheny County CD (412) 241-7645
Allegheny County City of Pittsburgh Castle Shannon Borough	PAR10A352-1	Port Authority of Allegheny Cty 235 Beaver Avenue Pittsburgh, PA 15233	Saw Mill Run (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Robinson Township	PAR10A415	John E. Howard 116 Shingle Hollow Rd. Harmon, PA 16037	Cambells Run (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Ross Township	PAR10A426	Zaremba Land Development Inc., 14600 Detroit Avenue Lakewood, OH 44107	Girty's Run (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Plum Borough Penn Hills Municipality	PAR10A430	Plum Borough Municipal Auth. 4555 New Texas Road Pittsburgh, PA 15239	Plum Creek (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Findlay Township	PAR10A431	DiCicco Devel., LLC Edgetown Commons 1009 Beaver Grade Rd. Coraopolis, PA 15108	UNT Montour Run (TSF)	Allegheny County CD (412) 241-7645

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Allegheny County Aleppo Township	PAR10A433	Masonic Homes of the Grand Lodge of PA One Masonic Drive Elizabethtown, PA 17102-2199	UNT Ohio River (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Findlay Township	PAR10A436	Regional Industrial Development of SW PA Regional Resource Ctr. 425 Sixth Avenue Pittsburgh, PA 15219	McClarens Run (TSF)	Allegheny County CD (412) 241-7645
Allegheny County Indiana Township	PAR10A437	Charles W. Warden The Times Building 336 Fourth Avenue Pittsburgh, PA 15222	UNT Little Pine Creek (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Moon Township	PAR10A438	F. C. Moon Partners, LC 4 Gateway Center Pittsburgh, PA 15219	Montour Run (TSF)	Allegheny County CD (412) 241-7645
Allegheny County Richland Township	PAR10A440	Pine-Richland School District 4046 Ewalt Road Gibsonia, PA 15044	Crouse Creek (TSF)	Allegheny County CD (412) 241-7645
Allegheny County Franklin Park Borough	PAR10A441	Sippel Devel. Co. 10400 Grubbs Road Wexford, PA 15090	Rippling Run (TSF)	Allegheny County CD (412) 241-7645
Allegheny County Etna Borough	PAR10A442	Etna Borough 437 Butler Street Pittsburgh, PA 15223	Pine Creek (TSF)	Allegheny County CD (412) 241-7645
Allegheny County Marshall Township	PAR10A444	Team Rahal of Warrendale Inc., 10701 Perry Highway Wexford, PA 15090	Brush Creek (WWF)	Allegheny County CD (412) 241-7645
Allegheny County City of Pittsburgh	PAR10A445	Department of General Services 18th and Herr Streets Harrisburg, PA 17125	Monongahela River (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Upper St. Clair Township	PAR10A451	Williamson & Jefferson 103 Warrington Circle McMurray, PA 15317	Painters Run (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Moon Township Findlay Township	PAR10A456	Allegheny County Airport Auth. Landside Terminal Pittsburgh, PA 15231	McClarens Run (TSF) Enlow Run (WWF)	Allegheny County CD (412) 241-7645
Beaver County Chippewa Township	PAR100259-1	Gary Birmingham Tri-Venture Limited 665 Freedom Cider Road Freedom, PA 15042	Brady Run Basin (TSF)	Beaver County CD (724) 774-7090
Beaver County Chippewa Township	PAR100268	Blackhawk School Dist. 500 Blackhawk Rd. Beaver Falls, PA 15010	UNT North Fork Brady's Run (TSF)	Beaver County CD (724) 774-7090
Beaver County Big Beaver Borough	PAR100270	Beaver Falls School Dist. 820 16th St. Beaver Falls, PA 15010	UNT Wallace Run (WWF)	Beaver County CD (724) 774-7090
Beaver County Hopewell Township	PAR100272	Hopewell School District 2354 Brodhead Road Aliquippa, PA 15001	UNT Trammill Run (WWF)	Beaver County CD (724) 774-7090
Beaver County Center Township	PAR100273	Raymond Jr., and John Hall 137 Hall Road Aliquippa, PA 15001	UNT Shafer Run (WWF)	Beaver County CD (724) 774-7090

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Beaver County Aliquippa	PAR100275	PA PennDot 45 Thoms Run Road Bridgeville, PA	Ohio River (WWF)	Beaver County CD (724) 774-7090
Cambria County Upper Yoder Township	PAR101060	PennDot District 9-0 1620 N. Juniata St. Hollidaysburg, PA 16648	Stony Creek River (WWF)	Cambria County CD (814) 472-2120
Somerset County Somerset Township	PAR106135	Pennsylvania Turnpike Comm. 176 Kost Road Carlisle, PA 17103-9779	Kimberly Run (CWF)	Somerset County CD (814) 445-4652
Washington County Chartiers Township	PAR10W155	Fife Moving & Storage 2121 W. Chestnut St. Washington, PA 15301	Chartiers Creek (WWF)	Washington County CD (724) 228-6774
Washington County North Strabane Township	PAR10W159	Canon McMillan School District 1 North Jefferson Ave. Canonsburg, PA 15317-1305	Chariters Creek (WWF)	Washington County CD (724) 228-6774
Washington County Cecil Township	PAR10W160	William Graziani 1204 Luca Drive Canonsburg, PA 15317	Chartiers Creek (WWF)	Washington County CD (724) 228-6774
Washington County Peters Township	PAR10W165	Peters Township 610 E. McMurray Road McMurray, PA 15317	Peters Creek (TSF)	Washington County CD (724) 228-6774

SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

*Location: Tulpehocken Township, Berks County,
P. O. Box 272, Rehrersburg, PA 19550-0272.* The approved plan provides for construction of two sewage treatment plants and collection systems to serve the Villages of Mt. Aetna and Rehrersburg. The Mt. Aetna system will use a .005 mgd treatment plant and a hybrid gravity/low pressure collection system. Rehrersburg will use a .006 mgd treatment plant and a hybrid gravity/low pressure collection system. The Teen Challenge facility will also connect to this later system. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

Location: Lower Paxton Township, Dauphin County, 75 South Houcks Road, Harrisburg, PA 17109. The plan submission was disapproved because it failed to establish technical suitability of the selected alternative for the Paxton Creek basin and because the Township notified the Department that the selected alternative for the Beaver Creek basin was no longer the Township's desired alternative. As discussed during a meeting between the Township and the Department on June 20, 2000, the alternative selected to address the Paxton Creek basin proposes the specific use of technology not yet permissible within the Commonwealth. Additionally, the plan's original selected alternative in the Beaver

Creek basin was to construct a trickling filter sewage treatment plant for the purpose of treating excess sewage flows in the system. As discussed during the same June 20, 2000 meeting, the Township no longer intends to build the originally proposed technology, favoring instead the same technology proposed for the Paxton Creek system. Upon clarification of the status of this technology, Lower Paxton Township may resubmit an appropriately modified Act 537 Plan for the Department's review. This plan is disapproved without prejudice to a future submission proposing the ACTIFLO treatment process.

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drink- ing Water Act (35 P. S. §§ 721.1—721.17).

*Northeast Regional Office: Sanitarian Regional Man-
ager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717)
826-2511.*

Permit No. 5290503. Public water supply. **Crescent Lake North Community Association, Inc.**, Fred Schoenagel, R. D. 2 Box 15, Greentown, PA 18426. This proposal involves an application to permit a public water supply serving 26 single family residential dwellings. The water supply system consists of a well with disinfection. It is located in Dingman Township, Pike County. Permit issued on June 14, 2000.

Permit No. 4599504. Public water supply. **Pincrest Development Corp.**, P. O. Box 760, Pocono Pines, PA 18350. This proposal involves the construction of a new well, disinfection facilities, iron and manganese treatment facilities, finished water storage tank construction, control building, PRV vault, transmission and distribution piping and related appurtenances. This project also includes nine minor road crossings with underground utilities, two minor cart path crossings for golf course access

and four underground utility crossings for water and sewer lines. It is located in Tobyhanna Township, Monroe County. Permit issued on July 2, 2000.

Permit 4500501. Public water supply. **Penn Estates Utilities, Inc.**, Chuck Madison, P. O. Box 1164, Upper Marlboro, MD 20773. This proposal involves the construction of a new 20,000 gallon storage tank, booster pump station and replacement of some distribution piping. It is located in Stroud Township, Monroe County. Permit issued on June 29, 2000.

4500503. Public water supply. **Pocono Plateau Mobile Home Park**, Tom Shimp, 1779 East Sawmill Road, Quakertown, PA 18951-4124. This proposal involves a request for design change to allow for an above grade chlorine contact tank instead of the previously approved buried tank. In addition, a transfer of ownership is requested. The *Pennsylvania Bulletin* notice will supersede the notice of Vol. 30, No. 21, May 20, 2000. It is located in Tunkhannock Twp., **Monroe County**. Permit issued on July 7, 2000.

Minor Permit Amendment for Skytop Lodge, Inc., Edward Mayotte, General Manager, One Skytop, Skytop, PA 18357. Permit issued on June 8, 2000.

Operations permit PWS No. 2450063 issued on July 1, 2000, to PAWC located in Coolbaugh Township, **Monroe County**.

Operations permit PWS No. 3546481 issued on June 30, 2000 to Sweet Arrow Springs located in Pine Grove Township, **Schuylkill County**.

Operations permit PWS No. 2350034 issued on June 22, 2000 to Stroudsburg Municipal Authority located in Stroud Township, **Monroe County**.

Regional Office: Northcentral Field Operations, Environmental Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701.

Permit No. Minor Amendment. The Department issued a Minor Amendment Operation Permit to **Hughesville Borough**, 147 South Fifth Street, P. O. Box E, Hughesville, PA 17737-0020, **Hughesville Borough, Lycoming County**. This permit authorizes operation of new pumps in Wells 101 and 102, 80-feet of 12-inch chlorine contact piping and a soft-start motor system for Well 102.

Permit No. Minor Amendment. The Department issued a Minor Amendment Operation Permit to **Boggs Township Supervisors**, 1270 Runville Road, Bellefonte, PA 16823, **Boggs Township, Centre County**. This minor amendment authorizes operation of the new sodium hypochlorite chemical feed system that has replaced the original gas chlorination facilities at the well site.

HAZARDOUS SITES CLEANUP

Under the Act of October 18, 1988

Reopening of the Administrative Record and Additional Comment Period Relating to an Interim Response

**Concept Sciences Inc.
Hanover Township, Lehigh County**

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305), has completed a Prompt Interim Response at the Concept Sciences, Inc. Site (Site). Notice of this response was published in the *Pennsylvania Bulletin*, Vol. 29, No. 13, on March 27, 1999. The Site is located at 749 Roble Road

in the Lehigh Valley Industrial Park III, in Hanover Township, Lehigh County, PA.

The Site was a chemical manufacturing facility utilizing and/or containing materials such as hydroxylamine, hydroxylamine sulfate, potassium hydroxide, potassium sulfate and others. On February 19, 1999, an explosion occurred at the Site. As a result of the explosion, a release and a threat of release of hazardous substances and contaminants existed at the Site. Under section 505(b) of HSCA (35 P. S. § 6020.505(b)), the Department determined that prompt action was required to protect public health and the environment.

In addressing the release of hazardous substances and contaminants at the Site, the Department's major objective was to eliminate the human health and environmental threat caused by the hazardous substances and contaminants. To achieve this objective, the Department mobilized an emergency response contractor on February 27, 1999. The contractor was tasked with collecting and transporting contaminated runoff from the Site to a disposal facility. On March 4, 1999, the Department initiated a Prompt Interim Response at the Site. The Department's contractor, in addition to taking over the work of the emergency response contractor, was tasked with, among other things, disposal of chemicals in tanks, drums, and other containers, maintenance of security, decontamination and removal of debris, excavation and removal of contaminated soil, collection of soil and water samples, and demolition of onsite building. The Department selected the Prompt Interim Response based on the information available to the Department as of March 4, 1999.

Under section 506(g) of HSCA, documentation of the Department's costs incurred to perform the mentioned response actions have been added to the Administrative Record. The Department is providing this notice under section 506(h) of HSCA. The publication of this notice in the *Pennsylvania Bulletin* initiates an additional 60 day public comment period as provided under HSCA. The sole purpose of this additional comment period is to accept comments relating to costs incurred by the Department. Comments not related to costs will not be considered.

The Administrative Record, which contains the information that forms the basis for and documents the costs of this response, is available for public review and comment. The copies of the Administrative Record are located at the Department's Northeast Regional Office, 2 Public Square in Wilkes-Barre, Luzerne County, and at the Department's Bethlehem District Office, 4530 Bath Pike (Route 512) in Hanover Township, Northampton County and is available for review Monday through Friday from 8 a.m. and 4 p.m.

Written comments concerning the Department's costs and information in the Administrative Record relating to costs will be accepted in person, if delivered, or by mail, if postmarked on or before September 27, 2000.

The administrative record will be open for comment from July 29, 2000 until September 27, 2000. Persons may submit written comments into the record, during this time only, by sending them to Paul Panek, Project Officer, at the Department's Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18711-0790 or at the Department's Bethlehem District Office at 4530 Bath Pike, Bethlehem, PA 18017-9074 or by delivering them to either office in person.

Persons may also present oral comments, for inclusion in the administrative record, at a public hearing. The

Department has scheduled the public hearing for September 5, 2000 at 7 p.m. at the Hanover Township Municipal Building located at 2202 Grove Road in Hanover Township. Persons wishing to present comments must register with Paul Panek before August 28, 2000 by telephone at (570) 826-2511 or in writing to him at the Northeast Regional Office.

If no person registers to present oral comments by August 28, 2000, the hearing will not be held. Persons interested in finding out if anyone has registered, and if the hearing will be held, should contact Paul Panek.

Persons with a disability who wish to attend the hearing and require auxiliary aid, service or other accommodations to participate in the proceedings, should contact Paul Panek or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate them.

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, please contact the Environmental Cleanup Program Manager in the Department Regional Office under which the notice of receipt of a final report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following final reports:

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

Bertolino Building Site, City of Harrisburg, **Dauphin County**. RETTEW Associates, Inc., 3020 Columbia Avenue, Lancaster, PA 17603, Girard Estate, 21 South 12th Street, Philadelphia, PA 19107, and Hudson Investment, 2450 Shenango Valley Freeway, Hermitage, PA 16148 have submitted a Final Report concerning remediation of site soils and groundwater contaminated with BTEX and PAHs. The report is intended to document remediation of the site to the Statewide health standard.

Cole Office Environments, Springettsbury Township, **York County**. ARCADIS Geraghty & Miller, Inc., 3000 Cabot Blvd., West, Suite 3004, Langhorne, PA 19047 has submitted a Final Report concerning remediation of site soils contaminated with solvents. The report is intended to document remediation of the site to the Statewide health standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908) and Chapter 250 Administration of Land Recycling Program.

Provisions of 25 Pa. Code § 250.8 Administration of Land Recycling Program requires the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the Land Recycling and Environmental Remediation Standards Act (act). Plans and reports required by provisions of the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site 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, please contact the Environmental Cleanup Program Manager in the Department Regional Office under which the notice of the plan and report appears. If information concerning a plan and report is required in an alternative form, contact the community relations coordinator at the appropriate regional office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports.

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

Meehan Residence, Middletown Township, **Bucks County**. A Final Report concerning remediation of site soil contaminated with petroleum hydrocarbons was sub-

mitted to the Department. The report demonstrated attainment of the Statewide health standard and was approved by the Department on July 2, 1998.

Rhoads Metals Fabrication & Maintenance Services, Inc., Lower Moreland Township, **Montgomery County**. A Final Report concerning remediation of site soil contaminated with lead, heavy metals, solvents, BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons and groundwater contaminated with solvents and BTEX was submitted to the Department. The report demonstrated attainment of the Statewide health standard for soil and the background standard for groundwater and was approved by the Department on July 1, 1998.

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

Pennsylvania Power & Light Company (PPL)—Distribution pole # 61079S46558 (Tilghman Street), South Whitehall Township, **Lehigh County**. PPL, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101 submitted a Final Report concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The final report demonstrated attainment of the Statewide health standard, and was approved on June 30, 1998.

Pennsylvania Power & Light Company (PPL)—Distribution pole # 59478S46423 (Route 443), Upper Macungie Township, **Lehigh County**. PPL, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101 submitted a Final Report concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The final report demonstrated attainment of the Statewide health standard, and was approved on June 30, 1998.

Pennsylvania Power & Light Company (PPL)—Distribution pole # 61949S42861 (Route 443), Upper Milford Township, **Lehigh County**. PPL, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101 submitted a Final Report concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The final report demonstrated attainment of the Statewide health standard, and was approved on June 30, 1998.

Pennsylvania Power & Light Company (PPL)—Distribution pole # 65492S47380 (Taylor Street), City of Bethlehem, **Lehigh County**. PPL, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101 submitted a Final Report concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The final report demonstrated attainment of the Statewide health standard, and was approved on June 30, 1998.

Pennsylvania Power & Light Company (PPL)—Distribution pole # 62701S44405 (Minor and 6th Streets), Emmaus Borough, **Lehigh County**. PPL, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101 submitted a Final Report concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The final report demonstrated attainment of the Statewide health standard, and was approved on June 30, 1998.

Pennsylvania Power & Light Company (PPL)—Distribution pole # 63603S46245 (South 6th & Mohawk Streets), City of Allentown, **Lehigh County**. PPL, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101 submitted a Final

Report concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The final report demonstrated attainment of the Statewide health standard, and was approved on June 4, 1998.

Pennsylvania Power & Light Company (PPL)—Distribution pole # 63428N52236 (LR # 63086), Canaan Township, **Wayne County**. PPL, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101 submitted a Final Report concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The final report demonstrated attainment of the Statewide health standard, and was approved on June 30, 1998.

Pennsylvania Power & Light Company (PPL)—Distribution pole # 48402N29364 (Wayne Street), W. Hazleton Borough, **Luzerne County**. PPL, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101 submitted a Final Report concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The final report demonstrated attainment of the Statewide health standard, and was approved on June 30, 1998.

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

Papercraft Corporation (Second Pennsylvania Funding Company, Inc.), O'Hara Township, **Allegheny County**. Joseph A. Scalamogna, Earth Sciences Consultants, Inc., One Triangle Drive, Export, PA 15632, has submitted a Final Report concerning remediation of site groundwater contaminated with solvents benzene, toluene, ethylbenzene and xylene. The Final Report demonstrated attainment of the Statewide health standard and was approved by the Department on July 15, 1998.

Amcast/Flagg Brass Superior Valve Facility, Chartiers Township, **Washington County**. Ihor Melnyk, ATC Associates, Inc., 11121 Canal Road, Cincinnati, OH 45241, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with trichloroethene, methylene Chloride, and 1,2-dichloroethene. The Final Report demonstrated attainment of the site-specific standard and was approved by the Department on July 23, 1998.

SOLID AND HAZARDOUS WASTE

LICENSE TO TRANSPORT HAZARDOUS WASTE

License issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations for license to transport hazardous waste.

Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

Baggett Transportation Company, 2 South 32nd Street, Birmingham, AL 35233-3098; License No. **PA-AH 0668**; license issued July 11, 2000.

Fox Environmental Management, LLC, 8537 S. Tryon Street, Charlotte, NC 28273; License No. **PA-AH 0669**; license issued July 11, 2000.

Nu-Way Industrial Services, Inc., 1741 Calks Ferry Road, Lexington, SC 29073; License No. **PA-AH 0666**; license issued July 11, 2000.

Sunshine Bulk Commodities, Inc., 2094 Rt. 96, Clifton Springs, NY 14432; License No. **PA-AH 0667**; license issued July 11, 2000.

Renewal Licenses issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations for license to transport hazardous waste.

Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

Allstate Power Vac, Inc., 928 E. Hazelwood Avenue, Rahway, NJ 07065; License No. **PA-AH 0339**; renewal license issued July 12, 2000.

Suttles Truck Leasing, Inc., P. O. Box 129, Demopolis, AL 36723; License No. **PA-AH 0332**; renewal license issued July 13, 2000.

HAZARDOUS WASTE, TREATMENT, STORAGE AND DISPOSAL FACILITIES

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. PAD069006419. T-Thermal Company, Five Sentry Parkway East, Blue Bell, PA 19422. T-Thermal has ceased hazardous waste operations, completed a clean closure of their hazardous waste facility, and voluntarily terminated its RCRA Part B permit for its hazardous waste facility located in Plymouth Township, **Montgomery County**. All authority to conduct hazardous waste operations under their Part B permit ceased as of the permit's July 11, 2000 expiration date. A full bond release has been requested and will be processed 30 days after publication of this notice.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

Permit No. 101471. Municipal Waste Transfer Facility, Clifford Hill Sanitation Service, Inc. (780 Noble Street, Kutztown, PA 19530). Permit issued for modification approving a change in the operating hours. Permit issued in the Southcentral Region on July 7, 2000.

Permit No. 300742. Quaker Alloy Residual Waste Landfill, Quaker Alloy, Inc. (200 East Richland Avenue, Myerstown, PA 17067). Permit issued for modification approving the processing of residual waste for a facility in Jackson Township, **Lebanon County**. Permit issued in the Southcentral Region on July 5, 2000.

**AIR QUALITY
OPERATING PERMITS**

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

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

45-310-021GP: Locust Ridge Quarry (Division of Haines & Kibblehouse, Inc., P. O. Box 196, Skippack, PA 19474) for construction and operation of a portable stone crushing plant and associated air cleaning device in Tobyhanna Township, **Monroe County**.

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

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

17-305-044: M. B. Energy, Inc. (P. O. Box 1319, Indiana, PA 15701) on June 6, 2000, for operation of a coal crushing, stockpiling and loading facility at the Black Hills No. 2 Strip Mine in Bell Township, **Clearfield County**. The coal crushing, stockpiling and loading facility is subject to Subpart Y of the Federal Standards of Performance for New Stationary Sources.

19-317-022A: Perdue Specialty Feeds, Inc. (P. O. Box 1537, Salisbury, MD 21802-1537) on June 6, 2000, for operation of a fish food pellet dryer and associated air cleaning device (high efficiency cyclone) in Catawissa Borough, **Columbia County**.

41-305-011: Fisher Mining Co. (P. O. Box 374, Montoursville, PA 17754) on June 28, 2000, for operation of coal preparation plant in Pine Township, **Lycoming County**. Most of the coal preparation plant is subject to Subpart Y of the Federal Standards of Performance for New Stationary Sources.

Philadelphia Department of Public Health, Air Management Services, 321 University Ave., Philadelphia, PA 19104, (215) 685-7584.

S95-084: LaFrance Corp. (8425 Executive Avenue, Philadelphia, PA 19153-3893) for operation of four significant combustion units each less than 4.5 MMBTU/hr, five spray booths with dry panel filters, one roller coat, two silk screen machines, chromium electroplating and nitric acid stripping with associated emission control devices (chromium scrubber and nitric scrubber) in the City of Philadelphia, **Philadelphia County**.

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

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

08-399-032: OSRAM Sylvania Products, Inc. (Hawes Street, Towanda, PA 18848) on July 7, 2000, to allow the use of a fabric collector for the control of particulate matter emissions from a granulator loading/unloading station in Department 038, Building 28A in North Towanda Township, **Bradford County**.

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

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

15-323-007: Lukens Steel Co. (50 South First Avenue, Coatesville, PA 19320) on July 14, 2000, for grit blasting and nickel plating operations in the City of Coatesville, **Chester County**.

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

19-317-022A: Melick AquaFeed, Inc. (139 South First Street, Catawissa, PA 17820) on July 5, 2000, to authorize operation of fish food processing operations and associated air cleaning devices (two fabric collectors and a high efficiency cyclone) by a new owner in Catawissa Borough, **Columbia County**.

59-304-008B: ACP Manufacturing Co., LLC (P. O. Box 9, Blossburg, PA 16912-0068) on July 7, 2000, to incorporate conditions established in Plan Approval 59-304-008E for three downdraft grinding benches in Lawrence Township, **Tioga County**.

PLAN APPROVALS

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

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

PA-23-0034: Villanova University (Ithan Avenue and Route 30, Villanova, PA 19085) on July 14, 2000, for operation of heating hot water boilers in Radnor Township, **Delaware County**.

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

40-399-042: Wyoming Valley Sanitary Authority (P. O. Box 33A, Wilkes-Barre, PA 18703) on July 7, 2000, for installation of an air cleaning device in Hanover Township, **Luzerne County**.

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

06-05066B: General Battery Corp. (P. O. Box 14294, Reading, PA 19612-4294) on July 7, 2000, for installation of fabric collector at the Smelter Plant in Laureldale/Muhlenberg Township, **Berks County**. This source is subject to 40 CFR Part 63, Subpart X—Standards of Performance for Hazardous Air Pollutants from Secondary Lead Smelting.

67-03089: John W. Keffer Funeral Home, Inc. (902 Mount Rose Avenue, York, PA 17403-2938) on July 6,

2000, for installation of a human cremator with a built-in afterburner in York City, **York County**.

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

19-317-023B: Heinz Pet Products (6670 Low Street, Bloomsburg, PA 17815) on June 8, 2000, for installation of an air cleaning device (a packed bed scrubber) on wastewater treatment operations in South Centre Township, **Columbia County**.

08-310-001D: Dalrymple Gravel and Contracting Co., Inc. (2105 South Broadway, Heinz City, NY 14871-9799) on June 20, 2000, for construction of stone crushing and screening equipment and associated air cleaning device (a water spray dust suppression system) in Athens Township, **Bradford County**. The crushing and screening equipment is subject to Subpart 000 of the Federal Standards of Performance for New Stationary Sources.

08-313-027D: OSRAM Sylvania Products, Inc. (Hawes Street, Towanda, PA 18848-0504) on June 27, 2000, for installation of an air cleaning device (a cartridge collector) on a tungsten carbide processing operation in North Towanda Township, **Bradford County**.

14-313-040: Rutgers Organics Corp. (201 Struble Road, State College, PA 16801) on June 28, 2000, for modification of a chemical process facility to manufacture a new product (Product 042) in College Township, **Centre County**.

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

PA-56-272A: Future Industries, Inc. (P. O. Box 157, Meyersdale, PA 15552) on June 28, 2000, for a coal crushing facility at the Joepa Strip Mine in Summit Township, **Somerset County**.

PA-65-919A: Angelo Iafate Construction Co. (P. O. Box 259, New Stanton, PA 15672) on June 20, 2000, for construction and operation of the crusher and asphalt plant at the Carpenter Town Asphalt Plant in Mt. Pleasant Borough, **Westmoreland County**.

PA-11-288A: Johnstown America Corp. (17 Johns Street, Johnstown, PA 15907) on June 20, 2000, for construction and operation of cleaning booth at the Franklin Plant in Franklin Borough, **Cambria County**.

PA-56-276A: PBS Coals, Inc. (P. O. Box 260, Friedens, PA 15541) on July 14, 2000, for operation of hot mix asphalt plant at the Pine Hill Facility in Brothersvalley Township, **Somerset County**.

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

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

36-03031A: Paradise Custom Kitchens, Inc. (3333 Lincoln Highway East, P. O. Box 278, Paradise, PA 17562) on July 14, 2000, to authorize temporary operation of one Binks Dry Panel Filter Booth and associated equipment, covered under this Plan Approval until November 10, 2000, in Paradise Township, **Lancaster County**.

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

17-314-001E: Invensys Energy Metering (P. O. Box 528, DuBois, PA 15801) on June 29, 2000, to extend authorization to operate three rubber curing ovens and associated air cleaning devices (a venturi scrubber and a packed bed scrubber) on a temporary basis until October 27, 2000, in the City of DuBois, **Clearfield County**.

08-399-047: OSRAM Sylvania Products, Inc. (Hawes Street, Towanda, PA 18848) on July 6, 2000, to extend authorization to operate two CVD phosphor coat-ers and associated air cleaning device (a catalytic oxidizer) on a temporary basis until November 3, 2000, in North Towanda Township, **Bradford County**.

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

PA-04-504A: Mitsui/ZCA Zinc Powders Co. (300 Frankfort Road, Monaca, PA 15061) on July 5, 2000, for installation and operation of High Purity Zinc Powder Plant at ZCA Monaca in Shippingport Borough, **Beaver County**.

PA-04-033A: Nova Chemicals, Inc. (400 Frankfort Road, Monaca, PA 15061) on July 11, 2000, for operation of D2 Liquid Lube Dylite Process at Beaver Valley Plant in Shippingport Borough, **Beaver County**.

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

PA-37-185A: Universal Refractories, Inc. (915 Clyde Street, Wampum, PA 16157) on June 30, 2000, for mgo processing equipment in Wampum Borough, **Lawrence County**.

PA-37-302A: New Castle Battery Manufacturing Co. (3601 Wilmington Road, New Castle, PA 16105) on June 28, 2000, for a battery production plant in New Castle, **Lawrence County**.

PA-42-151A: Werzalit of American, Inc. (40 Holley Avenue, P. O. Box 373, Bradford, PA 16701) on April 30, 2000 for a chipping drying process in Bradford, **McKean County**.

MINING

APPROVALS TO CONDUCT COAL AND NONCOAL ACTIVITIES

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 water quality certification. Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Quality Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

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

Coal Applications Issued:

32990107. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001), commencement, operation and restoration of a bituminous surface-auger-coal refuse re-

processing mine in Rayne and Washington Townships, Ernest Borough, **Indiana County**, affecting 90.0 acres, receiving stream McKee Run, application received July 14, 1999, permit issued July 7, 2000.

32900106. Permit Renewal for reclamation only, Mears Enterprises, Inc. (P. O. Box 157, Clymer, PA 15728), for continued restoration of a bituminous surface mine in Grant Township, **Indiana County**, affecting 260.0 acres, receiving stream unnamed tributaries to Little Mahoning Creek, application received July 10, 2000, issued July 12, 2000.

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

26980105. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Permit revised to change the landuse to pastureland at a bituminous surface mining site located in Saltlick Township, **Fayette County**, affecting 67 acres. Receiving streams: unnamed tributary to Little Champion Creek to Little Champion Creek to Champion Creek to Indian Creek to Youghiogheny River. Application received: April 6, 2000. Permit revision issued: July 10, 2000.

63940201. Reichard Contracting, Inc. (R. D. 3, Box 20, New Bethlehem, PA 16242). Renewal issued for continued operation and reclamation of a bituminous surface mine located in Fallowfield Township, **Washington County**, affecting 25.7 acres. This permit was previously renewed for reclamation only. Receiving streams: unnamed tributary to Pigeon Creek to Monongahela River. Application received: May 16, 2000. Renewal issued: July 10, 2000.

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

54813040R3. Sunray Coal, Inc. (P. O. Box 226, Gilberton, PA 17934), renewal of an existing anthracite surface mine operation in Butler and West Mahanoy Townships, **Schuylkill County** affecting 440.0 acres, receiving stream—none. Renewal issued July 13, 2000.

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

11841302. Trent Coal, Inc. (1789 Stoystown Road, Friedens, PA 15541), to revise the permit for the Rice No. 1/Arrow No. 3 Mines in Portage Township, **Cambria County**, to revise the existing permit to facilitate a land use change at the main portal site from forestland to industrial, commercial and wildlife habitat, no additional discharges. Permit issued July 7, 2000.

30950701. Consolidation Coal Co. (P. O. Box 100, Osage, WV 26543), to renew the permit for the Blacksville No. II, Hughes Hollow Slurry Pond in Wayne Township, **Greene County**, for renewal, no additional discharges. Permit issued July 7, 2000.

63831302. Eighty Four Mining Co. (P. O. Box 284, Eighty Four, PA 15330), to revise the permit for Mine No. 84 in Amwell Township, **Washington County**, to add 20 acres to surface site and NPDES 019 at Hallam Air Shaft, NPDES 019, Tributary to Redd Run. Permit issued July 7, 2000.

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

43793003. Rusnak Coal Company (R. D. 1, Box 44, Grove City, PA 16127). Renewal of an existing bituminous strip and auger operation in Wolf Creek Township, **Mercer County** affecting 125.0 acres. This renewal is issued for reclamation only. Receiving streams: Unnamed tribu-

tary to Black Run. Application Received: April 28, 1999. Permit Issued: June 29, 2000.

16793006. C & K Coal Company (P. O. Box 69, Clarion, PA 16214). Renewal of an existing bituminous strip, auger and beneficial use of coal ash operation in Beaver, Licking and Richland Townships, **Clarion County** affecting 983.0 acres. This renewal is issued for reclamation only. Receiving streams: Turkey Run and Unnamed tributary to the Clarion River. Application Received: May 4, 2000. Permit Issued: June 29, 2000.

24930102. Fairview Coal Company (P. O. Box R, Ridgway, PA 15853). Renewal of an existing bituminous surface, auger, and beneficial use of residual waste sludge operation in Horton Township, **Elk County** affecting 236.7 acres. Receiving streams: Unnamed tributary of Johnson Run and unnamed tributary to Brandy Camp Creek. Application Received: March 9, 2000. Permit Issued: July 12, 2000.

*Knox District Office, P. O. Box 669, Knox, PA 16232.
Small Noncoal (Industrial Minerals) Permits Issued*

42000801. David D. Marcy (Box 1284B, Clarendon, PA 16313). Commencement, operation and restoration of a small noncoal bluestone operation in Annin Township, **McKean County** affecting 5.0 acres. Receiving streams: Two Mile Creek. Application Received: January 4, 2000. Permit Issued: July 12, 2000.

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

58000819. Martie Randall (R. R. 1 Box 33A, New Milford, PA 18834), commencement, operation and restoration of a bluestone quarry operation in New Milford Township, **Susquehanna County** affecting 1.0 acre, receiving stream—none. Permit issued July 12, 2000.

58990829. John F. Herman (R. R. 3 Box 297, Montrose, PA 18801), commencement, operation and restoration of a bluestone quarry operation in Silver Lake Township, **Susquehanna County** affecting 5.0 acres, receiving stream—none. Permit issued July 14, 2000.

06992801. Empire Wrecking Co. of Reading PA (1420 Clarion Street, Reading, PA 19601), commencement, operation and restoration of a quarry operation in Cumru Township, **Berks County** affecting 5.0 acres, receiving stream—Schuylkill River. Permit issued July 14, 2000.

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

Noncoal (Industrial Minerals) Permits Issued

04960301. Beaver Valley Aggregates, Inc. (1150 Brodhead Road, Monaca, PA 15061). Permit revised to allow mining of onsite deposits of blast and steel slag at a large noncoal surface mining operation located in Hopewell Township, **Beaver County**, affecting 36 acres. Receiving streams: Ohio River. Application received: August 16, 1999. Revision issued: July 13, 2000.

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

4878NC3. Frank Tucci (25000 PA Route 99, Cambridge Springs, PA 16403). Revision to an existing sand and gravel operation to allow mining below the groundwater table in Rockdale Township, **Crawford County**. Revision also includes a post-mining land use change to unmanaged water impoundment. Receiving streams: Kelly Run. Application received: December 16, 1999. Permit Issued: June 29, 2000.

43950302. Atlantic States Materials of PA, Inc. (P. O. Box 269, Mercer, PA 16137). Revision to an existing sand and gravel operation to allow mining below the groundwater table in the western portion of phase II and phase III in East Lackawannock Township, **Mercer County**. Revision also includes a post-mining land use change to unmanaged water impoundment. Receiving streams: Unnamed tributary to Beaver Run. Application received: March 28, 2000. Permit Issued: July 7, 2000.

4379306. H & H Materials, Inc. (190 Canon Road, Stoneboro, PA 16513). Revision to an existing sand and gravel operation to increase the approved pit depth and a change in the type of reclamation to water impoundment in Lake Township, **Mercer County**. Receiving streams: Shenango River. Application Received: February 16, 2000. Permit Issued: July 12, 2000.

302124-4379306-E-4. H & H Materials, Inc. (190 Canon Road, Stoneboro, PA 16513). Application for a stream encroachment to mine through and reconstruct a section of Little Shenango River in Lake Township, **Mercer County**. Receiving streams: Shenango River. Application Received: February 16, 2000. Permit Issued: July 12, 2000.

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

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

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

Actions on applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and sections 5 and 402 of The Clean Streams Law (35 P. S. §§ 691.5 and 691.402) and notice of final action for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)). (*Note: Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description.*)

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

E40-546. Encroachment. Mark and Deborah Sobeck, R. R. 3, Box 192, Pole 210, Lakeside Drive, Harveys Lake,

PA 18618-9404. To modify and maintain an existing pile supported boat dock and boathouse in Harveys Lake. The modified structure will have a surface area of approximately 1,425 S. F. and will extend 50 feet from the shore. The project is located at Pole 210, approximately 0.4 mile east of the intersection of S. R. 0415 and S. R. 1055 (Harveys Lake, PA Quadrangle N: 5.2 inches; W: 7.3 inches) in Harveys Lake Borough, **Luzerne County**.

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

E52-163. Encroachment. **Richard Schroeder**, 24003 North Dobson Road, Scottsdale, AZ 85255. To remove approximately 10—12 large boulders along the shoreline of Lake Wallenpaupack from the rear of Lots No. 113 and 114 to improve accessibility for boating. The project is located approximately 500 feet north of the intersection of S. R. 0507 and T-365 (Hawley, PA Quadrangle N: 8.1 inches; W: 11.0 inches, in Palmyra Township, **Pike County**.

E64-209. Encroachment. **Wayne County Commissioners**, Wayne County Courthouse Annex, 925 Court Street, Honesdale, PA 18431. To remove the existing structure and to construct and maintain a prestressed concrete adjacent box beam bridge, having a clear normal span of 66.2 feet and an underclearance of 10.8 feet, across Equinunk Creek. The bridge, known as Cummings Bridge (Wayne County Bridge No. 4), is located along T-724 (Crooked Creek Road), approximately 300 feet south of the intersection of T-724 and S. R. 4007 (Lake Como, PA-NY Quadrangle N: 10.2 inches; W: 1.95 inches), in Buckingham Township, **Wayne County**.

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

E06-538. Encroachment. **GPU Energy**, 2800 Pottsville Pike, P. O. Box 16001, Reading, PA 19640. To install a fiber optic cable on an existing electric distribution line across the Schuylkill River (WWF) at a point approximately 3,000 feet upstream of Warren Street (Reading, PA Quadrangle N: 21.2 inches; W: 10.6 inches) in Muhlenberg and Bern Townships, **Berks County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E29-079. Encroachment. **Donald Clevenger**, HCR 75 Box 5, McConnellsburg, PA 17233. To construct and maintain: (1) 50-foot rock riprap protection at the right bank of Big Cove Creek located upstream of the driveway, (2) 20-foot of rock riprap protection at the left and right banks downstream of the driveways same and to remove some of the unpermitted fill along the floodway of Big Cove Creek (McConnellsburg, PA Quadrangle N: 12.0 inches; W: 17.0 inches) in Todd Township, **Fulton County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

Northcentral Regional: Water Management—Soils and Waterways, F. Alan Sever, Chief, 208 West Third Street, Williamsport, PA 17701.

E08-352. Encroachment. **David G. Moore**, R. R. 2, Box 112, Rome, PA 18837. To construct and maintain a driveway on fill approximately 2 feet deep by 12 feet wide and to place and maintain a maximum of 4 inches of topsoil fill for the purpose of planting grass in the locust tree grove in the floodway of Wappasening Creek. The

driveway is located approximately 159 feet south of the New York border on the west side of Route 187 and the locust tree groves are located immediately north of the driveway and from the driveway proceeding south for a distance of approximately 200 feet (Windham, PA Quadrangle N: 22.25 inches; W: 13.5 inches) in Windham Township, **Bradford County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E08-354. Encroachment. **David Lubin**, Raven Holding Co., LLC, 225 Colonial Dr., Horseheads, NY 14845. To construct and maintain: 1) an 18-inch diameter 60-long HDPE pipe culvert in an unnamed intermittent stream, 2) a 36-inch diameter 40-foot long HDPE pipe culvert in an unnamed perennial stream, both of which are to be located on a proposed access road to the Valley Business Park South water tank (Sayre, PA Quadrangle, N: 20.44 inches; W: 10.91 inches and N: 20.50 inches; W: 11.16 inches, respectively) in Athens Township, **Bradford County**. This permit was issued under section 105.13(e) "Small Projects."

E08-355. Encroachment. **Tri County Rural Electric Cooperative**, 33 Austin Drive, Wellsboro, PA 16901. To excavate and to temporarily disturb 0.195 acre in a 18.5 acre palustrine emergent wetland system for the purpose of placing telephone lines serving a water supply tank. The water supply tank will supply fire and domestic flows to the surrounding area and to the Valley Business Park. The project is located approximately 1.5 miles west of the SR 220/SR 4022 intersection, on the north side of SR 4020 (Mile Lane Road), (Sayre, PA Quadrangle N: 21", W: 10.5") in Athens Township, **Bradford County**. Restoration of the temporary road (revoked GP No. 8) crossing the 18.5 acre wetland is to be accomplished within 60 days after signing this permit.

E14-368. Encroachment. **Spring Township Supervisors**, 1309 Blanchard St., Bellefonte, PA 16823-8625. To 1) remove the existing structure, 2) construct and maintain a twin cell precast box culvert with two clear spans of 15-foot and a minimum underclearance 5-foot 9-inches, 3) construct and maintain three 54-inch diameter 46-foot long corrugated metal culvert pipes and the associated clean fill on Class 4 geotextile for a temporary crossing, all three of which are in Logan Branch located at the intersection of T-423 (Coal Shed Road) and S. R. 0144 (Bellefonte, PA Quadrangle, N: 2.7-inches); W: 1.5-inches) in Spring Township, **Centre County**.

E19-203. Encroachment. **Darrell and Norma Jones**, 609 East Second Street, Berwick, PA 186-3-4902. To construct a 720 square foot room addition on pillars with the floor located 1 1/2 feet above the 100-year flood elevation in the floodway of Fishing Creek located off Route 487 on the opposite side of Fullmers Auto Body Shop (Benton, PA Quadrangle N: 9 inches; W: 1.5 inches) in Benton Township, **Columbia County**. This permit was issued under section 105.13(e) "Small Projects."

E60-143. Encroachment. **Larry Showver**, R. R. 1, Box 478, Lewisburg, PA 17837. To construct and maintain two steel culvert pipes, 5 feet in diameter, depressed 1 foot below streambed, in an unnamed tributary to Turtle Creek for a private driveway located off Mountain Creek Lane approximately 0.2 mile south of Furnace Road (Lewisburg, PA Quadrangle N: 8.0 inches; W: 7.7 inches) in East Buffalo Township, **Union County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

E02-1301. Encroachment. **J. A. Jones/Traylor Brothers, Inc.**, J. A. Jones Drive, Charlotte, NC 28287. To construct and maintain a temporary casting basin facility along the right bank of the Ohio River (WWF) for the purpose of fabricating precast float-in concrete dam segments for the new Braddock Dam, Lock No. 2 a part of the USACLE Lower Mon Project. The casting facility will be located near River Mile 15 at the Leetsdale Industrial Park (Ambridge, PA Quadrangle N: 12.6 inches; W: 13.6 inches) in the Borough of Leetsdale, **Allegheny County**. This permit also includes temporary impacts to 0.05 acre of wetlands (PFO1/EM1/SS1F).

ENVIRONMENTAL ASSESSMENT

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

EA38-004CO. Environmental Assessment. **Carroll W. Laufmann**, Vice President, (Pennsylvania Lime, Inc., P. O. Box 160, Annville, PA 17003). To construct a non-jurisdictional dam across a tributary to Quittapahilla

Creek (TSF) to increase the capacity of the existing sediment impoundment at the Old Fiala Quarry. Construction of the dam will impact approximately 120 linear feet of the stream channel. The proposed dam will be located approximately 3,400 feet northwest of the intersection of West Main Street (S. R. 422) and State Route 934 (Palmyra, PA Quadrangle, N: 14.85 inches; W: 3.85 inches).

STORAGE TANKS

SITE SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site Specific Installation Permits under the authority of the Storage Tank and Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101 and 6021.1102) and 25 Pa. Code Chapter 245, Subchapter C have been issued by the Bureau of Watershed Conservation, Director, P. O. Box 8555, Harrisburg, PA 17105-8555, (717) 787-5267.

SSIP Permit No.	Applicant Name and Address	County and Municipality	Tank Type and Capacity
00-38-001	Stephen C. Dahm AES Ironwood, L.L.C. 305 Prescott Road Lebanon, PA 17042	Lebanon County South Lebanon Township	1 AST storing Low Sulfur Distillate Oil 2,300,000 gallon 8 ASTs storing Various Chemicals 30,100 gallon total

[Pa.B. Doc. No. 00-1284. Filed for public inspection July 28, 2000, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are on DEP's world wide web site (www.dep.state.pa.us) at the public participation center. The "July 2000 Inventory" heading is the governor's list of non-regulatory guidance documents. The "Final Documents" heading is the link to a menu of the various dep bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to DEP's draft technical guidance documents.

DEP will continue to revise its non-regulatory documents, as necessary, throughout 2000.

Ordering Paper Copies of DEP Technical Guidance

DEP encourages the use of the Internet to view guidance documents. When this option is not available, persons can order a bound paper copy of the latest inventory or an unbound paper copy of any of the final documents listed on the inventory by calling DEP at (717) 783-8727.

In addition, bound copies of some of DEP's documents are available as DEP publications. Please check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

Below is the current list of recent changes. Persons who have any questions or comments about a particular document should call the contact person whose name and phone number is listed with each document. Persons who have questions or comments in general should call Joe Sieber at (717) 783-8727.

Notice to Rescind Technical Guidance Documents

DEP ID: 381-5511-001 Title: Inspection and Change Order Review—PennVest Funded Projects

DEP ID: 381-5511-002 Title: Performance Certification—PennVest Funded Projects

DEP ID: 381-5511-005 Title: Value Engineering Analysis—Water Pollution Control Revolving Fund

DEP ID: 381-5511-007 Title: Cost Effectiveness Review—PennVest Funded Projects

DEP ID: 381-5511-013 Title: A State Environmental Review Process for Pennsylvania

DEP ID: 381-5511-015 Title: Categorical Exclusion Provisions—PennVest Funded Projects

These six guidance documents have been updated and will be incorporated into guidance document # 381-5511-113, the "Handbook for PennVest Wastewater Projects." Contact: Trudy Troutman at (717) 783-3795, or email Trudy.Troutman@dep.state.pa.us.

Draft Guidance

DEP ID: 700-0200-001 Title: Technology Management Process Description: The Technology Management Process will help define and communicate technological needs, and by working in partnership with investors, entrepreneurs, trade associations and the public, it will help reduce the barriers to, and increase the opportunities for, new technology. Comment Period Ends: August 28, 2000 Anticipated Effective Date: October 1, 2000 Contact: Calvin Kirby III, (717) 772-5834 or e-mail: Kirby.Calvin@dep.state.pa.us.

DEP ID: 550-2100-008 Title: NPDES Permits for Stormwater Discharges Associated With Construction Activities at Oil and Gas Wells Description: This guidance is used for determining when a NPDES permit is needed for stormwater discharge associated with construction activities at oil and gas wells. Comment Period Ends: August 28, 2000. Anticipated Effective Date: September 9, 2000. Contact: Ron Gilius at (717) 772-2199 or e-mail at Gilius.Ronald@dep.state.pa.us.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 00-1285. Filed for public inspection July 28, 2000, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

Design Professional Selections

The Selections Committee for the Department of General Services will meet to consider selections of Design Professionals for the following project:

The following project advertisement replaces in its entirety the project advertisement for Project Nos. DGS 403-62 and DGS 403-67, which were advertised for Design Professional Selections in the July 22, 2000, issue of the *Pennsylvania Bulletin*.

Project No. DGS 403-62-67—Renovation of Dining Area—Renovation of Building for Hospitality Center, Cheyney University of Pennsylvania, Cheyney, Delaware County, PA. Total Construction Cost: \$855,000. The scope of work includes, but is not limited to, window and masonry repairs, ADA improvements, interior reconfiguration, electrical/mechanical/plumbing upgrades and roof repairs to Ada Georges Dining Hall (DGS 403-62) and Melrose Center (DGS 403-67).

REQUIREMENTS AND INFORMATION

Note—Project Program

A Project Program, prepared by the Using Agency, is available for the above project. The Project Program is available on the Internet by clicking on the project number in the advertisement which can be accessed through the Public Works section on the Department of General Services' Home Page at www.dgs.state.pa.us. A Copy of the Project Program may be obtained upon request to the Selections Committee, Department of General Services, Room 104, 18th and Herr Streets, Harrisburg, PA 17125, (717) 783-8468, or E-mail by addressing a request to: pbianchi@state.pa.us.

Instructions for Filing Application

Professionals will not be considered by the Committee until all of the following requirements are met.

(a) Signed Form 150-ASP must be filed with the Department of General Services. The signature on Form 150-ASP must be an original signature. Consultants listed on the requesting professional firm's application, Form 150-ASP shall be deemed to be designated Key Consultants. Form 150-ASP, Application For Specific Project, may be obtained upon request to the Selections Committee, Department of General Services, Room 104, 18th and Herr Streets, Harrisburg, PA 17125, (717) 783-8468. The Form 150-ASP can be downloaded from the

Professional Selections Web Site of the Department of General Services' Internet Home Page at <http://www.dgs.state.pa.us>. In addition, the Form 150-ASP can be obtained by E-mail by addressing a request to: pbianchi@state.pa.us.

(b) The requesting professional firm shall obtain from each consultant listed in Question 9, page 4 of the requesting professional firm's application (Form 150-ASP) a signed letter of certification on the consultant's letterhead, attesting to the firm's consent to participate in the requesting professional firm's application (Form 150-ASP) for the specific project. Signed letters of certification from consultants are required and constitute a part of the requesting professional firm's application (Form 150-ASP) for the specific project. The signature on the letter of certification must be an original signature.

(c) The requesting professional firm must submit six copies of Form 150-ASP, Application for Specific Project, for each project herein advertised in which the firm is interested and qualified to perform. At least one of the six copies submitted must contain all original signatures. For architectural projects and, when appropriate, for engineering projects, the Professional shall supply photographs showing a maximum of two different views of each of the three relevant projects described in Question 12, Pages 7 through 9 of the application (Form 150-ASP). The requesting professional firm or joint venture firm must be the Professional of Record for the projects described in Question 12, Pages 7 through 9 of the application (Form 150-ASP). It is not acceptable to list work performed by Key Consultants. The identification and appropriate supportive information concerning each photograph shall include the name, project title, location and the name of the Professional of Record. Color photo copies are acceptable, however, renderings and brochures will not be accepted in lieu of photographs. The photographs shall be attached to each copy of the application (Form 150-ASP). The pages of each copy of Form 150-ASP must be stapled with photographs and consultant's letters of certification followed by the resumes of Key Personnel (listed in Question 10 and/or 11 on Pages 5 and/or 6) included as the last section of the application. Do not bind the application (Form 150-ASP) in any way to any other documentation. Do not bind the application (Form 150-ASP) in a binder of any type.

(d) A complete project submission, which consists of documents described in paragraphs (a), (b) and (c), must be received on or before the close of business (5 p.m.) Friday, August 11, 2000, and addressed to the Selections Committee, Department of General Services, Room 104, 18th and Herr Streets, Harrisburg, PA 17125. Fax applications are not acceptable.

Project submissions must be made on the Form 150-ASP. Applications submitted on any other form are unacceptable and will not be considered by the Committee.

(e) The Selections Committee may at its discretion establish interviews with any or all of the Professionals who have requested consideration for appointment as designer for the above projects. If an interview is required, the Professional will be notified by the Committee as to the date, time and location.

(f) Additional information, in writing, may be requested by the Committee as required.

Additional Services—Indoor Air Quality Assessment Program and Hazardous Materials

The Professional firm selected to design a project will be expected to perform and administer, when required by

the Department as Additional Services, an Indoor Air Quality Assessment Program during Building or Renovation Commissioning and the sampling, testing, inspection and monitoring for removal of any asbestos, other hazardous waste or contaminants encountered during project design or construction, unless otherwise stated in the Scope.

The Selections Committee encourages responses from small firms, minority firms, women-owned firms and firms who have not previously performed State work, and will consider joint ventures, which will enable them to participate in this program.

All applications submitted are subject to review by the Selections Committee. The Selections Committee disclaims any liability whatsoever as to its review of the applications submitted and in formulating its recommendations for selection. All recommendations for selection made by the Committee shall be final under the act of May 15, 1998 (P. L. 358, No. 57).

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 00-1286. Filed for public inspection July 28, 2000, 9:00 a.m.]

State Surplus Property Division

The Department of General Services, State Surplus Property Division, is soliciting bids on a 1999 Dodge Ram Pickup Truck with a 5.9L Diesel Cummins Engine. This truck was obtained through the Department's road improvement projects. The truck is a 1999 Dodge Ram 2500HD, 4x4 Quad Cab SLT with a 139" WB, engine has only 13,000 miles, fully loaded and is in excellent condition. Persons who would like to know more information about this vehicle or would like to place a bid, should contact Debbie Martz at (717) 787-4085 or write to the Department of General Services, State Surplus Property, 2221 Forster St., Harrisburg, PA 17125 or visit our web site at www.dgs.state.pa.us under State Surplus Property Auctions, prior to the bid opening on August 15th at 1 p.m.

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 00-1287. Filed for public inspection July 28, 2000, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Peer Groups, Peer Group Medians, and Peer Group Prices for General Nursing Facilities, County Nursing Facilities, Hospital-Based Nursing Facilities and Special Rehabilitation Facilities

By this notice, in accordance with 55 Pa.Code § 1187.95(a)(4), the Department of Public Welfare (Department) announces its peer groups, peer group medians and peer group prices for general nursing facilities, county nursing facilities, hospital-based nursing facilities and special rehabilitation facilities. The peer groups, peer

group medians and peer group prices established under this notice have been calculated as provided by Chapter 1187 (25 Pa.B. 4477 (October 14, 1995)), and shall be effective for services rendered from July 1, 2000, through June 30, 2001.

To establish the database for the calculation of peer group medians and prices, the Department used each facility's three most recent audited cost reports that were issued by the Department on or before March 31, 2000, and indexed the costs for each report forward to the common date of December 31, 2000, using the Health Care Financing Administration (HCFA) Nursing Home Without Capital Market Basket Index.

The following is a listing, by group, of the number of facilities with a particular year-end and the inflation factor used to roll the costs of each facility forward to the common date of December 31, 2000.

General and County Nursing Facilities

<i>Facility Year End</i>	<i>Number of Facilities*</i>	<i>Inflation Factor</i>
December 31, 1990	1	1.3869
December 31, 1991	3	1.3429
June 30, 1992	2	1.3186
December 31, 1992	4	1.2964
June 30, 1993	2	1.2726
June 30, 1994	4	1.2296
December 31, 1994	9	1.2126
June 30, 1995	23	1.1982
December 31, 1995	292	1.1852
June 30, 1996	266	1.1683
December 31, 1996	323	1.1499
June 30, 1997	271	1.1359
December 31, 1997	331	1.1119
June 30, 1998	270	1.0933
December 31, 1998	23	1.0781

Hospital-Based Nursing Facilities

<i>Facility Year End</i>	<i>Number of Facilities*</i>	<i>Inflation Factor</i>
June 30, 1994	1	1.2296
June 30, 1995	6	1.1982
June 30, 1996	22	1.1683
June 30, 1997	23	1.1359
June 30, 1998	20	1.0933

Special Rehabilitation Facilities

<i>Facility Year End</i>	<i>Number of Facilities*</i>	<i>Inflation Factor</i>
June 30, 1996	3	1.1683
June 30, 1997	3	1.1359
June 30, 1998	3	1.0933

*As a result of using the three most recent audited cost reports, the "Number of Facilities" column reflects a number in excess of actual enrolled nursing facilities.

After the database was inflated using the above inflation values, the Department grouped the facilities in the correct geographic and bed size groupings. To establish peer groups, the Department used the most recent Metropolitan Statistical Area (MSA) group classification as published by the Federal Office of Management and Budget on or before April 1, 2000, to classify each nursing facility into one of three MSA groups or one non-MSA group. Then the Department used the bed complement of the nursing facility on the final day of the reporting period of the most recent audited MA-11 used in the Nursing Information System (NIS) database to classify

nursing facilities into one of three bed complement groups. These groups are 3—119 beds; 120—269; and 270 and over. Peer groups 7 and 10 have been collapsed in accordance with § 1187.94(1)(iv). Peer group 13 is designated for special rehabilitation facilities only and peer group 14 is designated for hospital-based nursing facilities only, regardless of geographic location or bed-size.

Once the database was established and the peer groups determined, the Department then calculated the medians and prices for each peer group. To calculate the resident care cost medians, the Department divided the audited allowable resident care costs for each cost report by the total facility case-mix index (CMI) from the available February 1 picture date closest to the midpoint of the cost report period to obtain case-mix neutral total resident care cost for the cost report year. The Department then divided the case-mix neutral total resident care cost for each cost report by the total audited actual resident days for the cost report year to obtain the case-mix neutral resident care cost per diem for the cost report year. The Department calculated the 3-year arithmetic mean of the case-mix neutral resident care cost per diem for each nursing facility to obtain the average case-mix neutral resident care cost per diem of each nursing facility. The Department arrayed the average case-mix neutral resident care cost per diem for each nursing facility within the respective peer groups and determined a median for each peer group.

To calculate the other resident care cost medians, the Department first divided the audited allowable other resident care costs for each cost report by the total audited actual resident days for the cost report year to obtain the other resident related cost per diem for the cost report year. The Department calculated the 3-year arithmetic mean of the other resident related cost for each nursing facility to obtain the average other resident related cost per diem of each nursing facility. The Department arrayed the average other resident related cost per diem for each nursing facility within the respective peer groups and determined a median for each peer group.

To calculate the administrative cost medians, the Department adjusted, as appropriate, the total audited actual resident days for each cost report to a minimum 90% occupancy in accordance with § 1187.23. The Department then divided the audited allowable administrative cost for each cost report by the total audited actual resident days, adjusted to 90% occupancy, if applicable, to obtain the administrative cost per diem for the cost report

year. The Department calculated the 3-year arithmetic mean of the administrative cost for each nursing facility to obtain the average administrative cost per diem of each nursing facility. The Department arrayed the average administrative cost per diem for each nursing facility within the respective peer groups to determine a median for each peer group.

After the medians were determined for each peer group, the Department set prices using the medians. To set peer group prices, the Department multiplied the resident care cost median of each peer group by 1.17 to obtain the resident care cost peer group price; multiplied the other resident related cost median of each peer group by 1.12 to obtain the other resident related peer group price; and, multiplied the administrative cost median of each peer group by 1.04 to obtain the administrative cost peer group price.

The peer groups, peer group medians and peer group prices of general and county nursing facilities, hospital-based and special rehabilitation nursing facilities effective July 1, 2000, are listed in Annex A. The Department will use the peer groups, peer group medians and peer group prices to determine case-mix rates for nursing facilities for the period July 1, 2000, through June 30, 2001.

Public comment regarding this notice may be sent to Tom Jayson, Long Term Care Policy Section, Department of Public Welfare, Division of Long Term Care Provider Services, P. O. Box 8025, Harrisburg, PA 17105.

Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). Persons who require another alternative format, contact Thomas Vracarich at (717) 783-2209.

FEATHER O. HOUSTOUN,
Secretary

Fiscal Note: 14-NOT-252. (1) General Fund; (2) Implementing Year 2000-01 is \$14.985 Million; (3) 1st Succeeding Year 2001-02 is \$16.347 Million; 2nd Succeeding Year 2002-03 is \$16.347 Million; 3rd Succeeding Year 2003-04 is \$16.347 Million; 4th Succeeding Year 2004-05 is \$16.347 Million; 5th Succeeding Year 2005-06 is \$16.347 Million; (4) 1999-00 Program—\$693.625 Million; 1998-99 Program—\$721.631 Million; 1997-98 Program—\$617.252 Million; (7) Medical Assistance—Long Term Care; (8) recommends adoption. Funds are available in the Department's budget to cover the increased cost in this notice.

Annex A

TITLE 55. PUBLIC WELFARE

PART III. MEDICAL ASSISTANCE MANUAL

CHAPTER 1187. NURSING FACILITY SERVICES

Subchapter G. RATE SETTING

§ 1187.96. Price and rate setting computations.

<i>Median Peer Group</i>	<i>Current Provider Number</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
1	00756499	BEAVER VALLEY GERIATRIC CENTER	12/31/97	12/31/96	12/31/95
1	01116388	CARE PAVILION OF WALNUT PARK, INC	06/30/98	06/30/97	06/30/96
1	00756541	CHARLES M. MORRIS NSG & REHAB CTR	06/30/98	06/30/97	06/30/96
1	00984672	CHESTER CARE CENTER	06/30/98	06/30/97	06/30/96
1	00751859	FAIR ACRES GERIATRIC CENTER	12/31/97	12/31/96	12/31/95

<i>Median Peer Group</i>	<i>Current Provider Number</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
1	00984215	IHS OF PA AT BROOMALL	12/31/97	12/31/96	12/31/95
1	00757093	IMMACULATE MARY HOME	06/30/98	06/30/97	06/30/96
1	00947848	J J KANE REGIONAL CTR-GLEN HAZEL	12/31/97	12/31/96	12/31/95
1	00947866	J J KANE REGIONAL CTR-MCKEESPORT	12/31/97	12/31/96	12/31/95
1	00934115	J J KANE REGIONAL CTR-ROSS TWNSHP	12/31/97	12/31/96	12/31/95
1	00936808	J J KANE REGIONAL CTR-SCOTT TWNSHP	12/31/97	12/31/96	12/31/95
1	00984574	MANCHESTER HOUSE NSG & CONV CTR	06/30/98	06/30/97	06/30/96
1	00747758	MONTGOMERY CTY GERIATRIC & REHAB	12/31/97	12/31/96	12/31/95
1	00748147	NESHAMINY MANOR HOME	12/31/97	12/31/96	12/31/95
1	00756158	PHILADELPHIA NURSING HOME	12/31/97	12/31/96	12/31/95
1	00755437	POCOPSON HOME	12/31/97	12/31/96	12/31/95
1	00749430	SAINT FRANCIS COUNTRY HOUSE	06/30/98	06/30/97	06/30/96
1	00755197	SAINT JOHN LUTHERAN CARE CENTER	06/30/98	06/30/97	06/30/96
1	01751058	TEMPLE CONTINUING CARE CTR-ROBINSON	06/30/98	06/30/97	06/30/96
1	00576202	WESTMORELAND MANOR	12/31/97	12/31/96	12/31/95
PG 1		Resident Care Median		Administrative Median	
		\$79.03	Other Resident Care Median	\$13.01	
			\$38.96		
PG 1		Resident Care Price		Administrative Price	
		\$92.47	Other Resident Care Price	\$13.53	
		\$43.64			
2	00633739	ASBURY HEALTH CENTER	12/31/97	12/31/96	12/31/95
2	00756210	ASHTON HALL NURSING AND REHAB CTR	06/30/98	06/30/97	06/30/96
2	01559322	ATRIUM I NURSING AND REHAB CENTER	12/31/97	12/31/96	
2	01027036	ATTLEBORO NURSING AND REHAB CENTER	12/31/97	12/31/96	12/31/95
2	01185670	BALA NURSING AND RETIREMENT CENTER	06/30/98	06/30/97	06/30/96
2	00914319	BALDOCK HEALTH CARE CENTER	06/30/98	06/30/97	06/30/96
2	01104387	BALDWIN HEALTH CENTER, INC	06/30/98	06/30/97	06/30/96
2	00745083	BAPTIST HOME OF PHILADELPHIA, THE	06/30/98	06/30/97	06/30/96
2	00974694	BAPTIST HOMES NURSING CENTER	06/30/98	06/30/97	06/30/96
2	00857301	BEAVER VALLEY NSG AND REHAB CENTER	06/30/98	06/30/97	06/30/96
2	01689962	BELVEDERE NURSING AND CONVAL CTR	06/30/97	06/30/96	06/30/95
2	00972493	BEVERLY HEALTHCARE—MONROEVILLE	12/31/97	12/31/96	12/31/95
2	01684349	BEVERLY HEALTHCARE—MT LEBANON MNR	12/31/97	12/31/96	12/31/95
2	01688713	BEVERLY HEALTHCARE—MURRYSVILLE	12/31/97	12/31/96	12/31/95
2	00974273	BEVERLY HEALTHCARE—UNIONTOWN	12/31/97	12/31/96	12/31/95
2	00984583	BISHOP NURSING HOME, THE	06/30/98	06/30/97	06/30/96
2	01084640	BOULEVARD NURSING HOME	06/30/98	06/30/97	06/30/96
2	00987164	BRANDYWINE HALL	06/30/98	06/30/97	06/30/96
2	00940856	BRIARCLIFF PAVILION SPECIALIZED CARE	12/31/97	12/31/96	12/31/95
2	00790866	BRIARLEAF NURSING AND CONVAL CTR	06/30/98	06/30/97	06/30/96
2	00757422	BROOMALL PRESBYTERIAN VILLAGE	12/31/97	12/31/96	12/31/95
2	01129330	BUCKINGHAM VALLEY REHAB & NSG CTR	06/30/98	06/30/97	06/30/96
2	00757549	CATHEDRAL VILLAGE	06/30/98	06/30/97	06/30/96
2	01689971	CHAPEL MANOR NSG AND CONVAL CTR	06/30/97	06/30/96	06/30/95
2	00751017	CHATHAM ACRES, INC	06/30/98	06/30/97	06/30/96
2	01217710	CHELTENHAM NSG AND REHAB CENTER	06/30/98	06/30/97	06/30/96
2	01781100	CHELTENHAM YORK ROAD NSG & REHAB	06/30/98	06/30/97	06/30/96
2	01566004	CHERRY TREE NURSING CENTER	12/31/98	12/31/97	12/31/96
2	01458553	CLIVEDEN CONVALESCENT CENTER	06/30/98	06/30/97	06/30/96
2	00750815	CONCORDIA LUTHERAN MINISTRIES	06/30/98	06/30/97	06/30/96
2	00982838	COUNTRY MEADOWS OF SOUTH HILLS	12/31/97	12/31/96	12/31/95
2	00833284	CRESTVIEW CENTER	06/30/98	06/30/97	06/30/96
2	01684198	DOYLESTOWN MANOR	12/31/97	12/31/96	12/31/95
2	00860307	ELKINS CREST HEALTH AND REHAB CTR	06/30/98	06/30/97	06/30/96
2	01440307	ELMIRA JEFFRIES MEMORIAL HOME MGR	06/30/98	06/30/97	06/30/96
2	00744970	EVANGELICAL MANOR	12/31/97	12/31/96	12/31/95
2	00987155	FAIRVIEW CARE CTR OF BETHLEHEM PIKE	06/30/98	06/30/97	06/30/96
2	00987173	FAIRVIEW CARE CTR OF PAPERMILL ROAD	06/30/98	06/30/97	06/30/96
2	01663779	FORBES NURSING CENTER	06/30/98	06/30/96	06/30/95
2	00974854	GERMANTOWN HOME	06/30/98	06/30/97	06/30/96
2	01005048	GOLDEN SLIPPER CLUB UPTOWN HOME	06/30/98	06/30/97	06/30/96
2	00951214	GREEN ACRES—IVY HILL NURSING HOME	06/30/98	06/30/97	06/30/96
2	00791095	GREENLEAF NSG HOME AND CONVAL CTR	06/30/98	06/30/97	06/30/96

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<i>Median Peer Group</i>	<i>Current Provider Number</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
2	00931561	GREENSBURG NSG AND CONVAL CTR INC	12/31/98	12/31/97	12/31/96
2	00757487	GWYNEDD SQUARE NSG & CONVAL CARE	06/30/98	06/30/97	06/30/96
2	01687073	HARSTON HALL NSG AND CONVAL HOME	06/30/97	06/30/96	06/30/95
2	01005093	HEARTLAND HEALTH CARE CENTER	06/30/98	06/30/97	06/30/96
2	01268915	HEMPFIELD MANOR	12/31/97	12/31/96	12/31/95
2	01248609	HERITAGE SHADYSIDE, THE	06/30/98	06/30/97	06/30/96
2	00810495	HILLCREST CENTER	06/30/98	06/30/97	06/30/96
2	00899203	HOMESTEAD CENTER	06/30/98	06/30/97	06/30/96
2	00998892	HUMBERT LANE HEALTH CARE CENTER	06/30/98	06/30/97	06/30/96
2	01075875	IHS AT MOUNTAIN VIEW	12/31/97	12/31/96	12/31/95
2	00985938	IHS AT WHITEMARSH	12/31/97	12/31/96	12/31/95
2	01700513	IHS GREENERY OF CANONSBURG	06/30/97	06/30/96	06/30/95
2	01470511	IHS OF BRYN MAWR AT CHATEAU	12/31/97	12/31/96	12/31/95
2	00984224	IHS OF CHESTNUT HILL	12/31/97	12/31/96	12/31/95
2	01239593	IHS OF GREATER PITTSBURGH	12/31/97	12/31/96	12/31/95
2	01468649	IHS OF PA AT MARPLE	12/31/97	12/31/96	12/31/95
2	01470520	IHS OF PA AT PLYMOUTH	12/31/97	12/31/96	12/31/95
2	01664892	LAFAYETTE REDEEMER, THE	06/30/97	06/30/96	06/30/95
2	00860675	LANGHORNE GARDENS REHAB AND NSG	06/30/98	06/30/97	06/30/96
2	00757413	LEMINGTON CENTER	06/30/98	06/30/97	06/30/96
2	01625929	LGAR HEALTH AND REHABILITATION CTR	12/31/97	12/31/96	12/31/95
2	00969999	LIBERTY COURT, GENESIS ELDERCARE	06/30/98	06/30/97	06/30/96
2	01096599	LIFEQUEST NURSING CENTER	06/30/98	06/30/97	06/30/96
2	00756532	LITTLE FLOWER MANOR	06/30/98	06/30/97	06/30/96
2	00935408	LUTHER WOODS CONVALESCENT CENTER	12/31/98	12/31/97	12/31/96
2	01296876	MAIN LINE NURSING AND REHAB CENTER	06/30/98	06/30/97	06/30/96
2	01717010	MAJESTIC OAKS	06/30/98	06/30/97	06/30/96
2	01721077	MANATAWNY MANOR INC	06/30/98	06/30/97	06/30/96
2	01085530	MANORCARE HEALTH SVCS-BETHEL PARK	12/31/97	12/31/96	12/31/95
2	01106149	MANORCARE HEALTH SVCS-GREEN TREE	12/31/97	12/31/96	12/31/95
2	01434990	MANORCARE HLTH SVCS-HUNTINGDON	12/31/97	12/31/96	12/31/95
2	01211592	MANORCARE HLTH SVCS-KING OF PRUSSIA	12/31/97	12/31/96	12/31/95
2	01169621	MANORCARE HEALTH SVCS-LANSDALE	12/31/97	12/31/96	12/31/95
2	01155671	MANORCARE HEALTH SVCS-MCMURRAY	12/31/97	12/31/96	12/31/95
2	01601749	MANORCARE HLTH SVCS-MERCY FITZ	06/30/98	06/30/97	12/31/95
2	01615056	MANORCARE HEALTH SVCS-MONROEVILLE	12/31/97		
2	01223379	MANORCARE HEALTH SVCS-NORTH HILLS	12/31/97	12/31/96	12/31/95
2	00855100	MANORCARE HEALTH SVCS-POTTSTOWN	12/31/97	12/31/96	12/31/95
2	01191909	MANORCARE HEALTH SVCS-YARDLEY	12/31/97	12/31/96	12/31/95
2	00857286	MANORCARE HEALTH SVCS-YEADON	12/31/97	12/31/96	12/31/95
2	01460257	MAPLEWOOD MANOR CONV CENTER	06/30/98	06/30/97	06/30/96
2	00748951	MARIAN MANOR CORPORATION	06/30/98	06/30/97	06/30/96
2	01470683	MARINER HEALTH CARE OF WEST HILLS	06/30/98	06/30/97	06/30/96
2	00969504	MAYO CENTER	06/30/98	06/30/97	06/30/96
2	00747687	MERCY DOUGLASS HUMAN SERVICES CTR	06/30/98	06/30/97	06/30/96
2	01279703	MERCY SENIOR CARE: ST. JOSEPH'S	12/31/97	12/31/96	12/31/95
2	01616170	METHODIST HOSPITAL NURSING CENTER	06/30/98	06/30/96	06/30/95
2	00752112	MOUNT MACRINA MANOR NURSING HOME	06/30/98	06/30/97	06/30/96
2	01680715	NORTH PENN CONVALESCENT CENTER	12/31/97	12/31/96	12/31/95
2	01650832	NORTHWOOD NSG AND CONV CTR	06/30/98	06/30/97	06/30/96
2	01690640	OXFORD HEALTH CENTER	12/31/97	12/31/96	12/31/95
2	00757600	PARK PLEASANT HEALTH CARE FACILITY	06/30/98	06/30/97	06/30/96
2	00756640	PASSAVANT RETIREMENT AND HEALTH CTR	06/30/98	06/30/97	06/30/96
2	01293963	PAUL'S RUN	12/31/97	12/31/96	12/31/95
2	01177329	PEMBROOKE HEALTH & REHAB RESIDENCE	06/30/98	06/30/97	06/30/96
2	01064325	PENN CTR FOR REHABILITATION AND CARE	06/30/98	06/30/97	06/30/96
2	01686970	PENNSBURG MANOR	06/30/97	06/30/96	06/30/95
2	01686559	PHOENIXVILLE CONVALESCENT MANOR	12/31/97	12/31/96	12/31/95
2	01294817	PINE RUN HEALTH CENTER	06/30/98	06/30/97	06/30/96
2	00974489	PRESBYTERIAN MED CTR—WASHINGTON	12/31/98	12/31/97	12/31/96
2	01033893	PRESBYTERIAN MEDICAL CTR AT OAKMONT	12/31/98	12/31/97	12/31/96
2	01177347	PROSPECT PARK HLTH & REHAB RES	06/30/98	06/30/97	06/30/96
2	01217685	PROVIDENCE HEALTH CARE CENTER	12/31/97	12/31/96	12/31/95
2	01644399	QUAKERTOWN CENTER	12/31/97	12/31/96	12/31/95
2	00750744	REGINA COMMUNITY NURSING CENTER	06/30/98	06/30/97	06/30/96

<i>Median Peer Group</i>	<i>Current Provider Number</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
2	01201783	RIDGE CREST NURSING AND REHAB CTR	06/30/98	06/30/97	06/30/96
2	01615065	RITTENHOUSE PINE CENTER	06/30/98		
2	00993831	RIVER'S EDGE NURSING AND REHAB CTR	12/31/97	12/31/96	12/31/95
2	01056092	RIVERSIDE NURSING CENTER, INC	12/31/97	12/31/96	12/31/95
2	01207938	ROCHESTER MANOR	12/31/97	12/31/96	06/30/95
2	01734280	ROSLYN NURSING AND REHAB CENTER	06/30/98	06/30/97	06/30/96
2	00749251	RYDAL PARK OF PHILADELPHIA PRSBYTR	12/31/97	12/31/96	12/31/95
2	00756980	SACRED HEART MANOR	06/30/98	06/30/97	06/30/96
2	00755295	SAINT ANNE HOME	06/30/98	06/30/97	06/30/96
2	00750987	SAINT BARNABAS, INC	06/30/98	06/30/97	06/30/96
2	01723536	SAINT FRANCIS NURSING CTR CRANBERRY	06/30/98	06/30/97	06/30/96
2	01150684	SAINT FRANCIS NURSING CENTER, EAST	06/30/98	06/30/97	06/30/96
2	00750824	SAINT IGNATIUS NURSING HOME	06/30/98	06/30/97	06/30/96
2	00751269	SAINT JOHN NEUMANN NURSING HOME	06/30/98	06/30/97	06/30/96
2	01664918	SAINT JOSEPH'S MANOR	06/30/97	06/30/96	06/30/95
2	01163341	SAINT MARGARET SENECA PLACE	06/30/98	06/30/97	06/30/96
2	01186041	SAINT MARTHA MANOR	06/30/98	06/30/97	06/30/96
2	00749162	SAINT MARY'S MANOR	06/30/98	06/30/97	06/30/96
2	01419822	SANATOGA CENTER	06/30/98	06/30/97	06/30/96
2	00751920	SAUNDERS HOUSE	06/30/98	06/30/97	06/30/96
2	01004846	SHADYSIDE NURSING AND REHAB CENTER	06/30/98	06/30/97	06/30/96
2	01220519	SIDNEY SQUARE CONVALESCENT CENTER	12/31/97	12/31/96	12/31/95
2	00748011	SILVER LAKE CENTER	06/30/94	06/30/93	06/30/92
2	00969513	SILVER STREAM CENTER	06/30/98	06/30/97	06/30/96
2	00748568	SIMPSON HOUSE, INC	12/31/97	12/31/96	12/31/95
2	01752574	SPRINGS AT THE FOUNTAINS, THE	12/31/97	12/31/96	12/31/95
2	01035539	STAPELEY IN GERMANTOWN	06/30/98	06/30/97	06/30/96
2	01002547	STEPHEN SMITH HOME FOR THE AGED	06/30/98	06/30/97	06/30/96
2	01723410	SUBURBAN WOODS HEALTH & REHAB CTR	06/30/98	06/30/97	06/30/96
2	00750851	SUNNYVIEW HOME—BUTLER COUNTY HM	12/31/97	12/31/96	12/31/95
2	00931543	SYCAMORE CREEK NURSING CENTER	06/30/98	06/30/97	06/30/96
2	01684385	TANDEM HEALTH CARE OF CHESWICK	12/31/97	12/31/96	12/31/95
2	00749108	TEL HAI RETIREMENT COMMUNITY	06/30/98	06/30/97	06/30/96
2	01426157	TOWNE MANOR EAST	12/31/94	12/31/92	12/31/91
2	01426371	TOWNE MANOR WEST	12/31/94	12/31/92	12/31/91
2	01184557	TUCKER HOUSE	06/30/98	06/30/97	06/30/96
2	01216795	VALENCIA WOODS NURSING CENTER	06/30/98	06/30/97	06/30/96
2	01757300	VALLEY CARE MASONIC CENTER	06/30/98	06/30/97	06/30/96
2	00860263	VALLEY MANOR NURSING AND REHAB CTR	06/30/98	06/30/97	06/30/96
2	01644227	VILLA SAINT JOSEPH OF BADEN INC.	06/30/98		
2	01767094	VINCENTIAN HOME	06/30/98	06/30/97	06/30/96
2	01775926	VINCENTIAN REGENCY	06/30/98	06/30/97	06/30/96
2	01006199	WALLINGFORD NURSING AND REHAB CTR	06/30/98	06/30/97	06/30/96
2	00757048	WASHINGTON COUNTY HEALTH CENTER	12/31/97	12/31/96	12/31/95
2	00987870	WEST HAVEN NURSING HOME	06/30/98	06/30/97	06/30/96
2	00958930	WEXFORD HOUSE	06/30/98	06/30/97	06/30/96
2	01213550	WIGHTMAN CENTER FOR NSG AND REHAB	12/31/97	12/31/96	12/31/95
2	01301134	WILKINS HOUSE, THE	12/31/97	12/31/96	12/31/95
2	01592793	WOODHAVEN CARE CENTER	12/31/97	06/30/96	06/30/95
2	00754959	ZOHLMAN NURSING HOME	06/30/98	06/30/97	06/30/96
PG 2	Resident Care Median	Other Resident Care Median		Administrative Median	
	\$69.90	\$30.22		\$13.55	
PG 2	Resident Care Price	Other Resident Care Price		Administrative Price	
	\$81.78	\$33.85		\$14.09	
3	01432495	AMBLER REST CENTER	06/30/98	06/30/97	06/30/96
3	00755301	ARTMAN LUTHERAN HOME	06/30/98	06/30/97	06/30/96
3	00757333	AUTUMN GROVE CARE CENTER	06/30/98	06/30/97	06/30/96
3	01013335	BELAIR HEALTH AND REHABILITATION CTR	06/30/98	06/30/97	06/30/96
3	01149772	BELLE HAVEN	12/31/97	12/31/96	12/31/95
3	00747060	BETHLEN HM OF THE HUNGARIAN RFRMD	12/31/98	12/31/97	12/31/96
3	00965461	BEVERLY HEALTHCARE—OAKMONT	12/31/97	12/31/96	12/31/95
3	01686620	BEVERLY HEALTHCARE—SOUTH HILLS	12/31/97	12/31/96	12/31/95
3	01439727	BRINTON MANOR	12/31/97	12/31/96	12/31/95
3	01681463	BRITTANY POINTE ESTATES	12/31/96	12/31/95	12/31/94

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3	01030200	CANTERBURY PLACE	12/31/97	12/31/96	12/31/95
3	00776983	CARE CENTER AT MARTINS RUN, THE	12/31/97	12/31/96	
3	00747462	CHANDLER HALL	12/31/97	12/31/96	
3	01757285	CHICORA MEDICAL CENTER	06/30/98	06/30/97	06/30/96
3	00745790	CHRIST'S HOME RETIREMENT CENTER	06/30/98	06/30/97	06/30/96
3	01098575	COLLINS HEALTH CENTER	12/31/97	12/31/96	12/31/95
3	00912092	CONNER-WILLIAMS NURSING HOME	06/30/98	06/30/97	06/30/96
3	00891143	COVENTRY MANOR NURSING HOME	06/30/98	06/30/97	06/30/96
3	00887928	DOCK TERRACE	06/30/98	06/30/97	06/30/96
3	00860272	DRESHER HILL HEALTH AND REHAB CTR	06/30/98	06/30/97	06/30/96
3	01493427	EDGEHILL NURSING AND REHAB CENTER	06/30/98	06/30/97	06/30/96
3	01788460	EDGEWOOD NURSING CENTER	06/30/98	06/30/97	06/30/96
3	01788479	ELDERCREST NURSING CENTER	06/30/98	06/30/97	06/30/96
3	00795441	ELM TERRACE GARDENS	06/30/98	06/30/97	06/30/96
3	00795183	EMILY A MARKLE HEALTH CENTER	12/31/97	12/31/96	12/31/95
3	00906489	EVERGREEN NURSING CENTER	12/31/97	12/31/96	12/31/95
3	01465692	FAIR WINDS MANOR	06/30/98	06/30/97	06/30/96
3	01613392	FOX SUBACUTE CENTER	12/31/97		
3	00745092	FREDERICK MENNONITE COMMUNITY	12/31/97	12/31/96	12/31/95
3	01145601	FRIENDSHIP VILLAGE OF SOUTH HILLS	12/31/97	12/31/96	12/31/95
3	00858050	GOLFVIEW MANOR NURSING HOME	06/30/98	06/30/97	06/30/96
3	01188556	HARMON HOUSE CONVALESCENT CTR	12/31/97	12/31/96	12/31/95
3	01788488	HAVENCREST NURSING CENTER	06/30/98	06/30/97	06/30/96
3	01455847	HAVERFORD NSG & REHABILITATION CTR	06/30/98	06/30/97	06/30/96
3	01788989	HENRY CLAY VILLA	06/30/97	06/30/95	06/30/93
3	01003580	HERITAGE TOWERS	12/31/97	12/31/96	12/31/95
3	01120863	HICKORY HOUSE NURSING HOME	12/31/97	12/31/96	12/31/95
3	01289165	HIGHLAND CENTER, GENESIS ELDERCARE	06/30/98	06/30/97	06/30/96
3	00747186	HOLY FAMILY HOME	12/31/97	12/31/96	12/31/95
3	01644370	HOPKINS CENTER	12/31/97	12/31/96	12/31/95
3	01118408	HORIZON SENIOR CARE	06/30/98	06/30/97	06/30/96
3	01785501	JEFFERSON HILLS MANOR	06/30/98	06/30/97	06/30/96
3	00941700	KADE NURSING HOME	12/31/97	12/31/96	12/31/95
3	00754574	KEARSLEY LONG TERM CARE CENTER	06/30/98	06/30/97	06/30/96
3	00747990	LAFAYETTE MANOR, INC	12/31/97	12/31/96	12/31/95
3	01193171	LAUREL RIDGE CENTER	06/30/98	06/30/97	06/30/96
3	01593727	LAWSON NURSING HOME, INC.	12/31/97		
3	00750790	LITTLE SISTERS OF THE POOR	12/31/97	12/31/96	12/31/95
3	01258140	LOYALHANNA CARE CENTER	12/31/97	12/31/96	12/31/95
3	00750388	LUTHERAN COMM AT TELFORD HEALTHCRE	06/30/98	06/30/97	06/30/96
3	01456989	MARINER HEALTH CARE OF NORTH HILLS	06/30/98	06/30/97	06/30/96
3	00754897	MARWOOD REST HOME, INC	06/30/98	06/30/97	06/30/96
3	00746385	MARY J DREXEL HOME	12/31/97	12/31/96	12/31/95
3	00747874	MASONIC HOME OF PENNSYLVANIA	12/31/97	12/31/96	12/31/95
3	01275876	MCMURRAY HILLS MANOR	06/30/98	06/30/97	06/30/96
3	01788497	MEADOWCREST NURSING CENTER	06/30/98	06/30/97	06/30/96
3	01514803	NAAMANS CREEK COUNTRY MANOR	06/30/98	06/30/97	06/30/96
3	01788503	OAK HILL NURSING AND REHAB CENTER	06/30/98	06/30/97	06/30/96
3	01674146	PENNSYLVANIA HOSPITAL SKILLED CARE	06/30/95	06/30/94	06/30/92
3	01627075	PENNYPACK CENTER	12/31/97		
3	00654855	PETER BECKER COMMUNITY	06/30/98	06/30/97	06/30/96
3	00749476	PHILADELPHIA PROTESTANT HOME	12/31/97	12/31/96	12/31/95
3	00750771	PICKERING MANOR HOME	06/30/98	06/30/97	06/30/96
3	01560539	PRESBY HOME FOR AGED CPLS & PERSNS	12/31/97	12/31/96	
3	00757511	REDSTONE HIGHLANDS HEALTH CARE CTR	06/30/98	06/30/97	06/30/96
3	00798677	REFORMED PRESBYTERIAN HOME	12/31/97	12/31/96	12/31/95
3	00749850	REGINA COMMUNITY NURSING CENTER	06/30/98	06/30/97	06/30/96
3	01129340	RICHBORO CARE CENTER	06/30/98	06/30/97	06/30/96
3	00750931	ROCKHILL MENNONITE COMMUNITY	06/30/98	06/30/97	06/30/96
3	01686568	ROSEMONT MANOR	12/31/97	12/31/96	12/31/95
3	00749940	SAINT JOSEPH HOME FOR THE AGED	06/30/98	06/30/97	06/30/96
3	01580415	SAINT JOSEPH VILLA	06/30/98	06/30/97	
3	01737685	SAXONY HEALTH CENTER	12/31/98	12/31/97	12/31/96
3	00882411	SHERWOOD OAKS	06/30/98	06/30/97	06/30/96
3	01005039	SKY VUE TERRACE	06/30/98	06/30/97	06/30/96

<i>Median Peer Group</i>	<i>Current Provider Number</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
3	01017002	SOUDERTON MENNONITE HOMES	06/30/98	06/30/97	06/30/96
3	01451688	SOUTH FAYETTE NURSING CENTER	06/30/98	06/30/97	06/30/96
3	01667043	SOUTHWESTERN NURSING CENTER	06/30/98	06/30/96	06/30/95
3	00860290	STATESMAN HEALTH AND REHAB CENTER	06/30/98	06/30/97	06/30/96
3	01291510	STENTON HALL NURSING AND CONVAL CTR	12/31/97	12/31/96	12/31/95
3	00757324	UNITARIAN UNIVERSALIST HOUSE	12/31/97	12/31/96	
3	01775917	VINCENTIAN DE MARILLAC	06/30/98	06/30/97	06/30/96
3	01602835	WASHINGTON HOSP TRANSITIONAL CARE	06/30/98		
3	01708736	WAYNE CENTER	06/30/98	06/30/97	06/30/96
3	01454607	WILLIAM PENN CARE CENTER	12/31/97	12/31/96	12/31/95
3	00991944	WILLIS NURSING CENTER	06/30/98	06/30/97	06/30/96
3	01566505	WOODWELL, THE	12/31/97		
3	00756523	WYNCOTE CHURCH HOME	06/30/98	06/30/97	06/30/96
PG 3		Resident Care Median	Other Resident Care Median	Administrative Median	
		\$69.98	\$31.07	\$13.96	
PG 3		Resident Care Price	Other Resident Care Price	Administrative Price	
		\$81.88	\$34.80	\$14.52	
4	01157700	ALLIED SERVICES SKILLED NURSING CTR	06/30/98	06/30/97	06/30/96
4	00576310	BERKS HEIM	12/31/97	12/31/96	12/31/95
4	00755473	BRETHREN HOME COMMUNITY, THE	06/30/98	06/30/97	06/30/96
4	00751741	CAMBRIA COUNTY HOME-LAUREL CREST	12/31/97	12/31/96	12/31/95
4	00745299	CEDAR HAVEN	12/31/97	12/31/96	12/31/95
4	00575770	CEDARBROOK	12/31/97	12/31/96	12/31/95
4	00749064	CLAREMONT NRC OF CUMBERLAND CNTY	12/31/97	12/31/96	12/31/95
4	00746240	COLONIAL MANOR NURSING HOME	12/31/97	12/31/96	12/31/95
4	00745922	CONESTOGA VIEW	12/31/97	12/31/96	12/31/95
4	00744872	DAUPHIN MANOR	12/31/97	12/31/96	12/31/95
4	00751151	GRACEDALE—NORTHAMPTON COUNTY HM	12/31/97	12/31/96	12/31/95
4	00754636	MASONIC HOMES	12/31/97	12/31/96	12/31/95
4	00754814	MOUNTAIN VIEW MANOR NRSG AND REHAB	12/31/97	12/31/96	12/31/95
4	01039117	PHOEBE HOME, INC	06/30/98	06/30/97	06/30/96
4	00754583	PLEASANT RIDGE MANOR EAST/WEST	12/31/97	12/31/96	12/31/95
4	00752275	VALLEY CREST NURSING HOME	12/31/97	12/31/96	12/31/95
4	01686586	WEST SHORE HEALTH AND REHAB CENTER	12/31/97	12/31/96	12/31/95
4	00750940	YORK COUNTY NURSING HOME	12/31/97	12/31/96	12/31/95
PG 4		Resident Care Median	Other Resident Care Median	Administrative Median	
		\$79.79	\$34.92	\$11.95	
PG 4		Resident Care Price	Other Resident Care Price	Administrative Price	
		\$93.35	\$39.11	\$12.43	
5	01007632	ABINGTON MANOR	12/31/97	12/31/96	12/31/95
5	01682845	ADAMS MANOR	12/31/97	12/31/96	12/31/95
5	01486137	BERKSHIRE CENTER	06/30/98	06/30/97	06/30/96
5	01750936	BERWICK RETIREMENT VLG NRSNG CTR II	06/30/98	06/30/97	06/30/96
5	00886448	BEVERLY HEALTHCARE—WEST RESERVE	12/31/97	12/31/96	12/31/95
5	00925715	BEVERLY MANOR	12/31/97	12/31/96	12/31/95
5	01683477	BEVERLY MANOR OF LANCASTER	12/31/97	12/31/96	12/31/95
5	00942091	BIRCHWOOD NURSING AND REHAB CENTER	12/31/97	12/31/96	12/31/95
5	01746684	BLOOMSBURG HEALTH CARE CENTER	12/31/97	12/31/96	12/31/95
5	00744059	BRETHREN VILLAGE	06/30/98	06/30/97	06/30/96
5	01009870	CARPENTER CARE CENTER	12/31/97	12/31/96	12/31/95
5	00747426	CORNWALL MANOR	12/31/98	12/31/97	12/31/96
5	01076228	CORRY MANOR	12/31/97	12/31/96	12/31/95
5	01426291	DORRANCE MANOR	12/31/92	12/31/91	12/31/90
5	01024606	EAST MOUNTAIN MANOR	12/31/97	12/31/96	12/31/95
5	01145675	EASTON NURSING CENTER	06/30/98	06/30/97	06/30/96
5	01076237	EDINBORO MANOR	12/31/97	12/31/96	12/31/95
5	01253725	EPHRATA MANOR	12/31/97	12/31/96	12/31/95
5	00744999	EVANGELICAL CONG CHURCH RETRMNT	12/31/97	12/31/96	12/31/95
5	00756686	FAIRMOUNT HOMES	06/30/98	06/30/97	06/30/96
5	01076246	FAIRVIEW MANOR	12/31/97	12/31/96	12/31/95
5	01134930	FELLOWSHIP MANOR	06/30/98	06/30/97	06/30/96
5	00949145	FREY VILLAGE	12/31/97	12/31/96	12/31/95
5	00969489	HAMILTON ARMS CENTER	06/30/98	06/30/97	06/30/96

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5	00886297	HANOVER HALL	12/31/97	12/31/96	12/31/95
5	01525487	HARRISON HOUSE	12/31/97	12/31/96	12/31/94
5	00756720	HEATHERBANK	12/31/97	12/31/96	12/31/95
5	01718474	HIGHLAND MANOR NSG AND CONVAL CTR	06/30/98	06/30/97	06/30/96
5	00755240	HOLIDAY MANOR	06/30/98	06/30/97	06/30/96
5	00965229	HOLY FAMILY MANOR, INC	12/31/97	12/31/96	12/31/95
5	01568180	HOMEWOOD AT PLUM CREEK	12/31/97	12/31/96	12/31/95
5	01060157	IHS OF ERIE AT BAYSIDE	12/31/97	12/31/96	12/31/95
5	00974700	IHS OF HERSHEY AT WOODLANDS	12/31/97	12/31/96	12/31/95
5	00747284	JEWISH HOME OF EAST PENNSYLVANIA	12/31/97	12/31/96	12/31/95
5	00747275	JEWISH HOME OF GREATER HARRISBURG	06/30/98	06/30/97	06/30/96
5	00985197	KUTZTOWN MANOR	06/30/98	06/30/97	06/30/96
5	00757182	LACKAWANNA COUNTY HEALTH CARE CTR	12/31/97	12/31/96	12/31/95
5	00756926	LANCASHIRE HALL	12/31/97	12/31/96	12/31/95
5	01644380	LAUREL CENTER	12/31/97	12/31/96	12/31/95
5	00756612	LAUREL HILL, INC	06/30/98	06/30/97	06/30/96
5	01494498	LEHIGH CENTER	06/30/98	06/30/97	06/30/96
5	00946090	LIBERTY NURSING AND REHAB CENTER	06/30/98	06/30/97	06/30/96
5	00751302	LITTLE FLOWER MNR OF DIOCESE SCRANTN	12/31/97	12/31/96	12/31/95
5	00750898	LUTHERAN HOME AT TOPTON	12/31/97	12/31/96	12/31/95
5	00755277	MAHONING VALLEY NURSING AND REHAB	12/31/97	12/31/96	12/31/95
5	01134985	MANORCARE HEALTH SVCS-ALLENTOWN	12/31/97	12/31/96	12/31/95
5	00860657	MANORCARE HEALTH SVCS-BETHLEHEM I	12/31/97	12/31/96	12/31/95
5	00855174	MANORCARE HEALTH SVCS-BETHLEHEM II	12/31/97	12/31/96	12/31/95
5	01106891	MANORCARE HEALTH SVCS-CARLISLE	12/31/97	12/31/96	12/31/95
5	00854490	MANORCARE HEALTH SVCS-DALLASTOWN	12/31/97	12/31/96	12/31/95
5	00879022	MANORCARE HEALTH SVCS-EASTON	12/31/97	12/31/96	12/31/95
5	00854480	MANORCARE HEALTH SVCS-HARRISBURG	12/31/97	12/31/96	12/31/95
5	00854604	MANORCARE HEALTH SVCS-KINGSTON	12/31/97	12/31/96	12/31/95
5	00960518	MANORCARE HEALTH SVCS-KINGSTON CRT	06/30/98	06/30/97	06/30/96
5	00854515	MANORCARE HEALTH SVCS-LANCASTER	12/31/97	12/31/96	12/31/95
5	00855094	MANORCARE HEALTH SVCS-LAURELDALE	12/31/97	12/31/96	12/31/95
5	00854542	MANORCARE HEALTH SVCS-LEBANON	12/31/97	12/31/96	12/31/95
5	00882402	MANORCARE HEALTH SVCS-SINKNG SPRNG	12/31/97	12/31/96	12/31/95
5	00855067	MANORCARE HLTH SVCS-WST READNG NTH	12/31/97	12/31/96	12/31/95
5	00952060	MANORCARE HEALTH SVCS-YORK NORTH	06/30/98	06/30/97	06/30/96
5	00952051	MANORCARE HEALTH SVCS-YORK SOUTH	06/30/98	06/30/97	06/30/96
5	01665737	MAPLE FARM NURSING CENTER	12/31/96	12/31/95	12/31/94
5	00916242	MEADOWS NURSING CENTER	06/30/98	06/30/97	06/30/96
5	00751554	MENNONITE HOME, THE	06/30/98	06/30/97	06/30/96
5	00747981	MESSIAH VILLAGE	06/30/98	06/30/97	06/30/96
5	00993199	MIFFLIN CENTER	12/31/97	12/31/96	12/31/95
5	00755535	MORAVIAN MANOR	12/31/98	12/31/97	12/31/96
5	01745874	MOUNTAIN CITY NURSING AND REHAB CTR	06/30/98	06/30/97	06/30/96
5	01390555	MOUNTAIN VIEW CARE CENTER	06/30/98	06/30/97	06/30/96
5	01757973	MUHLENBERG REHABILITATION CARE CTR	06/30/98	06/30/97	06/30/96
5	00892964	ORANGEVILLE NURSING AND REHAB CTR	06/30/98	06/30/97	06/30/96
5	00949207	PERRY VILLAGE	12/31/97	12/31/96	12/31/95
5	01304216	PHOEBE BERKS HEALTH CARE CENTER	06/30/98	06/30/97	06/30/96
5	00751311	PLEASANT VIEW RETIREMENT COMMUNITY	12/31/97	12/31/96	12/31/95
5	00749681	QUARRYVILLE PRESBYTERIAN HOME	06/30/98	06/30/97	06/30/96
5	00750566	REST HAVEN-YORK	06/30/98	06/30/97	06/30/96
5	00993484	RIVERSTREET MANOR	12/31/97	12/31/96	12/31/95
5	00749396	SAINT ANNE'S HOME	06/30/98	06/30/97	06/30/96
5	00924683	SAINT LUKE PAVILION	12/31/97	12/31/96	12/31/95
5	00750904	SAINT MARY'S HOME OF ERIE	12/31/97	12/31/96	12/31/95
5	01550908	SHIPPENSBURG HEALTH CARE CENTER	12/31/97	12/31/96	
5	00776123	SLATE BELT NURSING AND REHAB CENTER	06/30/98	06/30/97	06/30/96
5	00854613	SPRUCE MANOR NURSING AND REHAB CTR	06/30/98	06/30/97	06/30/96
5	01005164	SUMMIT HEALTH CARE CENTER, INC	12/31/97	12/31/96	12/31/95
5	01240790	SUSQUEHANNA CENTER	06/30/98	06/30/97	06/30/96
5	00949136	SUSQUEHANNA LUTHERAN VILLAGE	12/31/97	12/31/96	12/31/95
5	00887712	TAYLOR NURSING AND REHAB CENTER	06/30/98	06/30/97	06/30/96
5	01005440	TWINBROOK MEDICAL CENTER	06/30/98	06/30/97	06/30/96
5	00755965	VILLA TERESA	12/31/97	12/31/96	12/31/95

NOTICES

<i>Median Peer Group</i>	<i>Current Provider Number</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
5	00745477	WEATHERWOOD-CARBON CNTY N & REHB	12/31/97	12/31/96	12/31/95
5	00750664	WESLEY VILLAGE	12/31/97	12/31/96	12/31/95
5	01416043	WOODLAND CENTER FOR NURSING	06/30/98	06/30/97	06/30/96
PG 5	Resident Care Median	Other Resident Care Median		Administrative Median	
	\$63.99	\$27.93		\$12.27	
PG 5	Resident Care Price	Other Resident Care Price		Administrative Price	
	\$74.87	\$31.28		\$12.76	
6	01013308	ABINGTON CREST NSG AND REHAB CTR	06/30/98	06/30/97	06/30/96
6	00914266	AUDUBON VILLA	06/30/98	06/30/97	06/30/96
6	01692716	BALANCED CARE BLOOMSBURG	06/30/97	06/30/96	06/30/95
6	01630642	BALANCED CARE, KINGSTON	06/30/98	12/31/96	12/31/94
6	01630633	BALANCED CARE, MID VALLEY	06/30/98	12/31/96	12/31/95
6	00747927	BALL PAVILION, THE	06/30/98	06/30/97	06/30/96
6	00749592	BARBARA J. EGAN NSG AND REHAB CTR	12/31/97	12/31/96	12/31/95
6	00881610	BEAR CREEK HEALTH CARE CENTER INC	06/30/98	06/30/97	06/30/96
6	00746590	BETHANY VILLAGE RETIREMENT CENTER	12/31/97	12/31/96	12/31/95
6	01682881	BEVERLY HEALTHCARE—ERIE	12/31/97	12/31/96	12/31/95
6	01682872	BLUE RIDGE HAVEN CONVAL CTR—EAST	12/31/97	12/31/96	12/31/95
6	00751581	BONHAM NURSING CENTER	12/31/97	12/31/96	12/31/95
6	00985571	BUTLER VALLEY MANOR	06/30/98	06/30/97	06/30/96
6	00745243	CALVARY FELLOWSHIP HOMES, INC	06/30/98	06/30/97	06/30/96
6	01391490	CAMP HILL CARE CENTER	12/31/97	12/31/96	12/31/95
6	01721747	CARBONDALE NURSING HOME	12/31/97	12/31/96	12/31/95
6	00745163	CHAPEL POINTE AT CARLISLE	12/31/98	12/31/97	12/31/96
6	00747604	CHURCH OF GOD HOME, INC	12/31/97	12/31/96	12/31/95
6	01281640	CUMBERLAND CROSSINGS	06/30/98	06/30/97	06/30/96
6	00744890	DAVIS MANOR	06/30/98	06/30/97	06/30/96
6	00891125	DENVER NURSING HOME	06/30/98	06/30/97	06/30/96
6	01690613	FOREST PARK HEALTH CENTER	12/31/97	12/31/96	12/31/95
6	01420135	FOREST VIEW	06/30/98	06/30/97	06/30/96
6	00985188	GREEN RIDGE NURSING HOME	06/30/98	06/30/97	06/30/96
6	01004855	HAMPTON HOUSE	06/30/98	06/30/97	06/30/96
6	01474243	HEALTHSOUTH REHAB—MECHANICSBURG	12/31/97	12/31/96	12/31/95
6	00747551	HERITAGE HOUSE	06/30/98	06/30/97	06/30/96
6	00750996	HOLY FAMILY RESIDENCE	12/31/97	12/31/96	12/31/95
6	00757594	HOMELAND CENTER	06/30/98	06/30/97	06/30/96
6	01063650	HOMESTEAD VILLAGE, INC	06/30/98	06/30/97	06/30/96
6	00757370	KEPLER HOME, INC, THE	12/31/97	12/31/96	12/31/95
6	00757530	KINKORA PYTHIAN HOME	06/30/98	06/30/97	06/30/96
6	00989463	LAKESIDE NURSING CENTER	06/30/98	06/30/97	06/30/96
6	00838351	LANDIS HOMES	06/30/98	06/30/97	06/30/96
6	00747005	LEBANON VALLEY BRETHERN HOME	12/31/97	12/31/96	12/31/95
6	00749126	LEBANON VALLEY HOME THE	12/31/97	12/31/96	12/31/95
6	00752210	LUTHER ACRES MANOR	12/31/97	12/31/96	12/31/95
6	00915693	LUTHER CREST NURSING FACILITY	12/31/97	12/31/96	12/31/95
6	00751966	LUTHERAN HOME FOR THE AGED	12/31/98	12/31/97	12/31/96
6	01606370	MANCHESTER PRESBYTERIAN LODGE	12/31/97		
6	00747669	MANORCARE HEALTH SVCS-CAMP HILL	12/31/97	12/31/96	12/31/95
6	00752177	MANORCARE HLTH SVCS-ELIZABETHTOWN	12/31/97	12/31/96	12/31/95
6	00757450	MARY ELLEN CONVALESCENT HOME, INC	06/30/98	06/30/97	06/30/96
6	01238854	MERCY CENTER NURSING UNIT, INC	12/31/97	12/31/96	12/31/95
6	00983049	MERCY HEALTH CARE CENTER	12/31/97	12/31/96	12/31/95
6	00755179	MIDDLETOWN HOME, THE	12/31/97	12/31/96	12/31/95
6	00754485	MILFORD VALLEY CONVALESCENT HOME	12/31/97	12/31/96	12/31/95
6	01207929	MILLCREEK MANOR	06/30/98	06/30/97	06/30/96
6	00989089	MILLVILLE HEALTH CENTER	06/30/98	06/30/97	06/30/96
6	00747972	MISERICORDIA CONVALESCENT HOME	12/31/98	12/31/97	12/31/96
6	01091752	MOSSER NURSING HOME	06/30/98	06/30/97	
6	00754888	MOUNT HOPE DUNKARD BRETHERN CHRCH	06/30/98	06/30/97	06/30/96
6	01493436	MOUNTAIN REST NURSING HOME	06/30/98	06/30/97	06/30/96
6	00947258	NIPPLE CONVALESCENT HOME	12/31/97	12/31/96	12/31/95
6	01418781	NORMANDIE RIDGE	12/31/97	12/31/96	12/31/95
6	01581978	OSPREY RIDGE HEALTHCARE AND REHAB	06/30/98	06/30/97	
6	00891134	PALMYRA NURSING HOME	06/30/98	06/30/97	06/30/96

<i>Median Peer Group</i>	<i>Current Provider Number</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
6	01582465	PINNACLE HEALTH ECF	06/30/98	06/30/97	06/30/95
6	01143518	PRAXIS NURSING HOME	06/30/98	06/30/97	06/30/96
6	00756819	PRESBYTERIAN LODGE	12/31/97	12/31/96	12/31/95
6	01232977	RHEEMS NURSING CENTER, INC	12/31/97	12/31/96	12/31/95
6	00750753	SAINT LUKE MANOR	12/31/97	12/31/96	12/31/95
6	00754940	SAINT MARY'S VILLA NURSING HOME, INC	12/31/97	12/31/96	12/31/95
6	01106793	SARAH A REED RETIREMENT CENTER, THE	06/30/98	06/30/97	06/30/96
6	01674763	SARAH A TODD MEMORIAL HOME	12/31/96	12/31/95	12/31/94
6	00757146	SMITH HEALTH CARE, LTD	06/30/98	06/30/97	06/30/96
6	00750261	SPANG CREST MANOR	12/31/97	12/31/96	12/31/95
6	01788512	STONEBRIDGE HEALTH AND REHAB CTR	12/31/98	12/31/97	12/31/96
6	01453127	STONERIDGE VILLAGE	12/31/97	12/31/96	12/31/95
6	01690650	SWAIM HEALTH CENTER	12/31/97	12/31/96	12/31/95
6	01119719	THAELER HEALTH CARE CENTER	06/30/98	06/30/97	06/30/96
6	00767142	THORNWALD HOME	12/31/97	12/31/96	12/31/95
6	00891116	TWIN OAKS NURSING HOME	06/30/98	06/30/97	06/30/96
6	00749206	UNITED CHRISTIAN CHURCH HOME	12/31/97	12/31/96	
6	00748853	UNITED ZION RETIREMENT COMMUNITY	12/31/97	12/31/96	12/31/95
6	01767719	VILLAGE VISTA SKILLED NURSING FACILITY	12/31/97	12/31/96	
6	01691076	WESTMINSTER VILLAGE	12/31/97	12/31/96	12/31/95
6	01519891	WYOMISSING NURSING AND REHAB CTR	12/31/97	12/31/96	
6	00754556	YORK LUTHERAN HOME	12/31/97	12/31/96	12/31/95
6	00756407	ZERBE SISTERS NURSING CENTER, INC.	06/30/98	06/30/97	06/30/96
PG 6	Resident Care Median \$65.19	Other Resident Care Median \$29.68		Administrative Median \$12.81	
PG 6	Resident Care Price \$76.27	Other Resident Care Price \$33.24		Administrative Price \$13.32	
8	01581969	ALTOONA HOSPITAL CENTER FOR NURSING	12/31/97		
8	00754977	ARBUTUS PARK MANOR	06/30/98	06/30/97	06/30/96
8	01391534	BEVERLY HEALTHCARE—HILLVIEW	12/31/97	12/31/96	12/31/95
8	00583842	CENTRE CREST HOME	12/31/97	12/31/96	12/31/95
8	00752041	CHURCH OF THE BRETHREN HOME	06/30/98	06/30/97	06/30/96
8	00748343	GARVEY MANOR	12/31/97	12/31/96	12/31/95
8	00908563	GILMORE'S WHITE CLIFF NURSING HOME	12/31/97	12/31/96	12/31/95
8	01568205	HOMEWOOD AT MARTINSBURG PA INC	12/31/97	12/31/96	12/31/95
8	01562201	LAUREL WOOD CONVALESCENT CENTER	12/31/97	12/31/96	12/31/95
8	00854524	MANORCARE HEALTH SVCS-JERSY SHORE	12/31/97	12/31/96	12/31/95
8	00858579	MANORCARE HEALTH SVCS-WMSPRT NRTH	12/31/97	12/31/96	12/31/95
8	01539947	MEADOW VIEW NURSING CENTER	06/30/98	06/30/97	12/31/94
8	00750969	ORCHARD MANOR, INC	06/30/98	06/30/97	06/30/96
8	00750305	PRESBYTERIAN HOME OF MOSHANNON	12/31/97	12/31/96	12/31/95
8	01140365	ROSE VIEW CENTER	06/30/98	06/30/97	06/30/96
8	00748666	SAINT PAUL HOMES	12/31/97	12/31/96	12/31/95
8	00748620	SIEMONS' LAKEVIEW MANOR ESTATE	06/30/98	06/30/97	06/30/96
8	01690669	SYCAMORE MANOR HEALTH CENTER	12/31/97	12/31/96	12/31/95
8	01263768	UNIVERSITY PARK NURSING CENTER	12/31/97	12/31/96	12/31/95
8	00754663	VALLEY VIEW HOME	12/31/97	12/31/96	12/31/95
8	01402852	VALLEY VIEW NURSING CENTER	12/31/97	12/31/96	12/31/95
8	00749298	WILLIAMSPORT HOME, THE	12/31/97	12/31/96	12/31/95
8	01678252	WOODLAND PLACE	12/31/98	12/31/97	12/31/96
PG 8	Resident Care Median \$63.06	Other Resident Care Median \$31.00		Administrative Median \$11.12	
PG 8	Resident Care Price \$73.78	Other Resident Care Price \$34.72		Administrative Price \$11.56	
9	00970612	BEVERLY HEALTHCARE—MEYERSDALE	12/31/97	12/31/96	12/31/95
9	00970597	BEVERLY HEALTHCARE—RICHLAND	12/31/97	12/31/96	12/31/95
9	01513243	BUCHANNAN COMMONS	06/30/98	06/30/97	06/30/96
9	01785539	CLEPPER MANOR	12/31/98	12/31/97	12/31/96
9	01299009	COUNTRYSIDE CONVAL HM LTD PRTNRSH	06/30/98	06/30/97	06/30/96

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9	00749000	EPWORTH MANOR	12/31/97	12/31/96	12/31/95
9	00989507	GOOD SAMARITAN NSG CR CTR-JOHNSTWN	06/30/98	06/30/97	12/31/95
9	00756766	GROVE MANOR	06/30/98	06/30/97	06/30/96
9	00970640	Haida Manor	12/31/97	12/31/96	12/31/95
9	00897272	HOSPITALITY CARE CENTER OF HERMITAGE	12/31/97	12/31/96	12/31/95
9	00747328	JOHN XXIII HOME	12/31/98	12/31/97	12/31/96
9	01398900	LAUREL VIEW VILLAGE	06/30/98	06/30/97	06/30/96
9	00755070	LUTHERAN HOME AT HOLLIDAYSBURG, THE	12/31/97	12/31/96	12/31/95
9	00754761	LUTHERAN HOME AT JOHNSTOWN, THE	12/31/97	12/31/96	12/31/95
9	00854533	MANORCARE HEALTH SVCS-WMSPORT STH	12/31/97	12/31/96	12/31/95
9	01148200	MORAN'S HOME, INC	12/31/97	12/31/96	12/31/95
9	00747220	MORRISONS COVE HOME	12/31/97	12/31/96	12/31/95
9	01132980	NUGENT CONVALESCENT HOME	12/31/97	12/31/96	12/31/95
9	00757164	PRESBYTERIAN HM OF REDSTONE PRESBY	12/31/97	12/31/96	12/31/95
9	00755428	PRESBYTERIAN HMS-PRESBY-HUNTINGDON	12/31/97	12/31/96	12/31/95
9	01586778	SOMERSET PATRIOT MANOR	12/31/98	12/31/97	12/31/95
PG 9	Resident Care Median	Other Resident Care Median		Administrative Median	
	\$54.93	\$27.41		\$11.94	
PG 9	Resident Care Price	Other Resident Care Price		Administrative Price	
	\$64.27	\$30.70		\$12.42	
11	00755357	ARMSTRONG COUNTY HEALTH CENTER	12/31/97	12/31/96	12/31/95
11	01586769	BEACON MANOR	12/31/98	12/31/97	12/31/95
11	01391543	BEVERLY HEALTHCARE—MEADVILLE	12/31/97	12/31/96	12/31/95
11	00928038	BEVERLY HEALTHCARE—SHIPPENVILLE	12/31/97	12/31/96	12/31/95
11	01680724	BEVERLY HEALTHCARE—WILLIAM PENN	12/31/97	12/31/96	12/31/95
11	00751287	BRADFORD COUNTY MANOR	12/31/97	12/31/96	12/31/95
11	01076219	BRADFORD MANOR	12/31/97	12/31/96	12/31/95
11	00747640	BROAD ACRES NURSING HOME ASSOC	12/31/98	12/31/97	12/31/96
11	00854622	BROAD MOUNTAIN NSG AND REHAB CTR	06/30/98	06/30/97	06/30/96
11	00745762	CHRIST THE KING MANOR	06/30/98	06/30/97	06/30/96
11	00754903	CLARVIEW NURSING AND REHAB CENTER	12/31/98	12/31/97	12/31/96
11	00747622	CRAWFORD COUNTY CARE CENTER	12/31/97	12/31/96	12/31/95
11	00746349	DUBOIS NURSING HOME	06/30/98	06/30/97	06/30/96
11	00747480	ELK HAVEN NURSING HOME	06/30/98	06/30/97	06/30/96
11	00755446	ELLEN MEMORIAL HEALTH CARE CENTER	06/30/98	06/30/97	06/30/96
11	00745074	FALLING SPRING NSG AND REHAB CENTER	12/31/97	12/31/96	12/31/95
11	00884004	FOREST CITY NURSING CENTER	06/30/98	06/30/97	06/30/96
11	00745261	GOLDEN HILL NURSING HOME, INC	06/30/98	06/30/97	06/30/96
11	00755375	GRANDVIEW HEALTH HOMES, INC	06/30/98	06/30/97	06/30/96
11	00756891	GREEN ACRES-ADAMS COUNTY N & R CTR	12/31/97	12/31/96	12/31/95
11	00756579	GREEN HOME, INC, THE	06/30/98	06/30/97	06/30/96
11	00746975	HERITAGE NURSING HOME, INC	06/30/98	06/30/97	06/30/96
11	01714377	HIGHLANDS CARE CENTER, THE	12/31/97	12/31/96	12/31/95
11	00747337	HILLVIEW MANOR—LAWRENCE COUNTY HM	12/31/97	12/31/96	12/31/95
11	01274805	HOMETOWN NURSING AND REHAB CENTER	12/31/97	12/31/96	12/31/95
11	01468907	IHS AT JULIA RIBAUDO	12/31/97	12/31/96	12/31/95
11	00860791	INDIAN CREEK NURSING CENTER	06/30/98	06/30/97	06/30/96
11	00751886	INDIAN HAVEN NURSING CENTER	12/31/97	12/31/96	12/31/95
11	01033463	JEFFERSON MANOR HEALTH CENTER	06/30/98	06/30/97	06/30/96
11	01690622	JULIA POUND CARE CENTER	12/31/97	12/31/96	12/31/95
11	01590654	KITTANNING CARE CENTER	12/31/97	06/30/95	06/30/94
11	00893729	KRAMM HEALTHCARE CENTER, INC	06/30/98	06/30/97	06/30/96
11	00747266	KRAMM NURSING HOME, INC	06/30/98	06/30/97	06/30/96
11	00854570	MANORCARE HEALTH SVCS-CHAMBRBRG	12/31/97	12/31/96	12/31/95
11	00855165	MANORCARE HEALTH SVCS-POTTSVILLE	12/31/97	12/31/96	12/31/95
11	00854506	MANORCARE HEALTH SVCS-SUNBURY	12/31/97	12/31/96	12/31/95
11	00748512	MENNO-HAVEN, INC.	12/31/97	12/31/96	12/31/95
11	00913302	MOUNT CARMEL NURSING AND REHAB CTR	12/31/97	12/31/96	12/31/95
11	00963799	MOUNTAIN LAUREL NRC	06/30/98	06/30/97	06/30/96
11	00790570	NOTTINGHAM VILLAGE	12/31/97	12/31/96	12/31/95
11	00949163	OHESON MANOR	12/31/97	12/31/96	12/31/95
11	00776642	OIL CITY PRESBYTERIAN HOME	12/31/97	12/31/96	12/31/95
11	01301303	ORWIGSBURG CENTER	06/30/98	06/30/97	06/30/96
11	00997509	PENN LUTHERAN VILLAGE	12/31/97	12/31/96	12/31/95

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11	00949216	PENNKNOLE VILLAGE NURSING HOME	12/31/97	12/31/96	12/31/95
11	00754547	PINEY MOUNTAIN HOME	06/30/98	06/30/97	06/30/96
11	00861959	PLEASANT VALLEY MANOR, INC	12/31/97	12/31/96	12/31/95
11	00749627	QUINCY UNITED METHODIST HOME	12/31/97	12/31/96	12/31/95
11	00749073	REST HAVEN	12/31/97	12/31/96	12/31/95
11	01747618	RIDGEVIEW ELDER CARE REHAB CENTER	12/31/97	12/31/96	12/31/95
11	00754707	RIVER WOODS	12/31/97	12/31/96	12/31/95
11	00749117	ROLLING FIELDS, INC	12/31/97	12/31/96	12/31/95
11	01505063	ROLLING MEADOWS	06/30/98	06/30/97	06/30/96
11	00756793	ROUSE WARREN COUNTY HOME	12/31/97	12/31/96	12/31/95
11	01205791	SCHUYLKILL CENTER	06/30/98	06/30/97	06/30/96
11	00754850	SENA-KEAN MANOR	12/31/97	12/31/96	12/31/95
11	00886081	SHENANDOAH MANOR NURSING CENTER	12/31/97	12/31/96	12/31/95
11	01626292	SHEPHERD'S CHOICE OF GETTYSBURG	12/31/97	06/30/96	06/30/95
11	01688769	STROUD MANOR	12/31/97	12/31/96	12/31/95
11	01677157	SUGAR CREEK STATION SKILLED N & R	12/31/97	12/31/96	12/31/95
11	00949557	SUSQUE VIEW HOME, INC	12/31/97	12/31/96	12/31/95
11	01076255	SWEDEN VALLEY MANOR	12/31/97	12/31/96	12/31/95
11	00860245	TREMONT HEALTH AND REHAB CENTER	06/30/98	06/30/97	06/30/96
11	00756560	VALLEY VIEW HAVEN, INC	12/31/98	12/31/97	12/31/96
11	01076264	WARREN MANOR	12/31/97	12/31/96	12/31/95
11	01483313	WAYNE WOODLANDS MANOR	06/30/98	06/30/97	06/30/96
11	00982408	WESBURY UNITED METHODIST COMMUNITY	12/31/97	12/31/96	12/31/95
11	01263089	WOODLAND RETIREMENT CENTER	12/31/97	12/31/96	12/31/95
PG 11	Resident Care Median	Other Resident Care Median	Administrative Median		
	\$58.31	\$26.12	\$10.65		
PG 11	Resident Care Price	Other Resident Care Price	Administrative Price		
	\$68.22	\$29.25	\$11.08		
12	01391552	BEVERLY HLTHCARE—CAMBRDGE SPRNGS	12/31/97	12/31/96	12/31/95
12	01391516	BEVERLY HEALTHCARE—CLARION	12/31/97	12/31/96	12/31/95
12	01411341	BEVERLY HEALTHCARE—GETTYSBURG	12/31/97	12/31/96	12/31/95
12	00981429	BEVERLY HEALTHCARE—KINZUA VALLEY	12/31/97	12/31/96	12/31/95
12	01126689	BEVERLY HEALTHCARE—MOUNTAIN VIEW	12/31/97	12/31/96	12/31/95
12	00941989	BEVERLY HEALTHCARE—OIL CITY	12/31/97	12/31/96	12/31/95
12	01391561	BEVERLY HEALTHCARE—TITUSVILLE	12/31/97	12/31/96	12/31/95
12	01391507	BEVERLY HEALTHCARE—WARREN	12/31/97	12/31/96	12/31/95
12	01391525	BEVERLY HEALTHCARE—WAYNESBURG	12/31/97	12/31/96	12/31/95
12	01169200	BRADFORD ECUMENICAL HOME, INC	12/31/97	12/31/96	12/31/95
12	01090002	BRADFORD NURSING PAVILION	06/30/98	06/30/97	06/30/96
12	01701388	BROOKLINE MANOR	12/31/97	12/31/96	06/30/95
12	00835411	BROOKMONT HEALTH CARE CENTER INC	06/30/98	06/30/97	06/30/96
12	00948809	BUFFALO VALLEY LUTHERAN VILLAGE	12/31/97	12/31/96	12/31/95
12	01429631	CALEDONIA MANOR	12/31/97	12/31/96	12/31/95
12	01547724	CARING PLACE, THE	06/30/98	06/30/97	
12	01631407	CARLETON SENIOR CARE AND REHAB CTR	06/30/96	06/30/95	12/31/92
12	00755992	DAR WAY NURSING HOME, INC	06/30/98	06/30/97	06/30/96
12	00746447	DONAHOE MANOR	06/30/98	06/30/97	06/30/96
12	01553131	FRIENDLY NURSING HOME—PITMAN	06/30/98	06/30/97	06/30/95
12	00754476	GETTYSBURG LUTHERAN HOME	12/31/97	12/31/96	12/31/95
12	00746957	GOLD STAR NURSING HOME	06/30/98	06/30/97	06/30/96
12	00752103	GUY AND MARY FELT MANOR, INC	06/30/98	06/30/97	06/30/96
12	00751035	HAVEN CONVALESCENT HOME, INC	12/31/98	12/31/97	12/31/96
12	01646731	HEIGHTS NURSING HOME AT LOCUST MNTN	06/30/96	06/30/95	06/30/94
12	00897165	HIGHLAND HALL CARE CENTER	06/30/98	06/30/97	06/30/96
12	01285433	HIGHLAND VIEW	06/30/98	06/30/97	06/30/96
12	01526457	HUNTINGDON MANOR	06/30/98	06/30/97	06/30/96
12	01577400	LAKEVIEW SENIOR CARE AND LIVING CTR	12/31/97		
12	00754799	LAUREL MANOR	06/30/98	06/30/97	06/30/96
12	00949225	LOCUST GROVE RETIREMENT VILLAGE	12/31/97	12/31/96	12/31/95
12	01741525	LOVING CARE NURSING CENTER INC	06/30/98	06/30/97	06/30/96
12	00746993	LUTHERAN HOME AT KANE, THE	12/31/97	12/31/96	12/31/95
12	00747364	MALTA HOME	12/31/97	12/31/96	12/31/95
12	00901670	MANSION NURSING AND CONVALESCENT	12/31/97	12/31/96	12/31/95
12	01121548	MARIA JOSEPH MANOR	12/31/98	12/31/97	12/31/96

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12	01747592	MEADOW VIEW SENIOR LIVING CENTER	12/31/96	12/31/95	12/31/94
12	00754734	MEDA NIPPLE CONVALESCENT HOME	12/31/97	12/31/96	12/31/95
12	01500951	MENNO-HAVEN PENN HALL, INC	12/31/97	12/31/96	12/31/95
12	01747609	MULBERRY SQUARE	12/31/97	12/31/96	12/31/95
12	00906504	OVERLOOK MEDICAL CLINIC INC	12/31/97	12/31/96	12/31/95
12	00755230	PENNSYLVANIA MEMORIAL HOME	06/30/98	06/30/97	06/30/96
12	01493445	ROLLING HILLS MANOR	06/30/98	06/30/97	06/30/96
12	00757226	SAYRE HOUSE, INC	06/30/98	06/30/97	06/30/96
12	00756031	SCENERY HILL MANOR	12/31/97	12/31/96	12/31/95
12	01473273	SHENANGO PRESBYTERIAN HOME	12/31/97	12/31/96	12/31/95
12	00755221	SHOOK HOME, THE	12/31/97	12/31/96	12/31/95
12	00906498	SILVER OAKS NURSING CENTER	12/31/97	12/31/96	12/31/95
12	01092974	SNYDER MEMORIAL HEALTH CARE CENTER	12/31/97	12/31/96	12/31/95
12	00966807	SUGAR CREEK REST	06/30/98	06/30/97	06/30/96
12	01625590	WESTMINSTER WOODS AT HUNTINGDON	12/31/97		
12	00895920	YORK TERRACE NURSING CENTER	12/31/97	12/31/96	12/31/95
12	01553140	ZENDT HOME, THE	06/30/98	06/30/97	06/30/95
PG 12	Resident Care Median	Other Resident Care Median	Administrative Median		
	\$59.80	\$27.13	\$10.98		
PG 12	Resident Care Price	Other Resident Care Price	Administrative Price		
	\$69.97	\$30.39	\$11.42		
13	00756701	GOOD SHEPHERD HOME LTC FACILITY, INC	06/30/98	06/30/97	06/30/96
13	00756040	INGLIS HOUSE	06/30/98	06/30/97	06/30/96
13	00879013	MARGARET E. MOUL HOME	06/30/98	06/30/97	06/30/96
PG 13	Resident Care Median	Other Resident Care Median	Administrative Median		
	\$115.36	\$65.97	\$24.37		
PG 13	Resident Care Price	Other Resident Care Price	Administrative Price		
	\$134.97	\$73.89	\$25.34		
14	01693375	ALLEGHENY UNIV MED CTR-CANONSBRG	06/30/97	06/30/96	06/30/95
14	01275956	ASHLAND REGIONAL LONG TERM CARE CTR	06/30/96	06/30/95	06/30/94
14	00747140	BARNES-KASSON COUNTY HOSPITAL SNF	06/30/98	06/30/97	06/30/96
14	01750927	BERWICK RETIREMENT VLG NRSNG CTR I	06/30/98	06/30/97	06/30/96
14	00744630	BUCKTAIL MEDICAL CENTER	06/30/98	06/30/97	06/30/96
14	00754832	CHARLES COLE MEMORIAL HOSPITAL ECF	06/30/98	06/30/97	06/30/96
14	00756550	FULTON COUNTY MEDICAL CENTER LTCU	06/30/98	06/30/97	06/30/96
14	00751643	GEORGE L HARRISON HOUSE	06/30/98	06/30/97	06/30/96
14	00746723	GNADEN HUETTEN NSG AND CONVAL CTR	06/30/98	06/30/97	06/30/96
14	00747631	GRAND VIEW HOSPITAL SKILLED NSG FAC	06/30/98	06/30/97	06/30/96
14	00747041	LOCK HAVEN HOSPITAL E.C.U.	06/30/98	06/30/97	06/30/96
14	00754654	MEMORIAL HOSPITAL INC SNU	06/30/98	06/30/97	06/30/96
14	01275268	MINERS MEMORIAL GERIATRIC CENTER	06/30/98	06/30/97	06/30/96
14	00751438	MOSES TAYLOR HOSPITAL S.N.F.	06/30/98	06/30/97	06/30/96
14	00748100	MUNCY VALLEY HOSPITAL SNU	06/30/98	06/30/97	06/30/96
14	00747239	PINECREST MANOR	06/30/98	06/30/97	06/30/96
14	01749013	PINNACLE HEALTH ECF HB	06/30/98	06/30/97	06/30/95
14	01588683	PINNACLE HEALTH SNU—SEIDLE	06/30/98	06/30/97	06/30/95
14	01073692	SAINT FRANCIS HOSPITAL OF NEW CASTLE	06/30/98	06/30/97	06/30/96
14	00749369	SOMERSET HOSPITAL CENTER FOR HEALTH	06/30/98	06/30/97	06/30/96
14	01179074	SUBURBAN GENERAL SKILLED NSG UNIT	06/30/97	06/30/96	06/30/95
14	00749387	SUNBURY COMMUNITY HOSPITAL SNF	06/30/98	06/30/97	06/30/96
14	01751067	TEMPLE CONTINUING CARE CTR-SLEY	06/30/98	06/30/97	06/30/96
14	00836230	WILLOWCREST	06/30/97	06/30/96	06/30/95
PG 14	Resident Care Median	Other Resident Care Median	Administrative Median		
	\$86.09	\$50.62	\$18.27		
PG 14	Resident Care Price	Other Resident Care Price	Administrative Price		
	\$100.73	\$56.69	\$19.00		

[Pa.B. Doc. No. 00-1288. Filed for public inspection July 28, 2000, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Retention of Engineering Firms

Lancaster County Project Reference No. 08430AG2580

The Department will retain an engineering firm for a multi-phase, specific project agreement to provide environmental studies, preliminary engineering and final design to complete the PA 23 Environmental Impact Statement, record of decision, and mitigation plan in Lancaster County. The work will include Steps 5 through 10 in PennDOT's 10 Step Process for the completion of the Environmental Impact Statement. Steps 1 through 4 of the Process already have been completed by the Lancaster County Planning Commission. The project involves the completion of the environmental documentation and engineering studies to relocate or upgrade a 14 mile section of S.R. 0023, Section EIS, Lancaster County between U.S. 30 to U.S. 322. The estimated total project construction cost is \$150-\$250 million. It is anticipated that the required level of environmental clearance is an Environmental Impact Statement.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

a) Specialized experience and technical competence with similar projects, a proven ability to complete environmental impact statements on large scale controversial projects, and the ability of the project team to address the project specific issues.

b) Strong qualifications in dealing with the public including presentation skills, graphics capabilities and preparation of innovative tools to present technical information to the public.

c) Technical expertise in the areas of farmland assessments (Agricultural Land Condemnation Approval Board), cultural resource documentation, land use planning (including secondary and cumulative impacts), and traffic engineering. Include specific references to the required expertise for historic structures and archeology, agency coordination, community involvement and dealing with the plain sect.

d) Specialized experience and technical competence in final design of highways including interchanges, structure design including multi-span bridges, retaining walls and noise walls, geotechnical design, hydraulic analysis and design, traffic control design and environmental permits.

e) The project team including subconsultants and the method of managing the disciplines, firms, etc.

f) Available staffing for this assignment and ability to meet the project schedule.

g) A site visit by a member of the project team is expected. Provide within the letter of interest possible innovative techniques that could be applied to this project.

The firm selected may be required to, at a minimum, to prepare the intent to enter notices; field surveys; development of topographic mapping; traffic analysis on the existing corridor; expansion and completion of a traffic model; environmental field inventory; preparation of technical reports, historic surveys, archeological studies air and noise studies, Section 4(f) evaluation and completion

of the environmental impact statement; engineering studies to develop preliminary alignments and line and grade, right-of-way estimates, traffic analysis, including preliminary traffic signal evaluations; development of geotechnical studies, erosion control plans, stormwater management, utility and property investigations and preliminary bridge plans. Significant efforts are expected in coordinating with Lancaster County, the Norfolk Southern Railroad, and environmental resource agencies. A significant public involvement program is also expected as part of this project.

Final design activities would include at a minimum: safety review; Step 9, value engineering; design field view; pavement and drainage design, submission of utility verification and relocation; final right-of-way plans, final signal plans; final traffic control plans with special provisions; development of soil and foundation engineering report; final bridge plans, final erosion control plan and narrative; and construction plans, specifications and estimates.

The preliminary and final design of this project will be done in English units.

Welcom's Open Plan Software will be used for project management and tracking.

An oral presentation will be required for the short listed firms.

A project specific Quality Development Plan including a cost control and cost analyses process will be required.

The Department is seeking a multi-disciplined team with environmental, engineering, public involvement and document preparation experience.

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen percent (15%) of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information Section after the advertised project.

This project reference assignment is considered complex. The letter of interest shall be limited to a maximum of five (5) pages, 8 1/2" x 11", one sided, (any pages beyond 5 will not be reviewed by the Department), plus an organizational chart (up to 11" x 17" size), and additional resumes, if applicable. (See the General Requirements and Information Section).

The Letter of Interest submission shall be sent to:

Mr. Barry G. Hoffman, P.E., District Engineer
Engineering District 8-0
2140 Herr Street
Harrisburg, PA 17103-1699

Attention: Mr. Mark A. Malhenzie, Senior Project Manager

The Letter of Interest submission for this project reference number must be received at the address listed above by 4:30 P.M. prevailing time on the twentieth (20th) day following the date of this Notice.

Any technical questions concerning the requirements for this project should be directed to Mr. Mark A. Malhenzie, phone number 717-783-5080, fax number 717-705-5493.

General Requirements and Information

Firms interested in providing the above work and services are invited to submit a Letter of Interest with the required information for each Project Reference Number for which the applicant wishes to be considered.

The Letter of Interest and required information must be submitted to the person designated in the individual advertisement.

The Letter of Interest and required information must be received by the Deadline indicated in the individual advertisement.

For District projects, all consultants, both prime consultants and subconsultants, who desire to be included in a Letter of Interest must have an Annual Qualification Package on file with the appropriate District Office, by the deadline stipulated in the individual advertisements.

For Statewide projects, all consultants, both prime consultants and subconsultants, who desire to be included in a Letter of Interest must have an Annual Qualification Package on file with Central Office, Bureau of Design by the deadline stipulated in the individual advertisements.

Information concerning the Annual Qualification Package can be found in Strike-off Letter No. 433-99-04 or under the Notice to all Consultants published in the February 27, 1999 issue of the *Pennsylvania Bulletin*.

By submitting a letter of interest for the projects that request engineering services, the consulting firm is certifying that the firm is qualified to perform engineering services in accordance with the laws of the Commonwealth of Pennsylvania. A firm not conforming to this requirement may submit a letter of interest as a part of a joint venture with an individual, firm or corporation which is permitted under State law to engage in the practice of engineering.

The letter of interest must include full disclosure of any potential conflict of interest by the prime or any subconsultant based on Engineering Involvement Restrictions Guidelines as established in Strike-off Letter No. 433-00-02 published March 27, 2000. If there are no potential conflicts you shall include the following statement: "I have reviewed Strike-off Letter No. 433-00-02 and determine that there are no potential conflicts of interest for anyone on this project team."

If a Joint Venture responds to a project advertisement, the Department of Transportation will not accept separate Letters of Interest from the Joint Venture constituents. A firm will not be permitted to submit a Letter of Interest on more than one (1) Joint Venture for the same Project Reference Number. Also a firm that responds to a project as a prime may not be included as a designated subcontractor to another firm that responds as a prime to the project. Multiple responses under any of the foregoing situations will cause the rejection of all responses of the firm or firms involved. The above does not preclude a firm from being set forth as a designated subcontractor to more than one (1) prime responding to the project advertisement.

If a goal for Disadvantaged Business Enterprise (DBE) participation is established for an advertised project, firms expressing interest in the project must agree to ensure that Disadvantaged Business Enterprise (DBE) firms as defined in the Transportation Equity Act for the 21st century (TEA-21) and currently certified by the Department of Transportation shall have the opportunity to participate in any subcontracting or furnishing supplies or services approved under Form 442, Section 1.10(a). The TEA-21 requires that firms owned and controlled by women (WBEs) be included, as a presump-

tive group, within the definition of Disadvantaged Business Enterprise (DBE). The goal for DBE participation shall be as stated in the individual project advertisement. Responding firms shall make good faith efforts to meet the DBE goal using DBEs (as they are defined prior to the act, WBEs or combinations thereof).

Proposed DBE firms must be certified at the time of submission of the Letter of Interest. If the selected firm fails to meet the established DBE participation goal, it shall be required to demonstrate its good faith efforts to attain the goal.

Responses are encouraged by small firms, Disadvantaged Business Enterprise (DBE) firms, and other firms who have not previously performed work for the Department of Transportation.

Letters of Interest for will be considered non-responsive and eliminated from further consideration for any of the following reasons:

1. Letters of Interest not received on time.
2. Project of interest is not identified.
3. An Annual Qualification Package for the prime consultant and all subconsultants is not on file with the organization receiving the Letter of Interest.
4. Conflict of Interest evaluation statement is not included.
5. A Disadvantaged Business Enterprise (DBE) participation goal is established for the Project Reference Number but no DBE/WBE is identified and no good faith effort is included.

6. Firm submitted a Letter of Interest on more than one (1) Joint Venture or a firm submitted a Letter of Interest as a prime and was also included as a subconsultant, to another firm. Multiple responses under any of the foregoing situations will cause the rejection of all responses of the firm, or firms, involved.

In addition to the above reasons, a Letter of Interest for Construction Inspection Services will be considered non-responsive for any of the following reasons:

1. Prime consultant or any subconsultant does not have a Federal Acquisition Regulation (FAR) Audit Field Overhead Rate on file with the Department.
2. Using an individual's resume without including a letter granting the individual's approval for TCIS and higher positions.
3. Exceeding the maximum number of resumes in a payroll classification.

The assignment of the agreement/contract for the above advertisement(s) will be made to one of the firms who submitted an acceptable Letter of Interest in response to the project advertisement. The assignment will be made based on the Department's evaluation of the firm's qualification and capabilities. The Department reserves the right to reject all letters submitted, to cancel the solicitations requested under this Notice, and/or to readvertise solicitation for the work and services.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 00-1289. Filed for public inspection July 28, 2000, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, July 13, 2000, and took the following actions:

Regulations Approved:

Department of Public Welfare #14-467: Welfare Reform Omnibus Amendments (amends 55 Pa. Code Chapters 101, 125, 133, 141, 145, 166, 175, 177, 178, 181 and 183).

State Board of Education #6-263: Program Standards and Eligibility Criteria for the Higher Education Equal Opportunity Act (amends 22 Pa. Code Chapter 44).

Department of Education #6-264: Institutional Preparation of Professional Educators (adds 22 Pa. Code Chapter 354).

Regulations Disapproved: Not Delivered—Do Not Publish

* State Board of Nursing #16A-499: Certified Registered Nurse Practitioners Prescriptive Authority.

* Will advise when order is delivered.

Approval Order

Commissioners Voting: John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Coccodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held
July 13, 2000

Department of Public Welfare—Welfare Reform Omnibus Amendments; Regulation No. 14-467

On May 17, 2000, the Independent Regulatory Review Commission (Commission) received this regulation from the Department of Public Welfare (Department). This rulemaking amends 55 Pa. Code Chapters 101, 125, 133, 141, 145, 166, 175, 177, 178, 181 and 183. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*. On June 2, 2000, the Commission received a request from the Department to toll consideration of this final-omitted regulation to delete obsolete language. On June 29, 2000, the Department submitted its revisions to the final-omitted regulation to the Commission.

The Department is proposing to amend its regulations to incorporate eligibility requirements for General Assistance (GA), GA-Related Medical Assistance (MA), Federal Temporary Assistance for Needy Families (TANF), and TANF-related MA and Medically Needy Only (MNO) MA. The Department estimates savings to the Commonwealth of \$353,672,000. There will be no additional costs or savings to the regulated parties.

We have determined this revised regulation is consistent with the statutory authority of the Department of Public Welfare (Act 49 of 1994, Act 20 of 1995, Act 35 of 1996, the Pennsylvania Drug and Alcohol Abuse Act (71 P. S. § 1690.109(c)) and the Federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996) and the intention of the General Assembly. Having considered

all the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Commissioners Voting: John R. McGinley, Jr. Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Coccodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held
July 13, 2000

State Board of Education—Programs Standards and Eligibility Criteria for the Higher Education Equal Opportunity Act; Regulation No. 6-263

On April 28, 1998, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Education. This rulemaking amends 22 Pa. Code Chapter 44. The proposed regulation was published in the May 9, 1998 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on June 8, 2000.

This regulation amends the income eligibility requirements for participation in counseling and tutorial programs authorized by the Higher Education Equal Opportunity Act. The existing regulation sets an income limit of \$18,750 which the Secretary of Education will revise annually based on changes in the Consumer Price Index. Under the amendments, an individual with an annual family income equal to or less than 200% of the Federal poverty level, as determined by the United States Department of Health and Human Services, will meet the income eligibility requirements.

We have determined this regulation is consistent with the statutory authority of the State Board of Education (24 P. S. §§ 2510-303 and 2510-304) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Commissioners Voting: John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Coccodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held
July 13, 2000

Department of Education—Institutional Preparation of Professional Educators; Regulation No. 6-264

On June 23, 1999, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Education (Department). This rulemaking adds 22 Pa. Code Chapter 354. The proposed regulation was published in the July 3, 1999 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on June 5, 2000. On June 13, 2000, the Commission received a request from the Department to toll consideration of this final-form regulation to make a number of technical corrections. On June 13, 2000, the Department submitted its revisions to the final-form regulation to the Commission.

This rulemaking establishes and implements standards for the educator certification programs of "preparing institutions" (a college or university approved by the Department to conduct professional educator preparation programs). The regulation also outlines procedures used to evaluate and approve institutional certification programs. The effectiveness of this program will be evaluated by the State Board of Education every 10 years.

Annually, approximately 21,000 people pursuing professional educator certification and teacher education personnel at the approximately 90 colleges and universities that offer such programs in the Commonwealth will be required to comply.

We have determined this revised regulation is consistent with the statutory authority of the Department of Education (24 P.S. §§ 11-1109, 11-1141, 12-1201—12-1214, 26-2603-B and 26-2604-B) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commissioner:

This revised regulation is approved.

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 00-1290. Filed for public inspection July 28, 2000, 9:00 a.m.]

Notice of Comments Issued

July 13, 2000

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 5.1(h) and (i) of the Regulatory Review Act (75 P.S. § 745.5a(h) and (i)).

The Commission has issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulation. The final-form regulations must be submitted by the dates indicated.

Reg. No.	Agency/Title	Issued	Final-Form Submission Deadline
16A-558	State Board of Accountancy Fees	7/13/00	6/12/02
15-413	Department of Revenue Termination Pay, Severance Pay and Early Retirement Incentive Programs	7/13/00	6/12/02

**State Board of Accountancy
Regulation No. 16A-558
Fees**

July 13, 2000

We submit for consideration the following objections and recommendations regarding this regulation. Each objection or recommendation includes a reference to the criteria in the Regulatory Review Act (71 P.S. § 745.5a(h)

and (i)) which has not been met. The State Board of Accountancy (Board) must respond to these Comments when it submits the final-form regulation. If the final-form regulation is not delivered by June 12, 2002, the regulation will be deemed withdrawn.

Section 11.4. Fees.—Conflict with and Duplication of Existing Regulations; Clarity.

This proposed regulation would amend § 11.4 to include fee schedules already in existing regulations at §§ 11.5 and 11.17. However, the regulation does not delete the existing fee schedules in §§ 11.5 and 11.17. As a result, the fees will appear in all three sections, which is duplicative and unnecessary. In addition, the temporary practice permit fee in § 11.5 is being increased from \$20 to \$25 in § 11.4. As a result, there will be conflicting fees in Chapter 11. This could result in applicants incorrectly submitting the lesser fee.

To clearly establish the appropriate fees that applicants and licensees must pay, the Board should eliminate the redundancy and conflict by deleting the existing fee language in §§ 11.5 and 11.17 in the final-form regulation.

**Department of Revenue
Regulation No. 15-413**

Termination Pay, Severance Pay and Early Retirement Incentive Programs

We submit for consideration the following objections and recommendations regarding this regulation. Each objection or recommendation includes a reference to the criteria in the Regulatory Review Act (71 P.S. § 745.5a(h) and (i)) which has not been met. The Department of Revenue (Department) must respond to these Comments when it submits the final-form regulation. If the final-form regulation is not delivered by June 12, 2002, the regulation will be deemed withdrawn.

1. Section 101.1 Definitions—Clarity.

Limited plan of termination

In subparagraph (ii), the phrase "in advance" is unclear. The Department should be more specific as to when terminations must be specified to constitute a "limited plan of termination."

Severance Pay

In subparagraph (iii), it is unclear what is meant by the phrase, "or subject in any manner to anticipation, assignment or pledge by." The Department should delete this phrase or explain why it is necessary.

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 00-1291. Filed for public inspection July 28, 2000, 9:00 a.m.]

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission received, on the dates indicated, the following regulations for review. To obtain the date and time of the meeting,

interested parties may contact the office of the Commission at (717) 783-5417. To obtain a copy of the regulation, interested parties should contact the agency promulgating the regulation.

Final-Form

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
6-266	State Board of Education Gifted Education; Special Education Services and Programs	7/13/00
71-7	State System of Higher Education Operation of Motor Vehicles on State System Facilities	7/18/00
17-62	Municipal Police Officers' Education & Training Commission Administration of the Program	7/19/00

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 00-1292. Filed for public inspection July 28, 2000, 9:00 a.m.]

INSURANCE DEPARTMENT

Capital Blue Cross and Pennsylvania Blue Shield Individual Comprehensive Major Medical Programs (ClassicComp); Filing No. 00-L

Capital Blue Cross and Pennsylvania Blue Shield propose to adjust the rates for the Individual Comprehensive Major Medical Programs known as ClassicComp. In addition, due to significant differences in cost and utilization experience between HIPAA eligible and non-HIPAA eligible contractholders, separate rate increases are being proposed for these two pools. The proposed average increase for non-HIPAA eligible contractholders is 9.2% and the proposed average increase for HIPAA eligible contractholders is 66.84%. This rate change will produce an estimated additional annual income of \$2.392 million and will affect approximately 5,220 contracts. An effective date of January 1, 2001, is requested.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's Harrisburg Regional Office.

Interested parties are invited to submit written comments, suggestions or objections to Rashmi Mathur, Actuary, Bureau of Accident and Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 00-1293. Filed for public inspection July 28, 2000, 9:00 a.m.]

Capital Blue Cross and Pennsylvania Blue Shield Individual Major Medical Programs; Filing No. 00-K

Capital Blue Cross and Pennsylvania Blue Shield propose to adjust the rates for the Individual Major Medical Programs. The proposed increase is 17.07%. This rate change will produce an estimated additional annualized income of \$835,000 and will affect approximately 2,700 contracts. An effective date of January 1, 2001, is requested.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's Harrisburg Regional Office.

Interested parties are invited to submit written comments, suggestions or objections to Rashmi Mathur, Actuary, Bureau of Accident and Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 00-1294. Filed for public inspection July 28, 2000, 9:00 a.m.]

Highmark Inc. Direct Pay Medical/Surgical Plans Base Rates; Filing No. 1-DPMS-00-HI

Highmark Inc., d/b/a Pennsylvania Blue Shield, requests approval to increase its base rates for its Direct Pay Medical/Surgical Plans in the Independence Blue Cross regions. No change is requested for the Capital Blue Cross, Highmark Blue Cross Blue Shield or Northeastern Pennsylvania regions. Increases will vary by surgical allowance schedule, as shown below.

<i>Surgical Schedule</i>	<i>Percentage Increase</i>	<i>Amount (millions)</i>	<i>Increase PCPM</i>	<i>Contracts</i>
Independence Blue Cross				
Fee	19.5%	\$0.5	\$7.52	5,900
UCR	15.2%	\$0.9	\$17.54	4,200
Total	16.6%	\$1.4	\$11.64	10,100

The filing requests an increase of about 16.6% of developed premium. This will affect about 10,100 contractholders and produce additional base premium income of about \$1.4 million. The requested effective date of the change is January 1, 2001.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's Harrisburg Regional Office and Philadelphia Regional Office.

Interested parties are invited to submit written comments, suggestions or objections to Rashmi Mathur, Actuary, Bureau of Accident and Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 00-1295. Filed for public inspection July 28, 2000, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insured has requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) in connection with the termination of the insured's automobile policy. The hearing will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to 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). This administrative hearing will be held in the Insurance Department's Regional Offices in Philadelphia, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The hearing will be held in Room 1701, State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Wayne R. Wentland; file no. 00-210-02128; Government Employees Insurance Co.; doc. no. PH00-07-011; September 29, 2000, at 8:30 a.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses and the like necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Commissioner may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those person participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to partici-

pate in the hearing should contact Tracey Pontius, Agency Coordinator, at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 00-1296. Filed for public inspection July 28, 2000, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board leases will expire:

Cambria County, Wine & Spirits Shoppe #1115, 358 N. Sheridan Street, Johnstown, PA 15906-1643.

Lease Expiration Date: July 31, 2001

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 2,000 net useable square feet of new or existing retail commercial space serving the Northwest section or 20th Ward of Johnstown. The space should have good loading facilities and free, off-street parking.

Proposals due: August 18, 2000 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: Thomas Deal, (412) 565-5130

Fayette County, Wine & Spirits Shoppe #2604, 105 South Main Street, Masontown, PA 15461-2041.

Lease Expiration Date: January 31, 2001

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 1,800 net useable square feet of new or existing retail commercial space serving the Masontown area. Good loading facilities and off-street parking preferred.

Proposals due: August 18, 2000 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: Thomas Deal, (412) 565-5130

Mercer County, Wine & Spirits Shoppe #4305, 517 Main Street, Sharpsville, PA 16150-2055.

Lease Expiration Date: July 31, 2001

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 2,000net useable square feet of new or existing retail

commercial space in a shopping center environment in the Sharpsville Central Business District.

Proposals due: August 18, 2000 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: George Danis, (412) 565-5130

Montgomery County, Wine & Spirits Shoppe #4613, 1437 Old York Rd., Abington, PA 19001-2710.

Lease Expiration Date: October 31, 2001

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 6,000 to 9,500 net useable square feet of new or existing retail commercial space on Old York Road in Abington Township.

Proposals due: August 18, 2000 at 12:00 Noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113
Contact: Robert Jolly, (215) 482-9670

Philadelphia County, Wine & Spirits Shoppe #5179, 6151 Ridge Avenue, Philadelphia, PA 19128-2627.

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,500 to 5,000 net useable square feet of new or existing retail commercial space on Ridge Avenue, south of Fountain Road and north of Walnut Lane, Philadelphia.

Proposals due: August 18, 2000 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113
Contact: Robert J. Jolly, (215) 482-9670

The Liquor Control Board seeks the following new site:

Berks County, Wine & Spirits Shoppe #0603, South Heidelberg Township.

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,500 net useable square feet (minimum width of 35 lineal feet) of new or existing retail commercial space on Route 422, within approximately 1 mile of the intersection of Krick Lane, South Heidelberg Township.

Proposals due: August 18, 2000 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661
Contact: Willard J. Rhodes, (717) 657-4228

JOHN E. JONES, III,
Chairperson

[Pa.B. Doc. No. 00-1297. Filed for public inspection July 28, 2000, 9:00 a.m.]

MILK MARKETING BOARD

Hearing and Presubmission Schedule; Milk Marketing Area No. 1

Under the provisions of the Milk Marketing Law (31 P. S. §§ 700j-101—700k-10.1) the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 1 on September 6, 2000, commencing at 9 a.m. in Room 202 of the Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing will be to receive testimony and exhibits concerning cost replacement in Milk Marketing Area No. 1. In accordance with Section G of Official General Order A-890A, as amended by Official General Order A-890A (CRO 4), and action taken by the Board at its July 2000 Sunshine meeting, evidence will be limited to the following: annualized processing, packaging and delivery costs; updated costs for containers, ingredients and Class II products; updated labor, utility and insurance costs based on comparisons between costs per point for corresponding quarters of calendar years 1999 and 2000; a reasonable rate of return to milk dealers; and calculation of the over-price premium. Evidence shall be based on the audited costs of a cross-section of milk dealers doing business in Area No. 1.

The staff of the Board is deemed to be a party to this hearing, and the attorneys representing staff are deemed to have entered their appearances. Other persons that may be affected by the Board order fixing prices in Area No. 1 may be included on the Board's list of parties by:

1. Having their counsel file with the Board, by 4 p.m. on August 4, 2000, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25, which shall identify by name and address the party on whose behalf the appearance is made. Thereafter, documents and other written communications required to be served upon or furnished to that party shall be sent to the attorney of record.

2. If unrepresented by counsel and wishing to appear on their own behalf under 1 Pa. Code § 31.21, filing with the Board, by 4 p.m. on August 4, 2000, an address to which documents and other written communications required to be served upon them or furnished to them may be sent.

The parties shall observe the following requirements for advance filing of witness information and exhibits. The Board may exclude witnesses or exhibits of a party that fails to comply with these requirements. In addition, the parties shall have available in the hearing room at least 20 copies of each document for the use of nonparties attending the hearing.

1. By 4 p.m. on August 28, 2000, each party shall file with the Board six copies and serve on all other parties one copy of:

- a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise.

- b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on August 31, 2000, each party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents, or records in other proceedings before the Board, or who wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code §§ 35.164, 35.165, 35.167 or 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4 p.m. on August 11, 2000.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

Persons who require this information in an alternate format should call (717) 787-4194 or (800) 654-5984 (PA Relay Service for TDD users).

LYNDA J. BOWMAN,
Secretary

[Pa.B. Doc. No. 00-1298. Filed for public inspection July 28, 2000, 9:00 a.m.]

Hearing and Presubmission Schedule; Milk Marketing Area No. 6

Under the provisions of the Milk Marketing Law (31 P. S. §§ 700j-101—700k-10.1), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 6 on September 6, 2000, commencing at 11 a.m. in Room 202 of the Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing will be to receive testimony and exhibits concerning cost replacement in Milk Marketing Area No. 6. In accordance with Section G of Official General Order A-907, and action taken by the Board at its July 2000 Sunshine meeting, evidence will be limited to the following: annualized processing, packaging, and delivery costs; updated costs for containers, ingredients, and Class II products; updated labor, utility and insurance costs based on comparisons between costs per point for corresponding quarters of calendar years 1999 and 2000; in-store handling costs; a reasonable rate of return to milk dealers and stores; and calculation of the over-price premium. Evidence shall be based on the audited costs of a cross-section of milk dealers and stores doing business in Area No. 6.

The staff of the Board is deemed to be a party to this hearing, and the attorneys representing staff are deemed to have entered their appearances. Other persons that may be affected by the Board order fixing prices in Area No. 6 may be included on the Board's list of parties by:

1. Having their counsel file with the Board, by 4 p.m. on August 4, 2000, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25, which shall identify by name and address the party on whose behalf the appearance is made. Thereafter, documents and other written communications required to be served upon or furnished to that party shall be sent to the attorney of record.

2. If unrepresented by counsel and wishing to appear on their own behalf under 1 Pa. Code § 31.21, filing with the Board, by 4 p.m. on August 4, 2000, an address to

which documents and other written communications required to be served upon them or furnished to them may be sent.

The parties shall observe the following requirements for advance filing of witness information and exhibits. The Board may exclude witnesses or exhibits of a party that fails to comply with these requirements. In addition, the parties shall have available in the hearing room at least 20 copies of each document for the use of nonparties attending the hearing.

1. By 4 p.m. on August 25, 2000, each party shall file with the Board six copies and serve on all other parties one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on August 30, 2000, each party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents, or records in other proceedings before the Board, or who wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code §§ 35.164, 35.165, 35.167 or 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4 p.m. on August 11, 2000.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

Persons who require this information in an alternate format should call (717) 787-4194 or (800) 654-5984 (PA Relay Service for TDD users).

LYNDA J. BOWMAN,
Secretary

[Pa.B. Doc. No. 00-1299. Filed for public inspection July 28, 2000, 9:00 a.m.]

PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY

Application Cut-Off Date

A special meeting of the Pennsylvania Infrastructure Investment Authority (PennVest) Board of Directors has

been scheduled for Wednesday, October 4, 2000, at 10 a.m. at the Crowne Plaza, 23 South Second Street, Harrisburg, PA.

Funding applications for this meeting must be received in the PennVest office, 22 South Third Street, Harrisburg, PA 17101 by 5 p.m. on Wednesday August 9, 2000.

Persons requiring ADA accommodations should contact Elaine Keisling (717) 783-4494.

PAUL K. MARCHETTI,
Executive Director

[Pa.B. Doc. No. 00-1300. Filed for public inspection July 28, 2000, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Delegation of Additional Routine, Ministerial and Nonpolicymaking Public Meeting Agenda Items; Doc. No. M-00001363

The Pennsylvania Public Utility Commission, at its July 13, 2000 public meeting, delegated the following routine, ministerial and non-policymaking public meeting agenda items to the Secretary's Bureau:

- Petitions for reinstatement, or any equivalent pleading requesting reinstatement, of a certificate of authority will be returned unprocessed, where the Secretary's Bureau finds that either an unpaid assessment or fine exists for that utility.

These petitions for reinstatement, or any equivalent pleading requesting reinstatement, will now be addressed by Secretarial letter and may be appealed to the Commission by filing a petition within 10 days after service of notice of the action, unless a different time period is specified. See 52 Pa. Code § 5.44.

The contact person for this matter is Elizabeth A. Lion Januzzi, Assistant Counsel, Law Bureau (717) 772-0696 (delegation issues).

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 00-1301. Filed for public inspection July 28, 2000, 9:00 a.m.]

Railroad With Hearing

C-00003668. Stephen B. Gothreau v. Norfolk Southern Corporation. The complaint proceeding requires interpretation of the Commission's Railroad Regulations (52 Pa. Code § 33.62) with respect to locomotives equipped with flush toilets or similar devices which sanitarily disposes of human waste matter.

An Initial Hearing on this matter will be held Tuesday, September 12, 2000, at 10 a.m. in Room 318, Scranton State Office Building, 100 Lackawanna Avenue, Scranton,

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. 00-1302. Filed for public inspection July 28, 2000, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. 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 21, 2000, as set forth in 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protests shall also indicate whether it applies to the temporary authority application or the permanent application or both.

Applications of the following for approval of the *beginning of the exercise of the right and privilege of operating as common carriers for transportation of persons as described under each application.*

A-00117046. West End Ambulance Service, Inc., t/d/b/a Johnstown Medical Transcare (175 Garfield Street, Johnstown, Cambria County, PA 15906), a corporation of the Commonwealth of Pennsylvania—persons in paratransit service, between points in the city of Johnstown, Cambria County, and within an airline distance of 20 statute miles of the limits of said city, and from points in said territory, to points in Pennsylvania, and return. *Attorney:* William Gleason Barbin, Suite 350, Penn Traffic Building, 319 Washington Street, Johnstown, PA 15901.

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-00117049. Paul K. Brown, Inc., t/d/b/a Professional Limousine Service (P. O. Box 99531, Pittsburgh, Allegheny County, PA 15233), a corporation of the Commonwealth of Pennsylvania—(1) persons in limousine service, in the counties of Butler, Washington, Westmoreland, Somerset and Fayette, and from points in Allegheny County to points in the counties of Butler, Washington, Somerset, Fayette and Westmoreland, and (2) persons in limousine service, between points in Westmoreland County, and from points in said county, to points in Allegheny County, and return; which is to be a transfer of the rights authorized under the certificate issued to Primo Limousine Co., Inc., at A-00111548, subject to the same limitations and conditions. *Attorney:* Stephen Jurman, 114 Portvue Drive, Moon Township, PA 15108.

A-00117050. Norma J. Alenovitz, t/d/b/a L&L Luxury Limo (HCR 01, Box 36A, Broad Top, Huntingdon County, PA 16621)—persons in limousine service, between points in the counties of Huntingdon, Juniata, Mifflin and Fulton, and from points in said territory, to points in Pennsylvania, and return; which is to be a transfer of the rights authorized under the

certificate issued to Larry E. Prough, Linda G. Prough, John E. White and Diane L. White, A Limited Partnership, t/d/b/a L&L Luxury Limo, at A-00112330, subject to the same limitations and conditions. *Attorney:* Thomas E. McDowell, 113 Fourth Street, Huntingdon, PA 16652.

Application 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 household goods by transfer as described under each application.

A-00117054. Richard L. Moore and Betty J. Moore, Copartners, t/d/b/a Virostick Transfer Company (159 Pitt Street, Sharon, Mercer County, PA 16146)—(1) household goods in use, between points in the city of Farrell, Mercer County, and within 5 miles by the usually traveled highways of the limits thereof, and from points in said territory, to points in Pennsylvania, and vice versa; (2) household goods in use, between points in the city of Farrell, Mercer County, and within 10 miles of the usually traveled highways of the limits of said city; (3) household goods in use, between points in the county of Mercer, and from points in said county, to points in Pennsylvania, and vice versa; and (4) property, excluding household goods in use, between points in Pennsylvania; which is to be a transfer of the rights authorized under the certificate issued to Joseph M. Virostick, t/d/b/a Virostick Transfer Company, at A-00110896, subject to the same limitations and conditions. *Attorney:* Michael F. Barr, 701 North Hermitage Road, Hermitage, PA 16148.

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-00117051. Carol R. Love, t/d/b/a Carol Love's Tours (412 North Fourth Street, Youngwood, Westmoreland County, PA 15697)—brokerage license—to arrange for the transportation of persons and their baggage, by motor vehicle, between points in the county of Westmoreland, and from points in said county, to points in Pennsylvania, and return; which is to be a transfer of the rights authorized under the license issued to Carol R. Love and Sandra Miller, Copartners, t/d/b/a Carol Love's Tours, subject to the same limitations and conditions. *Attorney:* Daniel J. Hewitt, P. O. Box 758, Latrobe, PA 15650.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 00-1303. Filed for public inspection July 28, 2000, 9:00 a.m.]

Telecommunications

A-310961F0002. Bell Atlantic-Pennsylvania, Inc. and Digital Broadband Communications, Inc. Adopted Interconnection Agreement between Bell Atlantic-Pennsylvania, Inc. and Digital Broadband Communications, Inc. under section 252(i) of the Telecommunications Act of 1996.

Bell Atlantic-Pennsylvania, Inc. and Digital Broadband Communications, Inc., by its counsel, filed on July 15, 2000, at the Pennsylvania Public Utility Commission, a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania

Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Bell Atlantic-Pennsylvania, Inc. and Digital Broadband Communications, Inc. Joint Petition are on file with the Pennsylvania Public Utility Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 00-1304. Filed for public inspection July 28, 2000, 9:00 a.m.]

Telecommunications

A-310692F0002. Bell Atlantic-Pennsylvania, Inc. and NorthPoint Communications, Inc. Joint Petition of Bell Atlantic-Pennsylvania, Inc. and NorthPoint Communications, Inc. for approval of a replacement interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Bell Atlantic-Pennsylvania, Inc. and NorthPoint Communications, Inc., by its counsel, filed on July 12, 2000, at the Pennsylvania Public Utility Commission, a joint petition for approval of a replacement 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 Bell Atlantic-Pennsylvania, Inc. and NorthPoint Communications, Inc. Joint Petition are on file with the Pennsylvania Public Utility Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 00-1305. Filed for public inspection July 28, 2000, 9:00 a.m.]

Telecommunications

A-310984. Bell Atlantic-Pennsylvania, Inc. and Phone-Link, Inc. Joint Petition of Bell Atlantic-Pennsylvania, Inc. and Phone-Link, Inc. for approval of a resale agreement under section 252(e) of the Telecommunications Act of 1996.

Bell Atlantic-Pennsylvania, Inc. and Phone-Link, Inc., by its counsel, filed on July 12, 2000, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of a resale agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Bell Atlantic-Pennsylvania, Inc. and Phone-Link, 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. 00-1306. Filed for public inspection July 28, 2000, 9:00 a.m.]

Telecommunications

A-310983. Bell Atlantic-Pennsylvania, Inc. and Public Telecommunications, Inc. Joint Petition of Bell Atlantic-Pennsylvania, Inc. and Public Telecommunications, Inc. for approval of a resale agreement under section 252(e) of the Telecommunications Act of 1996.

Bell Atlantic-Pennsylvania, Inc. and Public Telecommunications, Inc., by its counsel, filed on July 12, 2000, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of a resale agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Bell Atlantic-Pennsylvania, Inc. and Public Telecommunications, 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. 00-1307. Filed for public inspection July 28, 2000, 9:00 a.m.]

Telecommunications

A-310908F0002. Bell Atlantic-Pennsylvania, Inc. and ServiSense.com, Inc. Joint Petition of Bell Atlantic-Pennsylvania, Inc. and ServiSense.com, Inc. for approval of a resale agreement under section 252(e) of the Telecommunications Act of 1996.

Bell Atlantic-Pennsylvania, Inc. and ServiceSense.com, Inc., by its counsel, filed on July 12, 2000, at the Pennsylvania Public Utility Commission, a joint petition for approval of a resale agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania

Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Bell Atlantic-Pennsylvania, Inc. and ServiSense.com, Inc. Joint Petition are on file with the Pennsylvania Public Utility Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 00-1308. Filed for public inspection July 28, 2000, 9:00 a.m.]

PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

Hearings Scheduled

Hearings have been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's denial of Claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

August 14, 2000 Sherry Ann Dulsky 10 a.m.
(Membership Eligibility)

Persons with a disability who wish to attend the above-listed hearings and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Marilyn Fuller-Smith, Assistant Executive Director, at (717) 720-4700 to discuss how the Public School Employees' Retirement System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 22 Pa. Code § 201.1, (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure), unless specific exemption is granted.

DALE H. EVERHART,
Secretary

[Pa.B. Doc. No. 00-1309. Filed for public inspection July 28, 2000, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:

The payment date specified in the contract.

30 days after the later of the receipt of a proper invoice or receipt of goods or services.

The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center
 PA Department of Community and Economic Development
 374 Forum Building
 Harrisburg, PA 17120
 800-280-3801 or (717) 783-5700

Reader's Guide

Legal Services & Consultation—26

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services
 Location: Harrisburg, Pa.
 Duration: 12/1/93-12/30/93
 Contact: Procurement Division
 787-0000

③ Contract Information

④ Department

⑦

⑤ Location

(For Commodities: Contact:)
 Vendor Services Section
 717-787-2199 or 717-787-4705

⑥ Duration

REQUIRED DATA DESCRIPTIONS

① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.

② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.

③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.

④ Department: State Department or Agency initiating request for advertisement.

⑤ Location: Area where contract performance will be executed.

⑥ Duration: Time estimate for performance and/or execution of contract.

⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, "Frequently Asked Questions About State Contracts," explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**
 Pennsylvania State Treasury
 Room G13 Finance Building
 Harrisburg, PA 17120
 717-787-2990
 1-800-252-4700

BARBARA HAFER,
State Treasurer

Commodities

460003 Purchase of 116 black, waterproof summit jackets in sizes ranging from medium to XXXX large for the Department of Transportation's Motor Carrier Enforcement Officers. Awarded vendor must affix Commonwealth patches to both sleeves of jackets. Requests for bid packets can be faxed to Shannon M. Devine at (717) 705-5523.

Department: Transportation
Location: Motor Carrier Division, 7th Fl., Forum Place, 555 Walnut Street, Harrisburg, PA 17101-1900
Duration: No longer than 6 months from bid to receipt of product
Contact: Shannon M. Devine, (717) 772-0881

FL-260079 Refrigerator, display, beverage, two and three door units, with built-in canopy type illuminating sign panel designating "Chilled Wines", minimum capacity: two door units, 49 cu. ft. and three door units 72 cu. ft., exterior: laminated white vinyl coated steel.

Department: Liquor Control Board
Location: Philadelphia
Duration: One time purchase
Contact: Leland E. Scott, Jr.; Purchasing Agent, (717) 787-9854

#070001 Linen Supplies as follows: contour sheets, soft knit fitted, size 36 x 80, B & C draperies pillow cases and quilted mattress pads (fitted), size 39" x 80".

Department: Public Welfare
Location: Ebensburg Center, Rt. 22 West, P. O. Box 600, Ebensburg, PA 15931
Duration: Indeterminate 2000-2001
Contact: Marilyn Cartwright, Purchasing Agent, (814) 472-0259

#070002 Janitorial and housekeeping supplies.

Department: Public Welfare
Location: Ebensburg Center, Rt. 22 West, P. O. Box 600, Ebensburg, PA 15931
Duration: Indeterminate 2000-2001
Contact: Marilyn Cartwright, Purchasing Agent, (814) 472-0259

FL-260080 Paper, printer, for use on IBM 4610-T14 Printer. Printer is use with IBM 4694 cash register. 400 Cases/50 Rolls per case.

Department: Liquor Control Board
Location: Procurement Division Warehouse, 3525 North Sixth Street, Harrisburg, PA 17110-1425
Duration: Indeterminate 2000-2001
Contact: Jim Hanks, (717) 787-1893

1059110 Trays, styrofoam, three compartment, Genpak #20310, 91 1/4" x 9 1/4" x 3", 200/cs. No substitute due to trays must fit in cell doors. For a copy of bid package fax request to (717) 787-0725.

Department: Corrections
Location: Camp Hill, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

4309-73200-004 Fabric—red fleece, red ribknit.

Department: Corrections
Location: Correctional Industries, SCI Greene, 169 Progress Drive, Waynesburg, PA 15370-8090
Duration: 1 year
Contact: MaryAnn Ulrich, (717) 731-7134

1071150 STD-330 Request for Leave, NCR paper, 3 Part Snap Set. Overall Size: 3/4 x 7/8, with stub attached: 3/4 x 6 1/2. For a copy of bid package fax request to (717) 787-0725.

Department: General Services
Location: Harrisburg, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

1061110 Bags, Filter, 22 oz. Standard, Corporation Membrane "Tetratex" Filter Bags. For a copy of bid package fax request to (717) 787-0725.

Department: Corrections
Location: Camp Hill, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

8252350 Rake, Stone, Towed. For a copy of bid package fax request to (717) 787-0725.

Department: Transportation
Location: Harrisburg, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

1062350 Upgrade to Teom PM 10 Monitor. No substitute. For a copy of bid package fax request to (717) 787-0725.

Department: Environmental Protection
Location: Harrisburg, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

8252280 Rebid—Roller, Walk Behind. For a copy of bid package fax request to (717) 787-0725.

Department: Transportation
Location: Harrisburg, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

7009-0014 Various types of lumber, plywood siding, waferboard, fiberglass insulation singles, aluminum siding, prehung doors, etc. Used to manufacture sheds.

Department: Corrections
Location: Correctional Industries, SCI Rockview, Rt. 26, Bellefonte, PA 16823
Duration: 1 year
Contact: MaryAnn Ulrich, (717) 731-7134

1048040 Compact Cutaway Van with High-Cube Van Body. For a copy of bid package fax request to (717) 787-0725.

Department: Agriculture
Location: Harrisburg, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

1069150 2000 Dodge Grand Caravan. Executive Extended Mini Van—Passenger Type. Color: Forest Green. No substitute. For a copy of bid package fax request to (717) 787-0725.

Department: General Services
Location: Harrisburg, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

SERVICES

02

2/0 Provide fish food used in a Statewide fish culture program during the period October 1—December 31, 2000. Fish food products purchased in bulk and bagged quantities only from vendors who have had their products tested and accepted by the Fish and Boat Commission.

Department: Fish and Boat Commission
Location: Statewide to various fish culture stations as requested.
Duration: October 1—December 31, 2000
Contact: Debbie Rose, (814) 359-5141

Construction Services—09

DGS570-27IN11 Project Title: SCI Western PA. Brief Description: All work necessary to furnish and install all medical equipment. Estimated Range: Under \$100,000. Medical Equipment Construction. Plans Deposit: \$610 per set payable to: P. J. Dick Inc. Refundable upon return of plans and specifications in reusable condition (no marks allowed) as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$135 per set or provide your express mail account number to the office listed below. Mail requests to: P. J. Dick, Inc., SCI Western PA, 421 LaBelle Rd., East Millsboro, PA 15433, Attn: Cindy Nichols, Tel: (724) 785-2066. Bid Date: Tuesday, August 22, 2000, at 11 a.m. A Prebid Conference has been scheduled for Tuesday, August 8, 2000, at 10 a.m. at the P. J. Dick Field Office located at the job site, 421 LaBelle Rd., East Millsboro, PA. For directions, please call (724) 785-2066. Contractors who have secured contract documents are invited and urged to attend this Prebid Conference.

Department: General Services
Location: SCI Western PA, 421 LaBelle Rd. (State Route 4020), Luzerne Township, Fayette County, PA
Duration: 510 Calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

DGS1103-40IN1 Project Title: Construction of the Multi-Purpose Academic Complex. Brief Description: Installation of Interior metal studs, drywall, acoustical ceilings, Exterior EIFS soffits and ceilings, Interior hollow metal door frames, prefinished wood doors, builders hardware, toilet partitions and countertops, fire extinguishers and other related items. Maintenance of the site, site security and the existing site chain link fence, temporary sanitary facilities as well as other lead contractor duties are required. Project is located at Forbes Ave. and Bouquet Sts. in Pittsburgh, PA. Estimated Range: \$2,000,000 to \$5,000,000. Interior General Construction. Plans Deposit: \$425 per set payable to: JSA. Refundable upon return of plans and specifications in reusable condition (no marks allowed) as construction documents within 15 days after the bid opening. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check or provide your express mail account number to the office listed below. Mail requests to: JSA, 6450 Steubenville Pike, Pittsburgh, PA 15205-1004, Tel: (412) 788-1500. Bid Date: Wednesday, August 23, 2000, at 11 a.m. A Prebid Conference has been scheduled for Thursday, July 27, 2000, at 3 p.m. Meet at Turner/ATS Site Office, 218 S. Oakland St., Pittsburgh, PA. Contact: Scott Womack, Tel: (412) 788-1500. All Contractors who have secured Contract Documents are invited and urged to attend this Prebid Conference. Any Questions must be submitted in writing, via fax at (412) 787-5960 or e-mail to swomack@jsa-architects.com no later than 5 p.m., Friday, August 4, 2000.

Department: General Services
Location: University of Pittsburgh, Pittsburgh, Allegheny County, PA
Duration: 364 Calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

DGS570-27IN8 Project Title: SCI Western PA. Brief Description: All work necessary to perform all painting, including block filler and other painting preparation. Estimated Range: \$500,000 to \$1,000,000. Painting Coatings Construction. Plans Deposit: \$610 per set payable to: P. J. Dick, Inc. Refundable upon return of plans and specifications in reusable condition (no marks allowed) as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$135 per set or provide your express mail account number to the office listed below. Mail requests to: P. J. Dick Inc., SCI Western PA, 421 LaBelle Rd., East Millsboro, PA 15433, Attn: Cindy Nichols, Tel: (724) 787-2066. Bid Date: Tuesday, August 22, 2000, at 11 a.m. A Prebid Conference has been scheduled for Tuesday, August 8, 2000, at 10 a.m. at the P. J. Dick Field Office located at the job site, 421 LaBelle Rd., East Millsboro, PA. For directions, please call (724) 785-2066. All Contractors who have secured Contract Documents are invited and urged to attend this Prebid Conference.

Department: General Services
Location: SCI Western PA, 421 LaBelle Rd. (State Route 4020), Luzerne Township, Fayette County, PA
Duration: 510 Calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

DGS570-27IN13 Project Title: SCI Western PA. Brief Description: All work necessary to furnish and install all horizontal louvered window blinds. Estimated Range: Under \$100,000. Horizontal Louvered Window Blinds Construction. Plans Deposit: \$610 per set payable to: P. J. Dick Inc. Refundable upon return of plans and specifications in reusable condition (no marks allowed) as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$135 per set or provide your express mail account number to the office listed below. Mail requests to: P. J. Dick Inc., SCI Western PA, 421 LaBelle Rd., East Millsboro, PA 15433, Attn: Cindy Nichols, Tel: (724) 785-2066. Bid Date: Tuesday, August 22, 2000, at 11 a.m. A Prebid Conference has been scheduled for Tuesday, August 8, 2000, at 10 a.m. at the P. J. Dick Field Office located at the job site, 421 LaBelle Rd., East Millsboro, PA. For directions, please call (724) 785-2066. All Contractors who have secured Contract Documents are invited and urged to attend this Prebid Conference.

Department: General Services
Location: SCI Western PA, 421 LaBelle Rd. (State Route 4020), Luzerne Township, Fayette County, PA
Duration: 510 Calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

DGS570-27IN6 Project Title: SCI Western PA. Brief Description: All work necessary to furnish and install all resilient flooring, carpeting, fluid applied epoxy flooring and the indoor athletic surfaces. This work includes substrate preparation, within the limits identified in the specifications. Estimated Range: \$100,000 to \$500,000. Resilient Flooring, Carpeting, Fluid Applied Epoxy Flooring and Indoor Athletic Surfaces Construction. Plans Deposit: \$610 per set payable to: P. J. Dick, Inc. Refundable upon return of plans and specifications in reusable condition (no marks allowed) as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$135 per set or provide your express mail account number to the office listed below. Mail requests to: P. J. Dick Inc., SCI Western PA, 421 LaBelle Rd., East Millsboro, PA 15433, Attn: Cindy Nichols, Tel: (724) 785-2066. Bid Date: Tuesday, August 22, 2000. A Prebid Conference has been scheduled for Tuesday, August 8, 2000, at 10 a.m. at the P. J. Dick Field Office located at the job site, 421 LaBelle Rd., East Millsboro, PA. For directions, please call (724) 785-2066. All Contractors who have secured Contract Documents are invited and urged to attend this Prebid Conference.

Department: General Services
Location: SCI Western PA, 421 LaBelle Rd. (State Route 4020), Luzerne Township, Fayette County, PA
Duration: 510 Calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

DGS570-27IN7 Project Title: SCI Western PA. Brief Description: All work necessary to furnish and install hardwood gymnasium flooring, including painted and other markings and floor finishing. Estimated Range: \$100,000 to \$500,000. Gymnasium Flooring, Marking and Finishing Construction. Plans Deposit: \$610 per set payable to: P. J. Dick Inc. Refundable upon return of plans and specifications in reusable condition (no marks allowed) as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$135 per set or provide your express mail account number to the office listed below. Mail requests to: P. J. Dick Inc., SCI Western PA, 421 LaBelle Rd., East Millsboro, PA 15433, Attn: Cindy Nichols, Tel: (724) 785-2066. Bid Date: Tuesday, August 22, 2000, at 11 a.m. A Prebid Conference has been scheduled for Tuesday, August 8, 2000, at 10 a.m. at the P. J. Dick Field Office located at the job site, 421 LaBelle Rd., East Millsboro, PA. For directions, please call (724) 785-2066. All Contractors who have secured Contract Documents are invited and urged to attend this Prebid Conference.

Department: General Services
Location: SCI Western PA, 421 LaBelle Rd. (State Route 4020), Luzerne Township, Fayette County, PA
Duration: 510 Calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

DGS570-27IN5 Project Title: SCI Western PA. Brief Description: All work necessary to furnish and install all ceramic and quarry tile. This work includes substrate preparation, within the limits identified in the specifications. Where this contractor's work abuts or otherwise meets the work of other contractors, this contractor shall install the termination strips, or other items as specified. The work is not this contractor's responsibility only when the specifications or drawings clearly state that another contractor is responsible. Estimated Range: \$100,000 to \$500,000. Ceramic and Quarry Tile Construction. Plans Deposit: \$610 per set payable to P. J. Dick, Inc. Refundable upon return of plans and specifications in reusable condition (no marks allowed) as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$135 per set or provide your express mail account number to the office listed below. Mail requests to: P. J. Dick Inc., SCI Western PA, 421 LaBelle Rd., East Millsboro, PA 15433, Attn: Cindy Nichols, Tel: (724) 785-2066. Bid Date: Tuesday, August 22, 2000, at 11 a.m. A Prebid Conference has been scheduled for Tuesday, August 8, 2000, at 10 a.m. at the P. J. Dick Field Office at the job site, 421 LaBelle Rd., East Millsboro, PA. For directions, please call (724) 785-2066. All Contractors who have secured Contract Documents are invited and urged to attend this Prebid Conference.

Department: General Services
Location: SCI Western PA, 421 LaBelle Rd. (State Route 4020), Luzerne Township, Fayette County, PA
Duration: 510 Calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

DGS570-27IN3 Project Title: SCI Western PA. Brief Description: All work necessary to provide all gypsum wallboard system surfaces, all ceiling systems, spray applied waterproofing, operable panel partitions and projection screens. Estimated Range: \$2,000,000 to \$5,000,000. Gypsum Wallboard Systems, Ceilings and Fireproofing Construction. Plans Deposit: \$610 per set payable to: P. J. Dick, Inc. Refundable upon return of plans and specifications in reusable condition (no marks allowed) as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$135 per set or provide your express mail account number to the office listed below. Mail requests to: P. J. Dick Inc., SCI Western PA, 421 LaBelle Rd., East Millsboro, PA 15433, Attn: Cindy Nichols, Tel: (724) 785-2066. Bid Date: Tuesday, August 22, 2000, at 11 a.m. A Prebid Conference has been scheduled for Tuesday, August 8, 2000, at 10 a.m. at the P. J. Dick Field Office located at the job site, 421 LaBelle Rd., East Millsboro, PA. For directions, please call (724) 785-2066. All Contractors who have secured Contract Documents are invited and urged to attend this Prebid Conference.

Department: General Services
Location: SCI Western PA, 421 LaBelle Rd. (State Route 4020), Luzerne Township, Fayette County, PA
Duration: 510 Calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

DGS1103-40ME3 Project Title: Construction of the Multi-Purpose Academic Complex. Brief Description: Construction of a complete building plumbing system is required. This includes fixtures, piping, utility tap-ins, sanitary, storm and domestic water systems, along with additional miscellaneous equipment is a part of this contract. Protection of finished work, as well as other related items are included in this contract. Project is located at Forbes Avenue and Bouquet Streets in Pittsburgh, PA. Estimated Range: \$500,000 to \$1,000,000. Plumbing Construction. Plans Deposit: \$425 per set payable to: JSA. Refundable upon return of plans and specifications in reusable condition (no marks allowed) as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check or provide your express mail account number to the office listed below. Mail requests to: JSA, 6450 Steubenville Pike, Pittsburgh, PA 15205-1004, Tel: (412) 788-1500. Bid Date: Wednesday, August 9, 2000 at 11 a.m. A Prebid Conference has been scheduled for Thursday, July 27, 2000, at 3 p.m. Meet at Turner/ATS Site Office, 218 S. Oakland Street, Pittsburgh, PA. Contact: Scott Womack, Tel: (412) 788-1500. All Contractors who have secured Contract Documents are invited and strongly urged to attend this Prebid Conference. Any questions must be submitted in writing via fax at (412) 787-5960 or e-mail to swomack@jsa-architects.com no later than 5 p.m., Friday, August 4, 2000.

Department: General Services
Location: University of Pittsburgh, Pittsburgh, Allegheny County, PA
Duration: 399 Calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

DGS570-27IN12 Project Title: SCI Western PA. Brief Description: All work necessary to furnish and install all kitchen equipment. Estimated Range: \$1,000,000 to \$2,000,000. Kitchen Equipment Construction. Plans Deposit: \$610 per set payable to: P. J. Dick, Inc. Refundable upon return of plans and specifications in reusable condition (no marks allowed) as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$135 per set or provide your express mail account number to the office listed below. Mail requests to: P. J. Dick Inc., SCI Western PA, 421 LaBelle Rd., East Millsboro, PA 15433, Attn: Cindy Nichols, Tel: (724) 785-2066. Bid Date: Tuesday, August 22, 2000, at 11 a.m. A Prebid Conference has been scheduled for Tuesday, August 8, 2000, at 10 a.m. at the P. J. Dick Field Office located at the job site, 421 LaBelle Rd., East Millsboro, PA. For directions, please call (724) 785-2066. All Contractors who have secured Contract Documents are invited and urged to attend this Prebid Conference.

Department: General Services
Location: SCI Western PA, 421 LaBelle Rd. (State Route 4020), Luzerne Township, Fayette County, PA
Duration: 510 Calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

570-27SC5 Project Title: SCI Western PA. Brief Description: All work necessary to furnish and install the prison industries ovens. Estimated Range: \$100,000 to \$500,000. Prison Industries Ovens. Plans Deposit: \$610 per set payable to: P. J. Dick, Inc. Refundable upon return of plans and specifications in reusable condition (no marks allowed) as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$135 per set or provide your express mail account number to the office listed below. Mail requests to: P. J. Dick Inc., SCI Western PA, 421 LaBelle Rd., East Millsboro, PA 15433, Attn: Cindy Nichols, Tel: (724) 785-2066. Bid Date: Tuesday, August 22, 2000, at 11 a.m. A Prebid Conference has been scheduled for Tuesday, August 8, 2000, at 10 a.m. at the P. J. Dick Field Office located at the job site, 421 LaBelle Rd., East Millsboro, PA. For directions, please call (724) 785-2066. All Contractors who have secured Contract Documents are invited and urged to attend this Prebid Conference.

Department: General Services
Location: SCI Western PA, 421 LaBelle Rd. (State Route 4020), Luzerne Township, Fayette County, PA
Duration: 510 Calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

DGS570-27IN10 Project Title: SCI Western PA. Brief Description: All work necessary to furnish and install all gymnasium equipment. Estimated Range: Under \$100,000. Gymnasium Equipment Construction. Plans Deposit: \$610 per set payable to: P. J. Dick, Inc. Refundable upon return of plans and specifications in reusable condition (no marks allowed) as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$135 per set or provide your express mail account number to the office listed below. Mail requests to: P. J. Dick Inc., SCI Western PA, 421 LaBelle Rd., East Millsboro, PA 15433, Attn: Cindy Nichols, Tel: (724) 785-2066. Bid Date: Tuesday, August 22, 2000, at 11 a.m. A Prebid Conference has been scheduled for Tuesday, August 8, 2000, at 10 a.m. at the P. J. Dick Field Office located at the job site, 421 LaBelle Rd., East Millsboro, PA. For directions, please call (724) 785-2066. All Contractors who have secured Contract Documents are invited and urged to attend this Prebid Conference.

Department: General Services
Location: SCI Western PA, 421 LaBelle Rd. (State Route 4020), Luzerne Township, Fayette County, PA
Duration: 510 Calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

DGS570-27SW3 Project Title: SCI Western PA. Brief Description: All work necessary to construct security fence system for the compound perimeter, including electronic sensors and their connection to the electronic security system. Install and remove, at completion of the project, a temporary site perimeter fence. Estimated Range: \$2,000,000 to \$5,000,000. Security Fencing Construction. Plans Deposit: \$610 per set payable to P. J. Dick, Inc. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$135 per set or provide your express mail account number to the office listed below. Mail requests to: P. J. Dick Inc., SCI Western PA, 421 LaBelle Rd., East Millsboro, PA 15433, Attn: Cindy Nichols, Tel: (724) 785-2066. Bid Date: Tuesday, August 22, 2000, at 11 a.m. A Prebid Conference has been scheduled for Tuesday, August 8, 2000, at 10 a.m. at the P. J. Dick Field Office located at the job site, 421 LaBelle Rd., East Millsboro, PA. For directions, please call (724) 785-2066. All Contractors who have secured Contract Documents are invited and urged to attend this Prebid Conference.

Department: General Services
Location: SCI Western PA, 421 LaBelle Rd. (State Route 4020), Luzerne Township, Fayette County, PA
Duration: 570 Calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

DGS570-27IN9 Project Title: SCI Western PA. Brief Description: All work necessary to furnish and install all gym lockers and benches. Estimated Range: Under \$100,000. Gym Lockers and Benches Construction. Plans Deposit: \$610 per set payable to: P. J. Dick, Inc. Refundable upon return of plans and specifications in reusable condition (no marks allowed) as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$135 per set or provide your express mail account number to the office listed below. Mail requests to: P. J. Dick Inc., SCI Western PA, 421 LaBelle Rd., East Millsboro, PA 15433, Attn: Cindy Nichols, Tel: (724) 785-2066. Bid Date: Tuesday, August 22, 2000, at 11 a.m. A Prebid Conference has been scheduled for Tuesday, August 8, 2000, at 10 a.m. at the P. J. Dick Field Office located at the job site, 421 LaBelle Rd., East Millsboro, PA. For directions, please call (724) 785-2066. All Contractors who have secured Contract Documents are invited and urged to attend this Prebid Conference.

Department: General Services
Location: SCI Western PA, 421 LaBelle Rd. (State Route 4020), Luzerne Township, Fayette County, PA
Duration: 540 Calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

DGS570-27SC3 Project Title: SCI Western PA. Brief Description: All work necessary to detailed design, fabricate and construct a wastewater pretreatment facility (solids removal), including excavation, foundations, channel construction, process mechanical equipment and controls and fiberglass enclosure including electrical power, lighting and ventilation. Estimated Range: \$100,000 to \$500,000. Wastewater Pretreatment Facility Construction. Plans Deposit: \$610 per set payable to: P. J. Dick Inc. Refundable upon return of plans and specifications in reusable condition (no marks allowed) as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$135 per set or provide your express mail account number to the office listed below. Mail requests to: P. J. Dick Inc., SCI Western PA, 421 LaBelle Rd., East Millsboro, PA 15433, Attn: Cindy Nichols, Tel: (724) 785-2066. Bid Date: Tuesday, August 22, 2000, at 11 a.m. A Prebid Conference has been scheduled for Tuesday, August 8, 2000, at 10 a.m. at the P. J. Dick Field Office located at the job site, 421 LaBelle Rd., East Millsboro, PA. For directions, please call (724) 785-2066. All Contractors who have secured Contract Documents are invited and urged to attend this Prebid Conference.

Department: General Services
Location: SCI Western PA, 421 LaBelle Rd. (State Route 4020), Luzerne Township, Fayette County, PA
Duration: 450 Calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

DGS570-27SC2 Project Title: SCI Western PA. Brief Description: All work necessary to detailed design, fabricate and erect an elevated water storage tank. Included are the foundation excavation, construction and backfill; fire water supply pump and all valves, fittings and appurtenances to approximately 5' outside of the tower perimeter. Estimated Range: \$575,000 to \$1,500,000. Elevated Water Storage Tank Construction. Plans Deposit: \$610 per set payable to: P. J. Dick, Inc. Refundable upon return of plans and specifications in reusable condition (no marks allowed) as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$135 per set or provide your express mail account number to the office listed below. Mail requests to: P. J. Dick Inc., SCI Western PA, 421 LaBelle Rd., East Millsboro, PA 15433, Attn: Cindy Nichols, Tel: (724) 785-2066. Bid Date: Tuesday, August 22, 2000, at 11 a.m. A Prebid Conference has been scheduled for Tuesday, August 8, 2000, at 10 a.m. at the P. J. Dick Field Office located at the job site, 421 LaBelle Rd., East Millsboro, PA. For directions, please call (724) 785-2066. All Contractors who have secured Contract Documents are invited and urged to attend this Prebid Conference.

Department: General Services
Location: SCI Western PA, 421 LaBelle Rd. (State Route 4020), Luzerne Township, Fayette County, PA
Duration: 450 Calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

FDC-310-794 Structure Replacement of Bendersville Road Bridge over Mountain Creek in Pine Grove Furnace State Park, Cumberland County. Work includes removal of existing structure, utility relocation, excavating, dewatering, E & S measures, rock lining, bituminous paving, guiderail, traffic signs, landscaping, reinforced concrete and precast reinforced concrete arch culvert. Note: Bid documents will be available on or after July 31, 2000.

Department: Conservation and Natural Resources
Location: Cooke Township
Duration: Complete all work by May 11, 2001
Contact: Construction Management Section, (717) 787-5055

DGS570-27IN4 Project Title: SCI Western PA. Brief Description: All work necessary to furnish and install all security and non-security caulking and sealants for the buildings. Excluded are caulking and sealants for the Precast Concrete Cells are provided for the ST1.1 Precast Concrete Cell Contractor, for site pavements and concrete, and for the concrete foundations and slabs. Estimated Range: \$100,000 to \$500,000. Caulking and Sealants Construction. Plans Deposit: \$610 per set payable to: P. J. Dick, Inc. Refundable upon return of plans and specifications in reusable condition (no marks allowed) as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$135 per set or provide your express mail account number to the office listed below. Mail requests to: P. J. Dick Inc., SCI Western PA, 421 LaBelle Rd., East Millsboro, PA 15433, Attn: Cindy Nichols, Tel: (724) 785-2066. Bid Date: Tuesday, August 22, 2000, at 11 a.m. A Prebid Conference has been scheduled for Tuesday, August 8, 2000, at 10 a.m. at the P. J. Dick Field Office located at the job site, 421 LaBelle Rd., East Millsboro, PA. For directions, please call (724) 785-2066. All Contractors who have secured Contract Documents are invited and urged to attend this Prebid Conference.

Department: General Services
Location: SCI Western PA, 421 LaBelle Rd. (State Route 4020), Luzerne Township, Fayette County, PA
Duration: 570 Calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

DGS570-27EX3 Project Title: SCI Western PA. Brief Description: All work necessary to furnish and install aluminum curtainwalls, including integral doors, windows and glazing. Estimated Range: Under \$100,000. Aluminum Curtainwalls Construction. Plans Deposit: \$610 per set payable to: P. J. Dick, Inc. Refundable upon return of plans and specifications in reusable condition (no marks allowed) within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$135 per set or provide your express mail account number to the office listed below. Mail requests to: P. J. Dick Inc., SCI Western PA, 421 LaBelle Rd., East Millsboro, PA 15433, Attn: Cindy Nichols, Tel: (724) 785-2066. Bid Date: Tuesday, August 22, 2000, at 11 a.m. A Prebid Conference has been scheduled for Tuesday, August 8, 2000, at 10 a.m. at the P. J. Dick Field Office located at the job site, 421 LaBelle Rd., East Millsboro, PA. For directions, please call (724) 785-2066. All Contractors who have secured Contract Documents are invited and urged to attend this Prebid Conference.

Department: General Services
Location: SCI Western PA, 421 LaBelle Rd. (State Route 4020), Luzerne Township, Fayette County, PA
Duration: 450 Calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

DGS570-27IN2 Project Title: SWI Western PA. Brief Description: All work necessary to provide rough carpentry work not included in other contracts. The Prison Industries building elevator, Div10 Specialties (excluding lockers, wire mesh partitions and operable panel partitions), loading dock equipment, unit kitchens and cabinets; casework, foot grilles and X-ray radiation projection equipment. Estimated Range: \$1,000,000 to \$2,000,000. Carpentry Construction. Plans Deposit: \$610 per set payable to: P. J. Dick, Inc. Refundable upon return of plans and specifications in reusable condition (no marks allowed) as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$135 per set or provide your express mail account number to the office listed below. Mail requests to: P. J. Dick Inc., SCI Western PA, 421 LaBelle Rd., East Millsboro, PA 15433, Attn: Cindy Nichols, Tel: (724) 785-2066. Bid Date: Tuesday, August 22, 2000, at 11 a.m. A Prebid Conference has been scheduled for Tuesday, August 8, 2000, at 10 a.m. at the P. J. Dick Field Office located at the job site, 421 LaBelle Rd., East Millsboro, PA. For directions, please call (724) 785-2066. All Contractors who have secured Contract Documents are invited and urged to attend this Prebid Conference.

Department: General Services
Location: SCI Western PA, 421 LaBelle Rd. (State Route 4020), Luzerne Township, Fayette County, PA
Duration: 510 Calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

DGS1103-40IN3 Project Title: Construction of the Multi-Purpose Academic Complex. Brief Description: Construction of carpet, resilient, membrane floors and a limited amount of raised access flooring. Protection of finished work, as well as other related items are included in this contract. Project is located at Forbes Avenue and Bouquet Streets in Pittsburgh, PA. Estimated Range: \$100,000 to \$500,000. Soft Surface Flooring Construction. Plans Deposit: \$425 per set payable to JSA. Refundable upon return of plans and specifications in reusable condition (no marks allowed) as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check or provide your express mail account number to the office listed below. Mail requests to JSA, 6450 Steubenville Pike, Pittsburgh, PA 15205-1004, Tel: (412) 788-1500. Bid Date: Wednesday, August 23, 2000, at 11 a.m. A Prebid Conference has been scheduled for Thursday, July 27, 2000, at 3 p.m. Meet at Turner/ATS Site Office, 218 S. Oakland Street, Pittsburgh, PA. Contact: Scott Womack, Tel: (412) 788-1500. All Contractors who have secured Contract Documents are invited and strongly urged to attend this Prebid Conference. Any questions must be submitted in writing to Scott Womack via fax at (412) 787-5960 or e-mail swomack@jsa-architects.com no later than 5 p.m., Friday, August 4, 2000.

Department: General Services
Location: University of Pittsburgh, Pittsburgh, Allegheny County, PA
Duration: 364 Calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

DGS1103-40ME4 Project Title: Construction of the Multi-Purpose Academic Complex. Brief Description: Construction of a complete building steam/hot water distribution system as well as chilled water distribution system are required. This includes steam to hot water conversion equipment, pumps, piping, utility tap-ins, equipment supply and return systems, along with additional miscellaneous equipment is a part of this contract. Protection of finished work, as well as other related items are included in this contract. Project is located at Forbes Avenue and Bouquet Sts. in Pittsburgh, PA. Estimated Range: \$1,000,000 to \$2,000,000. Mechanical Wet Side Construction. Plans Deposit: \$425 per set payable to: JSA. Refundable upon return of plans and specifications in reusable condition (no marks allowed) as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check or provide your express mail account number to the office listed below. Mail requests to JSA, 6450 Steubenville Pike, Pittsburgh, PA 15205-1004, Tel: (412) 788-1500. Bid Date: Wednesday, August 9, 2000, at 11 a.m. A Prebid Conference has been scheduled for Thursday, July 27, 2000, at 3 p.m. Meet at Turner/ATS Site Office, 218 S. Oakland Street, Pittsburgh, PA. Contact: Scott Womack, Tel: (412) 788-1500. All Contractors who have secured Contract Documents are invited and strongly urged to attend this Prebid Conference. Any questions must be submitted in writing to Scott Womack via fax at (412) 787-5960 or e-mail swomack@jsa-architects.com no later than 5 p.m., Friday, August 4, 2000.

Department: General Services
Location: University of Pittsburgh, Pittsburgh, Allegheny County, PA
Duration: 399 Calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

DGS1103-40ME6 Project Title: Construction of the Multi-Purpose Academic Complex. Brief Description: Construction of a complete building electrical system as well as the security system are required. This includes a unit substation, underground connection to the university's utility system in Sennott Street, bringing primary wiring through existing raceway from the Forbes Quad to this site, lighting systems, telecommunications system and along with additional miscellaneous equipment is a part of this contract. Protection of finished work, as well as other related items are included in this contract. Project is located at Forbes Avenue and Bouquet Sts. in Pittsburgh, PA. Estimated Range: \$2,000,000 to \$5,000,000. Electrical Construction. Plans Deposit: \$425 per set payable to: JSA. Refundable upon return of plans and specifications in reusable condition (no marks allowed) as construction documents. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check or provide your express mail account number to the office listed below. Mail requests to JSA, 6450 Steubenville Pike, Pittsburgh, PA 15205-1004, Tel: (412) 788-1500. Bid Date: Wednesday, August 9, 2000, at 11 a.m. A Prebid Conference has been scheduled for Thursday, July 27, 2000, at 3 p.m. Meet at Turner/ATS Site Office, 218 S. Oakland Street, Pittsburgh, PA. Contact: Scott Womack, Tel: (412) 788-1500. All Contractors who have secured Contract Documents are invited and strongly urged to attend this Prebid Conference. Any questions must be submitted in writing to Scott Womack via fax at (412) 787-5960 or e-mail swomack@jsa-architects.com no later than 5 p.m., Friday, August 4, 2000.

Department: General Services
Location: University of Pittsburgh, Pittsburgh, Allegheny County, PA
Duration: 399 Calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

DGS1103-40ME5 Project Title: Construction of the Multi-Purpose Academic Complex. Brief Description: Construction of a complete building conditioned air distribution system as well as the controls system are required. This includes steam to hot water conversion equipment, pumps, piping, utility tap-ins, equipment supply and return systems, along with additional miscellaneous equipment is a part of this contract. Projection of finished work, as well as other related items are included in this contract. Project is located at Forbes Avenue and Bouquet Sts. in Pittsburgh, PA. Estimated Range: \$1,000,000 to \$2,000,000. Mechanical Air Side Construction. Plans Deposit: \$425 per set payable to: JSA. Refundable upon return of plans and specifications in reusable condition (no marks allowed) as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check or provide your express mail account number to the office listed below. Mail requests to JSA, 6450 Steubenville Pike, Pittsburgh, PA 15205-1004, Tel: (412) 788-1500. Bid Date: Wednesday, August 9, 2000, at 11 a.m. A Prebid Conference has been scheduled for Thursday, July 27, 2000, at 3 p.m. Meet at Turner/ATS Site Office, 218 S. Oakland Street, Pittsburgh, PA. Contact: Scott Womack, Tel: (412) 788-1500. All Contractors who have secured Contract Documents are invited and strongly urged to attend this Prebid Conference. Any questions must be submitted in writing to Scott Womack via fax at (412) 787-5960 or e-mail swomack@jsa-architects.com no later than 5 p.m., Friday, August 4, 2000.

Department: General Services
Location: University of Pittsburgh, Pittsburgh, Allegheny County, PA
Duration: 399 Calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

DGS1103-40IN4 Project Title: Construction of the Multi-Purpose Academic Complex. Brief Description: Painting of walls, concrete, concrete block, drywall, floors, ceilings, stair railings, stringer, risers and piping. Painting of all hollow metal doors and frames, as well as other miscellaneous materials is included in this contract. Application of special parking garage floor coatings, painting of parking spaces inside the garage, as well as curbs, pedestrian paths and other pavement markings are also included. Protection of finished work, as well as other related items are included in this contract. Project is located at Forbes Avenue and Bouquet Streets in Pittsburgh, PA. Estimated Range: \$100,000 to \$500,000. Painting Flooring Construction. Plans Deposit: \$425 per set payable to: JSA. Refundable upon return of plans and specifications in reusable condition (no marks allowed) as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check or provide your express mail account number to the office listed below. Mail requests to JSA, 6450 Steubenville Pike, Pittsburgh, PA 15205-1004, Tel: (412) 788-1500. Bid Date: Wednesday, August 23, 2000, at 11 a.m. A Prebid Conference has been scheduled for Thursday, July 27, 2000, at 3 p.m. Meet at Turner/ATS Site Office, 218 S. Oakland Street, Pittsburgh, PA. Contact: Scott Womack, Tel: (412) 788-1500. All Contractors who have secured Contract Documents are invited and strongly urged to attend this Prebid Conference. Any questions must be submitted in writing to Scott Womack via fax at (412) 787-5960 or e-mail swomack@jsa-architects.com no later than 5 p.m., Friday, August 4, 2000.

Department: General Services
Location: University of Pittsburgh, Pittsburgh, Allegheny County, PA
Duration: 364 Calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

DGS1103-40ME7 Project Title: Construction of the Multi-Purpose Academic Complex. Brief Description: Construction of a complete building sprinkler system is required. This includes a unit substation, underground connection to the city's utility system in the streets, fire pump, jockey, standpipes, piping, temporary Siamese connection and Siamese connection plates, along with additional miscellaneous equipment is a part of this contract. Protection of finished work, as well as other related items are included in this contract. Project is located at Forbes Avenue and Bouquet Sts., in Pittsburgh, PA. Estimated Range: \$200,000 to \$600,000. Fire Protection Construction. Plans Deposit: \$425 per set payable to: JSA. Refundable upon return of plans and specifications in reusable condition (no marks allowed) as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check or provide your express mail account number to the office listed below. Mail requests to JSA, 6450 Steubenville Pike, Pittsburgh, PA 15205-1004, Tel: (412) 788-1500. Bid Date: Wednesday, August 9, 2000, at 11 a.m. A Prebid Conference has been scheduled for Thursday, July 27, 2000, at 3 p.m. Meet at Turner/ATS Site Office, 218 S. Oakland Street, Pittsburgh, PA. Contact: Scott Womack, Tel: (412) 788-1500. All Contractors who have secured Contract Documents are invited and strongly urged to attend this Prebid Conference. Any questions must be submitted in writing to Scott Womack via fax at (412) 787-5960 or e-mail swomack@jsa-architects.com no later than 5 p.m., Friday, August 4, 2000.

Department: General Services
Location: University of Pittsburgh, Pittsburgh, Allegheny County, PA
Duration: 399 Calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

DGS1103-40IN2 Project Title: Construction of the Multi-Purpose Academic Complex. Brief Description: Construction of ceramic, porcelain, granite, tile floors and wall finishes, along with granite wall, column and plaster panels. Protection of finished work, as well as other related items are included in this contract. Project is located at Forbes Avenue and Bouquet Streets in Pittsburgh, PA. Estimated Range: \$500,000 to \$1,000,000. Hard Surface Flooring Construction. Plans Deposit: \$425 per set payable to: JSA. Refundable upon return of plans and specifications in reusable condition (no marks allowed) as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check or provide your express mail account number to the office listed below. Mail requests to JSA, 6450 Steubenville Pike, Pittsburgh, PA 15205-1004, Tel: (412) 788-1500. Bid Date: Wednesday, August 23, 2000, at 11 a.m. A Prebid Conference has been scheduled for Thursday, July 27, 2000, at 3 p.m. Meet at Turner/ATS Site Office, 218 S. Oakland Street, Pittsburgh, PA. Contact: Scott Womack, Tel: (412) 788-1500. All Contractors who have secured Contract Documents are invited and strongly urged to attend this Prebid Conference. Any questions must be submitted in writing to Scott Womack via fax at (412) 787-5960 or e-mail swomack@jsa-architects.com no later than 5 p.m., Friday, August 4, 2000.

Department: General Services
Location: University of Pittsburgh, Pittsburgh, Allegheny County, PA
Duration: 364 Calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

035000 Two insulated overhead roll-up doors with electronic control openers. This bid is for each county for a total of four doors and eight controls.

Department: Transportation
Location: 150 Sandhill Road, Selinsgrove, Snyder County, PA and 612 Fairground Road, Lewisburg, Union County, PA
Duration: Indeterminate 2000—2001
Contact: Darlene Noll, (570) 374-8123

DGS1103-40IN5 Project Title: Construction of the Multi-Purpose Academic Complex. Brief Description: Furnish and install miscellaneous steel shapes for masonry support, pipe handrails, stainless steel monumental stairs, stainless steel handrails, both inside and outside, stainless steel fixture housings, grills and other items are a part of this contract. Protection of finished work, as well as other related items are included in this contract. Project is located at Forbes Avenue and Bouquet Streets in Pittsburgh, PA. Estimated Range: \$300,000 to \$600,000. Miscellaneous Metals Construction. Plans Deposit: \$425 per set payable to: JSA. Refundable upon return of plans and specifications in reusable condition (no marks allowed) as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check or provide your express mail account number to the office listed below. Mail requests to JSA, 6450 Steubenville Pike, Pittsburgh, PA 15205-1004, Tel: (412) 788-1500. Bid Date: Wednesday, August 9, 2000, at 11 a.m. A Prebid Conference has been scheduled for Thursday, July 27, 2000, at 3 p.m. Meet at Turner/ATS Site Office, 218 S. Oakland Street, Pittsburgh, PA. Contact: Scott Womack, Tel: (412) 788-1500. All Contractors who have secured Contract Documents are invited and strongly urged to attend this Prebid Conference. Any questions must be submitted in writing to Scott Womack via fax at (412) 787-5960 or e-mail swomack@jsa-architects.com no later than 5 p.m., Friday, August 4, 2000.

Department: General Services
Location: University of Pittsburgh, Pittsburgh, Allegheny County, PA
Duration: 344 Calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

Engineering Services—14

RFP-0026 Kutztown University is seeking qualified professionals for the open-ended architectural and engineering design services contract at Kutztown University. Professionals must be located within a 60-mile driving distance from the University. Proposal packages are available from: Barbara Barish, Contract Specialist, Office of Planning and Construction, Room 229, Kutztown, PA 19630, Phone: (610) 683-4602, for a nonrefundable fee of \$10. A preproposal meeting is scheduled for August 10, 2000, at 10 a.m. in the Blue Room. Proposal submissions are due for women owned firms which have not previously worked for the system and will consider joint ventures which will enable these firms to participate in system professional services contracts. 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 19630
Duration: 2 years after NTP (two additional renewal options)
Contact: Barbara Barish, (610) 683-4602

08430AG2580 To retain an engineering firm for a multi-phase, specific project agreement to provide environmental studies, preliminary engineering and final design to complete S. R. 0023, Section EIS in Lancaster County. Details concerning this project may be found under Department of Transportation, Retention of Engineering Firms in the *Pennsylvania Bulletin*, or www.statecontracts.com under Retention of Engineering Firm Data.

Department: Transportation
Location: Engineering District 8-0
Duration: Sixty Months
Contact: N/A

Firefighting Services—18

SP1375007154 Oncall maintenance of Fire Suppression System and Fire Suppression System Flow Test.

Department: Military Affairs
Location: PA Army National Guard, 554 Airport Road, Johnstown, PA 15904
Duration: October 1, 2000—September 30, 2003
Contact: Vicky Lengel, (717) 861-8579

Food—19

3917 Dairy Contract for October, November and December 2000. Please send a fax to (570) 587-7108 to request a bid package. Bid packages cannot be faxed.

Department: Public Welfare
Location: Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505
Duration: October 1—December 31, 2000
Contact: Stanley Rygelski, P. A., (570) 587-7291

SU-00-02 Head Start Program based at Shippensburg University is seeking vendors interested in providing food service for three Head Start Centers located in Shippensburg, Newville and Carlisle, PA. Meals will be prepared in accordance with USDA regulations and delivered on a daily basis in accordance with menu cycle. Contract award will be made for the period October 1, 2000 through September 30, 2001. Vendors interested in receiving a bid package must submit a request in writing to: Deborah K. Martin, Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257, Fax: (717) 477-4004.

Department: State System of Higher Education
Location: Head Start Program Rowland Hall, Shippensburg University; Head Start Program Zion Lutheran Church, Newville, PA; Head Start Program Greater Grace of Carlisle, Carlisle, PA
Duration: October 1, 2000—September 30, 2001
Contact: Deborah K. Martin, Contract Administrator, (717) 477-1121

3920 Miscellaneous Frozen Foods Contract for October, November and December 2000. Please send a fax to (570) 587-7108 to request a bid package. Bid packages cannot be faxed.

Department: Public Welfare
Location: Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505
Duration: October 1—December 31, 2000
Contact: Stanley Rygelski, P. A., (570) 587-7291

3921 Juice Drinks, 4 oz. portions, Frozen Contract for October, November and December 2000. Please send a fax to (570) 587-7108 to request a bid package. Bid packages cannot be faxed.

Department: Public Welfare
Location: Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505
Duration: October 1—December 31, 2000
Contact: Stanley Rygelski, P. A., (570) 587-7291

E-4-00 Meat and meat products.

Department: Public Welfare
Location: White Haven Center, R. R. 2, Box 2195, White Haven, PA 18661
Duration: October 1, 2000—December 31, 2000
Contact: Sandra A. Repak, P. A., (570) 443-4232

3913 Poultry Contract, Frozen for October, November and December 2000. Please send a fax to (570) 587-7108 to request a bid package. Bid packages cannot be faxed.

Department: Public Welfare
Location: Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505
Duration: October 1—December 31, 2000
Contact: Stanley Rygelski, P. A., (570) 587-7291

E-5-00 Miscellaneous foods, frozen.

Department: Public Welfare
Location: White Haven Center, R. R. 2, Box 2195, White Haven, PA 18661
Duration: October 1, 2000—December 31, 2000
Contact: Sandra A. Repak, P. A., (570) 443-4232

3912 Meat Contract, Frozen for October, November and December 2000. Please send a fax to (570) 587-7108 to request a bid package. Bid packages cannot be faxed.

Department: Public Welfare
Location: Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505
Duration: October 1—December 31, 2000
Contact: Stanley Rygelski, P. A., (570) 587-7291

Fuel Related Services—20

SP1375007155 Initial pumping and cleaning of oil water separators "on call" oil water separator maintenance.

Department: Military Affairs
Location: PA Air National Guard, Willow Grove Air Reserve Station, 111 CES, 2164 McGuide St., Willow Grove, PA 19090-5300
Duration: October 1, 2000—September 30, 2003
Contact: Vicky Lengel, (717) 861-8579

HVAC—22

FM-8167 Provide emergency and routine repair work for the plumbing system on an as needed basis. Contractor to respond within 4 hours or receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality. The Contractor must agree to redeem manufacturer's warranty of parts where applicable and further agree to guarantee workmanship and replacement parts, provided by his firm for 90 days. Remarks: Bidding to be done on labor rate per hour for Mechanic and Helper plus travel. Materials and parts to be billed at cost.

Department: State Police
Location: Philadelphia Headquarters, 2201 Belmont Avenue, Philadelphia, PA 19131
Duration: September 2000—June 30, 2003
Contact: Stacey Logan-Kent, (717) 705-5952

M00-01 Boiler replacement for the warehouse at S.C.I. Cambridge Springs.

Department: Corrections
Location: S.C.I. Cambridge Springs, 451 Fullerton Avenue, Cambridge Springs, PA 16403
Duration: On or about September—October 2000
Contact: Quentin Hargenrater, Jr., (814) 398-5400

Janitorial—23

00024001 Provide janitorial services at the Elk County Assistance Office. Complete details and specifications may be obtained by contacting the Procurement Office or you may fax your request to (717) 787-3560.

Department: Public Welfare
Location: Department of Public Welfare, Elk County Assistance Office, 301 North Broad Street, Ridgway, PA 15853
Duration: Anticipated start date of October 1, 2000—June 30, 2001 with the option for four 1-year renewals
Contact: Rose Wadlinger, (717) 783-3767

05101001 Provide janitorial services for Philadelphia County Assistance Office—Elmwood and Delancey Districts. Complete information will be specified in the bid proposal pack. Request a copy by faxing your name/address/bid #5101001 to the attention of: Doyle Shull (Fax (717) 787-3560).

Department: Public Welfare
Location: Philadelphia CAO Elmwood District, 5554 Chestnut Street, Philadelphia, PA 19139; Philadelphia CAO, Delancey District, 5548 Chestnut Street, Philadelphia, PA 19139
Duration: Anticipated term of this contract is from September 1, 2000 to June 30, 2002 with three additional 1-year renewals
Contact: Doyle Shull, (717) 787-7585

Laundry/Dry Cleaning—25

00990001 Laundering of shower and privacy curtains in the SW Habilitation Unit at MSH.

Department: Public Welfare
Location: Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017-1599
Duration: November 1, 2000—June 30, 2005
Contact: F. Molisee, (412) 257-6215

Lodging & Meeting Facilities—27

SP3800115 Meeting room, lodging and meals for 75 people required for September 26—28, 2000. Location must be within a 10 mile radius from center city Reading.

Department: Conservation and Natural Resources
Location: Within a 10 mile radius of center city Reading
Duration: September 26—28, 2000
Contact: Corey Walters, (717) 783-0733

Medical Services—29

00973409 Psychiatrist—professional medical work in the specialized care and treatment of the physically ill and/or mentally disabled. Psychiatric duties include interviewing patients, reviewing patient records, writing physician's orders, writing progress notes, consulting with other physicians and treatment team staff, holding treatment team meetings, preparing reports and forms in accordance with current regulations and JCAHO standards.

Department: Public Welfare
Location: Torrance State Hospital, State Route 1014, Torrance, PA 15779-0111
Duration: January 1, 2001—June 30, 2005
Contact: Linda J. Zoskey, (724) 459-4547

00776027 Provide Electro-Convulsive Treatment for patients, including consultation and evaluation. This treatment cannot be provided for on the grounds of the Allentown State Hospital.

Department: Public Welfare
Location: Allentown State Hospital, 1600 Hanover Avenue, Allentown, PA 18109-2498
Duration: September 1, 2000—June 30, 2004
Contact: Robert Mitchell, (610) 740-3425

Personnel, temporary—31

07-A-00 The Department of Labor and Industry is seeking the services of a qualified service provider to conduct a telephone survey of a statistically significant sampling of job seekers who have received CareerLink or partner organization service. The survey will allow us to establish baseline measures of customer satisfaction for ongoing monitoring and continuous improvement. For a bid package, fax request to (717) 787-0688 or call (717) 787-2877.

Department: Labor and Industry
Location: Dauphin County
Duration: October 1, 2000—June 30, 2002
Contact: Cherianita Thomas/BF, (717) 787-2877

Property Maintenance—33

SU-00-04 Shippensburg University is seeking vendors interested in providing all labor, materials and equipment necessary to prune and feed trees located on the Shippensburg University Campus. Services also include treatment of Hemlock trees for Woolly Adelgid, treatment of Locust trees for Locust leaf plant bug and removal of approximately 33 stumps. Vendors interested in being added to bidders list must fax their request to Attn: Pam King at (717) 477-4004, by August 7, 2000. All responsible are invited to participate including MBE/WBE firms.

Department: State System of Higher Education
Location: Shippensburg University, Shippensburg, Cumberland County, PA
Duration: One Year
Contact: Pamela A. King, (717) 477-1121

SP1300380004 Service and repair eight units × ten row Vecta Telescopic Gymnasium Seating: (5) completely disassemble all units to remove damaged understructure, (2) Realign, reweld, and reinforce all horse assemblies utilizing 3/16" steel "L" gussets, (3) Realign and reweld all damaged footboard support brackets, (4) Other work to be described in bid proposal. Also to include: Furnish and install one portable power unit for the Vecta Telescopic Gymnasium Seating (1) Furnish B & R Erectors portable power unit including receiver brackets.

Department: Military Affairs
Location: Scotland School for Veterans' Children, 3583 Scotland Rd., Scotland, PA 17254-0900
Duration: December 15, 2000—January 2, 2001
Contact: Ronald J. Sheppard, Business Manager, (717) 264-7187, Ext. 690

B0000328 Millersville University is seeking qualified bidders who can clean/degrease kitchen exhaust systems in the University's dining areas and Student Memorial Center over a 2-year period beginning January 2001. Work must be performed according to all applicable regulations. All bidders must be a member of a National duct cleaning organization. Interested bidders must fax their requests to be placed on a bidders list no later than Friday, August 4, 2000 to Anna Stauffer (Fax: (717) 871-2000).

Department: State System of Higher Education
Location: Millersville University, Millersville, PA 17551
Duration: January 2001—December 2002
Contact: Anna Stauffer, (717) 872-3041

SP1300380005 Installation of New Steam Lines to Cottages 20, 22, 28, 37 and 38. (1) Provide all labor, material and equipment to install a new 4" valve in the steam vault and a new 2" line inside the existing 3" steam line to Cottage 28. Includes cutting and patching of a hole in an interior masonry wall in the basement. (2) Provide all labor, material and equipment to install a new 5" valve in the steam vault and a new 3" line inside the existing 4" line to Cottage 20 and 22. Includes cutting and patching of a hole in an interior masonry wall in the basement. (3) Provide all labor, material and equipment to install a new 4" valve in the steam vault and a new 2" line inside the existing 3" steam line to Cottage 38. Includes cutting and patching of a hole in an interior masonry wall in the basement. (4) Provide all labor, material and equipment to install a new 4" valve in steam vault and a new 2" line inside the existing 3" steam line to Cottage 37. Includes cutting and patching of a hole in an interior masonry wall in the basement.

Department: Military Affairs
Location: Scotland School for Veterans' Children, 3583 Scotland Rd., Scotland, PA 17254-0900
Duration: September 1, 2000—October 2, 2000
Contact: Ronald J. Sheppard, Business Manager, (717) 264-7187, Ext. 690

Real Estate Offices—35

373883 Lease office space to the Commonwealth of Pennsylvania, 5,482 sq. ft. of office/warehouse space with 10 parking spaces, in Erie County. The space must be contiguous and on one floor. The Department of Revenue will occupy the space. Proposals Due: July 21, 2000. Solicitation No. 93026.

Department: Revenue
Location: 505 North Office Building, Harrisburg, PA 17125
Duration: N/A
Contact: Jennings Ward, (717) 787-7412

373883 Lease office space to the Commonwealth of Pennsylvania, 15,118 sq. ft. of office/barracks space with 126 parking spaces in Allegheny County, PA, within a 1-mile radius of Exits 11-21 of I-279. The PA State Police will occupy the space. Proposals Due: September 18, 2000. Solicitation No. 93055.

Department: State Police
Location: 505 North Office Building, Harrisburg, PA 17125
Duration: N/A
Contact: John Hocker, (717) 787-4396

Sanitation—36

SBC-1101200002 Contractor to provide services and some equipment for pickup and removal of municipal and residual waste from institutional premises.

Department: Corrections
Location: State Correctional Institution at Albion, 10745 Rt. 18, Albion, PA 16475-0001
Duration: Anticipated from January 1, 2001 through December 31, 2003
Contact: Lesley S. Jarrett, Purchasing Agent II, (814) 756-5778

SP1300380006 Contractor will provide removal and proper disposal of refuse. All pick-ups must be made between 6 a.m. and 3 p.m. and the contractor must meet residential recycling requirements as governed by Greene Township. This will be a multiyear contract.

Department: Military Affairs
Location: Scotland School for Veterans' Children, 3583 Scotland Rd., Scotland, PA 17254-0900
Duration: October 1, 2000—June 30, 2005
Contact: Ronald J. Sheppard, Business Manager, (717) 264-7187, Ext. 690

Vehicle, Heavy equipment services—38

SBC-11063000001 Rental of portable generator, 100 or 200 KW unit, capable of providing 480 volt, 3-phase service. The Contractor will be responsible for maintenance and repair during lease period at no additional charge to the Commonwealth.

Department: Corrections
Location: PA Department of Corrections, Quehanna Boot Camp, H-C Box 32, State Route 1011, Karthaus, PA 16845
Duration: Anticipated dates of services September 1, 2000 through August 31, 2001. Duration of Contract: 12 months
Contact: Janine E. Packard, Pur. Agt. I, (814) 263-4125, Ext. 3235

Miscellaneous—39

350A01 The Pennsylvania Department of Transportation is soliciting bids from contractors to provide complete design and installation services including a materials list for projected modifications and/or relocation of modular furniture throughout the 67 counties in the Commonwealth of Pennsylvania. Interested contractors may request a bid package by faxing the Company Name, Company Contact Name, Complete Address, Telephone Number and Fax Number to Vikki Mahoney at (717) 783-7971. Please reference agency wide contract #350A01.

Department: Transportation
Location: Throughout the Commonwealth of Pennsylvania
Duration: 5 years
Contact: Tonja Jackson, (717) 783-8910

LBLA 1269 Provide alarm voice messaging system which shall be field programmable for up to 256 message units in the basic processor and programmable control relay interface equipment for use with the alarm voice message system for FCI (Fire Control Instrument) system.

Department: Public Welfare
Location: Selinsgrove Center, Box 500, Route 522, Selinsgrove, PA 17870
Duration: Indeterminate 2000—2001
Contact: Arletta K. Ney, Purch. Agt., (570) 372-5070

SP3881130002 Provide materials and installation of Woven Wire Deer Fencing as follows: Three Fences in the Elk State Forest, Shippen Township, Cameron County. Fence Area #1—Kimball, approximately 6,200 lineal feet perimeter, four vehicle gates, four walk-thru gates. Area #2—Dodge Hollow 1, approximately 6,300 lineal feet perimeter, four vehicle gates, two walk-thru gates. Area #3—Dodge Hollow II, approximately 4,600 lineal feet perimeter, two vehicle gates, three walk-thru gates. Site inspection will be on August 3, 2000, at 8 a.m. meet at the District Office in Emporium, PA. Bid opening will be August 10, 2000, at 2 p.m.

Department: Conservation and Natural Resources
Location: Shippen Township, Cameron County, Elk State Forest, District Office, P. O. Box 327, Emporium, PA 15834
Duration: June 30, 2001
Contact: Robert W. Martin Jr., District Forester, (814) 486-3353

SP4004930002 Provide translator services for international visitors to AGRO 2001 being held January 3, 2001 to January 10, 2001. AGRO 2001 is held in conjunction with the 2001 Farm Show. An estimated 1,100 hours will be needed for AGRO 2001 and an estimated 200 hours for the other time periods of the contract.

Department: Agriculture
Location: Harrisburg, PA
Duration: October 1, 2000—September 30, 2001 with three 1 year options to renew.
Contact: Mike Mesaris, (717) 787-5674

RFP #00-4YAO-1 The Department of Corrections is soliciting proposals to provide contract facility services for young adult offenders, ages 15—19, who were sentenced by the courts as adults. Services are needed in the western region of the State.

Department: Corrections
Location: 2520 Lisburn Road, Camp Hill, PA 17011
Duration: For a period up to 5 years
Contact: Suzanne Malhenzie, Adm. Officer, (717) 975-4973

1101800002 The State Correctional Institution is seeking qualified contractors to provide inspections, preventative maintenance, repairs and parts to four Cleveland Electric Combi-Oven/Steamers, Model #CCE-23,j and four Cleveland Electric Skillet's located in the food service department.

Department: Corrections
Location: State Correctional Institution at Coal Township, 1 Kelley Drive, Coal Township, PA 17866 (A township of Shamokin PA)
Duration: Three year contract expected to begin February 1, 2001 and expire January 31, 2004
Contact: Nancy A. Lasko, Purchasing Agent, (570) 644-7890, Ext. 142

ENERGYSAV-01 In accordance with Act 57 of 1998, the Department of Corrections (DOC) is interested in contracting for a full range of energy services and energy-related capital improvements financed through a guaranteed energy savings contract at no initial capital cost to the DOC. See project locations below. Energy conservation measures may include but are not limited to: a preliminary technical scoping audit; investment grade energy audit; the design, acquisition, installation, modification, maintenance and training in the operation of existing and new equipment, which will reduce energy consumption and related costs associated with the HVAC system, lighting systems, building envelope, hot water systems, water consumption, sewage costs and other energy using devices, etc.

Department: Corrections
Location: State Correctional Institutions at Camp Hill, Dallas and Mercer
Duration: Up to 10 years
Contact: Patricia J. Cassell, (717) 975-4999

B0000327 Millersville University is seeking qualified bidders who can provide an A.I.R. Multisonde tethered atmospheric sounding system with data acquisition system for T, RF, p, wind velocity, O₃ concentration aloft as manufactured by Thermal Environmental Institute along with gas analyzers, calibrators, DustTrak scatterometers, etc. Any equivalent equipment being offered must meet the EPA designated method for each criteria gas. In addition, the vendor must have documented evidence that their equipment is being used, or is directly compatible with criteria gas analyzers being used by EPA or State (PA) environmental agencies for air quality monitoring. Interested vendors should fax their requests to be placed on a bidders list to Anna Stauffer (Fax: (717) 871-2000) no later than 2 p.m., Friday, August 4, 2000.

Department: State System of Higher Education
Location: Millersville University, Millersville, PA 17551
Duration: September—October 2000
Contact: Anna Stauffer, (717) 872-3041

[Pa.B. Doc. No. 00-1310. Filed for public inspection July 28, 2000, 9:00 a.m.]

DESCRIPTION OF LEGEND

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| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,
Secretary

Contract Awards

The following awards have been made by the Department of General Services, Bureau of Purchases:

Requisition or Contract No.	PR Award Date or Contract Effective Date	To	In the Amount Of
2540-02	7/17/00	Tenco USA Inc.	97,257.80
2540-02	7/17/00	Structural Metal Fabricators Inc.	97,257.80
2540-02	7/17/00	Valk Manufacturing Co.	97,257.80
2540-02	7/17/00	Lancaster Truck Bodies	97,257.80
2540-02	7/17/00	Walsh Equipment Inc.	97,257.80
5810-03 rip # 5 & sup # 5	7/20/00	Phaos Technology Corp.	5,000.00
5810-03 rip # 5 & sup # 5	7/20/00	DSS Solutions Corp. Business Objects of America	5,000.00

Requisition or Contract No.	PR Award Date or Contract Effective Date	To	In the Amount Of
5810-03 rip # 5 & sup # 5	7/20/00	Compuware Corp.	5,000.00
5810-03 rip # 5 & sup # 5	7/20/00	Aclick to Printcom Inc.	5,000.00
1007210-01	7/17/00	Powerhouse Equipment/Engineering Co.	664,400.00
8252160-01	7/17/00	Tenco USA Inc.	137,071.00
8252180-01	7/17/00	Hondru Ford Inc./d/b/a Phillips Ford Sales	193,981.00
8505290-01	7/17/00	Florig Equipment Co. Inc.	4,198.90
8505290-01	7/17/00	CWS Co.	127,914.55

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 00-1311. Filed for public inspection July 28, 2000, 9:00 a.m.]

PROPOSED RULEMAKING

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 245]

Storage Tank Program

The Environmental Quality Board (Board) proposes to amend Chapter 245 (relating to administration of the storage tank and spill prevention program). This proposed rulemaking mainly concerns amendments to Subchapter D (relating to corrective action process for owners and operators of storage tanks and storage tank facilities and other responsible parties). This subchapter is commonly known as the "Corrective Action Process regulation" (CAP regulation). The CAP regulation was originally adopted at 23 Pa.B. 4033 (August 21, 1993). This proposal contains changes necessary to update the CAP regulation because of several developments since its adoption in 1993. This proposal also adds, modifies or deletes several definitions in Subchapter A (relating to general provisions) and makes a minor technical change in Subchapter E (relating to technical standards for underground storage tanks).

This proposal was adopted by the Board at its meeting of June 20, 2000.

A. Effective Date

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

B. Contact Persons

For further information contact Charles Swokel, Chief, Storage Tank Cleanup Section, P. O. Box 8471, Rachel Carson State Office Building, Harrisburg, PA 17105-8471, (717) 783-7509, or Kurt E. Klapkowski, Assistant Counsel, Bureau of Regulatory Counsel, P. O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Information regarding submitting comments on this proposal appears in Section J of this Preamble. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposal is available electronically through the Department of Environmental Protection's (Department) Web site (<http://www.dep.state.pa.us>).

C. Statutory Authority

The proposed rulemaking is being made under the authority of section 106 of the Storage Tank and Spill Prevention Act (Storage Tank Act) (35 P. S. § 6021.106), which authorizes the Board to adopt rules and regulations governing aboveground and underground storage tanks to accomplish the purposes and carry out the provisions of the Storage Tank Act; sections 301(a)(5) and 501(a)(5) of the Storage Tank Act (35 P. S. §§ 6021.301(a)(5) and 6021.501(a)(5)), which direct the Department to adopt regulations governing corrective action by responsible parties for releases from aboveground and underground storage tanks, respectively; sections 301(a)(6) and 501(a)(6) of the Storage Tank Act, which direct the Department to adopt regulations governing reporting of releases and corrective actions taken in response to releases from aboveground and underground storage tanks, respectively; section 501(a)(2) and (3) of the Storage Tank Act, which directs the

Department to adopt regulations concerning release detection system operation and recordkeeping for underground storage tanks; section 501(a)(13)—(15) of the Storage Tank Act, which directs the Department to adopt regulations concerning the handling of soil and subsurface material affected by a release of a regulated substance; section 5(b)(1) of The Clean Streams Law (35 P. S. § 691.5(b)(1)), which authorizes the Department to formulate, adopt and promulgate rules and regulations that are necessary to implement the provisions of that act; section 105(a) of the Solid Waste Management Act (35 P. S. § 6018.105(a)), which requires the Board to adopt the rules and regulations of the Department to accomplish the purposes and carry out the provisions of that act; and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20), which authorizes the Board to formulate, adopt and promulgate rules and regulations that may be determined by the Board to be for the proper performance of the work of the Department.

D. Background and Purpose

Releases of regulated substances have occurred from thousands of storage tanks in this Commonwealth. These releases have resulted in substantial quantities of regulated substances entering the environment, including contamination of numerous public and private water supplies. The CAP regulation establishes a process under which these releases are to be reported and remediated.

As noted, the CAP regulation was originally promulgated nearly 7 years ago. Since that time, several developments have occurred which now necessitate amending these regulations. First and foremost is the passage in 1995 of the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.909) (Act 2), and the promulgation of regulations under that statute in 1997, codified in Chapter 250 (relating to administration of land recycling program). See 27 Pa.B. 4181 (August 16, 1997). Act 2's environmental remediation standards expressly apply to the remediation of releases under section 106(a) of Act 2. Therefore, changes to the CAP regulation are needed to harmonize the two programs' approach to remediation of releases.

It should be noted, however, that section 904(c) of Act 2 (35 P. S. § 6026.904(c)) states:

The environmental remediation standards established under this act shall be used in corrective actions undertaken pursuant to the [Storage Tank Act]. However, *the procedures in the [Storage Tank Act] for reviewing and approving corrective actions shall be used in lieu of the procedures and reviews required by this act.* (emphasis added).

Because of this provision in Act 2, the Department is proposing changes to the CAP regulation to harmonize its provisions with those of Act 2, yet maintaining a separate procedural system for corrective actions at regulated storage tank facilities.

Additional changes to the CAP regulation were identified by the Department as necessary as part of its review of all regulations under the commands of the Department's Regulatory Basics Initiative (RBI) and Executive Order 1996-1. Because there are counterpart Federal regulations regarding corrective actions for releases from regulated underground storage tanks in 40 CFR Part 280, the Department reviewed the CAP regulation for consistency with those provisions, along with the other factors

identified in the Executive Order and the RBI. Several of the proposed changes reflect the conclusions of that review.

Third, several changes to the CAP regulation are required to harmonize the CAP regulation with Legislative changes to the Storage Tank Act (primarily the act of June 26, 1995 (P. L. 79, No. 16) (Act 16 of 1995)).

Finally, several changes proposed in this rulemaking are simply the result of the experience of carrying out the corrective action program in this Commonwealth over the past 7 years. As the program has matured, the Department and the regulated community have worked on overcoming obstacles and identifying opportunities for improving the operation of the corrective action program. Several of these proposed changes reflect that experience.

In addition to comment on the specific changes contained in this proposed rulemaking, the Department is interested in receiving comments on the entire CAP regulation. Therefore, the Department invites public comment on those portions of the CAP regulation that the Department is proposing to leave unchanged. The Department is specifically interested in comments that would further streamline the CAP regulation, provide for an even better interface with the Act 2 standards or would result in better quality report and plan submissions by responsible parties and more timely report and plan reviews by the Department.

This proposal was reviewed by the Storage Tank Advisory Committee (STAC) at its meetings on October 5, 1999, and February 1, 2000. The STAC, which was established by section 105 of the Storage Tank Act (35 P. S. § 6021.105), consists of persons representing a cross-section of organizations having a direct interest in the regulation of storage tanks in this Commonwealth. As required by section 105 of the Storage Tank Act, the STAC was given the opportunity to review and comment on these proposed amendments. The minutes of the October 1999 and February 2000 STAC meetings were presented to the Board along with this proposed rulemaking. A listing of the members of the STAC may be obtained from the contact persons listed in Section B of this Preamble.

E. Summary of Regulatory Requirements

A brief description of the rulemaking is as follows:

Subchapter A. General Provisions

1. Section 245.1. Definitions.

The proposal adds, modifies or deletes several definitions. Definitions for the terms "background," "cleanup or remediation," "contaminant," "property," "remediation standard" and "risk assessment" are proposed to be added as those terms are defined in either Act 2 or Chapter 250. Existing definitions for the terms "aquifer," "free product," "groundwater," "site" and "survey" are proposed to be modified to match the definitions for those terms in Act 2 or Chapter 250. The Department is proposing deletion of the term "groundwater degradation," as the term is no longer necessary after the passage of Act 2.

The definition of the term "reportable release" is proposed to be modified to match the Federal definition of the term in 40 CFR Part 280 (relating to technical standards and corrective action requirements for owners and operators of underground storage tanks (UST)), in accordance with the Department's RBI. Although there is no direct definition for the term in 40 CFR 280.12 (relating to definitions), the substance of the term is outlined in 40 CFR 280.53(a)(1) (relating to reporting and

cleanup of spills and overfills). The proposal replaces the hierarchical approach to spill or overfill amounts requiring reporting with a straight 25 gallon cutoff for petroleum releases and the CERCLA reportable quantity for hazardous substance releases. It should be noted that these amounts do not apply to underground releases, which must be reported regardless of the amount released.

Finally, the term "responsible party" is proposed to be revised in accordance with amendments made to the Storage Tank Act by Act 16 of 1995. Section 503(b) of the Storage Tank Act (35 P. S. § 6021.503(b)) originally held any person who filled an unregistered storage tank potentially liable for a release from that tank. Act 16 of 1995 amended this section by limiting this "delivery liability" to tanks that never held a valid registration in any previous year. Section 303(b) of the Storage Tank Act (35 P. S. § 6021.303(b)) contains a similar provision regarding "delivery liability" for filling aboveground tanks that do not possess a current valid registration; that section was not amended by Act 16 of 1995.

Subchapter D. Corrective Action Process for Owners and Operators of Storage Tanks and Storage Tank Facilities and Other Responsible Parties

1. Section 245.304. Investigation of suspected releases.

The proposal amends subsection (c) to clarify that corrective action must be initiated in addition to "reporting" a reportable release once a release is confirmed.

2. Section 245.305. Reporting releases.

Currently, subsection (a) requires the owner or operator to verbally notify the Department of a reportable release within 2 hours. In 40 CFR 280.50 (relating to reporting of suspected release), the Federal regulation allows 24 hours to notify, but requires reporting of both suspected and confirmed releases. This subsection is proposed to be modified to conform to the Federal requirement for timely reporting of releases and allows owners and operators 24 hours to verbally notify the Department of reportable releases. It should be noted that the requirement to immediately initiate interim remedial action under § 245.306(a) is not affected by this reporting time frame change.

3. Section 245.306. Interim remedial actions.

Act 16 of 1995 amended the Storage Tank Act to add the requirement that the Department develop regulations regarding the proper handling of soil and subsurface material affected by a release. The proposal amends this section to reflect those statutory amendments.

First, section 501(a)(13) of the Storage Tank Act requires the minimization of the amount of soil and subsurface material affected by a release by segregating the unaffected soil and subsurface material during removal of an underground storage tank from the material affected by a release. The proposal adds this requirement to this section in subsection (b)(4).

Second, section 501(a)(15) of the Storage Tank Act requires that the person removing the material affected by a release provide to the responsible party a receipt documenting acceptance of the material at a permitted treatment or disposal facility. The proposal adds a new subsection (d) to reflect this requirement.

4. Section 245.309. Site characterization.

The Department is proposing changes to this section to bring storage tank site characterizations in line with the requirements of Act 2.

Subsection (b) outlines the objectives of a site characterization. Paragraph (5) is proposed to be added to have the responsible party determine more site-specific information during the site characterization for use in fate and transport analysis. The possibility of reliance on fate and transport analysis in demonstrating attainment of Act 2 standards necessitates this change.

This proposal also adds a paragraph (6) to indicate that the site characterization must provide sufficient information to allow selection of an Act 2 remediation standard.

Subsection (c) provides a list of potential tasks and activities which may be necessary to satisfy the site characterization objectives. The Department is proposing the following amendments to subsection (c):

a. Paragraphs (5) and (6) involve identifying affected populations and sensitive environmental receptors and populations and sensitive environmental receptors with the potential to be affected. Some examples are provided. The proposal replaces these two activities with the single activity in paragraph (5) of "determining the location of the ecological receptors identified in § 250.311(a)" of the Act 2 regulations. Only direct impacts to the four specific receptors listed in § 250.311(a) need to be assessed and addressed.

b. Adding a new paragraph (11) to provide for a demonstration that groundwater is not used or currently planned to be used. This activity is necessary when the remediator intends to use the Act 2 nonuse aquifer Statewide health standard.

c. Paragraph (15) currently requires the remediator to identify and apply appropriate groundwater modeling methodologies to characterize the site. The proposal rephrases this activity as "developing a conceptual site model that describes the sources of contamination, fate and transport of contaminants and potential receptors" in order to be more consistent with the terms used in Act 2. Use and discussion of groundwater models comes later in the corrective action process.

d. Revising paragraph (18) to indicate that a site must be remediated as opposed to completely recovering or removing the regulated substance which was released.

e. Adding two new activities: first, paragraph (20), "selection of a remediation standard"; and, second, paragraph (21), "if the site-specific standard is selected, performance of a risk assessment in accordance with §§ 250.601—250.606." These additions are necessary to bring the CAP regulation site characterization requirements in line with Act 2.

5. Section 245.310. Site characterization report.

The Department is proposing changes to this section to bring storage tank site characterization reports into line with the requirements of Act 2.

Subsection (a) provides a list of potential elements for an acceptable site characterization report. The Department is proposing the following changes to subsection (a):

1. Amending subsection (a)(4)(v)(C) to implement the requirements of Act 16 of 1995. This proposal mirrors the requirement proposed to be added to § 245.306(d).

2. Subsection (a)(4)(v)(F) is required to demonstrate attainment; however, the Department is proposing to delete this subsection and address this requirement under § 245.310(b).

3. Moving and rewriting paragraphs (11) and (12). The impacts to ecological receptors and surface water are to be reported in new paragraphs (28) and (29), respectively.

4. Revising paragraph (23) to read "A conceptual site model describing the sources of contamination, fate and transport of contaminants and potential receptors."

5. Adding a new paragraph (26) to establish that the site characterization report should identify the Act 2 remediation standard that has been chosen.

6. Adding a new paragraph (27) to include the Department's written determination under § 250.303 (relating to aquifer determination; current use and currently planned use of aquifer groundwater) that groundwater is not used or currently planned to be used. This should be included in the report when the nonuse aquifer standards are being utilized under the Act 2 Statewide health standard.

7. Deleting existing paragraph (28). The Department believes that the discussion of the remedial action options selected is sufficient (paragraph (30)). A new paragraph (28) is proposed to be added to identify the impacts to ecological receptors as a result of the receptor evaluation conducted in accordance with § 250.311 or § 250.402(d) (relating to evaluation of ecological receptors; and human health and environmental protection goals).

8. Adding a new paragraph (29) to identify the impacts to surface water as a result of the evaluation conducted in accordance with § 250.309 or § 250.406 (relating to medium specific concentrations for surface water; and relationship to surface water quality requirements).

9. Revising paragraph (30) to indicate that a site shall be remediated as opposed to completely recovering or removing the regulated substance which was released.

10. Adding a new paragraph (31) to include a risk assessment report in accordance with § 250.409 (relating to risk assessment report).

11. Adding a new paragraph (32) to require demonstration that no current or future exposure pathways exist.

Subsection (b) affords the responsible party the opportunity to submit a site characterization report as the "final report," when soil is the only media of concern and all contaminated soil has been excavated as an interim remedial action. Further, this subsection is intended to allow a "closure report" to serve as the final report in localized contamination situations. This § 245.310(b) report is intended to be applicable only for use with the Act 2 Statewide health standard. With this rationale in mind, the Department is proposing the following revisions to subsection (b):

1. Amending subsection (b) to clarify that this report is not appropriate where groundwater is a medium of concern, and to indicate that a site shall be remediated as opposed to completely recovering or removing the regulated substance which was released.

2. With respect to the items for inclusion in the report, revising paragraph (2) to indicate that data demonstrating attainment with the Statewide health standard should be provided in accordance with Chapter 250, Subchapter G (relating to demonstration of attainment).

3. Adding paragraph (3) to require explanation of the basis for selecting residential or nonresidential Statewide health standards.

4. Adding paragraph (4) to require reporting the results of the evaluation of ecological receptors.

Subsection (c) describes the potential actions of the Department upon submission of a site characterization report. The proposal revises paragraph (5) to indicate that

the Department may review and approve the "limited" site characterization report under subsection (b).

The proposal deletes subsection (d). Under Act 2 and Chapter 250, a responsible party is entitled to choose the remediation standard it will use when remediating a release from a storage tank.

6. *Section 245.311. Remedial action plan.*

Subsection (a) describes the requirements for submission of a remedial action plan and provides a list of potential elements for the remedial action plan. The Department is proposing the following revisions to subsection (a):

a. Revising paragraph (4) to provide for a discussion of how the remedial action will attain the selected remediation standard for the site (as opposed to how the remedial action will completely recover or remove the regulated substance which was released).

b. Adding a new paragraph (5) to provide for the results of treatability, bench scale or pilot scale studies or other data collected to support the remedial action.

c. Revising paragraph (11) to provide for a description of the methodology that will be utilized to demonstrate attainment of the selected remediation standard (as opposed to the methodology that will be utilized to completely recover or remove the regulated substance which was released).

d. Adding a new paragraph (12) to provide for a description of any proposed postremediation care that may be required.

The proposal deletes subsection (b). Under Act 2 and Chapter 250, a responsible party is entitled to choose the remediation standard it will use when remediating a release from a storage tank.

A new subsection (c) is proposed to be added to indicate that when the Act 2 site-specific standard is chosen, a remedial action plan is not required and no cleanup is required to be proposed or completed if no current or future exposure pathways exist.

7. *Section 245.312. Remedial action.*

The proposal revises subsection (c) to indicate that remedial action progress reports are to show the progress toward attainment of the selected remediation standard (as opposed to cleanup levels established by the Department). A new paragraph (6) is proposed to be added to require specific information to be provided for fate and transport analyses.

The proposal revises subsection (e), which sets forth the process for terminating a remedial action plan if the responsible party feels the selected remediation standard (as opposed to the cleanup levels established by the Department) will not be achieved.

Subsection (e)(1) is proposed to be deleted, as it no longer applies. Subsection (e)(1) was an option under the defunct Groundwater Quality Protection Strategy and allowed a remedial action completion report to be submitted where the cleanup levels would not be achieved.

The proposal makes two modifications to subsection (e)(2). The first is to require the responsible party to request and receive Department approval prior to termination of its approved remedial action plan. The second is to clarify that the new or modified remedial action plan is to include selection of a new remediation standard.

Subsection (f) establishes the process for suspending remedial action if continued implementation of the reme-

dial action plan will cause additional environmental harm. The proposal revises this subsection to require Departmental approval to cease the remedial action and require selection of a new remediation standard.

Subsection (f)(1), which allowed for submission of a remedial action completion report, is proposed to be deleted since it was an option under the defunct Groundwater Quality Protection Strategy.

Subsection (f)(2), which currently requires submission of a new or modified remedial action plan, is proposed to be modified to require Department approval of the suspension and further requires that the new or modified remedial action plan include selection of a new remediation standard.

As originally adopted in 1993, subsection (g) required that when groundwater contamination occurred and the level of cleanup had been achieved, that groundwater be sampled quarterly for 1 year to demonstrate "attainment." Since this is an "attainment" requirement and has been superseded by the attainment requirements of the Act 2 remediation standards, this subsection is proposed to be deleted. The attainment requirements are now addressed in §§ 245.310(b) and 245.313(b).

Subsection (h) is related to and follows the requirements of subsection (g). Therefore, the Department is also proposing to delete this subsection.

8. *Section 245.313. Remedial action completion report.*

Subsection (a) provided for the submission of a remedial action completion report upon achieving the level of cleanup established by the remedial action plan and indicated that the report must demonstrate that the remedial goals have been achieved. This subsection is still appropriate, but is proposed to be revised to delete the terms "level of cleanup" and "remedial goals." These terms have been replaced with "selected remediation standard," in accordance with Act 2.

The proposal deletes the existing subsection (b) since it no longer applies. Subsection (b) was an option under the defunct Groundwater Quality Protection Strategy and allowed a remedial action completion report to be submitted where the cleanup levels were not achieved. The subsection is proposed to be replaced with the required contents of the remedial action completion report, including references to the specific and relevant attainment demonstration sections from Chapter 250 that must be addressed depending on which of the Act 2 remediation standards was used by the remediator. In addition, since heavy reliance may be placed on fate and transport analyses in demonstrating attainment of Act 2 standards, specific requirements are proposed to be added for including this information in a completion report.

Subsection (c) describes the potential actions of the Department upon submission of a remedial action completion report. Paragraph (5) is proposed to be deleted since it does not result in a final remedial action determination by the Department. The Department will review and approve or disapprove all remedial action completion reports, providing final resolution to storage tank remedial actions.

9. *Section 245.314. Professional seals.*

This section is proposed to be added to require report submittals to be sealed by appropriate registered professionals where the practice of geology or engineering is performed. This requirement is in accordance with the Engineer, Land Surveyor and Geologist Registration Law (63 P. S. §§ 148—158.2).

Subchapter E. Technical Standards for Underground Storage Tanks

1. *Section 245.444. Methods of release detection for tanks.*

Section 245.444(8) provides procedures and reporting requirements for conducting leak detection on underground storage tanks using the Statistical Inventory Reconciliation (SIR) method. Section 245.444(8)(ii)(A) currently requires final reports from SIR vendors to be available within 7 days of the end of the monitoring period. The regulated community and SIR vendors have expressed difficulties with thoroughly processing SIR data and providing reports within this 7 day period. Operation of these rules since their adoption in October 1997 has shown that this reporting requirement simply does not allow enough time to complete the necessary SIR analysis and return the report. In addition, other states that have established reporting time periods for SIR have set this reporting requirement at 20 days. This proposal changes the reporting requirement to 20 days, which should be achievable in this Commonwealth and is in line with those other states' regulations.

F. *Benefits, Costs and Compliance*

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

Benefits

This proposed rulemaking is primarily intended to harmonize the requirements of the CAP regulation and the requirements of Act 2 and the Chapter 250 regulations. By making these changes, the Department hopes to reduce confusion faced by responsible parties for releases from regulated storage tanks regarding what requirements they need to meet. By making the changes necessary to have the CAP regulation reflect the most recent statutory amendments affecting storage tanks, owners and operators of storage tanks can be confident that the requirements outlined in Chapter 245 represent a comprehensive overview of their responsibilities for corrective action should a release occur. Finally, the citizens of this Commonwealth should benefit through quicker and more efficient remediations occurring, along with the reuse of contaminated sites under the Act 2 program.

With the proposed deletion of § 245.313(c)(5), responsible parties are guaranteed a final result, either approval or disapproval, from the Department regarding remedial action completion reports.

By extending the time allowed for preparing SIR reports under Subchapter E's release detection rules, this proposal should allow for sufficient time for proper reports to be generated when tank owners use this leak detection method.

An alternative approach might be to delete Subchapter D entirely, and simply have storage tank cleanups proceed under Act 2 and Chapter 250's procedures. Given the requirements of section 904(c) of Act 2 (35 P. S. § 6026.904(c)), the Department felt that the General Assembly recognized that the procedures established for corrective actions under the Storage Tank Act were working, and so should be preserved. Therefore, this proposal only represents the modifications needed to integrate the programs.

Compliance Costs

Persons responsible for corrective actions under the Storage Tank Act should see no net increases in compliance costs as a result of this rulemaking. Generally speaking, all requirements in this proposal to amend the

CAP regulation are already in place through statutory amendment (such as Act 2 of 1995, Act 16 of 1995, the Engineer, Land Surveyor and Geologist Registration Law) or regulations which are already in effect (such as Chapter 250). The Department does not anticipate any additional costs to the Commonwealth as a result of this proposal.

Compliance Assistance Plan

The Department currently operates a fairly extensive program of outreach activities designed to assist owners and operators of storage tanks and other potentially responsible parties. This program includes the *Storage Tank Monitor*, a biannual newsletter; a series of detailed fact sheets that focus on single issues in the program (such as release reporting) and seminars and training sessions presented by both central and regional office training teams on a variety of issues. The Department has also prepared a number of detailed guidance documents on specific topics to assist both program staff and regulated persons in understanding and meeting the requirements of the Storage Tank Act and Chapter 245. Department personnel regularly present and participate in program seminars jointly with the regulated community and the Underground Storage Tank Indemnification Fund (USTIF) and consult with the STAC on regulatory, policy and program development. As with any new or amended regulations, the Department will make every effort to inform the regulated community and the general public about the new requirements.

The costs of corrective actions for most releases from underground storage tanks should be covered by the USTIF created by Chapter 7 of the Storage Tank Act (35 P. S. §§ 6021.701—6021.712) and administered by the Insurance Department. The Department does have a limited amount of funding under section 710(b.1) of the Storage Tank Act (35 P. S. § 6021.710(b.1)) for special environmental cleanup projects. This money is limited to use in carrying out remedial actions at sites where owners of underground storage tanks are not eligible for USTIF coverage, for remediation not completed due to financial hardship and for owners of retail gasoline facilities or commercial distribution centers that are no longer in business. Corrective actions at storage tank sites may also be eligible for funding under the programs established by Acts 2 and 4 of 1995.

Paperwork Requirements

This proposed rulemaking does not require responsible parties for storage tank releases to prepare any reports not already required by statute or regulation. One area where paperwork required to be submitted to the Department should decrease is in release reports. By following the Federal standard in 40 CFR 280.53, fewer release reports will be submitted to the Department, reducing the paperwork burden on the regulated community.

G. *Pollution Prevention*

"Pollution prevention (P2)" is defined as measures taken to avoid or reduce generation of all types of waste—solid/hazardous waste, wastewater discharges and air emissions—at their points of origin. It does not include activities undertaken to treat, control or dispose of pollution once it is created, such as end-of-the-stack or pipe control equipment or procedures. Because the CAP regulation only becomes applicable after a release of regulated substances occurs from a regulated storage tank, it does not generally provide P2 opportunities. It should be noted, however, that this regulation was designed to be flexible, rather than prescriptive, with the

goal of having cleanups completed more quickly, thus minimizing the polluting impacts of a release. In addition, the proposal in § 245.306(b)(4) regarding segregation of soils should help to reduce the volume of contaminated soils at storage tank remediation sites.

H. *Sunset Review*

These 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.

I. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on July 11, 2000, the Department submitted a copy of these proposed amendments to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House and Senate Environmental Resources and Energy Committees. In addition to submitting the proposed amendments, the Department has provided IRRC and the Committees with a copy of a detailed regulatory analysis form prepared by the Department in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

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

J. *Public Comments*

Written Comments—Interested persons are invited to submit comments, suggestions or objections regarding the proposed amendments to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 15th Floor, 400 Market Street, Harrisburg, PA 17101-2301). Comments submitted by facsimile will not be accepted. Comments, suggestions or objections must be received by the Board by September 27, 2000 (within 60 days of publication in the *Pennsylvania Bulletin*). Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by September 27, 2000 (within 60 days following publication in the *Pennsylvania Bulletin*). The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final rulemaking will be considered.

Electronic Comments—Comments may be submitted electronically to the Board at RegComments@dep.state.pa.us and must also be received by the Board by September 27, 2000. A subject heading of the proposal and a return name and address must be included in each transmission. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

JAMES M. SEIF,
Chairperson

Fiscal Note: 7-355. No fiscal impact; (8) recommends adoption.

Annex A

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

Subpart D. ENVIRONMENTAL HEALTH AND SAFETY

ARTICLE VI. GENERAL HEALTH AND SAFETY

CHAPTER 245. ADMINISTRATION OF THE STORAGE TANK AND SPILL PREVENTION PROGRAM

Subchapter A. GENERAL PROVISIONS
GENERAL

§ 245.1. Definitions.

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

* * * * *

Aquifer—A geologic formation, group of formations or part of a formation capable of [yielding sufficient groundwater for monitoring purposes] a sustainable yield of significant amount of water to a well or spring.

Background—The concentration of a regulated substance determined by appropriate statistical methods that is present at the site, but is not related to the release of regulated substance at the site.

* * * * *

Cleanup or remediation—To clean up, mitigate, correct, abate, minimize, eliminate, control or prevent a release of a regulated substance into the environment to protect the present or future public health, safety, welfare or the environment, including preliminary actions to study or assess the release.

* * * * *

Contaminant—A regulated substance released into the environment.

* * * * *

Free product—A regulated substance that is present as a [nonaqueous] separate phase liquid; that is, liquid not dissolved in water.

* * * * *

Groundwater—Water [beneath] below the land surface [of the ground that exists] in a zone of saturation.

[Groundwater degradation—A measurable increase in the concentration of one or more contaminants in groundwater above background levels for those contaminants.]

* * * * *

Property—A parcel of land defined by the metes and bounds set forth in the deed for that land.

* * * * *

Remediation standard—The background, State-wide health or site-specific standard, or any combination thereof, as provided for in the Land Recy-

cling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.909).

* * * * *

Reportable release—A quantity or an unknown quantity of regulated substance released to or posing an immediate threat to surface water, groundwater, bedrock, soil or sediment. The term does not include the following, if the owner or operator has control over the release, the release is completely contained and, within 24 hours of the release, the total volume of the release is recovered or removed in the corrective action:

(i) A release to the interstitial space of a double-walled aboveground or underground storage tank.

(ii) [A release of less than 25 gallons to a containment area, structure or facility around an aboveground storage tank.

(iii) A release of less than 5 gallons to a synthetic surface, such as asphalt or concrete, which prevents migration of the regulated substance to surface water, groundwater, bedrock, soil or sediment.

(iv) A release of less than 1 gallon to surface soils.]

A release of petroleum to the surface of the ground that is less than 25 gallons.

(iii) A release of a hazardous substance to the surface of the ground that is less than its reportable quantity under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C.A. §§ 9601—9675) and 40 CFR Part 302 (relating to designation, reportable quantities, and notification).

* * * * *

Responsible party—A person who is responsible or liable for corrective action under the act. The term includes: the owner or operator of a storage tank; the landowner or occupier; [and] a person who on or after August 5, 1990, knowingly sold, distributed, deposited or filled an [unregistered] underground storage tank regulated by the act which never held a valid registration, with a regulated substance[,] ; and a person who on or after August 5, 1990, knowingly sold, distributed, deposited or filled an unregistered aboveground storage tank regulated by the act, with a regulated substance, prior to the discovery of the release.

Risk assessment—A process to quantify the risk posed by exposure of a human or ecological receptor to regulated substances. The term includes baseline risk assessment, development of site-specific standards and risk assessment of the remedial alternatives.

* * * * *

Site—For purposes of § 245.303(c) and (d) (relating to general requirements), the term means the [tract of land] property which includes the storage tank facility. For other purposes, the term means the [area of surface and subsurface land or water that has been affected by a release of regulated substances] extent of contamination originating within the property boundaries and all areas in close proximity to the contamination necessary for the implementation of remedial activities to be conducted.

* * * * *

Survey—For purposes of § 245.303(d) (relating to general requirements), the term means a study at a sufficient level of detail to establish [baseline levels] background for surface water, groundwater, soil and sediment prior to the use of a storage tank facility.

* * * * *

Subchapter D. CORRECTIVE ACTION PROCESS FOR OWNERS AND OPERATORS OF STORAGE TANKS AND STORAGE TANK FACILITIES AND OTHER RESPONSIBLE PARTIES

§ 245.304. Investigation of suspected releases.

* * * * *

(c) If the investigation confirms that a reportable release has occurred, the owner or operator shall report the release in accordance with § 245.305 (relating to reporting releases) and initiate corrective action.

* * * * *

§ 245.305. Reporting releases.

(a) The owner or operator of storage tanks and storage tank facilities shall notify the appropriate regional office of the Department as soon as practicable, but no later than [2] 24 hours, after the confirmation of a reportable release.

* * * * *

§ 245.306. Interim remedial actions.

* * * * *

(b) At sites where free product recovery, regulated substance removal or contaminated soil excavation is performed, the responsible party shall:

* * * * *

(4) Minimize the amount of soil and subsurface material affected by a release of a regulated substance by segregating the unaffected soil and subsurface material from the material affected by a release of a regulated substance.

* * * * *

(d) Where soil and subsurface material affected by a release is removed from the site, the person removing the material shall provide to the owner, operator, landowner or other responsible party a receipt documenting acceptance of the material at a permitted treatment or disposal facility.

§ 245.309. Site characterization.

* * * * *

(b) The objectives of a site characterization are to accomplish the following:

* * * * *

(5) Determine, from measurements at the site, values for input parameters including hydraulic conductivity, source dimensions, hydraulic gradient, water table fluctuation and fraction organic carbon necessary for fate and transport analysis.

(6) Provide sufficient information to select a remediation standard.

(7) Provide sufficient information to define and assess the relative merits of the remedial action options.

[(6)] (8) Provide sufficient information to allow for completion of a remedial action plan or a design for remedial action.

(c) The responsible party shall conduct the site characterization activities necessary to satisfy the objectives established in subsection (b). The site characterization shall include the following tasks, as necessary, based on the nature, extent, type, volume or complexity of the release:

* * * * *

(5) [Identifying affected populations and populations with the potential to be affected including humans, fish and wildlife, plants, aquatic life and threatened or endangered species] Determining the location of the ecological receptors identified in § 250.311(a) (relating to evaluation of ecological receptors).

(6) [Identifying affected sensitive environmental receptors and sensitive environmental receptors with the potential to be affected, including groundwater recharge areas for water supplies, wetlands and special protection watersheds designated under Chapter 93 (relating to water quality standards)].

(7)] A review of the site history.

[(8)] (7) * * *

[(9)] (8) * * *

[(10)] (9) * * *

[(11)] (10) * * *

* * * * *

(11) A demonstration that groundwater is not used or currently planned to be used.

* * * * *

(15) [Identifying and applying appropriate groundwater modeling methodologies to characterize the site] Developing a conceptual site model that describes the sources of contamination, fate and transport of contaminants and potential receptors.

* * * * *

(18) Identification, screening, evaluation and selection of available remedial action options to [remove or eliminate the pollution or contamination resulting from a release of regulated substances, prevent groundwater degradation and restore any groundwater affected by the release] remediate the site.

* * * * *

(20) Selection of a remediation standard.

(21) If the site-specific standard is selected, performance of a risk assessment in accordance with §§ 250.601—250.606 (relating to exposure and risk determinations).

(22) Recommendation of preferred remedial action options.

[(21)] (23) * * *

[(22)] (24) * * *

[(23)] (25) * * *

§ 245.310. Site characterization report.

(a) The responsible party shall prepare and submit to the Department within 180 days of reporting a reportable release under § 245.305(a) (relating to reporting releases), or within an alternative time frame as determined by the Department, two copies of a site characterization report which describes the activities undertaken in accordance with § 245.309 (relating to site characterization). The site characterization report shall be complete and concisely organized and shall contain the following elements, as necessary, based on the nature, extent, type, volume or complexity of the release:

* * * * *

(4) Details of interim remedial actions conducted at the site in accordance with § 245.306 (relating to interim remedial actions). These details shall include the following, as necessary:

* * * * *

(v) Where excavation of contaminated soil is performed:

* * * * *

(C) The treatment method or disposition of the excavated soil, including receipts documenting acceptance of the material at a permitted treatment or disposal facility.

* * * * *

(F) [A demonstration, with supporting documentation, that contaminated soil has been excavated and that Department remedial goals have been achieved.

(G)] The rationale for terminating soil excavation where the contaminated soil has not been excavated, including the volume of contaminated soil remaining in place, and a description of what steps will be taken to address the soils that remain unexcavated.

* * * * *

(11) [The location and description of affected populations and populations with the potential to be affected, including humans, fish and wildlife, plants, aquatic life and threatened or endangered species.

(12) The location and description of affected sensitive environmental receptors and sensitive environmental receptors with the potential to be affected, including groundwater recharge areas for water supplies, wetlands and special protection watersheds designated under Chapter 93 (relating to water quality standards).

(13)] A description of further site characterization work needed.

[(14)] (12) * * *

[(15)] (13) * * *

[(16)] (14) * * *

[(17)] (15) * * *

[(18)] (16) * * *

[(19)] (17) * * *

[(20)] (18) * * *

[(21)] (19) * * *

[(22)] (20) * * *

[(23)] (21) * * *

[(24)] (22) * * *

[(25)] (23) [The results of groundwater modeling performed] A conceptual site model describing the sources of contamination, fate and transport of contaminants and potential receptors.

[(26)] (24) * * *

[(27)] (25) * * *

* * * * *

(26) The identification of the remediation standard which has or will be attained at the site.

(27) The Department's written determination that groundwater is not used or currently planned to be used.

(28) The impacts to ecological receptors as a result of the evaluation conducted in accordance with § 250.311 or § 250.402(d) (relating to evaluation of ecological receptors; and human health and environmental protection goals).

[(28) A description of each remedial action option considered and the process used to select the remedial actions identified in paragraph (29).]

(29) The impacts to surface water as a result of the evaluation conducted in accordance with § 250.309 or § 250.406 (relating to MSCs for surface water; and relationship to surface water quality requirements).

[(29)] (30) A discussion of the remedial action options selected to [:] remediate the site.

[(i) Remove or eliminate pollution or contamination resulting from a release.

(ii) Prevent groundwater degradation.

(iii) Restore groundwater affected by the release.]

(31) A risk assessment report in accordance with § 250.409 (relating to risk assessment report).

(32) A demonstration that no current or future exposure pathways exist following the procedures described in § 250.404 (relating to pathway identification and elimination).

[(30)] (33) * * *

[(31)] (34) * * *

(b) If the responsible party determines, after completion of interim remedial actions, that further site characterization is not required, that groundwater is not a media of concern, and that interim remedial actions have [removed or eliminated the pollution or contamination resulting from the release, prevented groundwater degradation and restored groundwater affected by the release,] remediated the site, the responsible party [shall] may submit a site characterization report to the Department which contains the following:

* * * * *

(2) [A demonstration] Data demonstrating that the interim remedial actions have [removed or eliminated the pollution or contamination resulting

from the release, prevented groundwater degradation and restored groundwater affected by the release] attained the Statewide health standard for the site in accordance with Chapter 250, Subchapter G (relating to demonstration of attainment).

(3) The basis for selection of the residential or nonresidential Statewide health standard.

(4) The results of the evaluation of ecological receptors.

[(3)] (5) * * *

(c) Following submission of a complete site characterization report prepared under subsection (a) or (b), the Department may do one or more of the following:

* * * * *

(5) Review and approve the site characterization report submitted under subsection (b), and waive the requirement to complete a remedial action plan in accordance with § 245.311 (relating to remedial action plan).

* * * * *

[(d) During the Department's review of the site characterization report, the Department will determine that the level of cleanup identified in the site characterization report or as performed by the responsible party as an interim remedial action will remove or eliminate the pollution or contamination resulting from the release, prevent groundwater degradation and restore groundwater affected by the release. Under subsection (c), the Department retains the authority to establish the specific level of cleanup necessary to remove or eliminate the pollution or contamination resulting from the release, prevent groundwater degradation and restore groundwater affected by the release; to modify or approve the site characterization report, disapprove the site characterization report or to take other action which is necessary.]

§ 245.311. Remedial action plan.

(a) Unless a site characterization report is submitted in accordance with § 245.310(b) (relating to site characterization report), the responsible party shall prepare and submit to the Department within 45 days of submission of a site characterization report required by § 245.310(a) or within an alternative time frame as determined by the Department, two copies of a remedial action plan prior to implementation of the remedial action plan. The remedial action plan shall be complete and concisely organized and shall contain the following elements, as necessary, based on the nature, extent, type, volume or complexity of the release:

* * * * *

(4) A discussion of how the remedial action will [remove or eliminate the pollution or contamination resulting from the release, prevent groundwater degradation and restore groundwater affected by the release] attain the selected remediation standard for the site.

(5) The results of treatability, bench scale or pilot scale studies or other data collected to support the remedial action.

(6) Design and construction details for the remedial action, including expected effectiveness.

[(6)] (7) * * *

* * * * *

[(7)] (8) * * *

[(8)] (9) * * *

[(9)] (10) * * *

[(10)] (11) A description of the methodology that will be utilized to **[verify that the pollution or contamination resulting from the release has been removed or eliminated, that groundwater degradation has been prevented and that groundwater affected by the release has been restored]** demonstrate attainment of the selected remediation standard.

(12) A description of proposed postremediation care requirements.

[(11)] (13) A description of additional items necessary to develop the remedial action plan.

(b) **[The Department will establish the level of cleanup necessary to remove or eliminate pollution or contamination resulting from the release, prevent groundwater degradation and restore groundwater affected by the release, which shall become part of the remedial action plan.**

(c) **[** Following submission of a complete remedial action plan, the Department may do one or more of the following:

* * * * *

(c) **A remedial action plan is not required and no remedy is required if the site-specific standard is chosen and no current or future exposure pathways exist.**

§ 245.312. Remedial action.

* * * * *

(c) Each remedial action progress report shall provide the data generated during the reporting period and shall show the progress to date toward attainment of the **[cleanup levels established in the remedial action plan]** selected remediation standard. Each report shall be complete and concisely organized and shall contain the following elements, as necessary, based on the nature, extent, type, volume or complexity of the release:

* * * * *

(6) **For fate and transport analyses, the following information, in addition to that required by § 250.204(f)(5) (relating to form of application):**

(i) **An isoconcentration map showing the configuration and concentrations of contaminants within the plume being analyzed.**

(ii) **Sufficient information from monitoring data to establish whether the plume is stable, shrinking or expanding.**

(iii) **Input parameters for the analysis and the rationale for their selection.**

(iv) **Figures showing the orientation of the model or analysis to the field data.**

(v) **Comparison and analysis of the model or mathematical output to the actual field data.**

(7) Reporting period and cumulative amounts of free product recovered, groundwater treated, and soil and sediment treated or disposed.

[(7)] (8) * * *

[(8)] (9) * * *

[(9)] (10) * * *

* * * * *

(e) If during implementation of the remedial action plan the responsible party determines that continued implementation of the remedial action plan will not achieve the **[cleanup levels established in the remedial action plan]** selected remediation standard, the responsible party **[may do one of the following:]** shall

[(1) Submit a remedial action completion report in accordance with § 245.313(b) (relating to remedial action completion report).

(2) Notify] write to the Department **[in writing that they intend]** requesting to terminate the remedial action plan**[, and]**. **Upon Department approval, the responsible party shall** prepare and submit, to the Department, a new or modified remedial action plan, **to include selection of the new remediation standard,** in accordance with § 245.311 (relating to remedial action plan).

(f) If during implementation of the remedial action plan the responsible party determines that continued implementation of the remedial action plan will cause additional environmental harm, the responsible party **[may do one of the following:]** shall

[(1) Submit a remedial action completion report in accordance with § 245.313(b).

(2) Suspend] suspend remedial action**[,]** and notify the Department, by telephone, within 24 hours**[, and]**. **Upon Department approval, the responsible party shall** prepare and submit a new or modified remedial action plan, **to include selection of the new remediation standard,** to the Department in accordance with § 245.311.

[(g) Where groundwater degradation has occurred and the level of cleanup established in the remedial action plan has been achieved, designated monitoring wells shall be sampled quarterly for 1 year for the contaminants which were identified at the site. During the conduct of groundwater monitoring, groundwater monitoring reports shall be submitted to the Department quarterly and shall contain the following information:

(1) The location of monitoring wells.

(2) Quantitative analytical results from groundwater sampling.

(h) If the quantitative analytical results from groundwater sampling according to subsection (g) indicate that the level of cleanup established in the remedial action plan has not been achieved, the responsible party shall resample the wells 30 days after the initial exceeding level was obtained. If these additional analyses confirm the initial result, the responsible party shall perform additional site characterization or remedial action, as necessary.]

§ 245.313. Remedial action completion report.

(a) When the **[level of cleanup established in the remedial action plan]** selected remediation stan-

ard has been [achieved, and following required groundwater monitoring] attained, the responsible party shall submit a remedial action completion report to the Department. [The remedial action completion report shall demonstrate, with supporting documentation, that these remedial goals have been achieved.]

(b) [When the level of cleanup established in the remedial action plan has not been achieved, the responsible party may submit a remedial action completion report to the Department. The remedial action completion report shall demonstrate, with supporting documentation, that remediation as close to the level of cleanup established in the remedial action plan as possible has been achieved, and that further remediation is not feasible or will cause additional environmental harm. The report may also contain a description of site-specific measures which have been or will be taken to assure that human health and the environment are protected. When groundwater monitoring is implemented or when other site-specific measures are taken, the responsible party may be required to submit periodic reports to the Department to assure that human health and the environment are being protected.] The remedial action completion report shall be complete and concisely organized and shall contain the following elements, as necessary, based on the remediation standard attained:

(1) When the background standard has been attained, the remedial action completion report shall include the requirements of § 250.204(f) and (g) (relating to final report).

(2) When the Statewide health standard has been attained, the remedial action completion report shall include the requirements of § 250.312(b)—(h) (relating to final report).

(3) When the site-specific standard is attained, the remedial action completion report shall include the requirements of § 250.411(c)—(f) (relating to final report).

(4) For fate and transport analyses, the following information, in addition to that required by § 250.204(f)(5):

(i) An isoconcentration map showing the configuration and concentrations of contaminants within the plume being analyzed.

(ii) Sufficient information from monitoring data to establish whether the plume is stable, shrinking or expanding.

(iii) Input parameters for the analysis and the rationale for their selection.

(iv) Figures showing the orientation of the model or analysis to the field data.

(v) Comparison and analysis of the model or mathematical output to the actual field data.

(c) Following submission of the remedial action completion report, the Department may do one or more of the following:

* * * * *

[(5) Accept the remedial action completion report and take other action which is necessary based on the circumstances of the release.]

§ 245.314. Professional seals.

Reports submitted to satisfy this subchapter containing information or analysis that constitutes professional geologic or engineering work as defined by the Engineer, Land Surveyor and Geologist Registration Law (63 P. S. §§ 148—158.2) shall be sealed by a professional geologist or engineer who has complied with the requirements of that statute.

Subchapter E. TECHNICAL STANDARDS FOR UNDERGROUND STORAGE TANKS

RELEASE DETECTION

§ 245.444. Methods of release detection for tanks.

Each method of release detection for tanks used to meet the requirements of § 245.442 (relating to requirements for petroleum underground storage tank systems) shall be conducted in accordance with the following:

* * * * *

(8) *Statistical Inventory Reconciliation (SIR)*. SIR shall meet the performance standards of paragraph (9)(i) for monthly monitoring.

* * * * *

(ii) A separate report for each tank monitored shall be maintained by the owner/operator in accordance with § 245.446(2) (relating to release detection recordkeeping). Each report shall meet the following requirements:

(A) Owners and operators shall have reports available within [7] 20 days of the end of the monitoring period.

* * * * *

[Pa.B. Doc. No. 00-1312. Filed for public inspection July 28, 2000, 9:00 a.m.]