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PENNSYLVANIA BULLETIN

Volume 30
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Number 33
Pages 4213—4338

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Department of Conservation and Natural
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Department of Health
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State Board of Occupational Therapy Education
and Licensure
Turnpike Commission

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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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THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS [204 PA. CODE CH. 215]

Special Independent Prosecutor's Panel; Appoint- ment of Independent Counsel

Order

Per Curiam

And Now, this 27th day of July, 2000, upon consideration of the Application for Appointment of Independent Counsel filed by Robert J. DeSousa, Esquire, Special Investigative Counsel for Preliminary Investigation No. 1 of 2000, the Application is granted and Carol A. Sweeney, Esquire is appointed as Independent Counsel pursuant to Section 9315(a)(2) of the Independent Counsel Authorization Act, Act of February 18, 1998, P. L. 24, No. 19.

[Pa.B. Doc. No. 00-1375. Filed for public inspection August 11, 2000, 9:00 a.m.]

Title 255—LOCAL COURT RULES

FAYETTE COUNTY

Local Rule 1915.15(d) Child Custody Conciliation Fee; and Local Rule 1915 Actions for Custody, Partial Custody and Visitation of Minor Children; No. 1499 of 2000

Order

And Now, this 18th day of July, 2000, it is hereby ordered that Fayette County Rule 1915.15(d) is hereby rescinded; and, pursuant to Rule 239 of the Pennsylvania Rules of Criminal Procedure, it is hereby ordered that the following Fayette County Rule 1915 be adopted as follows:

The Prothonotary is directed as follows:

- (1) Seven certified copies of the Local Rule shall be filed with the Administrative Office of Pennsylvania Courts.
- (2) Two certified copies of the Local Rule shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
- (3) One certified copy of the Local Rule shall be sent to the Domestic Relations Procedural Rules Committee.
- (4) One certified copy shall be sent to the Fayette County Law Library.
- (5) One certified copy shall be sent to the Editor of the *Fayette Legal Journal*.

This Local Rule shall be continuously available for public inspection and copying in the office of the prothonotary. Upon request and payment of reasonable costs of reproduction and mailing, the prothonotary shall furnish to any person a copy of any local rule.

This Local Rule shall be effective 30 days after the date of publication in the *Pennsylvania Bulletin*.

By the Court

WILLIAM J. FRANKS,
President Judge

ACTIONS FOR CUSTODY, PARTIAL CUSTODY, AND VISITATION OF MINOR CHILDREN

Rule 1915.1. Scope.

(a) This rule shall apply to any action for custody, partial custody, or visitation, whether filed as an independent cause of action or as a count in a related proceeding.

(b) Upon the filing of any complaint, petition, or motion relating to child custody, partial custody or visitation, in which there is no agreed-upon Order disposing of the issues, the case shall proceed in accordance with Pa.R.C.P. No. 1915.4-1, et seq., and these Rules.

Rule 1915.2. Procedure.

(a) Upon motion requesting the same, the Court shall enter an Order referring the matter to a child custody mediator/hearing officer. The Prothonotary shall mail a copy of the Order to each party and counsel of record, if any. All parties must attend the conference, unless excused by the child custody mediator/hearing officer. Children need not attend, unless ordered by the Court.

(b) The child custody mediator/hearing officer shall conduct the conference as an informational and conciliatory proceeding. The child custody mediator/hearing officer may require any party to attend at least one session of a child custody education program, the cost of which may be assessed against a party or parties.

(c) The child custody mediator/hearing officer may request proposed findings of fact and conclusions of law, and shall set a schedule for their submission. Upon submission of findings of fact and conclusions of law, if any are required, or upon conclusion of the hearing where none are required, the child custody mediator/hearing officer shall make a report and recommendation to the Court, including, when necessary, a report and recommendation relating to interim or special relief including, when appropriate, the assessment of counsel fees and costs and other necessary expenses. The child custody mediator/hearing officer shall notify the parties of the filing with the Prothonotary of the report and recommendation. The notice of filing shall be made a part of the record.

(d) In actions for contempt, the Court shall refer the matter to the child custody mediator/hearing officer for a conference to determine whether an amicable resolution is possible. If the matter is resolved, than an order of amicable resolution of contempt shall be entered. If resolution cannot be accomplished, the mediator shall forthwith cause the parties and counsel to appear before the Court for the purpose of scheduling a hearing on the merits.

Rule 1915.3. Fees and Costs.

(a) Upon the filing of any complaint, petition, or motion relating to child custody, partial custody, visitation, or

contempt, where there is at the time of filing no agreed-upon Order disposing of the issues, the moving party shall pay to the Prothonotary (in addition to any other required fees), a non-refundable conciliation fee in the amount of Seventy-five (\$75.00) Dollars, or shall file to proceed in forma pauperis in accordance with Pa.R.C.P. No. 240.

Rule 1915.4. Exceptions.

(a) A party filing exceptions shall request and cause to be filed any transcript required and make any necessary payment or deposit therefore.

(b) When both parties file exceptions, the cost of the transcript shall be borne proportionately.

(c) Exceptions shall be presented to the Court as a routine motion in accordance with Fayette County Rule 211 and assigned for argument.

[Pa.B. Doc. No. 00-1376. Filed for public inspection August 11, 2000, 9:00 a.m.]

FRANKLIN AND FULTON COUNTIES

Adoption of Local Criminal Rule 39-311; Misc. Vol. 5 Page 250

Order of Court

July 27, 2000, the following Criminal Action Rules are adopted for the Court of Common Pleas of the 39th Judicial District of Pennsylvania, Franklin County Branch: 39-311, to be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

By the Court

JOHN R. WALKER,
President Judge

Rule 39-311. Criminal Pretrial Conferences.

1. In the Franklin County Branch, one full court day each criminal trial term shall be scheduled for the purpose of holding pretrial conferences in cases scheduled for jury trial during that term which have a significant potential for trial. The pretrial conferences will be conducted by the assigned judge in accordance with Pa.R.Crim.P. 311 and the following procedures:

A. At the time of the call of the list for both incarcerated defendants and defendants on bail, the District Attorney and counsel for the defendant will make an effort of determine which cases have a significant potential for trial by jury. Subsequent to the completion of the call of the list for both incarcerated defendants and defendants on bail, a written notice of the pretrial conference will be given to defendants who have requested a jury trial and whose cases have a significant potential for trial. The District Attorney will prepare a list of these cases and submit it to the Court Administrator for distribution to the assigned judge, the Franklin County Sheriff's Department, the office of the Public Defender, the Franklin County Probation Department and any other appropriate court agency.

B. The Court Administrator will schedule the dates for the call of the list in sufficient time prior to the conferences to allow the District Attorney and defense counsel to evaluate the cases with potential for trial.

C. The conferences will be scheduled for the Thursday prior to the date for jury selection and will begin promptly at 9:00 a.m.

D. The Court Administrator will divide the list of cases for conference and half will be assigned to the morning session which will begin at 9:00 a.m. and half will be assigned to an afternoon session which will begin at 1:30 p.m.

E. The District Attorney will prepare transportation Orders for all those incarcerated defendants whose cases are scheduled for conference.

F. At the time of the conference the Commonwealth and counsel for the defendant will be prepared to discuss plea negotiations and/or preparation of the case for trial. All counsel must be thoroughly prepared to discuss witness testimony, time for trial, voir dire issues, evidentiary issues and any other matters related to trial preparation. The court will not require written pretrial memorandum. In the event the matter is not settled, the conference judge will proceed in accordance with Pa.R.Crim.P. 311 and issue any Orders necessary to prepare the matter for trial. The Court Administrator will schedule a date certain for trial in all cases not settled. Once the matter has been scheduled for trial no plea agreements will be accepted by the court, except for extraordinary circumstances.

G. This Order is not intended to preclude any timely request to the Court Administrator for separate listing of a pretrial conference in accordance with Pa.R.Crim.P. 311.

[Pa.B. Doc. No. 00-1377. Filed for public inspection August 11, 2000, 9:00 a.m.]

FRANKLIN AND FULTON COUNTIES

Amendment of Local Criminal Rule 39-300; Misc. Vol. 5 Page 250

Order of Court

July 27, 2000, local Criminal Action Rule 39-300 is hereby amended as follows.

In all other respects the rule shall remain unchanged. These amendments shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

By the Court

JOHN R. WALKER,
President Judge

Rule 39-300. Business of the Court.

(A) On the Monday [of the week preceding] at least two weeks prior to each criminal trial term, each defendant who is free on bond and whose case is listed for that term of court, . . .

(B) On the [Tuesday of the week preceding] Friday at least two weeks prior to each criminal term, all incarcerated defendants shall be transported to and appear in court for purposes of conducting the preliminary call of the list as outlined in paragraph (A).

[Pa.B. Doc. No. 00-1378. Filed for public inspection August 11, 2000, 9:00 a.m.]

SCHUYLKILL COUNTY
Rules of Civil Procedure—S 1414-2000

And Now, this 26th day of July, 2000, at 2:05 p.m., the Order of Court dated the 14th day of July, 2000 is amended to read as follows:

The Court hereby adopts Schuylkill County Civil Rule of Procedure No. 206A(i), amends Schuylkill County Civil Rule of Procedure No. 212.1(c), (d) and (e) and adopts Schuylkill County Civil Rule of Procedure No. 212.1(f) for use in the Court of Common Pleas of Schuylkill County, Pennsylvania (21st Judicial District). This rule shall be effective thirty days after publication in the *Pennsylvania Bulletin*.

The Prothonotary of Schuylkill County is Ordered and Directed to do the following:

- 1) File ten (10) certified copies of this Order and Rule with the Administrative Office of Pennsylvania Courts.
- 2) File two (2) certified copies of this Order and Rule with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* together with a diskette reflecting the text in the hard copy version.
- 3) File one (1) certified copy of this Order and Rule with the Pennsylvania Civil Procedural Rules Committee.
- 4) Forward one (1) copy to the Schuylkill County Law Library for publication in the *Schuylkill Legal Record*.
- 5) Keep continuously available for public inspection copies of this Order.

By the Court

WILLIAM E. BALDWIN,
President Judge

Rule 206A. Motions.

(i) A party may, with respect to discovery-related issues, file a motion for scheduling conference with the Court when the party is unable to coordinate the scheduling of depositions or other discovery despite reasonable and good faith efforts to do so. The motion for scheduling

conference should state in specific detail the efforts which counsel has made to schedule discovery and otherwise complete discovery. Upon addressing a motion for scheduling conference and any responses thereto, the Court may hold a hearing or scheduling conference at its discretion.

Rule 212.1. Pre-Trial Listing and Objections Thereto.

(c) The filing of a Certificate of Readiness and the failure to object thereto constitute an assertion that counsel will be available to try the case within the next two civil trial terms established by the official Court calendar.

(d) In the event a party or parties object to the filing of a Certificate of Readiness on the grounds that counsel is not available to try the case within the next two civil trial terms established by the official Court calendar, counsel must state in specific detail the reasons why substitute counsel cannot be present within the next two civil terms established by the official Court calendar to try the case in the place of lead counsel. Furthermore, if objections to a Certificate of Readiness are filed on the basis that counsel and substitute counsel are not available to try the case within the next two civil trial terms established by the official Court calendar, counsel must specifically identify all conflicts or other trial attachments within the next two civil terms established by the official Court calendar, and must further attach all attachment orders to the Objections to the Certificate of Readiness.

(e) Each case on the pre-trial list shall be assigned by the President Judge to one of the Judges for pre-trial and trial proceedings. Thereupon, the Judge to whom a case is assigned shall summon the parties to a pre-trial conference.

(f) This rule shall be applicable to paternity cases where trial is demanded on the issue of paternity.

[Pa.B. Doc. No. 00-1379. Filed for public inspection August 11, 2000, 9:00 a.m.]

RULES AND REGULATIONS

Title 4—ADMINISTRATION

PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY

[4 PA. CODE CH. 120b]

Public Safety Emergency Telephone Program

A. Statutory Authority

The Pennsylvania Emergency Management Agency (PEMA), under the authority contained in 35 Pa.C.S. § 7313 (relating to power to adopt regulations) amends Chapter 120b (relating to public safety emergency telephone program) to read as set forth in Annex A. These amendments were previously published as proposed rule-making at 29 Pa.B. 1719 (April 3, 1999).

B. Effective Date

The amendments will be effective upon publication in the *Pennsylvania Bulletin*.

C. Background and Purpose

The amendments are needed to make the regulations consistent with several statutory changes that the act of February 12, 1998 (P. L. 64, No. 17) (Act 17) made to the Public Safety Emergency Telephone Act (35 P. S. §§ 7011—7021). In particular, Act 17 expanded the types of expenditures that counties can incur for the operation of their 911 emergency communications systems to include training for their 911 personnel, the purchase of mobile communications equipment, the development and maintenance of a master street address guide, the erection of street signs on State and local highways and the conduct of public education activities. Act 17 also increased from 60 days to 90 days as the time period that PEMA, the Pennsylvania Emergency Management Council and the Pennsylvania Public Utility Commission have to review and approve county 911 emergency communications plans and their contribution rates. All of these statutory changes have been incorporated into these amendments.

D. Comments

Written comments, suggestions and objections were solicited within a 30-day period after the proposed amendments were published. No public comments were received.

Following the close of the public comment period, PEMA received comments from the Pennsylvania Telephone Association (PTA) and the Independent Regulatory Review Commission (IRRC). The amendments contained in Annex A are responsive to the comments and suggestions received from the PTA and IRRC.

For ease of reference, PEMA will address the comments in the order in which the amendments appear.

§ 120b.104. Technical standards for plans

The existing language of § 120b.104(v)(2)(xviii) requires that 911 operators, dispatch personnel and supervisors shall receive a minimum of 40 hours classroom and hands on instruction. IRRC observed that this training requirement was inconsistent with the training requirements in Chapter 120c (relating to training and certification standards for 911 emergency communications personnel) and recommended that this subsection be deleted and re-

placed with a reference to the training requirements in Chapter 120c. PEMA agreed with this suggestion and made the necessary deletion of the existing language and replaced it with the reference to the new training requirements.

§ 120b.106. Eligible costs

The existing language in § 120b.106(c)(5) identifies "recruitment and training" of dispatchers, call takers or telecommunications officers or operators as an ineligible cost for which county contribution rate funds can be used. With the passage of Act 17, which amended the Public Safety Emergency Telephone Act, the "training" of 911 communications personnel is now an eligible cost for the expenditure of county contribution rates. As a result, PEMA agreed with IRRC's comment that the words "and training" be deleted from § 120b.106(c)(5) and this change has been made.

§ 120b.113. Accuracy standards for enhanced 911 database systems

A number of comments were received from both the PTA and IRRC concerning this section. Both the PTA and IRRC recommended that the word "enhanced" be added to the section title to clarify the fact that these standards apply to enhanced 911 service and not to basic 911 service. PEMA agrees with this comment and made the necessary changes.

The PTA also suggested a number of editorial changes as follows: that the word "listed" be added to the fourth sentence to differentiate between the customer listed name and address and the customer's billing name and address; that the word "Once" should be changed to "After" in subsection (c) for clarity purposes; that the word "initial" be added to subsection (c) to clarify that it is a county's creation of an initial MSAG that will trigger the validation processes to make the MSAG as accurate as possible; that in subsection (c)(2), the words "the use of" should be deleted for clarity and to avoid repetition, and the phrase "where technically feasible" should be added because not all LECs can support a partial MSAG, and that the word "has" replace the word "represents" for increased clarity. PEMA has accepted the these suggestions and amended the section accordingly.

The PTA also suggested that the sixth sentence be amended by deleting the phrase "LEC customer database may be loaded into the county's MSAG database" and be replaced with the phrase "MSAG database may be loaded into the 911 Database Management System of the LEC or of a different host LEC if applicable." PEMA accepted this suggestion and amended the section accordingly because the change permits the MSAG database to be loaded into the 911 Database Management System of the LEC or of a different host LEC if applicable, as opposed to the reverse loading that was called for in the proposed regulation.

The PTA also suggested that the regulatory requirements of this section be made discretionary instead of mandatory as they apply to the updates of the MSAG by the counties and the LECs. PEMA disagreed with this suggestion. An accurate and up-to-date MSAG is vital to the daily operations of every county 911 communications center and ensures that emergency dispatchers have the proper data and information to dispatch fire, police and medical response resources to the proper addresses/locations of an emergency situation. Thus, it is critical that the counties and LECs perform a database validation

process every 6 months by comparing LEC customer data with the MSAG data. Therefore, it is essential that the regulation require that a mandatory validation process be implemented by the counties and LECs to eliminate, insofar as possible, any substantive mismatches between the county's MSAG and LEC's customer database.

IRRC also made several comments concerning § 120b.113. In particular, IRRC questioned the reasonableness of requiring the 6-month validation process for the MSAG data. As stated in response to the PTA's suggestion that the validation process be made discretionary instead of mandatory, PEMA reaffirms its position that the 6-month validation process is not only reasonable but it is absolutely critical to maintaining an accurate and up-to-date MSAG database that can be used to dispatch emergency fire, police and ambulance services to emergency situations.

IRRC also questioned the feasibility of having LECs reach a 95% accuracy rate on their database with that of the MSAG database before loading the database into the county's MSAG database. PEMA's response was that the 95% accuracy is not only reasonable and feasible but it is based upon a Nationwide accepted standard for the maintenance and update of MSAG databases.

IRRC also suggested that the word "Thereafter" and the phrase "additional validation processes" in subsection (c)(8) needed to be clarified. PEMA agreed and added the words "Every 6 months" before the word "thereafter" to clarify the time frame that counties and LECs need to meet to review their databases to update and eliminate any substantive mismatches between their databases. PEMA also removed the phrase "additional validation processes" because it was vague and unnecessary within the context of the sentence.

E. *Fiscal Impact/Affected Persons*

These amendments will have a positive fiscal impact upon county 911 operations because the counties will be permitted to expand their 911 contribution rate fees on training for their 911 personnel, the purchase of mobile communications equipment, the development and maintenance of a master street address guide, the erection of street signs on State and local highways and the conduct of public education activities. These cost categories were previously ineligible for funding under the old regulations. In turn, these amendments will benefit the general public by providing increased training resources at the county level and by improving accuracy of the master street address guide which is used to dispatch emergency fire, police and ambulance services to the scene of an emergency situation.

F. *Paperwork Requirements*

These amendments will not change the amount of paperwork that State agencies and the counties must prepare as part of the administration of their 911 emergency communications systems.

G. *Sunset Requirements*

PEMA has not set a sunset date for these regulations because all county 911 emergency communications systems operate on a continuing basis. PEMA continues to monitor those systems and will propose improvements such as these amendments when required.

H. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 18, 1999, a copy of the notice of proposed rulemaking, published at 29 Pa.B. 1719, was

submitted to IRRC and the Chairpersons of the Senate State Government Committee and the House Veterans Affairs and Emergency Preparedness Committee for review and comment. In compliance with section 5(c) of the Regulatory Review Act, PEMA also provided IRRC and the Committees with copies of the comments received from the public.

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

These final-form regulations were deemed approved by the House and Senate Committees on June 12, 2000. IRRC met on June 22, 2000, and approved the amendments in accordance with section 5.1(e) of the Regulatory Review Act (71 P. S. § 745.5a(e)).

I. *Contact Person*

Questions regarding these amendments may be directed to Mark Goodwin, Chief Counsel, Pennsylvania Emergency Management Agency, 2605 Interstate Drive, Harrisburg, PA 17110-9364.

J. *Findings*

The Department finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder at 1 Pa. Code. §§ 7.1 and 7.2.

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

(3) These regulations are necessary and appropriate for the administration of the Public Safety Emergency Telephone Act.

J. *Order*

PEMA, acting under the authority of the Public Safety Emergency Telephone Act and the Emergency Management Services Code, orders that:

(a) The regulations of PEMA, 4 Pa. Code Chapter 120b, are amended by amending §§ 120b.102, 120b.103—120b.106, 120b.108 and by adding § 120b.113 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

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

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

DAVID L. SMITH,
Director

(Editor's Note: The proposal at 29 Pa.B. 1719 did not include the amendment to § 120b.104 which is included in this final rulemaking. 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 30-51 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 4. ADMINISTRATION

PART V. EMERGENCY MANAGEMENT AGENCY

CHAPTER 120b. PUBLIC SAFETY EMERGENCY TELEPHONE PROGRAM

§ 120b.102. Definitions.

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

* * * * *

County plan—An emergency communications plan developed by a county or two or more counties in concert and submitted to the Agency on a triennial basis outlining the county's 911 system, including the contribution rate. The plan shall be unique to the county to meet the individual needs of the county, the local governments and emergency service providers within the county.

* * * * *

Directly related personnel salary and benefit costs—Wage, salary and benefit costs for personnel responsible for provision of 911 services. The term may include PSAP personnel at telephone answering or dispatch stations, or both, and 911 supervisory personnel. The amount of the contribution rate dedicated to salary, training and benefit costs may not exceed 70% of the total surcharge, subscriber fee, collected during each county's fiscal year.

* * * * *

§ 120b.103. Development of county plan.

Upon the agreement of the governing authority of a county to establish a 911 system, a plan shall be drafted which meets, at least, the minimum technical standards promulgated by the Agency. The formation of multi-jurisdictional or regional 911 systems is authorized.

(1) In counties which currently have a 911 system in operation, if a contribution rate is to be established, a 911 coordinator shall be appointed and a plan shall be developed that meets the minimum technical standards promulgated by the Agency.

(2) In counties which currently do not have an operational system, if a system is to be developed and a contribution rate is to be established, a 911 coordinator shall be appointed and a county plan shall be developed that meets the minimum technical standards as promulgated by the Agency.

* * * * *

(7) At a minimum, each county 911 plan shall contain the following information:

* * * * *

(iii) A description of the operational plan for the system, including the technical components as required by the Agency and as outlined in § 120a.104 (relating to technical standards for plans) in sufficient detail to describe the operational aspects of the system, including staffing, supervision, training, interrelationship with public agencies, daily operations, emergency operations and equipment requirements.

* * * * *

(8) Updating and expanding the present system shall require an amended plan to be filed with the Agency. A public meeting is not required for the amended plan unless the county proposes to change the contribution

rate established in the existing county plan. An amended plan shall contain the following information:

(i) Include specific information concerning the changes to the original plan made by the amended plan.

(ii) Specifically indicate the actions taken and modifications made to the original plan as a result of comments made by the Agency, the Commission and the Council as a part of the approval of the plan.

(iii) Provide a 911 fund balance summary statement indicating, by year, revenues accrued and expenditures totals for personnel, training, equipment and other eligible cost categories together with the current fund balance.

* * * * *

(10) A request solely to change a contribution rate shall comply with:

(i) Paragraphs (5) and (6) with respect to holding of a public meeting and the actions to be taken as a result thereof.

(ii) Paragraph (7)(vii)—(xi).

(iii) Section 120b.105 (relating to contribution rate).

(11) A county plan shall be considered a public record under the act of June 21, 1957 (P. L. 390, No. 212), known as the Right-to-Know Law (65 P. S. §§ 66.1—66.4).

§ 120b.104. Technical standards for plans.

* * * * *

(b) Minimum standards for PSAPs.

* * * * *

(2) At a minimum, a 911 PSAP established within this Commonwealth shall possess the following capabilities:

* * * * *

(xviii) All PSAP call takers, emergency dispatchers and supervisors shall comply with the training and certification standards contained in Chapter 120c (relating to training and certification standards for 911 emergency communications personnel).

* * * * *

§ 120b.105. Contribution rate.

Counties that presently have 911 systems may establish a contribution rate to cover nonrecurring and operating costs of an existing system by using the same contribution rate approval mechanisms as a new 911 system. A county which did not have a 911 system in operation on September 9, 1990, but which awarded a contract for a 911 system prior to September 9, 1990, shall be considered to have a present system. For the Commission to review the contribution rate requested by the county, the data called for in this chapter, as appropriate, shall be included in the county plan. The plan shall include:

* * * * *

(3) The estimated nonrecurring and recurring costs, if applicable, for each component of the 911 system for which the county is eligible for reimbursement, the costs may include the following:

* * * * *

(xii) Personnel salary, training and benefits.

* * * * *

§ 120b.106. Eligible costs.

(a) The contribution rate may be used for recurring and nonrecurring costs associated with implementing, expanding, upgrading and operating a 911 emergency communications system.

(b) The costs may include the following items:

(1) *Nonrecurring costs.*

* * * * *

(xiii) Mobile communications equipment.

(xiv) Development and maintenance of a master street address guide.

(xv) Erection of street signs on State and local highways.

(xvi) Other nonrecurring costs as deemed eligible by the Agency:

(2) *Recurring costs.*

* * * * *

(vii) Personnel salary, training and benefit costs directly related to the provision of 911 services subject to a maximum of 70% of the contribution rate revenue.

(viii) Audit costs.

(ix) Carryover costs.

(x) Public education costs.

(c) The following costs are deemed to be ineligible costs:

(1) Costs necessary to house a 911 system.

(2) Purchase of real estate.

(3) Cosmetic remodeling.

(4) Central office upgrading.

(5) Recruitment of dispatchers, call takers or telecommunications officers or operators.

(6) Ambulances, fire engines, emergency equipment or vehicles of any kind.

(7) Utilities including electric, gas, oil, water, sewer and solid waste.

(8) Telephone costs not directly associated with the provision of 911 services.

(9) Taxes or other expenses deemed ineligible by the Agency.

* * * * *

§ 120b.108. Review and approval of plans.

* * * * *

(e) The Council shall have 90 days to review the plan and make suggested revisions to the plan. The Council may contact the county for clarification or further information during the review of the plan.

(f) The 90-day review period shall consist of 90-calendar days, beginning with the day the council receives the plan from the Agency.

(g) The Council shall submit its review findings along with a recommendation for approval or denial to the Agency. If the Council recommends denial, the reasons for the denial shall be provided along with recommendations for changes to the plan.

(h) The Commission will have 90 days to review the plan. The Commission's review applies only to the proposed contribution rate.

(i) The Commission may modify only rates which it finds excessive to meet the costs stated in the plan.

(j) The 90-day review period shall consist of 90-calendar days, beginning the day the Commission receives the plan from the Agency.

§ 120b.113. Accuracy standards for enhanced 911 database systems.

(a) The Master Street Address Guide (MSAG) is an information file prepared by a county that contains a list of all street names and address ranges within a county's enhanced 911 service area.

(1) Associated with each street are:

(i) The low/high address ranges as well as a designation for odd, even or all numbers as appropriate.

(ii) Street directionals, such as N, S, E, W.

(iii) Street types such as ST (Street), RD (Road), LN (Lane).

(2) The MSAG may also contain a Public Safety Answering Point (PSAP) designation and the appropriate emergency service providers (police, fire and medical) assigned to each address range.

(b) A Local Exchange Carrier (LEC) customer database contains the billed customer's telephone number, listed name and service address.

(c) After a county creates an initial MSAG, the county and the LEC shall perform a database validation process every 6 months by comparing LEC customer data with the MSAG data.

(1) When substantive database mismatches are detected during the validation process and are subsequently corrected to the extent that at least 95% of the LEC's customer database matches the MSAG database, the MSAG database may be loaded into the 911 database management system of the LEC or of a different host LEC if applicable.

(2) When 100% street addressing has not taken place within a certain geographical area of a county, a partial county MSAG may be used where technically feasible as long as the data load has an accuracy rate of at least 95%.

(3) Every 6 months thereafter, a county and the LECs shall meet to review their databases to update and eliminate, insofar as possible, any substantive mismatches between the county's MSAG and LEC's customer database.

[Pa.B. Doc. No. 00-1380. Filed for public inspection August 11, 2000, 9:00 a.m.]

PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY

[4 PA. CODE CH. 120c]

Training and Certification Standards for 911 Emergency Communications Personnel

A. Statutory Authority

The Pennsylvania Emergency Management Agency (PEMA), under the authority contained in 35 Pa.C.S. § 7313 (relating to power to adopt regulations) adopts Chapter 120c (relating to training and certification standards for 911 emergency communications personnel), to

read as set forth in Annex A. These final-form regulations were previously published as proposed rulemaking at 29 Pa.B. 1721 (April 3, 1999).

B. *Effective Date*

The final-form regulations will be effective upon publication in the *Pennsylvania Bulletin*.

C. *Background and Purpose*

These final-form regulations are needed to promote the public's health, safety and welfare by establishing training and certification standards for 911 emergency communications personnel (for example, call takers, emergency dispatchers and supervisors) who work in the county 911 emergency communications centers and municipal remote dispatch points throughout this Commonwealth.

These 911 center personnel are responsible for taking all calls made by the general public to a 911 center, for gathering all essential information from the caller about a possible emergency situation, and for dispatching all necessary emergency assistance (for example, fire, police medical, rescue) to the scene of an actual or potential emergency. These final-form regulations are designed to establish uniform training standards that can be applied to all 911 center and remote dispatch point personnel throughout this Commonwealth so that the general public can be assured that all 911 emergency phone calls will be answered promptly and efficiently and that, when needed, emergency response assistance will be provided as quickly and effectively as possible.

These final-form regulations are needed to implement section 3(a)(6) of the act of February 12, 1998 (P. L. 64, No. 17) (Act 17) which made several statutory changes to the Public Safety Emergency Telephone Act (act) (35 P. S. §§ 7011—7021). In particular, section 3(a)(6) of Act 17 required PEMA to establish minimum training and certification standards for all emergency dispatchers, call takers and supervisors who work in the county 911 emergency communications centers located throughout this Commonwealth. The purpose for establishing these training standards is to ensure that all 911 center and remote dispatch point personnel possess certain standard levels of training and competency which will enable the general public to receive more effective and timely emergency response services when they are needed.

D. *Comments*

Written comments, suggestions and changes were solicited within a 30-day period after the proposed regulations were published. Comments were received from the emergency management agencies or 911 communications centers of Berks, Chester, Dauphin, Erie, Fayette, Lancaster, Northampton and Westmoreland Counties, the City of Philadelphia Fire Department and L. Robert Kimball and Associates on behalf of the City of Philadelphia.

Following the close of the public comment period, PEMA received comments from the Independent Regulatory Review Commission (IRRC). The regulations contained in Annex A are responsive to the comments and suggestions received from the counties and IRRC. For ease of reference, PEMA will address the comments in the order in which the regulatory sections appear.

§ 120c.101. *Purpose*

The proposed regulation stated that the purpose of this chapter was "to implement section 3(a)(6)" of the act which "was added by section 3(a)(6) of the act of February 12, 1998 (P. L. 64, No. 17) to provide for the training and certification of call takers, emergency dispatchers and

supervisors who work for 911 emergency communications centers in this Commonwealth." IRRC observed that this reference was lengthy and that a detailed reference to Act 17 was not necessary. As a result, IRRC recommended that the date of the act and pamphlet citation should be deleted from this section. PEMA agrees with this suggestion and made the necessary deletion from this section.

IRRC also observed that section 3(a)(6) of Act 17 gave PEMA the power and duty "to establish minimum training and certification standards for emergency dispatchers, call takers and supervisors." As a result, IRRC recommended that this purpose be stated in the regulation. PEMA agrees with this suggestion and the stated purpose of section 3(a)(6) of Act 17 has been set forth in this section.

§ 120c.103. *Certification of county or municipal training programs*

This is a new regulatory section that did not appear in the proposed regulations. This section was added to declare that each county, city, borough or township that operates a 911 communications center or remote dispatch point included in a 911 county plan shall be responsible for implementing the training provisions of this chapter as they apply to their employees.

Section 120c.103(a) states that each county shall develop a training program section as part of the county's 911 plan. Each city, borough or township that operates a remote dispatch point that is included in a 911 county plan shall develop a training program that is described in a municipal training manual. As an alternative to individual training programs, this subsection also permits a county and its municipalities to conduct a joint or integrated training program for both county and municipal employees.

Section 120c.103(b) states that PEMA shall annually review and approve the training section of a county's 911 plan or a municipality's training manual before the county or municipality is certified by PEMA to conduct its annual training program. The process for PEMA's review is further described in this subsection.

Section 120c.103(c) states that each county or municipal training program shall include the minimum hours of classroom, hands on instruction, and training course content as set forth in this chapter. In addition, each county or municipal training program shall include the various practical skills tests required by PEMA for 911 communications center or remote dispatch point personnel.

Section 120c.103(d) states that each county or municipality shall provide PEMA with an annual instructor information report that describes the educational background and experience of the lead or master instructors who will conduct the county and municipal training programs. This subsection also describes the approval process that PEMA will use to certify those lead or master instructors to the counties and municipalities.

These subsections were added to the regulations to address comments made by IRRC and some counties concerning the scope and applicability of the training requirements set forth in the regulations. In particular, IRRC questioned whether this regulation would apply to the staffs of remote dispatch points (RDPs) and, if so, what statutory authority did PEMA reply upon for requiring the certification and training of RDP dispatchers and other personnel.

The proposed regulations did not mention RDP training programs. However, new § 120c.103 makes it clear that

any county, city, borough or township that operates an RDP included in a 911 county plan shall be responsible for implementing the training provisions of this chapter.

By way of background, RDPs dispatch local police units, private ambulance services and local fire companies within the jurisdictional boundaries of a municipality. Because RDPs play a vital role in the dispatch of emergency services, RDPs and 911 communications centers are joined together in an interdependent and mutually supportable relationship. The important communications and public safety linkage between RDPs and 911 communications centers is why most RDPs are clearly identified in a county's 911 plan as being a vital part of the county's overall 911 emergency communications and dispatch program. Under the provisions of a county 911 plan, calls to a 911 communications center for emergency response assistance can be transferred to an RDP where a dispatcher determines the appropriate emergency response and dispatches the necessary equipment and personnel. For this reason, both RDP personnel and county 911 communications center personnel must meet the same minimum training and certification standards in this chapter to ensure that those personnel will provide the most effective, timely and professional emergency communications and dispatch services to the general public during life threatening, public safety and other types of emergency situations.

PEMA's statutory authorities for this regulation are the act and 35 Pa.C.S. §§ 7101—7707 (relating to the Emergency Management Service Code) (code). Section 3(a)(6) of the act (35 P. S. § 7013(a)(6)) requires PEMA "to establish minimum training and certification standards for emergency dispatchers, call takers and supervisors" while section 5(c) of the act (35 P. S. § 7015(c)) requires that PEMA review all county plans for completeness. In turn, the act defines a county plan as "A document submitted by the county on a triennial basis to the Pennsylvania Emergency Management Agency, outlining its proposed or existing 911 system, including a contribution rate, for the forthcoming 3 years." Thus, if any county 911 plan describes or includes an RDP in its emergency communications and dispatch protocols and procedures, PEMA considers that RDP to be a vital component of the county's 911 emergency communications system and those RDP personnel are subject to the training requirements of this chapter. Conversely, any RDPs not mentioned in a county's 911 plan are not considered by PEMA to be a vital or integral part of a county's 911 emergency communications system. For this reason, those RDP personnel are not required to participate in this chapter's training and certification program.

The second authority that PEMA used for the development of this training and certification program is found in section 7313(3) and (5) of the code (relating to powers and duties).

Section 7313(3) of the code permits PEMA to develop regulations for a wide range of emergency management services and activities. Because 911 activities involve emergency communications and the emergency dispatch of medical and health services, firefighting services, police services, and rescue services, all 911 services clearly come within the definition of "emergency services" as defined in section 7102 of the code (relating to definitions). Thus, PEMA's authority to develop and promulgate regulations under section 7313(d) of the code provides additional statutory authority for the promulgation of these final-form regulations.

More specifically, section 7313(5) of the code allows PEMA to establish and operate training programs at the county and municipal levels of government. That section reads as follows:

"The agency shall have the following powers and duties:

(5) To establish and operate or assist political subdivisions in establishing and operating training programs and programs of public information."

Therefore, PEMA used the authority of both the act and the code to not only develop the 911 certification standards for call takers, dispatchers and supervisors but also to establish and operate the Statewide training and certification program. This program is needed to ensure that all 911 center personnel and RDP personnel in the 67 counties possess the mandated standard levels of training and competency which will enable the general public to receive the most effective and timely emergency response services available to them.

One public comment remains concerning § 120c.103. Two counties suggested that the annual certification process applies only to those lead or master instructors who will be responsible for conducting a county's or municipality's training program. PEMA agrees with this suggestion and has stated in § 120c.103(d) that only lead or master instructors will be subject to the annual certification process.

§ 120c.104. Certification requirements for current and newly hired emergency communications personnel

This is a new regulatory section that did not appear in the proposed regulations. This section was added to address several public comments and to clarify the certification requirements that apply to current and newly hired emergency communications personnel who work for a county or municipality. Section 120c.104(a) states that a county or municipal 911 call taker, emergency dispatcher or 911 center supervisor who is hired on or after the effective date of this regulation, whether the individual is a full-time or part-time employee, shall comply with all of the training, certification and recertification requirements of this chapter.

Section 120c.104(b) describes the process that a county or municipality must follow to obtain PEMA certification for their employees.

Section 120c.104(c) states that a county or municipal 911 call taker, emergency dispatcher or 911 center supervisor who is working either full-time or part-time before the effective date of this regulations shall only have to comply with the written examination requirements of this chapter. Those written examinations are further described in § 120c.109.

These subsections thus address the concerns of IRRC and several counties that their current 911 emergency communications personnel, many of whom have already received extensive training under existing county training requirements, not be required to take duplicate training programs under the PEMA certification program. PEMA agrees with this suggestion and has rewritten the regulation accordingly. As a result, only newly hired 911 emergency communications personnel will be required to comply with both the training and written examination requirements of this chapter. Employees hired before the effective date of these regulations will only have to pass the required written examination to receive PEMA certification.

*§ 120c.105. Call taker certification**§ 120c.106. Emergency dispatcher certification**§ 120c.107. 911 center supervisor certification*

A number of comments were received from IRRC and the counties concerning the certification requirements set forth in §§ 120c.105–120c.107. Because the subsections of §§ 120c.105, 120c.106 and 120c.107 are comparable in content, the following paragraphs will respond to those public comments as they relate to the specific subsections and provisions in all three sections.

Subsection (b)(1)(i) Certification—application forms

Subsection (b)(1)(i) of §§ 120c.105, 120c.106 and 120c.107 require that an individual complete an application form for certification. The proposed regulation on this matter (previously numbered as subsections (b)(1)(i) of §§ 120c.102, 120c.103 and 120c.104) required an applicant to complete “an application form prescribed by the Agency.” IRRC commented that this language did not inform potential applicants how to obtain the necessary forms. PEMA agrees with this comment and changed this subsection to state that PEMA will supply all of the necessary forms to the applicants. This will be done between PEMA and their employers.

Subsection (b)(1)(ii) Certification—minimum age requirements

In §§ 120c.105, 120c.106 and 120c.107, subsection (b)(1)(ii) contains a minimum age requirement for each of the three emergency communications positions (call taker, emergency dispatcher and 911 center supervisor). IRRC and some counties questioned why a minimum age requirement is necessary. PEMA’s response is that all three positions involve duties and responsibilities that directly impact upon the health, safety and welfare of the general public. Those individuals need to be adults who have the necessary life experiences and background to understand the importance and gravity of their assigned duties and the impact that their decisions can have on actual life and death emergency decisions. Wrong or inappropriate decisions can lead to serious liability consequences for their employers. Thus, in an attempt to reduce the potential exposure of counties and municipalities to those liability consequences, these subsections require that call takers and emergency dispatchers be at least 18 years of age. The 911 center supervisor must be at least 21 years of age or older. In addition, recent United States Supreme Court and other decisions have declared that age limitations are legitimate qualifications for several job positions that directly affect the health, safety and welfare of the general public (for example, police and airline pilots).

§§ 120c.105(c), 120c.106(c) and 120c.107(c). Certification—training course content and length

IRRC and some counties commented that the training requirements contained in the proposed regulations (previously numbered as §§ 120c.102(b)(1)(iii), 120c.103(b)(1)(iv) and 120c.104(b)(1)(v)) did not contain any information concerning the content or length of the training courses that call takers, emergency dispatchers, and 911 center supervisors would be required to take. In particular, IRRC recommended that the details of the minimum training standards should be set forth in these regulations. PEMA agrees with these comments and has added the new §§ 120c.105(c), 120c.106(c) and 120c.107(c) to describe in detail the content and length of the call taker, emergency dispatcher and 911 center supervisor training courses. Those details set forth the minimum training standards for those three positions.

IRRC, the Pennsylvania Chapter of the American College of Emergency Physicians, and an individual physician all recommended that 911 center staffs receive training in emergency medical dispatch (EMD) standards. Training in EMD standards includes medical call-taking, triage and dispatch of emergency medical resources, and pre-arrival patient care instruction. PEMA agrees with these comments and has added a new § 120c.106(c)(3) that details the training requirements for dispatchers of ambulance or emergency medical service (EMS). That subsection states that the dispatchers’ training shall consist of 16 hours of EMS safety issues, EMS terminology, EMS dispatching protocols, emergency medical dispatch and EMS dispatching incident specifics.

The Pennsylvania Chapter of the American College of Emergency Physicians and the individual physician also recommended that all 911 centers that receive calls for emergency medical problems should have a quality assurance program that includes a medical director who is a qualified Medical Command Physician per the Department of Health regulations. PEMA cannot agree with this suggestion. While the commentators have the best interests of the general public at heart, a State mandate to hire a Medical Command Physician for every 911 center’s quality assurance program would be extremely cost prohibitive for all but the largest counties of this Commonwealth. Rather than making this a mandatory requirement, PEMA plans to monitor the medical dispatch records of 911 centers through the quality assurance provisions of Chapter 120d (relating to 911 performance review and quality assurance standards) to identify possible medical dispatch shortfalls and to establish corrective measures when required.

§§ 120c.105(d), 120c.106(d) and 120c.107(d). Recertification of call takers, emergency dispatchers and 911 center supervisors

IRRC and some counties commented on the recertification requirements contained in the proposed regulations (previously numbered as §§ 120c.102(c), 120c.103(c) and 120c.104(c)) for call takers, emergency dispatchers and 911 center supervisors. In particular, the commentators questioned the need for both recertification examinations and continuing education through various refresher training courses. PEMA agrees with those comments and has eliminated the need for refresher training courses. Instead, §§ 120c.105(d), 120c.106(d) and 120c.107(d) now state that all call takers, emergency dispatchers and 911 center supervisors will be recertified to their positions upon successfully passing a written examination given by PEMA.

IRRC also recommended that information concerning the recertification examination’s contents, administration and availability be included in the regulation. PEMA agrees with this comment and added § 120c.107 (relating to certification curriculum and instructors) to clarify the content and administration of the recertification examinations.

§ 120c.108. Certification curriculum and instructors

IRRC commented that the proposed regulations did not set forth PEMA’s requirements for the certification of instructors so that the counties were uncertain whether their current training programs would meet PEMA’s standards. PEMA has resolved this concern by setting forth in this section the minimum training standards that a county’s lead or master instructor must complete in order to receive PEMA approval as an instructor.

Two counties commented that PEMA should not be setting a county’s training schedule or establishing fees

for the conduct of those courses. PEMA agrees and any reference to schedules and fees has been removed from this section.

§ 120c.109. Written examinations

IRRC commented on the written examination requirements contained in the proposed regulations (previously numbered as §§ 120c.102(b)(1)(v), 120c.103(b)(1)(v), and 120c.104(b)(1)(v)). Those same requirements are now found in §§ 120c.105(b)(1)(iv), 120c.106(b)(1)(v), 120c.107(b)(1)(v). IRRC recommended that the regulations describe content or length, administration and availability of the written examinations that will be given to call takers, emergency dispatchers, and 911 center supervisors for their certification and recertification. PEMA agrees with this comment and has added a new § 120c.109 to this chapter, which describes the content, length, and administrative process for the written certification and recertification examinations.

§ 120c.110. Practical skills tests

IRRC commented on the practical skills test requirements contained in the proposed regulations (previously numbered as §§ 120c.102(b)(1)(v), 120c.103(b)(1)(vi) and 120c.104(b)(1)(vi)). Those same requirements are now found in §§ 120c.105(b)(1)(v), 120c.106(b)(1)(vi) and 120c.107(b)(1)(vi). IRRC recommended that the regulations set forth the minimum standards and requirements outlining the content, length and administration of the practical skills tests. PEMA agrees with this comment and has added a new § 120c.110 to this chapter, which describes the administration, content, and types of equipment that will compose the call taker, emergency dispatcher and 911 center supervisor practical skills tests.

§ 120c.112. Right to enter and inspect

IRRC and some counties questioned the reasonableness of this section which authorizes PEMA to enter an 911 center during regular and usual business hours to inspect employment records, county plans, 911 protocols and equipment. PEMA's response is that this section is not only reasonable and necessary for its administration of a state-wide training and certification program for 911 center personnel but it is also absolutely critical to ensuring that all of the various 911 standards and requirements of this chapter and Chapters 120b and 120d, which are designed to protect the general public's health, safety, and welfare, are being maintained and implemented by all 911 center personnel. Should PEMA not insist upon its right to conduct regular or periodic inspections of employe training records, county 911 plans, and the operability of 911 emergency communications equipment, any inaction on its part would constitute an abrogation of PEMA's duties and responsibilities under the provision of the act, to facilitate a Statewide 911 emergency communications system that provides the most effective, timely and professional emergency communications and dispatch services to the general public during life threatening, public safety and other types of emergency situations.

One commentator agreed with PEMA's position and recommended that the inspection provisions of this section be extended to remote dispatch points. PEMA agrees with this suggestion and rewrote this section to include remote dispatch points in these inspection requirements.

Miscellaneous

Costs—IRRC commented that the actual costs of implementing these regulations were uncertain because the proposed regulation did not set forth PEMA's minimum

standards for the implementation of this chapter's training and certification program. Hence, IRRC reasoned that the fiscal impact of this regulation was unclear. PEMA believes that this concern has been rectified by adding new sections to these final-form regulations that detail the content, length, and process for the administration of all call taker, emergency dispatch and 911 center supervisor training, certification and recertification programs; that specify the length and content of all written examinations; that detail the content of all practical skills tests taken by call takers, emergency dispatchers, and supervisors; and that specify the types of courses and their content that PEMA will use to certify curriculum and instructors. With these detailed training standards set forth in the regulations, every county will be able to ascertain the fiscal impact that these final-form regulations will have on their 911 operating budgets. PEMA further believes that the counties will only incur minimal costs because most counties have existing training programs in place that either parallel or exceed the training standards contained in these final-form regulations. In addition, Act 17 made training costs an eligible expenditure from county 911 fees that are collected under the authority of the act. As a result, the counties are able to budget for these training costs through an existing fee collection program.

Training content—A county commentator suggested that while a certain amount of standardized curriculum is necessary, the curriculum should be adjusted to permit an individual county to tailor its training and testing content to meet the needs and resources of its individual community and organization. PEMA agrees with their comment and stated in §§ 120c.105(c), 120c.106(c)(1), (2), (3) and (4) and 120c.107(c) that the instructors in each county can teach "other material considered necessary by the instructor" provided the material has been approved by PEMA. The material will certainly include county specific information that is needed to properly train call takers, emergency dispatchers, and supervisors within their individual counties.

Different job titles—One county commented that it could not meet the training and certification standards of this chapter because its 911 communication center personnel were unionized and held job titles such as "police communications dispatcher" instead of the regulatory job titles of "call taker" or "emergency dispatcher." PEMA recognizes that the job titles in certain counties will differ from the regulatory titles set forth in this chapter. As a result, § 120c.104(d) was added to the regulations to state that PEMA and the applicable county would jointly compare the functions, duties and responsibilities of the county position to the functions, duties and responsibilities of the regulatory position (call taker, emergency dispatcher, 911 center supervisor) to determine which training and certification requirements applied to the county position. This approach will provide enough flexibility to the regulation so that all 911 communications personnel, no matter what their job titles, will be subject to the training and certification standards of this section.

E. Fiscal Impact/Affected Persons

These final-form regulations will require the counties to incur costs in the implementation and administration of these new training standards. However, the costs should be minimal because most counties already have existing training programs in place. In addition, Act 17 makes training costs an eligible expenditure from county 911 fees that are collected under the authority of the act. As a result, the counties will be able to budget for these costs through an already existing fee collection program.

Citizens of this Commonwealth will benefit from the improved training standards established for all 911 emergency communications center personnel which will result in those personnel providing more effective, timely, and professional emergency communications and dispatch services to the general public during emergency medical, fire, police and other possible life/threatening or safety situations.

F. Paperwork Requirements

These final-form regulations will require a modest increase in the amount of paperwork that State agencies and counties must prepare as part of the administration of their 911 emergency communications systems.

G. Sunset Requirements

PEMA has not set a sunset date for these regulations because all county 911 emergency communications systems operate on a continuing basis. PEMA continues to monitor those systems and will propose amendments to these final-form regulations when required.

H. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 18, 1999, a copy of the proposed rulemaking, published at 29 Pa.B. 1721 was submitted to IRRC and the Chairpersons of the Senate State Government Committee and the House Veterans Affairs and Emergency Preparedness Committee for review and comment.

In compliance with section 5(c) of the Regulatory Review Act, the agency also provided IRRC and the Committees with copies of all comments received from the public. In preparing these final-form regulations, PEMA 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 deemed approved by the House and Senate Committees on June 12, 2000. IRRC met on June 22, 2000 and approved the amendments in accordance with section 5.1(e) of the Regulatory Review Act.

I. Contact Person

Questions regarding these final-form regulations may be directed to Mark Goodwin, Chief Counsel, Pennsylvania Emergency Management Agency, 2605 Interstate Drive, Harrisburg, PA 17110-9364.

J. Findings

PEMA finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder in 1 Pa. Code §§ 7.1 and 7.2.

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

(3) These regulations are necessary and appropriate for the administration of the act.

K. Order

PEMA, acting under the authority of the act and the code, orders that:

(a) The regulations of PEMA, 4 Pa. Code, are amended by adding §§ 120c.101—120c.112 to read as set forth in Annex A.

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

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

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

DAVID L. SMITH,
Director

(*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 30-52 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 4. ADMINISTRATION

PART V. EMERGENCY MANAGEMENT AGENCY

CHAPTER 120c. TRAINING AND CERTIFICATION STANDARDS FOR 911 EMERGENCY COMMUNICATIONS PERSONNEL

Sec.

- 120c.101. Purpose.
- 120c.102. Definitions.
- 120c.103. Certification of county or municipal training programs.
- 120c.104. Certification requirements for current and newly hired emergency communications personnel.
- 120c.105. Call taker certification.
- 120c.106. Emergency dispatcher certification.
- 120c.107. 911 center supervisor certification.
- 120c.108. Certification curriculum and instructors.
- 120c.109. Written examinations.
- 120c.110. Practical skills tests.
- 120c.111. Retention of records for audit.
- 120c.112. Right to enter and inspect.

§ 120c.101. Purpose.

The purpose of this chapter is to implement section 3(a)(6) of the act (35 P. S. § 7013(a)(6)) to establish minimum training and certification standards for emergency dispatchers, call takers and supervisors who work for 911 emergency communications centers or remote dispatch points in this Commonwealth.

§ 120c.102. Definitions.

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

Act—The Public Safety Emergency Telephone Act (35 P. S. §§ 7011—7021).

Agency—The Pennsylvania Emergency Management Agency.

Lead or master instructor—The primary individual employed or selected by a county or municipality to conduct the training and certification courses described in this chapter for all call takers, emergency dispatchers, or 911 center supervisors employed at either a 911 communications center or remote dispatch point.

RDP—Remote dispatch point—A communications facility identified in a county 911 plan which is operated by either a county, city, borough or township. An RDP electrically receives emergency caller information from a 911 communications center or public safety answering point (PSAP) to dispatch emergency fire, medical or police services, as requested, to the scene of an emergency. A RDP is not a facility that houses either the fire, medical

or police units that respond to an emergency unless the facility is specifically identified as an RDP in the county 911 plan.

§ 120c.103. Certification of county or municipal training programs.

(a) Each county, city, borough or township that operates a 911 communications center or RDP included in a 911 county plan is responsible for implementing the training provisions of this chapter as they apply to their employees. Each county shall set forth the methods or procedures for administering its training program in a municipal training plan. A county and its municipalities may agree to conduct a joint or integrated training program for both county and municipal employees.

(b) The Agency shall annually review and approve the training section of a county's 911 plan or a municipality's training plan before the county or municipality is certified by the Agency to conduct its annual training program. The annual review shall coincide with the submission date of the county 911 plan's training section or municipal training plan to the Agency. Counties shall submit their 911 plan training sections to the Agency. Municipalities shall submit their training plans to the Agency by October 11, 2000.

(c) To obtain Agency certification, each county and municipal training program shall include the minimum hours of classroom and hands-on instruction and training course content set forth in this chapter for the certification of call takers, emergency dispatchers and 911 center supervisors. In addition, each county or municipal training program shall include the call taker, emergency dispatcher and 911 center supervisor practical skills tests prescribed by the Agency.

(d) As part of the annual certification process, each county or municipality shall provide the Agency with an accurate and up-to-date instructor information report. The report shall describe the educational background, experience, training skills, academic credentials and any other pertinent information of the lead or master instructors who will conduct the county's or municipality's training courses during the certification year. The Agency will annually review each lead or master instructor's information report. The Agency will annually certify those lead or master instructors who have met the training requirements of § 120c.108(c) (relating to certification curriculum and instructors) and who continue to show competency in their training area as determined by the Agency and the county municipality that employs them as instructors.

§ 120c.104. Certification requirements for current and newly hired emergency communications personnel

(a) A county or municipal 911 call taker, emergency dispatcher or 911 center supervisor who is hired on or after August 12, 2000, whether the individual is working full-time or part-time as a permanent or temporary employe, shall comply with all of the training, certification and recertification requirements in this chapter that apply to the individuals's job position, job description or job functions as a call taker, emergency dispatcher or 911 center supervisor.

(b) A county or municipality shall notify the Agency when a newly hired 911 call taker, emergency dispatcher or 911 center supervisor has completed his training program, has successfully passed the practical skills test and is available to take the appropriate written certification examination as described in § 120c.109 (relating to

written examinations). The notification shall be provided on a form that is supplied by the Agency. The Agency will then schedule the individual's written examination within 30 days of receipt of the county or municipal notification form.

(c) A county or municipal 911 call taker, emergency dispatcher or 911 center supervisor who is working either full-time or part-time as a permanent or temporary employe before August 12, 2000, shall comply with only the application, age and written examination requirements of this chapter that apply to the individual's certification or recertification as a call taker, emergency dispatcher or 911 center supervisor. Each individual shall take the appropriate written certification examination by May 9, 2001.

(d) This subsection applies whenever a labor union agreement or some other reason requires a county or municipality to use job titles other than call taker, emergency dispatcher or 911 center supervisor to describe its 911 communication center or RDP personnel. Under these circumstances, the county or municipality and the Agency shall jointly compare the functions, duties and responsibilities of each county or municipal job position with the functions, duties and responsibilities of a call taker, emergency dispatcher or 911 center supervisor to determine which regulatory position (call taker, emergency dispatcher or 911 center supervisor) most closely relates to the county or municipal job position. After the joint determination has been made, either the call taker, emergency dispatcher or 911 center supervisor training and certification requirements of this chapter shall be applied to those individual county or municipal job positions. If a county or municipality and the Agency fail to agree on the appropriate training and certification requirements for a county or municipal job position, the Agency will, at its own discretion, decide the matter.

§ 120c.105. Call taker certification.

(a) *Roles and responsibilities.* A call taker is responsible for taking all calls made by the general public to a 911 emergency communications center and for gathering all essential information from the caller to determine whether or not emergency response services need to be provided to the location or incident described by the caller.

(b) *Certification.*

(1) The Agency will certify as a call taker an individual who meets the following qualifications:

(i) Completes an application form supplied by the Agency.

(ii) Is 18 years of age or older.

(iii) Has successfully completed a call taker training course approved by the Agency.

(iv) Has passed a written examination prescribed by the Agency.

(v) Has passed a practical test of call taker skills prescribed by the Agency.

(2) A call taker's certification is valid for 3 years from the date the certification was issued by the Agency. To maintain certification as a call taker, an individual shall comply with the recertification requirements in subsection (d).

(c) *Training course content and length.* Each call taker shall receive a minimum of 104 hours of classroom and hands on instruction. Training courses shall consist of the following items:

- (1) Telephone techniques.
- (2) Crisis call taking.
- (3) Incident specific information.
- (4) Interrogation skills.
- (5) Prioritization of calls.
- (6) Non-English speaking calls.
- (7) Text telephone for the deaf.
- (8) Hearing and speech impaired (TTY).
- (9) Abandoned 911 calls.
- (10) Silent 911 calls.
- (11) Roles and responsibilities of the call taker.
- (12) Interpersonal skills and stress management.
- (13) 911 center terminology.
- (14) Verification skills.
- (15) Use of 911 center equipment.
- (16) 911 center documentation skills.
- (17) Geography of 911 center service area.
- (18) Other material considered necessary by the instructor which has been approved by the Agency.

(d) *Recertification.* A call taker shall apply for recertification between 6 months and 60 days prior to expiration of the call taker's certification from the Agency. A call taker's failure to apply for recertification in a timely manner may result in the individual not being recertified before the prior certification expires. The Agency will recertify as a call taker an individual who meets the following qualifications:

- (1) Completes an application form supplied by the Agency.
- (2) Is or was previously certified as a call taker by the Agency.
- (3) Successfully passes a call taker written examination prescribed by the Agency.

§ 120c.106. Emergency dispatcher certification.

(a) *Roles and responsibilities.* An emergency dispatcher is responsible for taking the information gathered by a call taker, determining the appropriate response to the situation and dispatching the available emergency fire, police, ambulance, emergency management or other resources needed to deal with the emergency situation.

(b) *Certification.*

(1) The Agency will certify as an emergency dispatcher, either for fire, police, ambulance or emergency management services, an individual who meets the following qualifications:

- (i) Completes an application form supplied by the Agency.
- (ii) Is 18 years of age or older.
- (iii) Has successfully completed the requirements prescribed by the Agency to be a call taker.
- (iv) Has successfully completed an emergency dispatcher fire, police, ambulance or emergency management training course prescribed by the Agency.

(v) Has passed a written examination prescribed by the Agency for either emergency dispatcher fire, police, ambulance or emergency management.

(vi) Has passed a practical test of emergency dispatcher skills for fire, police, ambulance or emergency management prescribed by the Agency.

(2) An emergency dispatcher's certification is valid for 3 years from the date the certification was issued by the Agency. To maintain certification as an emergency dispatcher, an individual shall comply with the recertification requirements in subsection (d).

(c) *Training course content and length.*

(1) A dispatcher fire shall receive a minimum of 120 hours of classroom and hands on instruction. Training courses shall consist of the following items: Completion of all call taker training requirements (104 hours) plus 16 hours of fire safety issues, fire terminology, fire dispatching protocols, 911 center record requirements, fire dispatching incident specifics and other material considered necessary by the instructor and which has been approved by the Agency.

(2) A dispatcher police shall receive a minimum of 136 hours of classroom and hands-on instruction. Training courses shall consist of the following items: Completion of all call taker training requirements (104 hours) plus 32 hours of police safety issues, policy terminology, police dispatching protocols, 911 center requirements, NCIC/clean orientation, police dispatching incident specifics and other material considered necessary by the instructor and which has been approved by the Agency.

(3) A dispatcher ambulance or emergency medical service (EMS) shall receive a minimum of 120 hours of classroom and hands on instruction. Training courses shall consist of the following items: Completion of all call taker training requirements (104 hours) plus 16 hours of EMS safety issues, EMS terminology, EMS dispatching protocols, emergency medical dispatch, 911 center record requirements, EMS dispatching incident specifics and other material considered necessary by the instructor and which has been approved by the Agency.

(4) A dispatcher emergency management (EMA) shall receive a minimum of 120 hours of classroom and hands on instruction. Training courses shall consist of the following items: completion of all call taker training requirements (104 hours) plus 16 hours of EMA safety issues, EMA terminology, EMA dispatching protocols, 911 center record requirements, EMA dispatching incident specifics and other material considered necessary by the instructor and which has been approved by the Agency.

(d) *Recertification.* An emergency dispatcher shall apply for recertification between 6 months and 60 days prior to expiration of the emergency dispatcher's certification from the Agency. An emergency dispatcher's failure to apply for recertification in a timely manner may result in the individual not being recertified before the prior certification expires. The Agency will recertify as an emergency dispatcher an individual who meets the following qualifications:

- (1) Completes an application on a form supplied by the Agency.
- (2) Is or was previously certified as an emergency dispatcher by the Agency.
- (3) Successfully passes an emergency dispatcher written examination prescribed by the Agency.

§ 120c.107. 911 center supervisor certification.

(a) *Roles and responsibilities.* A 911 center supervisor is responsible for managing the overall operation of a 911 emergency communications center. A supervisor's duties include:

(1) Supervising the activities of all call takers and emergency dispatchers present in the 911 center.

(2) Providing decision making, direction and control, and other authority for the operation of the 911 center.

(3) Handling other duties and responsibilities as assigned by proper authority.

(b) *Certification.*

(1) To be certified as a 911 center supervisor, an individual shall:

(i) Complete an application form supplied by the Agency.

(ii) Be 20 years of age or older.

(iii) Have successfully completed the requirements prescribed and supplied by the Agency to be a call taker.

(iv) Have successfully completed all requirements prescribed by the Agency to be an emergency dispatcher fire, police, ambulance and emergency management.

(v) Have successfully completed a front line supervisor course prescribed by the Agency and passed a written examination given for that course.

(vi) Have passed a practical test of 911 center supervisor skills prescribed by the Agency.

(2) A 911 center supervisor's certification is valid for 4 years from the date the certification was issued by the Agency. To maintain certification as a 911 center supervisor, an individual shall comply with the recertification requirements in subsection (d).

(c) *Training course content and length.*

(1) Each 911 center supervisor shall receive a minimum of 224 hours of classroom and hands on instruction.

(2) Each 911 center supervisor shall complete the following courses:

(i) Call taker (104 hours).

(ii) Dispatcher fire (16 hours).

(iii) Dispatcher police (32 hours).

(iv) Dispatcher ambulance (EMS) (16 hours).

(v) Dispatcher emergency management (EMA) (16 hours).

(vi) Front line supervisor (40 hours).

(3) The front line supervisor course shall consist of the following items: lower level management skills/principal technical support numbers—resource locations, technical troubleshooting for equipment, public/media relations, departmental chain of command, policy and preplanning, operational flow, and other material considered necessary by the instructor and which has been approved by the Agency.

(d) *Recertification.* A 911 center supervisor shall apply for recertification between 9 months and 90 days prior to expiration of the 911 center supervisor's certification from the Agency. A 911 center supervisor's failure to apply for recertification in a timely manner may result in the individual not being recertified before the prior certification expires. The Agency will recertify as a 911 center supervisor, an individual who meets the following qualifications:

(1) Is or was previously certified as a 911 center supervisor by the Agency.

(2) Completes an application form supplied by the Agency.

(3) Successfully passes a 911 center supervisor written examination prescribed by the Agency.

§ 120c.108. Certification curriculum and instructors.

(a) The Agency will review and approve all certification curricula, materials, examinations, training records and other related matters that are necessary to implement the certification and recertification standards established by this chapter.

(b) The Agency will approve all lead or master instructors used by a county or municipality to conduct any of the certification courses reviewed and approved by the Agency. As part of the approval process, each county or municipality shall submit an annual lead or master instructor information report as required by § 120c.103(d) (relating to certification of county or municipality training programs).

(c) All lead or master instructors shall complete an 8-hour train-the-trainer instructor course conducted by the agency. The course is designed to provide and reinforce basic training skills to 911 center training instructors. The course shall include instruction in the areas of instructor methodology, the roles and responsibilities of the trainer, the use of instructional aids, classroom safety and recordkeeping. A training schedule of course availability will be provided by the Agency on a quarterly basis.

(d) Police dispatchers shall be trained by the Pennsylvania State Police (PSP). The PSP is the control terminal Agency and shall provide instruction and certification to terminal Agency coordinators (TAC) and terminal Agency personnel on the Commonwealth Law Enforcement Assistance Network (CLEAN). The 24-hour training program provides the knowledge necessary to operate the CLEAN system in accordance with PSP policies and regulations.

(e) Ambulance or emergency medical service dispatchers shall be trained by Department of Health approved contractors who provide instructors to conduct the emergency medical dispatch training of 911 communications center or remote dispatch point personnel. The Department of Health shall also approve course materials used by the contracted instructors.

§ 120c.109. Written examinations.

(a) The Agency will administer all written examinations for the certification and recertification of call takers, emergency dispatchers and 911 center supervisors. The examinations will be conducted at each county's 911 center or each municipality's RDP during normal shift periods, as agreed upon by the Agency and the county or the municipality.

(b) Written certification and recertification examinations shall consist of 100 questions that include 50 questions from a Nationally recognized 911 organization such as the National Emergency Number Association (NENA) or the Association of Public Safety Communication Officials (APCO) and 50 questions that are specific to each county's or municipality's 911 communications system, operational procedures and other related matters.

§ 120c.110. Practical skills tests.

(a) *Conduct.* A practical skills test shall be conducted by the lead or master instructor used by the county, city, borough or township. The call taker, emergency dispatcher or 911 center supervisor shall demonstrate proper usage of the equipment applicable to his area of assign-

ment. Call-taking and dispatch audit reviews may be used to review proper techniques.

(b) *Call taker practical skills tests.*

(1) The call taker shall demonstrate skill knowledge in the following areas: telephone operations, complaint card system, TDD/TTY operations, local forms and computer aided dispatch (CAD) system (if available).

(2) A call taker practical skills test shall evaluate the call taker's knowledge in the use of emergency and nonemergency lines, hotlines, call transferring, line tracing, conference and call holding. The call taker shall demonstrate use of the complaint card system to include location and types of incidents, caller information and supplemental information. TDD/TTY operations will evaluate knowledge of TDD/TTY call recognition, the use of preprogrammed messages and communication. If available, the call taker shall demonstrate CAD operations to involve showing use of local CAD functions related to calltaking.

(c) *Emergency dispatcher practical skills tests.*

(1) The emergency dispatcher shall demonstrate knowledge in the following areas: radio dispatch operations, complaint card system and standard operating procedures (SOPS) relating to the area of dispatch.

(2) Emergency dispatcher medical tests shall evaluate knowledge of the EMS complaint cards to include location and types of incidents, response information and supplemental information. Radio dispatch operations shall evaluate knowledge of types of EMS class responses, medical patches, response unit prioritization and unit tone and paging systems. If available, the emergency dispatcher shall demonstrate CAD operations to involve showing use of local CAD functions related to medical dispatching.

(3) Emergency dispatcher fire tests shall evaluate knowledge of the fire complaint cards to include dispatch and response times, unit status, location and types of incidents, and supplemental information. Radio dispatch operations shall evaluate knowledge of fire response levels, alarm determination, response unit prioritization and unit tone and paging systems. If available, the emergency dispatcher shall demonstrate CAD operations to involve showing use of local CAD functions related to fire dispatching.

(4) Emergency dispatcher police tests shall evaluate knowledge of the police complaint cards to include dispatch and response times, unit status, location and types of incidents and supplemental information. Radio dispatch operations shall evaluate knowledge of police response areas, status checks, local police codes and phraseology. If available, the emergency dispatcher shall demonstrate CAD operations to involve showing the use of local CAD functions related to police dispatching.

(d) *911 Center supervisor practical skills tests.* The 911 center supervisor shall be evaluated in the areas relating to call-taking, emergency fire, police and medical dispatching as described in subsections (a)—(c).

§ 120c.111. Retention of records for audit.

(a) A county, city, borough or any other public or private operator of a 911 emergency communications system or RDP in this Commonwealth shall maintain a record of the certification document and related supporting documents for each employe, agent or representative who is certified by the Agency as a call taker, emergency dispatcher (for example, fire, police, ambulance, emer-

gency management) or 911 center supervisor. The records shall be retained for 4 years starting at the time the certification document or its supporting documents were signed and dated by the proper signatory to the document.

(b) A county, city, borough, or any other public or private operator of a 911 emergency communications center or RDP shall make the records described in subsection (a) available for audit by Commonwealth and Agency officials within 10 days after receiving a written request that those records be made available for audit. The audit request may be made at any time during the 4-year record retention period.

§ 120c.112. Right to enter and inspect.

(a) The Agency has the right to enter any 911 emergency communications center or RDP in this Commonwealth during regular and usual business hours, or at other times when the Agency deems necessary, to conduct the following activities:

(1) Inspect the employment records that pertain to the certification of all 911 emergency communications center or RDP personnel and the staffing of those personnel.

(2) Inspect the county plans, emergency dispatch protocols and other documents related to the operation of the 911 emergency communications center or RDP and the dispatch of emergency services by that center.

(3) Inspect the equipment and other items required to be maintained at the 911 emergency communication center or RDP under § 120b.104.(b) (relating to minimum standards for PSAP's).

(b) The Agency reserves the right to enter any 911 emergency communications center or RDP and make inspections at least semiannually, and at other times upon complaint or a reasonable belief that violations of this chapter or Chapter 120b (relating to public safety emergency telephone program) may exist.

[Pa.B. Doc. No. 00-1381. Filed for public inspection August 11, 2000, 9:00 a.m.]

**PENNSYLVANIA EMERGENCY
MANAGEMENT AGENCY
[4 PA. CODE CH. 120d]**

911 Performance Review and Quality Assurance Standards

A. Statutory Authority

The Pennsylvania Emergency Management Agency (PEMA), under the authority contained in 35 Pa.C.S. § 7313 (relating to power to adopt regulations) (act) adopts Chapter 120d (relating to performance review and quality assurance standards) to read as set forth in Annex A. These final-form regulations were previously published as proposed rulemaking at 29 Pa.B. 1717 (April 3, 1999).

B. Effective Date

These final-form regulations will become effective upon publication in the *Pennsylvania Bulletin*.

C. Background and Purpose

These final-form regulations are needed to promote the general public's health, safety and welfare by establishing standards for performance review and quality assurance

programs for the operation of county or municipal 911 emergency communications centers and remote dispatch points located throughout this Commonwealth. The standards contained in these regulations are designed to promote Statewide adherence to established 911 center goals and procedures, to facilitate the learning process for 911 center personnel and to provide a framework for the continuous improvement of the overall operation of 911 emergency communications centers in this Commonwealth.

D. Comments

Written comments, suggestions and possible changes were solicited within a 30-day period after the proposed amendments were published. Comments were received from the emergency communications offices of Berks and Northampton Counties, the City of Philadelphia Fire Department and the Pennsylvania State Association of Township Supervisors.

Following the close of the public comment period, PEMA received comments from the Independent Regulatory Review Commission (IRRC). The final-form regulations contained in Annex A are responsive to the comments and suggestions received from the commentators.

For ease of reference, PEMA will address the comments in the order in which the regulatory sections appear.

§ 120d.102. Definitions

IRRC commented that the term “quality assurance review” was defined in this section but that PEMA then used the term “audit” to refer to quality assurance reviews in other sections of the regulations. For consistency and clarity reasons, IRRC recommended that “quality assurance review” should be used in place of the word “audit.” PEMA agreed with this comment and has replaced the word “audit” with the term “quality assurance review” throughout these final-form regulations.

IRRC also recommended that a new definition for “quality assurance action” be added to the regulations to identify who is responsible for initiating the actions and when the actions will be imposed. PEMA agreed with this comment and added the new definition of “quality assurance action” to clarify when this process will be performed by the quality assurance reviewer.

For clarification purposes, PEMA rewrote the definition of “catastrophic loss” to state that a loss means the loss of three or more human lives or property damage or loss exceeding \$75,000.

PEMA also rewrote the definition of “communications center” to state that the definition includes “remote dispatch points” and to state that a communications center may be operated by a county, city, borough or township.

§ 120d.103. Scope

IRRC and a commentator questioned whether this section will apply to the staffs of “remote dispatch points” (RDPs). New subsection (b) makes it clear that any county, city, borough or township that operates an RDP included in a 911 county plan shall be responsible for implementing the performance review and quality assurance standards of this chapter.

By way of background, RDPs dispatch local police units, private ambulance services and local fire companies within the jurisdictional boundaries of a municipality. Because RDPs play a vital role in the dispatch of emergency services, RDPs and 911 communications centers are joined together in an interdependent and mutu-

ally supporting relationship. The important communications and public safety linkage between RDPs and 911 communications centers is why most RDPs are clearly identified in a county’s 911 plan as being a vital part of the county’s overall 911 emergency communications and dispatch program. Under the provisions of a county 911 plan, calls to a 911 communications center for emergency response assistance can be transferred to an RDP when a dispatcher determines the appropriate emergency response and dispatches the necessary equipment and personnel. For this reason, both RDP personnel and county 911 communications center personnel shall meet the same performance review and quality assurance standards in this chapter to ensure that those personnel will provide the most effective, timely and professional emergency communications and dispatch services to the general public during life threatening, public safety and other types of emergency situations.

PEMA’s statutory authorities for these final-form regulations are the Public Safety Emergency Telephone Act (act) (35 P. S. §§ 7011—7021) and 35 Pa.C.S. §§ 7101—7707 (relating to Emergency Management Service Code) (code). Section 3(a)(8) of the act (35 P. S. § 7013(a)(8)) requires PEMA “to establish standards for performance review and quality assurance programs for 911 systems to ensure public safety and improve the performance of 911 systems.” Section 5(c) of the act (35 P. S. § 7015(c)) requires that PEMA review all county plans for completeness. The act defines a county plan as “A document submitted by the county on a triennial basis to the Pennsylvania Emergency Management Agency, outlining its proposed or existing 911 system, including a contribution rate, for the forthcoming three years.” Thus, if any county 911 plan describes or includes an RDP in it emergency communications and dispatch protocols and procedures, PEMA considers that RDP to be a vital component of the county’s 911 emergency communications system and those RDP personnel are subject to the quality assurance requirements of this chapter. Conversely, any RDPs not mentioned in a county’s 911 plan are not considered by PEMA to be a vital or integral part of a county’s 911 emergency communications system. For this reason, those RDP personnel are not required to participate in this chapter’s performance review and quality assurance program.

The second authority that PEMA used for the development of this quality assurance program is found in section 7313(3) and (9) of the code (relating to powers and duties).

Section 7313(3) of the code permits PEMA to develop regulations for a wide range of emergency management services and activities. Because 911 activities involve emergency communications and the emergency dispatch of medical and health services, firefighting services, police services and rescue services, all 911 services clearly come within the definition of “emergency services” as defined in section 7102 of the code (relating to definitions). Thus, PEMA’s authority to develop and promulgate regulations under section 7313(3) of the code provides additional statutory authority for the promulgation of these final-form regulations.

More specifically, section 7313(9) of the code allows PEMA to “make or request of Commonwealth or local agencies and officials, studies, surveys and reports as are necessary to carry out the purposes of this part.”

Therefore, PEMA used the authority of both the act and the code to not only develop the 911 performance review and quality assurance standards for call takers, dispatch-

ers and supervisors but also to establish a quality assurance review process by which counties and municipalities must periodically review the performance of their 911 communication center or RDP personnel and maintain reports and records on their performance. The maintenance of the quality assurance review forms and reports will ensure all 911 center personnel and RDP personnel in the 67 counties possess the mandated standard levels of training and competency which will enable the general public to receive the most effective and timely emergency response services available.

One other comment remains concerning § 120d.103. IRRC and one county questioned whether or not counties would be responsible for performing quality assurance reviews of RDP employees. PEMA believes that each city, borough or township that operates an RDP needs to be responsible for conducting the quality assurance reviews because the RDP personnel are their employees, not the employees of a county. As a result, § 120d.103(b) clearly states that each city, borough or township that operates an RDP shall be responsible for implementing the quality assurance provisions of this chapter as they apply to their employees.

§ 120d.104. Timeframes and procedures for quality assurance reviews

IRRC commented that this section should include specific performance criteria that the quality assurance reviewer would use when examining a telecommunicator's work. IRRC suggested that if the reviewer is to use the criteria or standards in § 120d.105 (relating to quality assurance review standards), § 120d.104 should reference § 120d.105. PEMA agrees with this comment and has included the necessary reference to § 120d.105 in this section.

IRRC recommended that the words "It is also recommended" be removed from the last sentence of § 120d.104(a) because it is inappropriate regulatory language. PEMA agreed and the phrase has been removed from the subsection.

IRRC commented that § 120d.104(b) also contained the words "Although it is recommended" which is inappropriate regulatory language. PEMA agreed and has removed that phrase from this subsection. IRRC further commented that if PEMA intended to establish an exception to the weekly call taking quality assurance review, it should expressly state when the exception is applicable. PEMA agreed with this comment and has rewritten the subsection to state that while an exception will be allowed from the weekly call taking quality assurance review, the monthly review process may not last longer than 90 days without the written permission of PEMA.

IRRC commented that § 120d.104(d) contained the words "It is recommended" which is inappropriate regulatory language. PEMA agreed and has removed the phrase from this subsection.

IRRC and two commentators expressed concern that recorded 911 calls will be included as part of the quality assurance review and thus be subject to Pennsylvania's act of June 21, 1957 (P. L. 390, No. 212) (66 P. S. §§ 66.1—66.4), known as the Right-To-Know Law. PEMA does not share this concern because this regulation does not require any quality assurance reviews, individual 911 calls or any 911 performance review reports to be included in a county 911 plan. As a result, any 911 calls will not become part of a public record that would be subject to the Right-To-Know Law. Nevertheless, to remove any further concern about this matter,

§ 120d.104(e) has been rewritten to state that "Actual transcripts or recordings of phone calls made to or from a 911 communication center or remote dispatch point are not public records under the Right-To-Know Law and may not be included in the text of any quality assurance review."

IRRC also questioned the need to retain quality assurance reviews for 3 years as mentioned in § 120d.104(e). PEMA reexamined this need and has reduced the retention period to 1-year.

§ 120d.105. Quality assurance review standards

IRRC and one commentator questioned the requirement in § 120d.105(b) that a telecommunicator must dispatch police, fire or emergency medical services units within 90 seconds of obtaining pertinent information, 90% of the time. The county commentator stated that in large counties with a high volume of 911 calls, the county is required to dispatch personnel on a priority basis. PEMA recognizes that the volume of 911 calls vary greatly from one county's 911 communications center to another. As a result, this subsection has been rewritten to state that a telecommunicator will dispatch emergency response units within the prescribed time frame established by the 911 center's or RDP's standard operating procedures. The 90-second requirement has been eliminated. This change will provide all of the counties with the flexibility that they need to determine the time frame that a telecommunicator shall follow in the dispatch of emergency response units.

IRRC commented that § 120d.105(b)(8) contained a general reference to Federal Communications Commission rules and regulations that needs to be more specific. PEMA has reexamined this requirement and removed the reference in its entirety because it was not needed.

IRRC and one commentator observed that the Department of Health is not required to review and approve the emergency medical dispatch program as a requisite to its use by the 911 communications center as so stated in § 120d.105(c). Based upon this observation, PEMA deleted the reference to the Department of Health's approval of the emergency medical dispatch program. Instead, each 911 communications center or remote dispatch point shall use the emergency medical dispatch protocols that it is licensed to use.

Lastly, IRRC and one commentator stated that some of the quality assurance review standards in § 120d.105(a) and (b) were too subjective and provided the quality assurance reviewer with too much discretion in evaluating performance. PEMA disagreed. The quality assurance standards contained in this subsection require each telecommunicator to be evaluated by a set of clear and specific performance criteria. These standards are currently being used by numerous counties throughout this Commonwealth in existing quality assurance programs. Therefore, because these standards were developed in close consultation with those counties, PEMA believes that the quality assurance standards as contained in this subsection are not only reasonable and adequately descriptive in nature but also widely acceptable to the 911 communications community that must implement these standards.

E. Fiscal Impact/Affected Persons

These final-form regulations will require the counties to incur costs in the implementation and administration of these performance review and quality assurance standards. However, the costs should be minimal because most counties already have existing quality assurance

programs in place. In addition, the act of February 12, 1998 (P. L. 1998, No. 17) (Act 17) makes training costs an eligible expenditure from county 911 fees that are collected under the authority of the act. As a result, because the performance review and quality assurance program is interrelated and dependent upon the effectiveness of an overall training program, the counties will be able to budget for these costs through an already existing fee collection program.

The citizens of this Commonwealth will benefit from the improved quality assurance standards established for 911 emergency communications center personnel which will result in those personnel providing more effective, timely and professional emergency communications and dispatch services to the general public during emergency medical, fire, police and other possible lifethreatening or safety situations.

F. *Paperwork Requirements*

These final-form regulations will require a modest increase in the amount of paperwork that State agencies and counties must prepare as part of the administration of their 911 emergency communications systems.

G. *Sunset Requirements*

PEMA has not set a sunset date for these regulations because all county 911 emergency communications systems operate on a continuing basis. PEMA continues to monitor those systems and will propose amendments to these final-form regulations when required.

H. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 18, 1999, a copy of the proposed rulemaking, published at 29 Pa.B. 1717, was submitted to IRRC and the Chairpersons of the Senate State Government Committee and the House Veterans Affairs and Emergency Preparedness Committee for review and comment.

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

Under section 5.1(d) of the Regulatory Review Act, these final-form regulations were deemed approved by the House and Senate Committees on June 12, 2000. IRRC met on June 22, 2000, and approved the amendments in accordance with section 5.1(e) of the Regulatory Review Act.

I. *Contact Person*

Questions regarding these final-form regulations may be directed to Mark Goodwin, Chief Counsel, Pennsylvania Emergency Management Agency, 2605 Interstate Drive, Harrisburg, PA 17110-9364.

J. *Findings*

PEMA finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder in 1 Pa. Code §§ 7.1 and 7.2.

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

(3) These regulations are necessary and appropriate for the administration of the act.

K. *Order*

PEMA, acting under the authority of the act and the code, orders that:

(a) The regulations of PEMA, 4 Pa. Code, are amended by adding §§ 120d.101—120d.105 to read as set forth in Annex A.

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

(c) PEMA 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 immediately upon publication in the *Pennsylvania Bulletin*.

DAVID L. SMITH,
Director

(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 30-53 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 4. ADMINISTRATION

PART V. EMERGENCY MANAGEMENT AGENCY

CHAPTER 120d. 911 PERFORMANCE REVIEW AND QUALITY ASSURANCE STANDARDS

- Sec.
- 120d.101. Purpose.
- 120d.102. Definitions.
- 120d.103. Scope.
- 120d.104. Time frames and procedures for quality assurance reviews.
- 120d.105. Quality assurance review standards.

§ 120d.101. Purpose.

(a) This chapter implements section 3(a)(8) of the act (35 P. S. § 7013(a)(8)) which was added by section 3(a)(8) of the act of February 12, 1998 (P. L. 64, No. 17) to establish standards for performance review and quality assurance programs for 911 emergency communications systems operating in this Commonwealth. The quality assurance standards in this chapter are designed to:

- (1) Promote Statewide adherence to established 911 communications center goals and procedures.
- (2) Facilitate the learning process for 911 communications center personnel.
- (3) Provide a framework for the continuous improvement of the overall operation of 911 communications centers in this Commonwealth.

(b) These procedures will also provide the operational standards that are needed to ensure that 911 communications centers consistently provide the best possible emergency communications service to the citizens of this Commonwealth.

§ 120d.102. Definitions.

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

Act—The Public Safety Emergency Telephone Act (35 P. S. §§ 7011—7021).

Agency—The Pennsylvania Emergency Management Agency.

Call-taking—The act of answering 911 calls from the public and obtaining the information necessary to dispatch a public safety unit, such as fire, police, medical and rescue, to the reported location of the emergency.

Catastrophic loss—The loss of three or more human lives or property damage or loss exceeding \$75,000.

Day—Refers to an actual 24-hour day, not a “working day.”

Dispatching—The act of alerting and directing the response of public safety units to the desired location.

Emergency dispatched calls—Emergency incidents to which a 911 communications center dispatches public safety units.

Emergency medical dispatch protocols—A system or program that enables patients to be assessed and treated via telephone by utilizing current accepted emergency medical dispatch standards.

911 communications center—A 911 Public Safety Answering Point or PSAP; also referred to as a remote dispatch point in this chapter. A communications center may be operated by a county, city, borough or township.

Performance appraisal—A yearly written evaluation of a telecommunicator’s job performance measured against established 911 communications center expectations and standards.

Quality assurance action—An action taken by a quality assurance reviewer or 911 center supervisor after the occurrence of a quality assurance review of a telecommunicator to correct or improve job performance deficiencies identified by the quality assurance review. The quality assurance action may require the telecommunicator to take additional training courses or instruction, be subject to a second quality assurance review process outside of the normal time frames identified in this section, or be subject to disciplinary or other personnel actions deemed appropriate by the 911 communications center supervisor or reviewer.

Quality assurance review—A quality assurance process that is used to assess the job performance of a telecommunicator.

Radio activity—The act of dispatching and communicating on a public safety radio frequency.

Standard operating procedures—A set of policies and procedures developed and adopted by a 911 communications center to aid in directing the daily operations of the telecommunications staff.

Telecommunicator—A full-time or part-time 911 communications center call-taker or emergency dispatcher.

§ 120d.103. Scope.

(a) The quality assurance reviews in this chapter will be employed in accordance with the time frames in § 120d.104 (relating to time frames and procedures for quality assurance reviews). These reviews will be used to evaluate the performance of various aspects of a telecommunicator’s duties. In addition to measuring individual performance, these reviews will aid in determining whether the processes used by the telecommunicators are functionally efficient on a regular basis.

(b) The quality assurance provisions in this chapter apply to all 911 communications centers operating in this Commonwealth and to all remote dispatch points oper-

ated by a city, borough or township of this Commonwealth which are included within the 911 communications system identified in a county 911 plan. Each county, city, borough or township that operates a 911 communications center or remote dispatch point included in a 911 county plan is responsible for implementing the quality assurance provisions of this chapter as they apply to their employees.

§ 120d.104. Time frames and procedures for quality assurance reviews.

(a) A random sampling of 911 communications center calls will be reviewed on a recurring basis by the quality assurance reviewer to ensure compliance with the quality assurance review standards in § 120d.105 (relating to quality assurance review standards), as well as those outlined in the standard operating procedures of each 911 communications center or remote dispatch point. If needed, additional quality assurance reviews will be performed to ensure that each telecommunicator receives a minimum of one call-taking quality assurance review per month. All calls, whether voice or TDD/TTY, will be reviewed in the same manner. The quality assurance reviewer shall complete a review form for each quality assurance review. All incidents involving catastrophic loss shall be included in the quality assurance review process.

(b) A minimum of ten call-taking quality assurance reviews shall be performed each week in 911 communications centers and remote dispatch points that dispatch, on average, 72 or less emergency dispatch calls per day. Those 911 communications centers and remote dispatch points that average more than 72 emergency dispatch calls per day shall perform a weekly quality assurance review of 2% of the total 911 calls that they process per week. The weekly quality assurance review process may assume a monthly review process to accommodate those 911 centers that may have personnel or scheduling constraints. A monthly quality assurance review may not last for more than 90 days without the written permission of the Agency. In addition, the minimum number of quality assurance reviews required by this subsection shall remain unchanged during the monthly review process.

(c) Twice each year, the quality assurance reviewer will review a segment of each telecommunicator’s radio activity to determine adherence to the 911 communications center’s or remote dispatch point’s dispatch standards. At a minimum, each segment of the telecommunicator’s radio activity that is monitored shall contain three emergency dispatched calls. The quality assurance reviewer will complete a quality assurance review form for each segment reviewed. The review form will be supplied by the Agency.

(d) The quality assurance reviewer will be designated by the director of each 911 communications center or remote dispatch point. The reviewer shall be at a supervisory level with a minimum of 3 years experience in the field of emergency telecommunications. Internal standards shall be established to ensure that the quality assurance review process is executed with consistency and objectivity.

(e) To provide optimum feedback, the date selected for a quality assurance review will not exceed 5 days prior to the review. Telecommunicators shall receive the results of their quality assurance review within 5 days of the review. Copies of each quality assurance review will be retained on file at the 911 communications center for 1 year. Actual transcripts or recordings of phone calls made

to and from a 911 communications center or remote dispatch point are not public records under the act of June 21, 1957 (P. L. 390, No. 212) (66 P. S. §§ 66.1—66.4), known as the Right-to-Know Law, and may not be included in the text of any quality assurance review.

(f) The quality assurance reviews will be used to support the development and assessment of goals and expectations on the telecommunicator's yearly performance appraisal. The quality assurance reviews will also be used to identify areas of the telecommunicator's job performance which may require additional or supplemental training, and aid in determining whether any processes of the 911 communications center or remote dispatch point require modification or change.

(g) All telecommunicators, whether they are part-time or full-time employees of the 911 communications center or remote dispatch point, shall be subject to this quality assurance review process.

(h) Quality assurance actions that are initiated in response to the results of a quality assurance review will be documented and placed in the 911 communications center's or remote dispatch point's records.

§ 120d.105. Quality assurance review standards.

(a) *Call-taking (telephone performance).* The following telecommunicator performance standards will be checked by the quality assurance reviewer during each quality assurance review:

- (1) Answers the telephone quickly and correctly (within 10 seconds of the call, 90% of the time).
- (2) Asks and verifies the location of the incident or emergency.
- (3) Obtains the callback phone number from the person making the call.
- (4) Determines the nature of the incident or emergency and selects and assigns the appropriate response to the incident.
- (5) Accomplishes the tasks listed in paragraphs (1)—(4) quickly and effectively (within 60 seconds of the receipt of the phone call, 90% of the time).
- (6) Obtains all pertinent information and makes updates accordingly and keeps the caller on the line until all required information is obtained.
- (7) Controls the conversation with the caller, explains all possible emergency actions and employs calming techniques when required.
- (8) Exhibits a calm and professional demeanor at all times and acts in a courteous and tactful manner.
- (9) Demonstrates proper documentation of the information received on call-taker screens or cards.

(b) *Dispatching (radio performance).* The following telecommunicator radio performance standards will be checked by the quality assurance reviewer during each quality assurance review:

- (1) Dispatches the appropriate police, fire or EMS units within the prescribed time frame established by the 911 emergency communication center's or remote dispatch point's standard operating procedures.
- (2) Provides all pertinent information to the responding police, fire or EMS units and relays updated information about the incident or emergency to the responding units.
- (3) Answers all radio transmissions promptly.

(4) Speaks clearly and concisely to the responding units.

(5) Listens attentively and understands each message that is received from the responding units.

(6) Exhibits a timely response to requests from field units.

(7) Maintains a calm and professional demeanor at all times.

(c) *Emergency medical dispatch.* Emergency medical dispatch protocols will be utilized by all 911 emergency communications centers and remote dispatch points. Due to the existence of various emergency medical dispatch programs, each 911 emergency communications center and remote dispatch point shall use the quality assurance process associated with the program that it is licensed to use.

[Pa.B. Doc. No. 00-1382. Filed for public inspection August 11, 2000, 9:00 a.m.]

Title 22—EDUCATION

STATE BOARD OF EDUCATION

[22 PA. CODE CH. 44]

Program Standards and Eligibility Criteria for the Higher Education Equal Opportunity Act

The State Board of Education (Board) amends Chapter 44 (relating to program standards and eligibility criteria for the Higher Education Equal Opportunity Act) to read as set forth in Annex A, under authority of sections 3 and 4 of the Higher Education Equal Opportunity Act (act) (24 P. S. §§ 2510-303 and 2510-304).

Notice of proposed rulemaking was published at 28 Pa.B. 2148 (May 9, 1998) with an invitation to submit written comments within 30 days.

Chapter 44 governs the responsibility of institutions of higher education to administer counseling and tutorial programs (commonly referred to as Act 101 programs) for educationally- and economically-disadvantaged students provided for in the act and the eligibility of students for participation in those programs. The final-form of § 44.4(a)(1) amends the income eligibility criteria from one based on a Pennsylvania Higher Education Assistance Agency (PHEAA) determined adjusted gross income adjusted annually by a percentage of growth in the Consumer Price Index (CPI) to one based on a percentage of the poverty guidelines as determined annually by the United States Department of Health and Human Services.

Purpose

The purpose of amended § 44.4(a)(1) (relating to eligible students) is to employ a measure of income eligibility designed to reflect growth (or decline) in income for students and families for whom the act was designed to serve. Former measures of income eligibility did not as accurately reflect the economics of poverty-level and low income families. A multiple of Federally-determined poverty guideline is employed in a number of State-administered programs designed to serve a similar clientele. Two hundred percent of poverty is established in these final-form regulations because it most accurately reflects the maximum income level for participation in Act 101 programs at the time Chapter 44 was originally

promulgated. The definition of "CPI" is deleted because the Consumer Price Index will no longer be applicable to the regulations.

Public Comments

All public comments received favored the proposed amendments. No comment was received from the House or Senate Education Committees. The Independent Regulatory Review Commission (IRRC) in their comments suggested that the date in § 44.4(a)(1) should be changed to reflect the probable date of final-form regulations. The date was changed in these final-form regulations.

Affected Parties

These final-form regulations will benefit current and potential college and university students participating in institutional Act 101 programs.

Cost and Paperwork Estimates

Amended § 44.4(a)(1) will not substantially alter paperwork, accounting or reporting requirements already in place.

Effective Date

These final-form regulations will become effective upon final publication in the *Pennsylvania Bulletin*.

Sunset Date

The effectiveness of Chapter 44 (including § 44.4(a)(1)) will be reviewed by the Board every 4 years, in accordance with the Board's policy and practice respecting all regulations of the Board. Thus, no sunset date is necessary.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Board submitted a copy of the notice of proposed rulemaking published at 28 Pa.B. 2148 to IRRC and to the Chairpersons of the House and Senate Committees on Education.

In compliance with section 5(c) of the Regulatory Review Act, the Board also provided IRRC and the Committees with copies of the comments received as well as other documentation. In addition to submitting the final-form regulations, the Board has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Board in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

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

These final-form regulations were deemed approved by the House Education Committee, and approved by the Senate Education Committee on June 13, 2000, and were approved by IRRC on July 13, 2000, in accordance with section 5(c) of the Regulatory Review Act.

Contact Person

The official responsible for information on these final-form regulations is Peter H. Garland, Executive Director, State Board of Education, 333 Market Street, Harrisburg, PA 17126-0333, (717) 787-3787 or TDD (717) 772-2864.

Findings

The Board finds that:

(1) Public notice of the intention to adopt these final-form 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 thereunder in 1 Pa. Code §§ 7.1 and 7.2.

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

(3) The regulations are necessary and appropriate for the administration of the act.

Order

The Board, acting under authorizing statute, orders that:

(a) The regulations of the Board, 22 Pa. Code Chapter 44, are amended by amending §§ 44.2 and 44.4 to read as set forth in Annex A.

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

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

PETER H. GARLAND,
Executive Director

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 30 Pa.B. 3873 (July 29, 2000).)

Fiscal Note: Fiscal Note 6-263 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 22. EDUCATION

PART I. BOARD OF EDUCATION

Subpart C. HIGHER EDUCATION

CHAPTER 44. PROGRAM STANDARDS AND ELIGIBILITY CRITERIA FOR THE HIGHER EDUCATION EQUAL OPPORTUNITY ACT

§ 44.2. Definitions.

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

Act 101—The Higher Education Equal Opportunity Act (24 P. S. §§ 2510-301—2510-305).

Act 101 student—A student who meets the eligibility criteria of this chapter and who is enrolled in a program.

Program—A program operated under Act 101 and this chapter.

§ 44.4. Eligible students.

(a) A bona fide domiciliary of this Commonwealth who is attending an institution which is an eligible grant applicant under § 44.3 (relating to eligible grant applicants) and who is determined to be economically and educationally disadvantaged under this section is eligible for participation in the program. To be eligible for participation, a student shall meet the following criteria. The student shall be:

(1) Economically disadvantaged by having an annual family income equal to or less than 200% of the family income level established by the United States Bureau of the Census for determining poverty status and published by the United States Department of Health and Human Services in the *Federal Register*. The annual family

income to be used to recruit students who will enter the program on or after July 1 of every year beginning in 2001 will be provided to institutions by the Secretary by March 31 of the same year and will be published in the *Pennsylvania Bulletin* by April 15 of the same year. The Secretary's notification under this section will comply with this chapter and will not be subject to the regulatory review procedures under section 5 of the Regulatory Review Act (71 P. S. § 745.5).

(2) Educationally disadvantaged by having a grade point average (GPA) predicted to be 2.0 or less (scale: A = 4.0). The prediction shall be based upon the criteria and formula regularly used by the institution to select students for admission. If an institution has not developed a formula for predicting a student's GPA, the term means a student who is judged unlikely to succeed academically at the institution.

(b) Act 101 programs serve both full-time and part-time students. Full-time means that the student is carrying at least 12 credits in a semester. Part-time means that the student is carrying at least 6 credits but less than 12 credits in a semester. A participating Act 101 institution shall serve full-time students and may serve part-time students.

[Pa.B. Doc. No. 00-1383. Filed for public inspection August 11, 2000, 9:00 a.m.]

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF DENTISTRY

[49 PA. CODE CH. 33]

Continuing Dental Education and Biennial Renewals

The State Board of Dentistry (Board) amends §§ 33.1, 33.105 and 33.106 and adds §§ 33.401—33.404 to read as set forth in Annex A pertaining to biennial renewals and continuing education requirements.

Section 3(j.1) and (j.2) of the Dental Law (act) (63 P. S. § 122(j.1) and (j.2)) as amended in 1996, requires two conditions of biennial license or certification renewal for dentists, dental hygienists and expanded function dental assistants:

1. Licensees and certificateholders must obtain current certification to administer cardiopulmonary resuscitation (CPR).

2. Dentists shall complete 30 hours of continuing education credit, dental hygienists shall complete 20 hours of continuing education credit and expanded function dental assistants shall complete 10 hours of continuing education credit.

The amendments also added section 3.1 to the act (63 P. S. § 122.1) setting forth additional requirements for restoration of licenses and certificates. The CPR and continuing education requirements for the lapsed period shall be satisfied before a license or certificate may be restored. Also, licensees and certificateholders who fail to renew their licenses/certificates for more than 5 years may be required to take the licensure examination.

The regulatory amendments implement these provisions.

Notice of proposed rulemaking was published at 28 Pa.B. 3293 (July 11, 1998). Publication was followed by a 30-day public comment period during which the Board received comments from the Pennsylvania Dental Hygienists' Association, Inc. (PDHA), the Pennsylvania Dental Association (PDA) and a dentist, a dental hygienist and an expanded function dental assistant. Following the close of the public comment period, the Board also received comments from the House Professional Licensure Committee (HPLC) and the Independent Regulatory Review Commission (IRRC). The Senate Consumer Protection and Professional Licensure Committee offered no comments, suggestions or objections to the amendments.

In final rulemaking, the Board considered the comments and suggestions of the commentators. In addition, the Board considered this rulemaking and its purpose under the directives of Executive Order 1996-1, Regulatory Review and Promulgation.

For ease of reference, the Board will address the comments and the Board's responses, in the order in which the amendments appear.

§ 33.1. Definitions.

IRRC commented that because the definition of "credit hour" contains a substantive provision in the second sentence, the definition should be moved to § 33.401 upon review of both sections, the Board is of the view that the definition will get lost in § 33.401. Therefore, the definition of "credit hour" is retained in § 33.1.

IRRC suggested that the definition of "individual study" be amended to specify that the individual study course shall be administered by an approved program sponsor. The Board has followed this suggestion and amended the definition accordingly.

IRRC commented that the definition of "program sponsor" lacks clarity and is not consistent with section 3(j.2)(1) of the act. IRRC further suggested that the proposed definition could be interpreted to mean that individual programs, rather than the program sponsors, are approved by the Board, and suggested the definition be amended to state that the program sponsor is approved by the Board. The Board has implemented IRRC's suggestion as it clarifies the Board's intent. The PDHA suggested that the current definition of a program sponsor be labeled a "program provider" and a new definition for "program sponsor" be established. The Board has not adopted this suggestion as the intent is to have the program sponsors oversee the individual program provider, thus freeing the Board from oversight responsibilities for numerous program providers.

Subchapter B. Licensure of Dentists and Dental Hygienists

IRRC pointed out that Subchapter B had "hygienists" misspelled. This has been corrected.

§ 33.105. Biennial renewal of licenses and certificates.

The HPLC requested that the Board clarify that the continuing education credits are to be earned during the 2 years preceding the 2001-2003 biennial and that both certification and CPR in continuing education credits be completed to renew a license effective for the 2001-2003 biennial period. Section 33.105(b) is amended accordingly. IRRC suggested that this section does not adequately explain how the Board intends to notify licensees and certificateholders of the new requirements for continuing

education. The regulation specifies that during the 1999-2001 renewal period, the continuing education requirements in §§ 33.401—33.404 shall be satisfied. The Board has revised and added clarifying language. As written, the section tracks the amendment to the act and provides for an enforcement mechanism beginning with the 2001-2003 renewal period.

As proposed, the CPR requirement would be met by current certification from the American Heart Association or the American Red Cross. The HPLC suggested that the language of section 3(j.1) of the act should be broadly, rather than narrowly, construed. Accordingly, the Board has revised the requirement, so that any organization, charitable or for-profit, may provide qualifying courses. The Board has added a new sentence which provides that the content of certification courses be substantially similar to those offered by the American Heart Association and the American Red Cross, which the Board believes furthers the statutory intent in referencing certification by a bona fide charitable organization in section 3(j.1) of the act.

The Board also believes that this language will assure minimum standards and consistency among organizations which provide CPR certification courses.

IRRC suggested that the Board add the National Safety Council as an approved entity. Because the Board adopted the HPLC statutory interpretation, this change has not been adopted. IRRC also suggested that the Board should specify the minimum level of CPR certification acceptable. The Board has amended the proposal to provide that the certification shall include infant, child and adult CPR. The Board believes that this requirement furthers the legislative intent of the language "CPR or basic life support."

The PDHA recommended that basic cardiac life support for the health care provider be the required form of CPR certification, as it is more extensive and covers infant, child and adult CPR, as opposed to basic CPR, which includes only resuscitation on adults. The Board concurred and amended § 33.105.

The PDHA objected to subsection (b), providing that applicants for reactivation who have failed to renew for more than 5 years may be subject to reexamination. The objection was based upon allowing the Board the authority to determine who is subject to reexamination. The Board notes that the General Assembly has provided the Board with this discretion in section 3.1(b) of the act wherein these persons "may be required to submit to a reexamination in accordance with Section 3."

§ 33.401. Credit-hour requirements.

A commentator and the PDHA suggested that the Board allow credit hours to be carried over from a previous biennial period. Because of the minimal number of credit hours required and the administrative cost of tracking carryover hours, the Board has determined not to allow carryover.

The PDHA recommended that subsection (b) be amended to read "the required hours shall be taken from a program approved by a program sponsor." The Board believes that this change is not warranted in a section outlining subject areas.

IRRC and the PDHA questioned the need for the requirement in subsection (c) that at least 50% of the required credit hours be taken in lecture or clinical presentation. The Board believes that this requirement is necessary and that the opportunity to interact with the

instructor and other participants is crucial to learning clinical subject matter whether in didactic or "hands-on" learning experiences.

IRRC suggested that subsection (d)(1) be amended to require that additional credit hours for instructors are subject to the limitations of subsection (e). Subsection (d)(1) has been amended accordingly.

The PDHA suggested that the term "instructor" be defined. The Board prefers not to limit the definition of "instructor," to include instructors at educational institutions and allow them to receive credit for teaching.

The PDHA recommended that subsection (d)(1) be amended to "instructors will be awarded two hours of preparation time plus one hour of instruction time for each hour spent instructing." Subsection (d)(1) has been amended to clarify that actual instruction would be covered.

IRRC commented that subsection (d)(2) is vague regarding what standard authors' work would have to meet to qualify for additional credit up to 50%. In response, the Board has amended this subsection.

A commentator suggested that "instructors" in subsection (d) should have the same license or certificate as those they teach. The Board believes that such a requirement is unnecessarily restrictive and would prohibit physicians, dentists and others from providing qualified instructors.

A commentator suggested that subsection (d) be amended to reference § 33.402. The Board does not believe a cross-reference in this case is necessary.

§ 33.402. Continuing education subject hours.

IRRC suggested that subsection (a)(3) be amended to clarify that CPR certification training hours would not be included as continuing education credit hours. This section has been revised accordingly.

IRRC, the PDHA and a commentator suggested that subsection (b)(5), wherein credit hours would not be awarded for communication skills, should not be excluded since dental hygienists need the ability to communicate with patients to promote changes in the patients' daily hygiene. The Board concurs with the assessment that all practitioners should work to improve their ability to communicate with patients. However, the Board believes that the continuing education requirement should be limited to substantive areas of clinical practice. By so doing, the Board believes that the regulation will more nearly track the legislative intent to ensure that practitioners keep abreast of technological and scientific developments.

§ 33.403. Program sponsors.

IRRC and the PDHA suggested that subsection (b)(1) should specify how far in advance the program sponsor is required to disclose the information. The Board believes that requiring advance notification and more specificity is not needed with this requirement.

IRRC suggested that the last sentence in subsection (b)(3) be amended to focus on requiring the instructor to provide accurate materials rather than when errata sheets are developed. This subsection has been revised by omitting the last sentence which requires instructors, prior to developing errata sheets, to be responsible for informing participants of changes.

IRRC requested an explanation as to why subsection (b)(6) requires attendance records and outlines to be kept for a 5-year period, when the most recent preceding

biennial period should suffice to allow the Board to audit complaints. The 5-year period was selected for clarity. Program sponsors may not necessarily know exactly when a biennial period runs. In accordance with the recommendation of the House Professional Licensure Committee, the Board has changed the requirement to 4 years, which would cover the same amount of time as that suggested by IRRC, that is, the current and most recent renewal period.

IRRC suggested that the Board should provide that if the approval of a program sponsor identified in § 33.403(a) is withdrawn, the section will be amended accordingly. The Board concurs with the suggestion and has changed this subsection to reflect the comment.

IRRC suggested that § 33.403 should provide guidance on obtaining approval as a program sponsor and adding sponsors in rulemaking. The Board has added a subsection (d) implementing this suggestion.

The PDHA recommended that the responsibilities of program sponsors be amended to be the responsibilities of program providers. The Board believes that these responsibilities should be those of program sponsors, as provided in the proposed regulations.

The House Professional Licensure Committee suggested that subsection (b)(4) be amended to reference another regulation concerning the provision of adequate facilities that provide physical access to licensees in the conformance with applicable law. The subsection has been amended to clarify that physical facilities must be adequate to both the type as well as the number of participants. The Board believes that other laws and regulations adequately cover handicapped accessibility.

The PDHA recommended that subsection (a)(2) and (5) include the equivalent nursing associations. These sections have been amended accordingly.

The PDHA suggested that a provision be added for special, temporary or one-time program sponsors and for adding new sponsors. As previously discussed, a new subsection (d) has been added for new sponsors.

§ 33.404. Reporting continuing education credit hours.

IRRC suggested amending subsection (b) to use the phrase "required credit hours" instead of "required hours." The Board has amended this section accordingly.

IRRC suggested amending subsection (d) to require maintenance and documentation for the current and most recent preceding biennial period, which would be a maximum of 4 years. As discussed in reference to § 33.403(b)(6), the Board believes that a specific period of years is clearer and that a 4-year period is needed to cover documentation for any discrepancies or legal concerns that may later arise.

IRRC suggested referencing the statute in subsection (e) to cover falsification by expanded function dental assistants, in case the regulations governing expanded function dental assistants are not completed prior to completion of these regulations. The Board agreed and inserted a reference to the statute.

IRRC suggested combining subsection (a) with (e) and subsection (b) with (f) because they concern the same subject matter. The Board had structured the subsections to combine affirmative requirements and sanctions and prefers to retain the structure of the subsections as proposed to enable the requirements of subsections (e) and (f) to stand alone.

Compliance with Executive Order 1996-1, Regulatory Review and Promulgation

The Board reviewed this rulemaking and considered its purpose and likely impact upon the public and the regulated population under the directives of Executive Order 1996-1, Regulatory Review and Promulgation. The final-form regulations address a compelling public interest as described in this Preamble and otherwise comply with Executive Order 1996-1.

Fiscal Impact and Paperwork Requirements

1. *Commonwealth*—The amendments will require the Board to assure compliance with the continuing education requirement before renewing a license or certificate. The costs associated with implementing these amendments, including an audit, will be borne by the general licensee/certificateholder population through biennial renewal fees which generate revenue for all Board activities. Additional paperwork will be incurred by the Board to amend renewal application forms.

2. *Political subdivisions*—There will be no adverse fiscal impact or paperwork requirements imposed.

3. *Private sector*—There will be no adverse fiscal impact or paperwork requirements imposed.

Statutory Authority

The amendments for continuing education, certification in CPR and restoration are governed by sections 3(j.1) and (j.2) and 3.1 of the act.

Sunset Date

The Board continually monitors the effectiveness of its regulations through communications with the regulated population; accordingly, no sunset date has been set.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on May 22, 2000, the Board submitted a copy of the notice of proposed rulemaking, published at 28 Pa.B. 3293 to IRRC and the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee for review and comment. In compliance with section 5(c) of the Regulatory Review Act, the Board also provided IRRC and the Committees with copies of the comments received, as well as other documentation. In preparing these final-form regulations, the Board has considered the comments received from IRRC and the public.

Under section 5.1(d) of the Regulatory Review Act, these final-form regulations were approved by the House Committee on June 6, 2000, and approved by the Senate Committee on June 12, 2000. IRRC met on June 22, 2000, and approved the final-form regulations in accordance with section 5.1(e) of the Regulatory Review Act (71 P. S. § 745.5a(e)).

Contact Person

Further information may be obtained by contacting Lisa Burns, Administrative Assistant, State Board of Dentistry, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-7162.

Findings

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder in 1 Pa. Code §§ 7.1 and 7.2.

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

(3) These amendments do not enlarge the purpose of proposed rulemaking published at 28 Pa.B. 3293.

(4) These amendments are necessary and appropriate for administration and enforcement of the Board's authorizing statute.

Order

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

(a) The regulations of the Board, 49 Pa. Code Chapter 33, are amended by amending §§ 33.1, 33.105 and 33.106 and by adding §§ 33.401—33.404 to read as set forth in Annex A, with ellipses referring to the existing text of the regulation.

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

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

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

NORBERT O. GANNON, D.D.S.,
Chairperson

(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 16A-464 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 33. STATE BOARD OF DENTISTRY

Subchapter A. GENERAL PROVISIONS

§ 33.1. Definitions.

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

* * * * *

Continuing education certificate—A document prepared by the program sponsor which contains the title of the course, the dates attended or completed and the hours of education completed.

Credit hour—A minimum unit of continuing education consisting of 60 minutes of instruction. Programs longer than 60 minutes will be credited in 30 minute increments.

* * * * *

Individual study—A course of continuing education offered by an approved program sponsor, which permits the participant to learn without interacting with an instructor or interactive learning methodologies and which requires a passing grade on a written examination or workbook.

* * * * *

Program sponsor—The party approved by the Board who is responsible for the development and presentation of the continuing dental education program.

* * * * *

Subchapter B. LICENSURE OF DENTISTS AND DENTAL HYGIENISTS

§ 33.105. Biennial renewal of licenses and certificates.

(a) Licenses and certificates are renewable for a 2-year period beginning April 1 of each odd-numbered year. The fee for the biennial renewal is set by the Board. See § 33.3 (relating to fees). Upon renewal, licensees and certificate holders receive new biennial renewal licenses or certificates, as appropriate, and wallet-size cards which include the expiration date.

(b) As a condition of biennial renewal, commencing with the 2001-2003 renewal period, licensees and certificate holders shall maintain current certification in infant, child and adult cardiopulmonary resuscitation and continuing education requirements specified in §§ 33.401—33.404 (relating to continuing dental education). Licensees and certificate holders shall certify their compliance with this subsection when renewing their licenses on and after April 1, 2001. Courses for certification in cardiopulmonary resuscitation (CPR) shall be substantially similar in content to the CPR courses offered by the American Heart Association and the American Red Cross and have a similar renewal period.

(c) Dentists and dental hygienists who fail to renew their licenses and expanded function dental assistants who fail to renew their certificates are prohibited from practicing their profession in this Commonwealth.

§ 33.106. Reactivation of licenses and certificates.

(a) Dentists and dental hygienists who have failed to renew their licenses and expanded function dental assistants who have failed to renew their certificates may apply for reactivation on forms prescribed by the Board. The applicant for reactivation shall pay the current biennial renewal fee, provide evidence of current certification in cardiopulmonary resuscitation, and shall submit a notarized affidavit identifying the period of time in which the applicant did not practice in this Commonwealth. Effective with the 1999-2001 renewal period, licensees and certificate holders shall also complete the continuing education requirements for the renewal periods during which the license or certificate was not renewed.

(b) In addition to the requirements in subsection (a), an applicant for reactivation who has failed to renew for more than 5 years may be subject to reexamination under section 3.1(b) of the act (63 P. S. § 122.1.(b)).

(c) An applicant for reactivation who practiced in this Commonwealth without a current license or certificate shall pay a later renewal fee of \$5 for each month or part of a month during which the unauthorized practice occurred, as provided in section 225 of the Bureau of Professional and Occupational Affairs Fee Act (63 P. S. § 1401-225). In addition, the applicant shall pay the biennial renewal fee for each biennium during which unauthorized practice occurred. The payment of late fees and biennial renewal fees does not preclude the Board from taking disciplinary action against a dentist or dental hygienist who practice without a current license or an expanded function dental assistant who practice without a current certificate.

Subchapter F. CONTINUING DENTAL EDUCATION

Sec.

- 33.401. Credit-hour requirements.
- 33.402. Continuing education subject areas.
- 33.403. Program sponsors.
- 33.404. Reporting continuing education credit hours.

§ 33.401. Credit-hour requirements.

(a) An applicant shall complete the following continuing education credit hours during the preceding biennial period:

- (1) Dentists—30 hours.
- (2) Dental hygienists—20 hours.
- (3) Expanded function dental assistants—10 hours.

(b) The required hours shall be taken in the subject areas listed in § 33.402 (relating to continuing education subject areas) from a program sponsor listed in § 33.403 (relating to program sponsors).

(c) At least 50% of the required credit hours shall be taken in lecture or clinical presentations.

(d) A maximum of 50% of the required credit hours, listed in § 33.402, may be taken through individual study, serving as an instructor or author of a book, article or continuing education program.

(1) Instructors will be awarded two additional credit hours as preparation time for each credit hour of instruction, and for actual instruction, up to 50% of the required hours. Additional credit hours for instructors are subject to the limitations of subsection (e).

(2) Authors will be awarded 50% of the required hours for articles published in a peer-reviewed professional journal.

(e) Credit will not be awarded for repeating a program in the same renewal period unless the subject matter has substantially changed during that period.

(f) A licensee or certificate holder suspended for disciplinary reasons is not exempt from the continuing education requirements in subsection (a).

(g) Exceptions are as follows:

(1) An applicant is exempt from the continuing education requirement in subsection (a) for only the biennial period during which the applicant passed the licensure or certification examination.

(2) An applicant who cannot meet the continuing education requirement due to illness, emergency or hardship may apply to the Board in writing for a waiver. The request shall explain why compliance is impossible. Waiver requests will be evaluated by the Board on a case-by-case basis.

§ 33.402. Continuing education subject areas.

(a) The required credit hours shall be completed in subjects which contribute directly to the maintenance of clinical competence of a dentist, dental hygienist or expanded function dental assistant. Examples of acceptable subjects include:

- (1) Diagnosis and treatment of oral pathosis.
- (2) Clinical and technological subjects.
- (3) Emergency procedures excluding hours required for cardiopulmonary resuscitation (CPR) certification.
- (4) Infection control.
- (5) Abuse and neglect.
- (6) Medical and scientific subjects.

(7) Laws and regulations pertaining to dentists, dental hygienists and expanded function dental assistants.

(b) Credit hours will not be awarded in nonclinical subjects, including:

- (1) Billing.
- (2) Office management.
- (3) Practice building.
- (4) Insurance reimbursement.
- (5) Communication skills.

§ 33.403. Program sponsors.

(a) The Board has approved the following as program sponsors:

(1) An accredited dental, dental hygiene or expanded function dental assisting school or program.

(2) The medical or osteopathic medical school or college accredited by an accrediting body recognized by the State Board of Medicine, State Board of Osteopathic Medicine or State Board of Nursing.

(3) The American Dental Association Continuing Education Review Program, the American Dental Association's speciality associations, the American Dental Hygienists Association and the American Dental Assistants Association.

(4) The National Dental Association and its speciality societies and the National Dental Hygienists Association.

(5) The American Medical Association, American Osteopathic Medical Association and the American Nursing Association.

(6) The Pennsylvania Academy of Dental Hygiene Studies.

(7) The Academy of General Dentistry National Sponsor Approval Program.

- (8) The Veterans' Administration.
- (9) The United States military services.
- (10) The National Institutes of Health.
- (11) The United States Public Health Services.

(b) Program sponsors shall:

(1) Disclose in advance to prospective participants the objectives, prerequisites, experience level, content, required advanced preparation, teaching method and number of continuing education credits involved in the program.

(2) Conduct programs in subjects which contribute directly to the maintenance of clinical competence of a dentist, dental hygienist or expanded function dental assistant.

(3) Provide program materials which are accurate and consistent with currently accepted standards relating to the program's subject matter.

(4) Provide sufficient and adequate physical facilities for the number and type of participants and the teaching methods to be utilized.

(5) Evaluate the program, through questionnaires of the participants and instructors, to determine its effectiveness.

(6) Retain accurate attendance records and written outlines for a 4-year period.

(7) Provide participants with a continuing education certificate after assuring satisfactory completion and attendance of the program.

(c) The Board may, following notice and hearing under 2 Pa.C.S. §§ 501—508 (relating to practice and procedure of Commonwealth agencies), withdraw the approval of a program sponsor for cause and amend subsection (a) accordingly.

(d) A party desiring to be an approved program sponsor shall file a written petition with the Board outlining the party's qualifications and experience. Upon Board approval, subsection (a) will be amended accordingly.

§ 33.404. Reporting continuing education credit hours.

(a) The applicant shall provide the requested information concerning the required hours on an application for biennial renewal.

(b) The applicant shall provide a copy of the documentation supporting the completion of the required credit hours when requested to do so by the Board.

(c) Acceptable documentation consists of any one of the following:

(1) A continuing education certificate or sponsor-generated printouts.

(2) A certified transcript of courses taken for credit in an accredited university or college. For noncredit courses taken, a statement of hours of attendance, signed by the instructor.

(3) Evidence of publication for published articles, books or continuing education programs.

(4) Evidence obtained from the program sponsor of having been an instructor, including an agenda.

(d) The responsibility for documenting the continuing education requirements rests with the applicant. The documentation shall be maintained for 4 years after the completion of the program.

(e) Falsification of information required under subsection (a) constitutes a violation of § 33.212(1) (relating to misleading, deceptive, untrue or fraudulent representations) and section 4.1 of the act (63 P. S. § 123.1(a)(2)).

(f) Failure to comply with subsection (b) may result in disciplinary or corrective action.

[Pa.B. Doc. No. 00-1384. Filed for public inspection August 11, 2000, 9:00 a.m.]

§ 135.106 (relating to Pymatuning Wildlife Management Area) to address safety concerns by making some minor changes to the application process and scheduling the hunt outside of the late archery and muzzleloading seasons.

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

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

Amendments to Chapter 135

1. Introduction

To better administer the special wildlife management areas at Middle Creek and Pymatuning, the Commission at its April 4, 2000, meeting proposed, and at its June 21, 2000, meeting finally adopted, making several changes to Chapter 135, Subchapter F (relating to Special Wildlife Management Areas). The amendments include a change to § 135.103, moving the deadline for submitting applications for blinds in the controlled goose hunting areas of MCWMA from the second Tuesday in August to the second Tuesday in September. The Commission amended § 135.106 to move the special deer hunt outside the late archery and muzzleloading seasons because of safety concerns. These changes are made under the authority contained in section 721(a) of the code (relating to control of property).

2. Purpose and Authority

The administration of the special wildlife management areas at Middle Creek and Pymatuning is a dynamic process which sometimes requires adjustments to procedures. In past years, the drawing for goose blind reservations at MCWMA has been held in August to accommodate opening the controlled area during the September Canada goose season. The controlled goose hunting area at MCWMA will not be open for the September 2000 Canada goose season. Moving the deadline back 1 month will give hunters more time to apply and will allow the Commission to advise successful applicants of the exact season, which is usually set by the United States Fish and Wildlife Service, in early September.

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

3. Regulatory Requirements

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

Title 58—RECREATION

GAME COMMISSION

[58 PA. CODE CHS. 135 AND 141]

Lands and Buildings; Hunting and Trapping

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its June 21, 2000, meeting, adopted the following change:

Amend § 135.103 (relating to registration for controlled goose hunting areas) to move the drawing back to September to give hunters a longer opportunity to apply for a blind in the Middle Creek Wildlife Management Area (MCWMA) since goose hunting during the September 2000 Canada goose season will not be open. Amend

4. *Persons Affected*

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

Amendment to § 141.4

1. *Introduction*

At its June 8, 1999, meeting, the Commission finally adopted a change to § 141.4 to allow the hunting of mourning doves from 1/2 hour before sunrise rather than from noon. It has been determined that this has led to conflicts with Canada goose hunters hunting during the early season. As a result and to more effectively manage the wildlife resources of this Commonwealth, the Commission at its meeting held on April 4, 2000, proposed, and at its meeting held on June 21, 2000, finally adopted, changing § 141.4 to return the start of hunting hours for hunting mourning doves to noon. This change was adopted under sections 322(c)(1) and 2102(a) of the code (relating to powers and duties of the Commission; and regulations).

2. *Purpose and Authority*

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

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

3. *Regulatory Requirements*

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

4. *Persons Affected*

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

Amendments to §§ 141.25 and 141.26

1. *Introduction*

The number of resident Canada geese in Southeastern Pennsylvania and number of accompanying nuisance complaints have increased dramatically in recent years. To deal with this situation, the Commission at its April 4, 2000, meeting proposed, and at its June 21, 2000, meeting finally adopted, changing §§ 141.25 and 141.26 to eliminate the area closed to goose hunting surrounding the MCWMA during the early Canada goose season.

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

2. *Purpose and Authority*

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

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

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

3. *Regulatory Requirements*

The changes will relax current regulatory requirements.

4. *Persons Affected*

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

Comment and Response Summary

No written comments were received with regard to the adopted changes.

Cost and Paperwork Requirements

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

Effective Date

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

Contact Person

For further information on the adopted changes, the contact person is David E. Overcash, Acting Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

Findings

The Commission finds that:

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

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

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapters 135 and 141, are amended by amending §§ 135.103, 141.4, 141.25 and 141.26, to read as set forth at 30 Pa.B. 2908 (June 10, 2000) and amending § 135.106 to read as set forth in Annex A.

(b) The Executive Director of the Commission shall submit this order, Annex A and 30 Pa.B. 2908 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final publication in the *Pennsylvania Bulletin*.

VERNON R. ROSS,
Executive Director

Fiscal Note: Fiscal Note 48-122 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 135. LANDS AND BUILDINGS

Subchapter F. SPECIAL WILDLIFE MANAGEMENT AREAS

§ 135.106. Pymatuning Wildlife Management Area.

(a) In addition to §§ 135.2 and 135.41 (relating to unlawful actions; and State game lands) and this subchapter, the following pertain to the Pymatuning Wildlife Management Area:

(1) Entering, hunting or trapping on the controlled goose and duck areas is by permit only.

(2) Waterfowl hunting is permitted Monday, Wednesday, Friday and Saturday. Starting time shall conform with State and Federal regulations. Shooting ends at 12:30 p.m.

(b) The following apply to reservations for the controlled duck hunting area:

(1) Reservations will be made on each designated shooting day at the registration center. Hunting is limited to 85 hunters at one time on the two areas combined. Reservations will be issued on a first-come, first served basis if there are 85 hunters or less applying at the registration center and 1 1/2 hours prior to the opening hunting hour. If there are more than 85 applicants present, a drawing will be held to determine to whom the 85 permits are issued.

(2) Permits returned to the registration center prior to 10 a.m. may be released to another applicant.

(c) The following apply to the controlled duck hunting areas:

(1) Ducks are the only legal game; taking other wild birds or mammals is prohibited, except by permit issued by the Director or a designee.

(2) A hunter shall display the identification tag furnished by the Commission while on the areas. The identification tag is valid for entry upon the area indi-

cated on the tag. Entry upon another area is prohibited. Identification tags shall be returned to the registration center at check-out time.

(3) Boats without motors are permitted on controlled duck areas.

(d) The following apply to special hunts on the controlled area:

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

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

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

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

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

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

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

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

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

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

[Pa.B. Doc. No. 00-1385. Filed for public inspection August 11, 2000, 9:00 a.m.]

PROPOSED RULEMAKING

GAME COMMISSION

[58 PA. CODE CH. 141]

Special Regulations Areas

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its June 21, 2000 meeting, proposed the following amendment to Chapter 141:

Amend § 141.1 (relating to special regulations areas) to allow the use of muzzleloading pistols in the Southeast and Southwest Special Regulations Areas to remain consistent with the Commission's intent to expand hunting opportunities.

This amendment to § 141.1 will have no adverse impact on the wildlife resources of this Commonwealth.

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

This proposal was made public at the June 21, 2000, meeting of the Commission, and comments on this proposal can be sent to the Executive Director of the Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until September 22, 2000.

Proposed Amendment to § 141.1

1. *Introduction*

To more effectively manage the wildlife resources of this Commonwealth, the Commission at its meeting held on June 21, 2000, proposed changing § 141.1 to allow the use of any muzzleloading firearm with single projectile ammunition for deer hunting in special regulation areas. This will allow more flexibility for muzzleloaders in special regulation areas and create more hunting opportunities. These changes are adopted under authority contained in section 2102 of the code (relating to regulations).

2. *Purpose and Authority*

Because of excessive deer populations within the established special regulations areas, the Commission has decided to encourage deer hunting as much as possible. One way in which this can be done is by allowing the use of muzzleloading pistols with appropriate ammunition during the applicable season. The proposed change will allow this.

Section 2102(a) of the code directs the Commission to "... promulgate such regulations as it deems necessary and appropriate concerning ... the ways, manner, methods, and means of hunting or furtaking..." Section 2102(d) also directs the Commission to promulgate regulations stipulating "... the type of firearms and ammunition and other devices which may be used..." The change was adopted under this authority.

3. *Regulatory Requirements*

The amendment will relax current requirements.

4. *Persons Affected*

Individuals wishing to hunt deer in special regulations areas with muzzleloading firearms using single projectile ammunition will be affected by the proposals.

5. *Cost and Paperwork Requirements*

The proposed change should not result in any additional cost or paperwork.

6. *Effective Date*

The proposed change will be effective on final publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

7. *Contact Person*

For further information on the change contact David E. Overcash, Acting Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

VERNON R. ROSS,
Executive Director

Fiscal Note: 48-123. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Subchapter A. GENERAL

§ 141.1. Special regulations areas.

* * * * *

(d) *Permitted acts.* It is lawful to:

(1) Hunt and kill deer through the use of a muzzleloading [**long gun**] firearm or a shotgun, at least .410 gauge (rifled barrels permitted), including semiautomatics which, upon discharge, propel a single projectile.

* * * * *

[Pa.B. Doc. No. 00-1386. Filed for public inspection August 11, 2000, 9:00 a.m.]

MILK MARKETING BOARD

[7 PA. CODE CH. 151]

Calculation of Bonding Obligation

The Milk Marketing Board (Board) proposes to amend § 151.9 (relating to calculation of bonding obligation) to read as set forth in Annex A.

Purpose of Proposed Amendment

The purpose of the amendment is to adjust the calculation of milk dealers' bonding obligations to reflect more accurately the volume of producer purchases during a 12-month period—thus providing greater economic protection for dairy farmers. The proposed amendment also updates the regulation by replacing a citation to the repealed Milk Producers' and Cooperative Security Funds Act with a citation to the successor act. The Board recognizes that other provisions in Chapter 151 have been superseded or otherwise affected by statutory changes and is preparing a comprehensive amendatory package. Section 151.9 has been given priority so that the adjusted bond calculation is in place for the 2000-01 license year.

Summary of Proposed Amendment

Section 7(c) of the Milk Producers' Security Act (act) (31 P. S. § 626.7(c)), provides that a milk dealer's bonding obligation is based on "the highest aggregate amount owed by the dealer to producers for a 40-day period during the preceding 12 months." Under the existing regulation, the Board uses the highest amount owed in any month during the preceding license year, adds the amount owed in the succeeding month, divides the sum by the number of days in those 2 months and multiplies the quotient by 40. This methodology is not entirely satisfactory since the highest volume month may be succeeded by one of the lowest volume months.

Under the proposed amendment, the Board would use the 2 consecutive months in which the sum of the amounts owed was the highest and then perform the division and multiplication operations described previously. The 2 consecutive months would be drawn from the preceding calendar year instead of the preceding license year. The license year for milk dealers runs from July 1—June 30. License renewal applications, accompanied by bond calculations, shall be mailed several weeks before a new license year begins. It is therefore not possible to base the bond calculation on the preceding license year. Using the preceding calendar year allows time for the auditing and administrative work associated with license renewal.

The amendment also adds a subsection (b) which sets out the two meanings of "amount owed." The amount owed for milk regulated by the Board is the Board-established minimum price, even though the dealer may have paid the producer a higher price—for example, a quality premium. The amount owed for milk not regulated by the Board is the actual amount the milk dealer lawfully paid the producer. For example, if the milk is priced under a Federal milk marketing order, the Federal minimum price is the lawful price.

Statutory Authority

Section 8 of the act (31 P. S. § 626.8) requires milk dealers to file bonds before the beginning of each license year. Section 7(c) of the act provides that the bond be based on the highest amount a dealer owed for milk for a 40-day period during the preceding 12 months.

Public Hearing

On August 3, 1999, the Board, after due notice, conducted a public hearing to receive comments on the proposed amendment. The attendees included representatives of the Pennsylvania Farm Bureau, the Pennsylvania Association of Milk Dealers, the Middle Atlantic Milk Marketing Agency (a group of dairy cooperatives), the Pennsylvania Farmers Union and the Pennsylvania Food Merchants Association. The only person to offer comments was the chief of the Board's Support Services Division, who manages licensing and bonding. This commentator spoke in favor of the proposed amendment as a means of providing greater protection to dairy farmers. No objections to the amendment were received.

Fiscal Impact

The use of the two highest consecutive months may result in higher bonding obligations for some milk dealers. The exact dollar impact will not be known until bonds are calculated for the 2000-01 license year. As part of her testimony at the August 3 hearing, however, the Board's Chief of Support Services reported the results of an analysis of a random selection representing 15% of bonded milk dealers. The analysis compared bond calculations

based on the proposed amendment with calculations under the existing regulations. The analysis covered two license periods: July 1, 1998—June 30, 1999, and July 1, 1999—June 30, 2000. For the 1998-99 license year, 40% of the dealers in the survey would have experienced no change in their bonding obligation, 40% would have experienced bonding increases ranging from 1—10%, and 20% would have experienced bonding decreases of less than 4%. For the 1999-00 license year, 80% would have experienced no change in their bonding obligation, and 20% would have experienced increases of less than 4%. The negligible impact of the proposed amendment on bonds for the 1999-00 license year is owing to exceptionally high milk prices in November and December 1998. For most milk dealers, those 2 months would have been the basis for bonding calculations under both the existing regulation and the amended regulation.

Paperwork Requirements

There are no paperwork requirements.

Effective Date; Sunset Date

The amendment will become effective upon publication in the *Pennsylvania Bulletin* as final rulemaking. There is no sunset date.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on June 27, 2000, a copy of this proposal was submitted to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Committees on Agriculture and Rural Affairs. In addition to submitting the proposed amendment, the Board has provided IRRC and the Committees with a copy of a detailed regulatory analysis form. 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 amendment, it will notify the Board within 10 days of the close of the Committees' review period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review by the Board, the General Assembly and the Governor of objections raised before final publication of the regulation.

Public Comment

Interested persons are invited to submit written comments, suggestions or objections concerning the proposed amendment to Chief Counsel, Pennsylvania Milk Marketing Board, 2301 North Cameron Street, Harrisburg, PA 17110, within 30 days following publication in the *Pennsylvania Bulletin*.

BEVERLY R. MINOR,
Chairperson

Fiscal Note: 47-7. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 7. AGRICULTURE

PART VI. MILK MARKETING BOARD

CHAPTER 151. SECURITY FUNDS, BONDING AND ALTERNATIVE SECURITY

§ 151.9. [Number of days for bond in lieu of payment to Security Fund] Calculation of bonding obligation.

[For the purpose of section 9(d) of the Milk Producers' and Cooperative Security Funds Act (31

P. S. § 625.9(d)) (Repealed), the highest aggregate amount owed for milk by a dealer or handler to producers means the highest amount owed for milk in any 1 month during the preceding licensing year plus the amount owed for milk in the next succeeding month divided by the number of days in those 2 months and multiplied by 40.]

(a) Under sections 7(c) and 8 of the Milk Producers' Security Act (Security Act) (31 P. S. §§ 626.7(c) and 626.8), the bond a milk dealer shall file before the beginning of each license year is based on "the highest aggregate amount owed by the dealer to producers for a 40-day period during the preceding 12 months." The Board will ascertain the highest aggregate amount owed for the applicable period by:

(1) Reviewing the amount owed by the milk dealer to all its producers for each month in the preceding calendar year.

(2) Identifying the 2 consecutive months in which the sum of the amounts owed was the highest.

(3) Dividing the sum of the amounts owed from paragraph (2) by the total number of days in the 2 consecutive months.

(4) Multiplying the quotient from paragraph (3) by 40.

(b) As used in sections 7(c) and 8 of the Security Act and in subsection (a), the term "amount owed" has the following meanings:

(1) For a purchase subject to minimum pricing fixed by the Board, "amount owed" means the amount the milk dealer was required to pay the producer under the applicable Board order, even though the actual amount paid exceeded the Board-established minimum price.

(2) For a purchase not subject to minimum pricing fixed by the Board, "amount owed" means the actual amount the milk dealer lawfully paid the producer.

[Pa.B. Doc. No. 00-1387. Filed for public inspection August 11, 2000, 9:00 a.m.]

STATE BOARD OF OCCUPATIONAL THERAPY EDUCATION AND LICENSURE

[49 PA. CODE CH. 42]

General Revisions

The State Board of Occupational Therapy Education and Licensure (Board) proposes general revisions to its regulations governing occupational therapists and occupational therapy assistants in Chapter 42 (relating to State Board of Occupational Therapy Education and Licensure) to read as set forth in Annex A.

A. Effective Date

The proposed amendments will be effective upon publication of final-form regulations in the *Pennsylvania Bulletin*.

B. Statutory Authority

The Board is authorized to promulgate and adopt regulations not inconsistent with law as it deems necessary for the performance of its duties and the proper administration of its enabling statute under section 5(b) of the Occupational Therapy Practice Act (act) (63 P. S. § 1505(b)). Section 16(a)(2) of the act (63 P. S. § 1516(a)(2)) anticipates that the Board will adopt a code of ethics in that this provision authorizes the Board to take disciplinary action against a licensee for violating a code of ethics adopted by the Board.

C. Background and Purpose

The proposed amendments result from the Board's systematic review of its regulations in accordance with Executive Order 1996-1 of February 6, 1996. The Executive Order directs executive agencies to evaluate existing regulations and amend and repeal regulations as necessary to comply with the order. In accordance with the Executive Order, a draft of this proposal was sent on May 18, 1999, to 21 agencies, associations and individuals who have been identified as interested parties or who have expressed an interest in this proposed rulemaking. The Board received comments as a result of this mailing and reviewed them at its meeting of June 19, 1999. The Board made a number of changes to the draft proposal as a result of the comments.

These revisions eliminate provisions which are outdated or have been rendered invalid, to standardize and simplify language in provisions that maintain their validity, and to adopt the most recent code of ethics in the profession.

D. Description of Amendments

These revisions would make editorial changes to 12 sections (§§ 42.3, 42.11, 42.12, 42.14, 42.15, 42.21, 42.31, 42.42—42.45 and 42.47), make substantive changes to two sections (§§ 42.1 and 42.24), delete three sections (§§ 42.18, 42.32 and 42.33) and add one new section (§ 42.19). Throughout the proposed rulemaking, the phrase "currently licensed occupational therapist or currently licensed occupational therapy assistant" is replaced with "licensee." This is the only change proposed for §§ 42.42—42.45 and 42.47.

§ 42.1. Definitions.

The proposed rulemaking would replace the definition of "AOTCB" with "NBCOT," National Board for Certification in Occupational Therapy, Inc. The NBCOT is the current name of the National certifying agency which prepares the certifying examination and screens examination candidates to determine that they have met educational and fieldwork requirements. Throughout this proposed rulemaking "AOTCB" is replaced with "NBCOT."

The definitions section would also be amended to include definitions of "service recipient" and "surrogate." These terms are used in the 1994 revisions to the Occupational Therapy Code of Ethics which the Board proposes to adopt in § 42.24.

§ 42.3. Meetings of the Board.

The proposed rulemaking would delete § 42.3(a) which relates to the frequency of Board meetings. This subsection paraphrases the first sentence in section 4(e) of the act (63 P. S. § 1504(e)) which requires the Board to meet at least twice a year and authorizes the Board to hold additional meetings whenever necessary. Section 42.3(a) is not serving a useful purpose in the Board's regulations. It neither interprets the act nor reflects the actual

frequency of Board meetings. The Board has been meeting approximately six times a year for more than a decade.

§ 42.14. *Foreign-trained applicants.*

The proposed rulemaking would make three changes to this section. As already indicated, "AOTCB" is replaced with "NBCOT." Second, here and throughout the proposal, the word "trained" is replaced with "educated." The Board makes this change to avoid confusion. The NBCOT uses the word "educated" in all information and instructions that it provides to persons who received their instruction in occupational therapy outside of the United States, its territories and Canada and seek an NBCOT credentials evaluation. The term educated is equivalent to the term training used in sections 3 and 10 of the act (63 P. S. §§ 1503 and 1510) Moreover, the Board believes that the word "educated" is consistent with the professional nature of the preparation of occupational therapists and assistants.

Third, the Board proposes to delete § 42.14(a)(3). The credentialing evaluation performed by the NBCOT assures that the applicant has completed a period of supervised fieldwork that meets the requirements of section 8(3) of the act (63 P. S. § 1508(3)) and is at least equivalent to the minimum fieldwork required for applicants educated in the United States under § 42.13(3). The NBCOT requires at least 1,000 hours of fieldwork in order to establish eligibility to take the certification examination. Therefore, § 42.14(a)(3) is unnecessary and potentially confusing.

§ 42.18. *Licensure requirement.*

The Board proposes to delete this section as it duplicates the substance of section 6(a) of the act (63 P. S. § 1506(a)) without adding anything to assist in understanding that section and does not contain section 6(b) and (c) of the act.

§ 42.19. *Licensee's change of name or address; service of process and legal papers.*

The proposed rulemaking would add this new section which is intended to put licensees on notice that they are responsible for notifying the Board in writing of changes in name and address and that they will bear the responsibility for any consequences if they do not tell the Board of changes. The proposed rulemaking further puts licensees on notice that their most recent name and address on file with the Board will be deemed their official name and address for the purpose of service of process and other legal papers. It is consistent with law governing service of process that if a document is sent to a licensee's last known address on file with the Board, that constitutes reasonable service. *Kobylski v. Commonwealth, Milk Marketing Board*, 516 A.2d 75 (Pa. Cmwlth. 1986).

§ 42.24. *Code of Ethics.*

The current code of ethics was promulgated by the American Occupational Therapy Association (AOTA) in 1988. The AOTA is a Nationwide professional association for occupational therapists and occupational therapy assistants. In promulgating its code of ethics, the AOTA seeks to promote and maintain high standards of behavior in occupational therapy.¹ The AOTA revised its code in July 1994.² The proposed rulemaking updates the Board's code so that it will reflect the AOTA revised code. The Board proposes to adopt this code because it both reflects

the Board's own view of ethical practice and will keep the Commonwealth's ethical standards consistent with the National standard. While much of the content of the proposed code is contained in the 1988 version, the proposed code contains a number of noteworthy changes. First, the proposed code contains six core principles rather than four. The principles include concern for the well-being of the recipients of services, respect for the rights of recipients of services, maintenance of high standards of competence, compliance with relevant law and regulations, provision of accurate information about occupational therapy services, and fair and discreet treatment of colleagues.

Several of the new provisions are noteworthy. The revised code requires licensees to provide services in an equitable manner for all individuals. (Principle 1(i)) This simple statement replaces a list of ten prohibited bases for discrimination found in the current Principle (1)(i).

The revised code explicitly prohibits a licensee from maintaining a relationship which exploits the recipient of services sexually, physically, emotionally, financially, socially or in any other manner. (Principle 1(ii)) The same provision of the revised code directs licensees to avoid relationships or activities that interfere with professional judgment and objectivity. The current code requires a licensee to maintain a professional and goal-directed relationship with the recipient of services (Principle 1(v)) and to take all reasonable precautions to avoid harm to the recipient of services (Principle 1(vii)).

The revised code requires a licensee to "collaborate" with recipients of services in determining goals and priorities and to fully inform the recipients of services about the nature, risks and potential outcomes of any intervention. (Principles 2(i) and 2(ii)) The current code requires a licensee to "include" the recipient of services in the treatment planning process and to fully inform the recipient of the nature and potential outcome of treatment and to respect the recipient's right to refuse treatment. (Principles 1(iv) and 1(ii)) The revised code has a separate provision requiring a licensee to respect an individual's right to refuse services or involvement in research. (Principle 2(iv))

The revised code requires a licensee to obtain "written informed consent" from subjects involved in research activities. (Principle 2(iii)) The current code requires a licensee to secure "the informed consent of potential subjects of education or research activities." (Principle 1(iii))

The revised code requires a licensee to "protect the confidential nature of information gained from educational, practice, research and investigational activities." (Principle 2(v)) The current code requires a licensee, except as otherwise required by law, to "protect the confidential nature of information gained from educational, practice and investigational activities unless sharing the information could reasonably be deemed necessary to protect an identifiable third party from harm." (Principle 1(vi))

The revised code requires licensees to "use procedures that conform to the standards of acceptable and prevailing occupational therapy practice." (Principle 3(i)) The current code requires the licensee to "function within the parameters of the licensee's competence and the standards of the profession." (Principle 2(i))

§ 42.31. *Unprofessional conduct.*

The Board proposes to amend § 42.31(1) to include among the enumerated examples of unprofessional con-

¹ See, www.aota.org, Practice and Ethics, Occupational Therapy Code of Ethics.

² "Occupational Therapy Code of Ethics," *American Journal of Occupational Therapy*, 48(11), 1037-1038.

duct sexually harassing, abusing or intimidating a patient. While sexually harassing or abusing a patient is universally condemned by the various health care professions, the Board believes that an explicit statement linking sexual misconduct with unprofessional conduct will be useful to inform licensees that this conduct is incompatible with the professionalism expected of occupational therapists and assistants.

§§ 42.32 and 42.33. Complaint process and formal hearings.

The Board proposes to delete these sections. They are similar to the regulations of the State Board of Medicine which the Pennsylvania Supreme Court declared invalid in *Lyness v. State Board of Medicine*, 529 Pa. 535, 605 A.2d 1024 (1992). The Board does not believe that substitute regulations are necessary. The Board's procedures are adequately governed by section 16(b) of the act which requires that actions of the Board be taken subject to the right of notice, hearing and adjudication and the right of appeal in accordance with 2 Pa.C.S. (relating to administrative law and procedure); and 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) which the Board has adopted in § 42.2 (relating to applicability of general rules).

E. Fiscal Impact and Paperwork Requirement

The proposed rulemaking should not have any fiscal impact on the Commonwealth, its subdivisions, the regulated community or the residents of this Commonwealth. It is unlikely that the proposed rulemaking will impose additional paperwork on anyone. The revised code of ethics requires a licensee to obtain "written informed consent" from subjects involved in research activities. It is likely that those engaged in research activities already do this.

F. Sunset Date

The Board continuously monitors its regulations. Therefore, no sunset date has been assigned.

G. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on July 28, 2000, the Board submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Professional Licensure and to the Senate Consumer Protection and Professional Licensure Committee. In addition to submitting the proposed rulemaking, the Board has provided the Committees and IRRC with a copy of a detailed Regulatory Analysis Form prepared by the Board in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

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

H. Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to Herbert Abramson, Counsel, State Board of Occupational Therapy, P. O. Box 2649, Harrisburg, PA 17105-2649 within 30 days following publication of the

proposed rulemaking in the *Pennsylvania Bulletin*. Please reference (16A-674) General Revisions when submitting comments.

HANNA GRUEN,
Chairperson

Fiscal Note: 16A-674. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 42. STATE BOARD OF OCCUPATIONAL THERAPY EDUCATION AND LICENSURE

GENERAL PROVISIONS

§ 42.1. Definitions.

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

* * * * *

[AOTCB—American Occupational Therapy Certification Board.]

* * * * *

Certification—Recognition by the [AOTCB] NBCOT that an individual is a registered occupational therapist or a certified occupational therapy assistant.

* * * * *

Licensure examination—The Certification Examination for Occupational Therapist, Registered, or the Certification Examination for Occupational Therapy Assistant prepared and administered by the [AOTCB] NBCOT.

NBCOT—The National Board for Certification in Occupational Therapy, Inc.

Service recipient—The patient or client who directly receives care or services from the licensee.

Surrogate—The spouse, parent or guardian of the service recipient.

§ 42.3. Meetings of the Board.

[(a) The Board will meet at least twice each year, and may hold special meetings with the approval of the Commissioner whenever necessary to discharge its duties.

(b)] * * *

LICENSURE

§ 42.11. Licensure examination.

(a) The licensure examinations will be scheduled at least twice each year at times and places designated by the [AOTCB] NBCOT.

(b) The applicant shall apply to [AOTCB] NBCOT for admission to the licensure examination and shall pay the required fee at the direction of [AOTCB] NBCOT.

(c) The applicant is responsible for directing that [AOTCB] NBCOT send the applicant's examination results and other information requested to the Board.

(d) The passing score shall be that established by the [AOTCB] NBCOT for each administration of the licensure examination.

* * * * *

§ 42.12. Waiver of licensure examination.

An applicant may be licensed without examination who presents one of the following to the Board:

* * * * *

(2) Satisfactory evidence that the applicant has successfully completed the [AOTCB] NBCOT Certification Examination and is currently certified by [AOTCB] NBCOT as a registered occupational therapist or an occupational therapy assistant.

* * * * *

§ 42.14. Foreign-[trained] educated applicants.

(a) To apply for licensure, the foreign-[trained] educated applicant shall, before examination, submit evidence satisfactory to the Board, on forms provided by the Board, that the applicant meets the following requirements:

* * * * *

(2) Has completed educational requirements substantially equal to § 42.13(2) (relating to application for licensure). The Board will accept a credentials evaluation done by the [Division of Credentialing of AOTA] NBCOT as proof that the foreign-[trained] educated applicant has completed the educational requirements.

[(3) Has completed up to 1 year of supervised fieldwork experience, as prescribed by the Board. The Board will accept supervised fieldwork experience approved by the World Federation of Occupational Therapists.]

(b) The foreign-[trained] educated applicant may be licensed by the Board, if he has complied with subsection (a) and has met one of the following criteria:

* * * * *

§ 42.15. Application for temporary license.

* * * * *

(c) The Board may also issue a temporary license to an applicant who:

* * * * *

(3) Submits evidence to the Board that the applicant is either licensed under the laws of the District of Columbia or of a state or territory of the United States which has licensure requirements substantially equal to the requirements of the act or has met the requirements for certification, as an occupational therapist registered or a certified occupational therapy assistant, established by [AOTCB] NBCOT.

* * * * *

§ 42.18. [Licensure requirement] (Reserved).

[Only individuals who are occupational therapists or occupational therapy assistants licensed by the Board may practice or represent themselves as able to practice occupational therapy in this Commonwealth. Except as provided in section 7 of the act (63 P. S. § 1507), it is unlawful for unlicensed

individuals to practice or represent themselves as able to practice occupational therapy.]

§ 42.19. Licensee's change of name or address; service of process and legal papers.

(a) A licensee's name and address on file with the Board shall be deemed the licensee's official name and address for the purpose of service of process and other legal papers.

(b) A licensee's name on file with the Board shall be the name that appears on the license unless that name is legally changed, in which case the licensee shall report the change and the reason for the change to the Board in writing within 10 days of the change.

(c) A licensee who changes an address on file with the Board shall notify the Board in writing within 10 days. Licensees who do not comply with this subsection shall bear full responsibility for failure to receive correspondence from the Board, including biennial renewal notification.

MINIMUM STANDARDS OF PRACTICE

§ 42.21. Delegation of duties to aides and other unlicensed personnel.

(a) A [currently licensed occupational therapist or a currently licensed occupational therapy assistant] licensee may delegate to aides and other unlicensed personnel duties associated with nontreatment aspects of occupational therapy services if the following conditions are met:

* * * * *

§ 42.24. Code of Ethics.

Purpose. The Board adopts the following Code of Ethics to establish and maintain a high standard of integrity and dignity in the profession and to protect the public against unprofessional conduct on the part of [occupational therapists and occupational therapy assistants] licensees. The Code of Ethics is adapted with permission from the "Occupational Therapy Code of Ethics" of the American Occupational Therapy Association (revised [April 1988] July 1994).

[(1) Principle 1. Beneficence/autonomy. A licensee shall demonstrate a concern for the welfare and dignity of the recipients of services, including patients/clients and subjects involved in education and research activities.

(i) A licensee shall provide services without discriminating on the basis of race, creed, national origin, sex, age, handicap, disease, social status, financial status or religious affiliation.

(ii) A licensee shall inform patients/clients of the nature and potential outcomes of treatment and shall respect the right of potential patients/clients to refuse treatment.

(iii) A licensee shall secure the informed consent of potential subjects of education or research activities and shall respect their right to withdraw from participation.

(iv) A licensee shall include patients/clients in the treatment planning process.

(v) A licensee shall maintain professional and goal-directed relationships with patients/clients and with subjects involved in education or research activities.

(vi) Except as otherwise required by law, a licensee shall protect the confidential nature of information gained from educational, practice and investigational activities unless sharing the information could reasonably be deemed necessary to protect an identifiable third party from harm.

(vii) A licensee shall take all reasonable precautions to avoid harm to patients/clients and to subjects involved in education or research activities, or detriment to their property.

(2) *Principle 2. Competence.* A licensee shall actively maintain high standards of professional competence.

(i) A licensee shall function within the parameters of the licensee's competence and the standards of the profession.

(ii) A licensee shall refer patients/clients to other service providers or consult with other service providers when additional knowledge and expertise is required.

(iii) A licensee shall accurately record and report information related to occupational therapy services provided to patients/clients.

(iv) A licensee shall require those whom the licensee supervises in the provision of occupational therapy services to adhere to this Code of Ethics.

(3) *Principle 3. Public information.* A licensee shall provide accurate information about occupational therapy services.

(i) A licensee shall accurately represent the licensee's competence and training.

(ii) A licensee may not use or participate in the use of a form of communication that contains a false, misleading, or deceptive statement or claim.

(4) *Principle 4. Professional relationships.* A licensee shall function with discretion and integrity in relations with colleagues and other professionals.

(i) A licensee shall report illegal, incompetent or unethical practice by colleagues or other professionals to the appropriate authority.

(ii) Except as otherwise required by law, a licensee may not disclose confidential information when participating in reviews of peers, programs or systems.

(iii) A licensee who employs or supervises colleagues shall provide appropriate supervision as described in §§ 42.22 and 42.23 (relating to supervision of occupational therapy assistants; and supervision of applicants with temporary licenses).]

(1) *Principle 1.* Licensees shall demonstrate a concern for the well-being of the recipients of their services. (beneficence)

(i) Licensees shall provide services in an equitable manner for all individuals.

(ii) Licensees shall maintain relationships that do not exploit the recipient of services sexually, physically, emotionally, financially, socially or in any other manner. Licensees shall avoid those relationships or activities that interfere with professional judgment and objectivity.

(iii) Licensees shall take all reasonable precautions to avoid harm to the recipient of services or to his property.

(2) *Principle 2.* Licensees shall respect the rights of the recipients of their services. (autonomy, privacy, confidentiality)

(i) Licensees shall collaborate with service recipients or their surrogates, or both, in determining goals and priorities throughout the intervention process.

(ii) Licensees shall fully inform the service recipients or their surrogates, or both, of the nature, potential risks and outcomes of any interventions.

(iii) Licensees shall obtain written informed consent from subjects involved in research activities indicating they have been fully advised of the potential risks and outcomes.

(iv) Licensees shall respect the individual's right to refuse professional services or involvement in research or educational activities.

(v) Licensees shall protect the confidential nature of information gained from educational, practice, research and investigational activities.

(3) *Principle 3.* Licensees shall achieve and continually maintain high standards of competence. (duties)

(i) Licensees shall use procedures that conform to the standards of acceptable and prevailing occupational therapy practice.

(ii) Licensees shall take responsibility for maintaining competence by participating in professional development and education activities.

(iii) Licensees shall perform their duties on the basis of accurate and current information.

(iv) Licensees shall protect service recipients by ensuring that duties assumed by or assigned to other licensees are commensurate with their qualifications and experience.

(v) Licensees shall provide appropriate supervision to individuals for whom the licensees have supervisory responsibility.

(vi) Licensees shall refer recipients to other service providers or consult with other service providers when additional knowledge and expertise are required.

(4) *Principle 4.* Licensees shall comply with laws and regulations governing the practice of occupational therapy in this Commonwealth. (justice)

(i) Licensees shall understand and abide by applicable local, State and Federal laws.

(ii) Licensees shall inform employers, employees and colleagues about those laws and regulations that apply to the profession of occupational therapy.

(iii) Licensees shall require those they supervise in occupational therapy related activities to adhere to this chapter.

(iv) Licensees shall accurately record and report all information related to professional activities.

(5) *Principle 5.* Licensees shall provide accurate information about occupational therapy services. (veracity)

(i) Licensees shall accurately represent their qualifications, education, experience, training and competence.

(ii) Licensees shall disclose any affiliations that may pose a conflict of interest.

(iii) Licensees shall refrain from using or participating in the use of any form of communication that contains false, fraudulent, deceptive or unfair statements or claims.

(6) *Principle 6.* Licensees shall treat colleagues and other professionals with fairness, discretion and integrity. (fidelity, veracity)

(i) Licensees shall safeguard confidential information about colleagues and staff members.

(ii) Licensees shall accurately represent the qualifications, views, contributions and findings of colleagues.

(iii) Licensees shall report any breaches of the Board's law and this chapter to the Board.

DISCIPLINARY PROCEEDINGS

§ 42.31. Unprofessional conduct.

[An occupational therapist] A licensee who engages in unprofessional conduct is subject to disciplinary action under section 16 of the act (63 P.S. § 1516). Unprofessional conduct includes[, but is not limited to,] the following:

(1) Harassing, abusing or intimidating a patient[, either] physically [or], verbally or sexually.

* * * * *

§ 42.32. [Complaint process] (Reserved).

[(a) A person, firm, corporation or public office may submit a written complaint to the complaints officer of the Bureau of Professional and Occupational Affairs charging a licensee with a violation under section 16(a) of the act (63 P.S. § 1516) or unprofessional conduct as set forth in § 42.31 (relating to unprofessional conduct) specifying the grounds.

(b) The complaints officer will forward the complaint to the Board prosecutor who, together with consultants or investigators who may be required, will make a preliminary determination as to whether the complaint merits consideration. If the complaint on its face establishes a violation of the act, the Board prosecutor will order a reasonable inquiry or investigation that the prosecutor deems necessary to determine the truth and validity of the allegations.

(c) The Board prosecutor will provide reports to the Board at its regular meetings on the number, nature, procedure and handling of complaints received and will give to the Board a recommendation for the disposition of a complaint. The prosecutor's recommendations to the Board and information, documents, records and other materials obtained during the course of an investigation will be considered confidential unless admitted as evidence during the course of a formal disciplinary hearing, except that information and documents classified under statute as public information or public documents will be made available for public inspection.

(d) After consideration of the prosecutor's recommendation, the Board will authorize the disposition of the complaint. If the Board authorizes dismissal, the complainant will be so notified in writing. If the Board authorizes the prosecutor to proceed with a formal hearing, the Board will determine whether the hearing will be held before Board members or a Board member, or before a designated hearing examiner.

(e) At any stage of the handling of a complaint, the Board prosecutor may request authorization from the Board to enter into negotiations with the respondent or his counsel to facilitate the disposition of a case by a stipulation and consent agreement. If the Board approves the stipulation and consent agreement, it will then issue an order adopting the terms and conditions, subject to approval as to legality by the Office of General Counsel. Unless the stipulation and consent agreement is accepted by the Board and an order issued, the agreement and the terms of the agreement will be confidential. Admissions made by a respondent in a stipulation and consent agreement or during the course of the negotiations may not be used against him in a formal disciplinary proceeding if a prehearing settlement cannot be reached.

(f) Prior to the approval of a stipulation and consent agreement, the Board may hold an informal conference, which will be confidential and not open to the public, to review the suggested disposition. Admissions made by a respondent at the informal conference before the Board will not be used against him in formal disciplinary proceedings. The Board prosecutor may introduce evidence other than the respondent's admissions to prove factual matters disclosed during the informal conference or in the course of negotiating a stipulation and consent agreement.

(g) Prior to authorization of a formal hearing, the Board prosecutor may arrange an investigatory conference to gather factual data and to facilitate an eventual hearing. This conference will be confidential and will not be open to the public. The Board counsel and the consultant or investigator assigned to the case will be required to be present. The Board prosecutor will give timely notice of the conference to the licensee involved. The notice will include a statement of the nature of the issues to be discussed and will inform the licensee that he has the right to be represented by counsel at the conference. Statements made at the conference may not be introduced at a hearing on the merits without the consent of all parties to the hearing. Complaints may be resolved at a conference through an agreed order only if the order is ratified by the Board and approved as to legality by the Office of General Counsel. The Board will authorize the Board counsel to set a formal hearing in the matter, either before the Board or a designated hearing examiner, if it determines, based upon the Board prosecutor's summary of fact and law, that such hearing is warranted.

(h) Subsections (e)—(g) supplement 1 Pa. Code §§ 35.111—35.116 (relating to prehearing conferences).]

§ 42.33. [Formal hearings] (Reserved).

[(a) The Board will issue the administrative complaint and rule to show cause prepared by the prosecutor to the respondent, notifying him of the following:

- (1) The factual allegations and the charges filed against him.
- (2) The time and place of the hearing.
- (3) The right to be represented by counsel.
- (4) The right to appear personally.
- (5) The right to cross-examine witnesses testifying against him.
- (6) The right to call witnesses in his own behalf.
- (7) The right to review and object to documentary evidence produced against him.

(8) The procedure to be followed in requesting a continuance.

(b) A verbatim transcript of the proceeding will be made.

(c) The time of the hearing will be fixed by the Board or the designated hearing examiner as soon as convenient, but not earlier than 20 days after service of the administrative complaint and rule to show cause upon the respondent. The Board or the designated hearing examiner will issue subpoenas for the respondent only upon a showing by the respondent that a necessary witness will not appear unless subpoenaed. The Board will look to the courts of the Commonwealth to enforce its subpoenas.

(d) Within a reasonable time after holding the hearing, under 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law), the Board will prepare a written adjudication of the decision reached, supported with findings of fact and conclusions of law. An order disposing of the case will be transmitted to the parties of record. The Board will retain copies of the adjudication and order and items offered into evidence and considered in reaching a decision.

(e) Formal disciplinary proceedings will be open to the public.

(f) Subsections (a)—(d) supplement 1 Pa. Code §§ 35.121—35.133 (relating to hearing and transcript).]

CHILD ABUSE REPORTING REQUIREMENTS

§ 42.42. Suspected child abuse—mandated reporting requirements.

(a) *General rule.* Under 23 Pa.C.S. § 6311 (relating to persons required to report suspected child abuse), [**occupational therapists or occupational therapist assistants**] licensees who, in the course of their employment, occupation or practice of their profession, come into contact with children shall report or cause a report to be made to the Department of Public Welfare when they have reasonable cause to suspect on the basis of their professional or other training or experience, that a child coming before them in their professional or official capacity is a victim of child abuse.

(b) *Staff members of public or private agencies, institutions and facilities.* [**Occupational therapists or occu-**

pational therapist assistants] Licensees who are staff members of a medical or other public or private institution, school, facility or agency, and who, in the course of their employment, occupation or practice of their profession, come into contact with children shall immediately notify the person in charge of the institution, school, facility or agency or the designated agent of the person in charge when they have reasonable cause to suspect on the basis of their professional or other training or experience, that a child coming before them in their professional or official capacity is a victim of child abuse. Upon notification by the [**occupational therapist or occupational therapist assistant**] licensee, the person in charge or the designated agent shall assume the responsibility and have the legal obligation to report or cause a report to be made in accordance with subsections (a), (c) and (d).

* * * * *

§ 42.43. Photographs, medical tests and X-rays of child subject to report.

[**An occupational therapist or occupational therapist assistant**] A licensee may take or cause to be taken photographs of the child who is subject to a report and, if clinically indicated, cause to be performed a radiological examination and other medical test on the child. Medical summaries or reports of the photographs, X-rays and relevant medical tests taken shall be sent to the county children and youth social service agency at the time the written report is sent or as soon thereafter as possible. The county children and youth social service agency shall have access to actual photographs or duplicates and X-rays and may obtain them or duplicates of them upon request.

§ 42.44. Suspected death as a result of child abuse—mandated reporting requirement.

[**An occupational therapist or occupational therapist assistant**] A licensee who has reasonable cause to suspect that a child died as a result of child abuse shall report that suspicion to the coroner of the county where death occurred or, in the case where the child is transported to another county for medical treatment, to the coroner of the county where the injuries were sustained.

§ 42.45. Immunity from liability.

Under 23 Pa.C.S. § 6318 (relating to immunity from liability), [**an occupational therapist or occupational therapist assistant**] a licensee who participates in good faith in the making of a report, cooperating with an investigation, testifying in a proceeding arising out of an instance of suspected child abuse or the taking of photographs shall have immunity from civil and criminal liability that might result by reason of the [**occupational therapist's or occupational therapist assistant**] licensee's actions. For the purpose of any civil or criminal proceeding, the good faith of the [**occupational therapist or occupational therapist assistant**] licensee shall be presumed. The Board will uphold the same good faith presumption in any disciplinary proceeding that might result by reason of [**an occupational therapist's or occupational therapist assistant's**] a licensee's actions in participating in good faith in the making of a report, cooperating with an investigation, testifying in a proceeding arising out of an instance of suspected child abuse or the taking of photographs.

§ 42.47. Noncompliance.

(a) *Disciplinary action.* **[An occupational therapist or occupational therapist assistant]** A licensee who willfully fails to comply with the reporting requirements in §§ 42.42—42.44 (relating to suspected child abuse—mandated reporting requirements; photographs, medical tests and X-rays of child subject to report; and suspected death as a result of child abuse—mandated reporting requirement) will be subject to disciplinary action under section 16 of the act (63 P. S. § 1516).

(b) *Criminal penalties.* Under 23 Pa.C.S. § 6319 (relating to penalties for failure to report), **[an occupational therapist or occupational therapist assistant] a licensee** who is required to report a case of suspected child abuse who willfully fails to do so commits a summary offense for the first violation and a misdemeanor of the third degree for a second or subsequent violation.

[Pa.B. Doc. No. 00-1388. Filed for public inspection August 11, 2000, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY

[4 PA. CODE CH. 114]

Volunteer Fire Company and Volunteer Ambulance Service Grant Program

The Pennsylvania Emergency Management Agency (Agency) has adopted a statement of policy regarding the Volunteer Fire Company and Volunteer Ambulance Service Grant Program to read as set forth in Annex A. This program provides grants to improve and enhance the capabilities of volunteer fire companies and ambulance services to provide either firefighting, ambulance or rescue services to the citizens of this Commonwealth under the Volunteer Fire Company and Volunteer Ambulance Service Act (Act 66 of 2000).

In compliance with Act 66 of 2000, the Agency is required to publish program guidelines, schedules and application procedures in the *Pennsylvania Bulletin* and *Pennsylvania Code* within 30 days of the effective date of Act 66 of 2000. The guidelines are needed for the administration of the Volunteer Fire Company and Volunteer Ambulance Service Grant Program. For this reason, the Agency announces the availability of grant funds and the following guidelines, schedules and application procedures that eligible applicants must follow to apply for those grant funds.

Fiscal Impact

Appropriation of \$25 million provided in Act 21A of 2000.

Paperwork Requirements

The guidelines will require applicants to complete the Volunteer Fire Company and Volunteer Ambulance Service Application and Grant Agreement (Form VFCVASGPL-1).

Effective Date

The guidelines contained in this statement of policy shall take effect upon publication in the *Pennsylvania Bulletin*.

DAVID L. SMITH,
Director

Fiscal Note: 30-54. No fiscal impact; (8) recommends adoption. Twenty-five million dollars was appropriated in Act 21A of 2000 for this grant program. There will be no additional costs.

(Editor's Note: The regulations of the Agency, 4 Pa. Code, are amended by adding §§ 114.1—114.8 to read as set forth in Annex A.)

Annex A

TITLE 4. ADMINISTRATION

PART V. EMERGENCY MANAGEMENT AGENCY

CHAPTER 114. VOLUNTEER FIRE COMPANY AND VOLUNTEER AMBULANCE SERVICE GRANT PROGRAM—STATEMENT OF POLICY

Sec.	
114.1.	Introduction.
114.2.	Definitions.
114.3.	Eligibility.

114.4.	Program requirements and instructions.
114.5.	Application submission and approval procedure.
114.6.	Procedures.
114.7.	Program limitations.
114.8.	Contact information.

§ 114.1. Introduction.

(a) The VFCVASGP provides one-time grants to improve and enhance the capabilities of volunteer fire companies and volunteer ambulance services throughout this Commonwealth to provide firefighting, ambulance and rescue capabilities. VFCVASGP funds may be used for projects that are in accordance with the act. Eligible projects are defined in § 114.3(a)(2) and (b)(2) (relating to eligibility).

(b) Assistance from the VFCVASGP is in the form of one-time grants from the Commonwealth to eligible volunteer fire companies and volunteer ambulance services for projects which, in the judgment of the Agency, comply with the act, are in accordance with the program guidelines in this chapter and meet all Volunteer Fire Company-Volunteer Ambulance Service Grant Application criteria found in the application.

(c) Grants will be at least \$2,500 and not more than \$15,000 per applicant volunteer fire company or \$10,000 per applicant volunteer ambulance service, except as noted in § 114.3(a)(3).

(d) Applicants should be aware that the VFCVASGP will create a large pool of applications for a limited appropriation from the General Assembly. As such, it is possible that not every application can be fully funded, in which case grants will be awarded on a pro rata basis.

(e) VFCVASGP expenditures will be charged to the State fiscal year July 1, 2000, to June 30, 2001.

§ 114.2. Definitions.

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

Act—The Volunteer Fire Company and Volunteer Ambulance Service Grant Act (35 P. S. §§ ____).

Agency—The Pennsylvania Emergency Management Agency.

Application—The Volunteer Fire Company-Volunteer Ambulance Service Grant Program Application.

Basic life support services—The prehospital or interhospital emergency medical care and management of illness or injury performed by specially trained and certified or licensed personnel.

Commissioner—The State Fire Commissioner.

Facility—

(i) A structure or portion thereof intended for the purpose of storage or protection of firefighting apparatus, ambulances or rescue vehicles and related equipment and gear.

(ii) The term does not include meeting halls, social halls, social rooms, lounges or any other facility not directly related to firefighting or the furnishing of ambulance or rescue services.

Final report—The report to be filed as provided in § 114.6 (relating to procedures) by the volunteer fire company or volunteer ambulance services detailing the expenditure of the funds granted.

Grant program—The Volunteer Fire Company Grant Program established in section 301 of the act (35 P. S. § ____ and the Volunteer Ambulance Service Grant Program established in section 501 of the act (35 P. S. § ____).

Invalid coach—

(i) A vehicle which is primarily maintained, operated and intended to be used for routine transport of persons who are convalescent or otherwise nonambulatory and do not ordinarily require emergency medical treatment while in transit.

(ii) These vehicles are not to be considered ambulance or emergency medical service vehicles.

VFCVASGP—The Volunteer Fire Company and Volunteer Ambulance Service Grant Program.

Volunteer ambulance service—

(i) Any nonprofit chartered corporation, association or organization located in this Commonwealth, not associated or affiliated with any volunteer fire company or hospital and which is regularly engaged in the provision of emergency medical services, including basic life support or advanced life support services and the transportation of patients.

(ii) The term does not include any corporation, association or organization that is primarily engaged in the operation of invalid coaches which are intended for the routine transport of persons who are convalescent or otherwise nonambulatory and do not ordinarily require emergency medical treatment while in transit.

Volunteer fire company—A nonprofit chartered corporation, association or organization located in this Commonwealth which provides fire protection services and which may offer other voluntary emergency services within this Commonwealth. Voluntary emergency services provided by a volunteer fire company may include voluntary ambulance and voluntary rescue services.

§ 114.3. Eligibility.

(a) *Volunteer Fire Company Grant.*

(1) *Eligible applicants.* A volunteer fire company as defined in § 114.2 (relating to definitions) is an eligible applicant. However, to receive grant funds under this act a volunteer fire company shall have actively responded to one or more fire emergencies since July 1, 1999.

(2) *Eligible projects.* VFCVASGP funds may be used for projects that are consistent with the act. Eligible projects shall improve and enhance the capabilities of the volunteer fire company to provide firefighting, ambulance or rescue services. Eligible projects include:

(i) Construction or renovation, or both, of the fire company's primary structure facility and purchase or repair of fixtures and furnishings necessary to maintain or improve the capability of the company to provide fire, ambulance and rescue services.

(ii) Purchase of firefighting, ambulance or rescue equipment or repair thereof.

(iii) Debt reduction associated with already completed projects of subparagraph (i) or (ii).

(3) *Consolidation by fire companies.* When two or more fire companies have consolidated their use of equipment, firefighters and services between July 1, 1998 and June 13, 2000, the consolidated entity may be deemed eligible to receive a one-time grant not to exceed the amount of

the combined total for which the individual companies would have been eligible had they not consolidated.

(b) *Volunteer Ambulance Service Grant.*

(1) *Eligible applicants.* A volunteer ambulance service as defined in § 114.2 is an eligible applicant.

(2) *Eligible projects.* VFCVASGP funds may be used for projects that are consistent with the act. Eligible projects shall improve and enhance the capability of the ambulance service to provide ambulance, emergency medical, basic life support or advanced life support services. Eligible projects include:

(i) Construction or renovation, or both, of the volunteer ambulance service's primary structure facility and purchase or repair of fixtures and furnishings necessary to maintain or improve the capability of the company to provide fire, ambulance and rescue services.

(ii) Purchase of ambulance or rescue equipment or repair thereof.

(iii) Debt reduction associated with already completed projects of subparagraph (i) or (ii).

§ 114.4. Program requirements and instructions.

(a) The following requirements apply to VFCVASGP:

(1) Project applications shall be submitted using the Volunteer Fire Company-Volunteer Ambulance Service Application and Grant Agreement. The Agency will provide applications for grants under this act to every volunteer fire company and every volunteer ambulance service in this Commonwealth. Applications will also be available from the Office of the State Fire Commissioner and on the Agency's website. Addresses and phone numbers are listed in § 114.5 (relating to application submission and approval procedure).

(2) The Agency reserves the right to:

(i) Request additional information regarding an organization's eligibility.

(ii) Request additional information regarding proposed use of funds.

(iii) Verify non-Agency funding sources.

(iv) Require explanation or revision of the project's budget.

(v) Require clarification of the project's narrative.

(3) Incomplete applications may be rejected. An applicant shall follow the detailed instructions for completing the Volunteer Fire Company-Volunteer Ambulance Service Application and Grant Agreement when applying for a VFCVASGP grant, especially with regards to the completion of Appendix A, Project Narrative and Budget.

(4) The project narrative shall provide a detailed and comprehensive description of the project and include:

(i) Problems to be addressed.

(ii) Description of the projects.

(iii) Benefits to be realized from the project.

(5) The project budget shall include a breakdown of all funds to be used for the project, a list of all budget/purchase items for the project, and accompanying documentation to support the itemized budget/purchase items. Debt reduction projects must list the name, address and phone number of the bank or other financial institution or organization that loaned the project moneys to the applicant.

§ 114.5. Application submission and approval procedure.

(a) The Agency will mail VFCVASGP applications to volunteer fire companies and volunteer ambulance services throughout this Commonwealth on or before July 7, 2000. The application will also be available by calling the Office of the State Fire Commissioner, or on the Agency's website www.pema.state.pa.us. Applications should be submitted to the following address: Office of the State Fire Commissioner, 2605 Interstate Drive, Harrisburg, Pennsylvania 17110-9364, (800) 670-3473.

(b) A volunteer fire company or a volunteer ambulance service seeking a grant under this program shall submit a completed application to the Agency on or before September 1, 2000.

(c) The Agency will act to approve or disapprove the application by October 4, 2000. Applications received by the Agency on or before September 1, 2000, which have not been approved or disapproved by the Agency by October 4, 2000, will be deemed approved, subject to the provisions of sections 303(b)(2) and 503(b)(2) of the act (35 P. S. §§ ____ and ____).

(d) Applications submitted after the September 1, 2000, deadline shall be accepted by the Agency and grants may be awarded, at the discretion of the Agency, from the reserve grant fund set aside by section 504 of the act (35 P. S. § ____).

(e) The Agency shall reserve an amount not to exceed 3% of the funds appropriated for the VFCVASGP for the purpose of awarding grants to volunteer fire companies and volunteer ambulance services that submit applications after September 1, 2000, that would have otherwise been eligible for and been awarded a grant under the grant program. A volunteer fire company or volunteer ambulance service may not receive a grant from reserve funds in an amount greater than the amount that it would have received had it applied in a timely manner. Applicants may not apply more than once during the 2000-2001 Fiscal Year.

(f) The Agency reserves the right to reject, without notification, applications received after October 31, 2000.

§ 114.6. Procedures.

(a) VFCVASGP grant award notifications will be made by letter.

(b) The applicant shall maintain full and accurate records with respect to the project. The Agency will have free access to these records, including invoices of material and services, and other relative data and records, as well as the right to inspect all project work. The applicant shall furnish upon request of the Agency all data, reports, contracts, documents and other information relevant to the project.

(c) The applicant shall, upon completion of the project but no later than September 3, 2001, file a final report with the Agency.

(1) The final report shall provide a detailed description and accounting of all expenditures made using grant award funds.

(2) Final reports detailing expenditures for construction or renovation, or both, or purchase or repair, or both, of fixtures and furnishings or purchase of firefighting, ambulance or rescue equipment or repair thereof shall have attached copies of all invoices or other payment related documents necessary to report the expenditures made.

(3) Final reports detailing debt reduction shall include evidence from the lender that the funds were applied to the debt reduction.

(4) Any grant funds not expended by the applicant for the project shall be returned to the Agency prior to or with the filing of the final report.

(5) Failure to file a final report will be grounds for the Agency to seek the return of all grant funds awarded.

§ 114.7. Program limitations.

(a) This section identifies program limitations that may result from the misuse of the grant funds.

(b) An applicant may not make or authorize any substantial change in an approved project without first obtaining consent of the Agency in writing.

(c) The applicant shall agree that noncompliance with the conditions of this grant shall be grounds for the recapture of funds provided to the applicant. If the applicant fails to refund the moneys, the Commonwealth, in addition to any rights or remedies it may have at law or in equity, reserves the right to offset the amount due against any existing or future sums of money owed the applicant by any Commonwealth agency or department, including the Agency.

(d) The Agency, or its authorized representative, will have access to the records of the applicant for the purpose of auditing financial transactions, determination of compliance with grant terms, and an evaluation of project performance. The applicant shall maintain a separate and segregated project account for all funds received under this grant.

(c) The applicant agrees to retain all cost supporting records and documentation for 3 years from the date that it receives its final grant payment from the Agency.

§ 114.8. Contact information.

Applicant inquires should be directed to:

Office of the State Fire Commissioner
2605 Interstate Drive
Harrisburg, Pennsylvania 17110-9364
Toll free (800) 670-3473
E-mail—fire@state.pa.us

[Pa.B. Doc. No. 00-1389. Filed for public inspection August 11, 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 August 1, 2000.

BANKING INSTITUTIONS

Conversions

<i>Date</i>	<i>Name of Institution</i>	<i>Location</i>	<i>Action</i>
8-1-00	Tioga-Franklin Savings Association Philadelphia Philadelphia County	326 E. Girard Ave. Philadelphia Philadelphia County	Effective
	<i>To:</i> Tioga-Franklin Savings Bank Philadelphia Philadelphia County		
	Represents conversion of a State-chartered mutual savings association to a State-chartered mutual savings bank.		

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-26-00	Northwest Savings Bank Warren Warren County	Warren	Filed
	Purchase of assets/assumption of liabilities of nine branches of Sovereign Bank, F.S.B., Wyomissing. Located at:		
	47 Turner Street Austin Potter County	50 S. Main Street Mansfield Tioga County	
	302 North East Street Coudersport Potter County	61 Main Street Wellsboro Tioga County	
	30 West Street Galeton Potter County	16 Main Street Wellsboro Tioga County (Drive-Up Facility)	
	51 Academy Street Shinglehouse Potter County	100 East Main Street Westfield Tioga County	
	53 Main Street Lawrenceville Tioga County		
7-27-00	The Peoples Bank of Oxford, Oxford, and The Peoples Interim Bank of Oxford, Oxford Surviving Institution— The Peoples Bank of Oxford, Oxford	Oxford	Effective
	Merger was effected solely to facilitate the acquisition of The Peoples Bank of Oxford by Peoples First, Inc., Oxford, a new bank holding company.		

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-26-00	The Madison Bank Blue Bell Montgomery County	One Abington Plaza Suites 101 & 103 Jenkintown Montgomery County	Approved
7-31-00	First Commonwealth Bank Indiana Indiana County	9503 Lincoln Highway Bedford Bedford County	Filed

Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-15-00	Harris Savings Bank Harrisburg Dauphin County	<i>To:</i> 1100 Cocoa Ave. Hershey Derry Township Dauphin County <i>From:</i> 114 W. Chocolate Ave. Hershey Dauphin County	Effective
7-22-00	C & G Savings Bank Altoona Blair County	<i>To:</i> 1306 Shoemaker St. Nanty Glo Cambria County <i>From:</i> 920 Chestnut St. Nanty Glo Cambria County	Effective
7-31-00	Bank of Hanover and Trust Company Hanover York County	<i>To:</i> 10 Lincoln Street New Oxford Adams County <i>From:</i> 318 Lincolnway East New Oxford Adams County	Filed

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

DAVID E. ZUERN,
Secretary

[Pa.B. Doc. No. 00-1390. Filed for public inspection August 11, 2000, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Community Conservation Partnerships Program

The Department of Conservation and Natural Resources (DCNR) has announced an open application period for funding of planning, acquisition, development and technical assistance projects from the Community Conservation Partnerships Program.

The Community Conservation Partnerships Program combines several funding sources that were previously administered by the Bureau of Recreation and Conservation as separate grant programs. These are the Keystone Recreation, Park and Conservation Fund (Keystone), the Environmental Stewardship and Watershed Protection Act (Growing Greener), and the Pennsylvania Recre-

ational Trails Program funded with Federal TEA-21 and State general fund moneys. The grant program components funded by these sources (Community Recreation (\$12 million), Land Trusts (\$4.5 million), Rails-to-Trails (\$1.4 million), Rivers Conservation (\$1.4 million), Recreational Trails (\$2 million), and the Growing Greener Program (\$8 million) have been combined into one application cycle and a single application format and process resulting in less paperwork.

An announcement of this open application period, information on pre-application workshops and order form for the application manual has been sent to Commonwealth municipalities, municipal agencies, appropriate/authorized organizations and prequalified land trust organizations. A copy of the announcement and additional information may be obtained by contacting the Department of Conservation and Natural Resources, Bureau of Recreation and Conservation, 6th Floor Rachel Carson State Office Building, P. O. Box 8475, Harrisburg, PA 17105-8475, (717) 783-4734, e-mail rec&con@dcnr.state.

pa.us. Information is also available on the web at www.dcnr.state.pa.us/grants.htm.

The deadline for submission of completed grant applications to DCNR is 5 p.m. on November 3, 2000. Applications will not be accepted by fax or e-mail.

Persons with a disability who wish to submit an application and require assistance should contact Darrel Siesholtz at (717) 783-4734 to discuss how DCNR may best accommodate their needs. TTY or TDD users call (800) 654-5984.

JOHN C. OLIVER,
Secretary

[Pa.B. Doc. No. 00-1391. Filed for public inspection August 11, 2000, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Eisenhower Postsecondary Grant Application Guidelines for Professional Development Programs for Improving Mathematics and Science Teaching and Learning

Applications from Pennsylvania nonprofit organizations, which have previously conducted successful mathematics and/or science professional development activities, Pennsylvania institutions of higher education and intermediate units will be accepted for professional development programs specially-designed to improve mathematics and science teaching and learning in the Com-

monwealth. Grant awards will be funded with higher education money authorized by Subchapter II—Dwight D. Eisenhower Professional Development Program—The Improving America's Schools Act of 1994 (P. L. 103-382). Awards are contingent upon receipt of the Federal appropriation for the Dwight D. Eisenhower Professional Development Program. Pennsylvania has approximately \$566,227 available for competition.

Copies of the Eisenhower Postsecondary Grant Application (EPGA) guidelines are available on the Department's web page at <http://www.pde.psu.edu/posteisen.html>. The Issuing Office, which is the sole point of contact for these guidelines, is the Division of Program Services, Bureau of Postsecondary Services, Department of Education, 333 Market Street, Harrisburg, PA 17126-0333, (717) 772-3623; TDD (717) 783-8445.

A preproposal conference is scheduled for Tuesday, August 29, 2000, at 10 a.m. in the Honors Suite, 1st Floor, 333 Market Street, Harrisburg. If special accommodations are required to participate in the preproposal conference, contact the Division of Program Services. Written questions are to be submitted by August 24, 2000, on PDE-4658 which is available on the Department's web page at <http://www.pde.psu.edu/posteisen.html>.

Applications submitted in response to the EPGA guidelines are due in the Division of Program Services no later than 5 p.m., Friday, September 22, 2000.

EUGENE W. HICKOK,
Secretary

[Pa.B. Doc. No. 00-1392. Filed for public inspection August 11, 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 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 the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the responsible official 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 auxiliary aid, service or other accommodations to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Applications 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 0058084. Sewage, **Robert and Edith Trockels**, 200 Rainbow Drive, Apartment 10398, Livingston, TX 77351.

This application is for issuance of an NPDES permit to discharge treated sewage from Trockels Residence STP in Upper Hanover Township, **Montgomery County**. This is a new discharge to Molasses Creek.

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

The first downstream potable water supply intake from this facility is the Philadelphia Suburban Water Company in Upper Providence Township.

The proposed effluent limits for Outfall 001, based on an average flow of 400 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 within limits of 6.0—9.0 standard units at all times	
pH	within limits of 6.0—9.0 standard units at all times	

Other Conditions:

The EPA waiver is in effect.

PA 0053937. Sewage, **Ralph B. and Gayla J. Johnson**, 1021 Copeland School Road, West Chester, PA 19380.

This application is for renewal of an NPDES permit to discharge treated sewage from Johnson's SRSTP in East Bradford Township, **Chester County**. This is an existing discharge to Broad Run Creek.

The receiving stream is classified for the following uses: high quality cold water fishery, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on an average flow of 400 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅		
(5-1 to 10-31)	10	20
(11-1 to 4-30)	20	40
Suspended Solids	10	20
Ammonia (as N)		
(5-1 to 10-31)	3.0	6.0
(11-1 to 4-30)	9.0	18.0
Total Residual Chlorine	monitor/report	monitor/report
Fecal Coliform	200 colonies/100 ml as a geometric average minimum of 6.0 mg/l at all times	
Dissolved Oxygen	within limits of 6.0—9.0 standard units at all times	
pH	within limits of 6.0—9.0 standard units at all times	

Other Conditions:

The EPA waiver is in effect.

Conditions for future permit modification.

Effective disinfection.

PA 0055751. Industrial waste, **Delbar Products, Inc.**, 7th and Spruce Streets, Perkasie, PA 18944.

This application is for renewal of an NPDES permit to discharge stormwater from Delbar Products facility in Perkasie Borough, **Bucks County**. This is an existing discharge to the Unnamed Tributary to East Branch Perkiomen Creek.

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

The first downstream potable water supply intake from this facility is the Philadelphia Suburban Water Company in Upper Providence Township.

The proposed stormwater monitoring requirements for Outfall 001 based on an average rainfall event is as follows:

<i>Parameter</i>	<i>Maximum Daily (mg/l)</i>
CBOD ₅	monitor/report

<i>Parameter</i>	<i>Maximum Daily (mg/l)</i>
COD	monitor/report
Oil and Grease	monitor/report
pH (Std. Units)	monitor/report
SARA Title III, Section 313 Water Priority Chemicals	monitor/report
Total Suspended Solids	monitor/report
Total Phosphorus	monitor/report
Total Kjeldahl Nitrogen	monitor/report
Iron (Dissolved)	monitor/report

The proposed effluent limits for Outfall 002 based on an average flow of 0.045 mgd are as follows:

<i>Parameter</i>	<i>Maximum Daily (mg/l)</i>
CBOD ₅	monitor/report
COD	monitor/report
Oil and Grease	monitor/report
pH (Std. Units)	monitor/report
Trichloroethylene	monitor/report
Total Suspended Solids	monitor/report
Total Phosphorous	monitor/report
Total Kjeldahl Nitrogen	monitor/report
Iron (Dissolved)	monitor/report

Other Conditions:

The EPA waiver is in effect.

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

PA 0020885. Sewage, SIC Code 4952, **Borough of Mechanicsburg**, Two West Strawberry at North Market Street, Mechanicsburg, PA 17055.

This application is for renewal of an NPDES permit for an existing discharge of treated sewage to Conodoguinet Creek, in Silver Spring Township, **Cumberland 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 the Steelton Municipal Waterworks located in Steelton, 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 2.08 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	—	50
Total Suspended Solids	30	45	—	60
NH ₃ -N				
(5-1 to 10-31)	9	—	—	18
(11-1 to 4-30)	16	—	—	32
Total Phosphorus	2	—	—	4
Total Residual Chlorine	0.5	—	—	1.6
Total Nitrogen	—	—	monitor and report	—
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)		21,000/100 ml as a geometric average		

An additional requirement is to conduct Acute Whole Effluent Toxicity Testing for *Selenastrum capricornutum*.

Stormwater Outfall 002 is listed with no requirement.

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

The EPA waiver is not in effect.

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

PA 0008907. Industrial waste, SIC: 3081, **HPG International**, Oakhill Road, Crestwood Industrial Park, Mountaintop, PA 18707.

This proposed action is for renewal of an NPDES permit to discharge treated process wastewater, cooling water and uncontaminated water into Watering Run Creek in Wright Township, **Luzerne County**.

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

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) intake considered during the evaluation is the Danville Water Authority located on the Susquehanna River.

The proposed effluent limits for Outfall 001 based on a design flow of .014 mgd are:

<i>Parameter</i>	<i>Daily Maximum (mg/l)</i>
BOD ₅	9.4
Oil and Grease	10.5
Total Suspended Solids	7.0
pH	6.0 to 9.0 at all times

The proposed effluent limits for Internal Monitoring Point 101 based on a design flow of n/a mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>
CBOD ₅	xx
COD	xx
Oil and Grease	xx
pH	xx
Total Suspended Solids	xx
Total Kjeldah Nitrogen	xx
Total Phosphorous	xx
Iron (Dissolved)	xx

The EPA waiver is in effect.

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

PA 0004251—Amendment No. 1. Industrial waste, SIC: 3321. **Advanced Cast Products, Inc.**, P. O. Box 417, Mill Street, Meadville, PA 16335.

This application is for amendment of an NPDES Permit, to discharge noncontact cooling water and stormwater runoff to French Creek in Vernon Township, **Crawford County**. This is an existing discharge.

The receiving water is classified for the following uses: WWF, 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 City of Franklin on French Creek located at Franklin, approximately 28.2 miles below point of discharge.

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>
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This outfall shall consist of uncontaminated stormwater runoff only.
Refer to stormwater only outfalls condition in Part C.

The EPA waiver is in effect.

PA 0033901. Sewage. **Willow Bend Mobile Home Park**, 1309-100 Bend Road, Mercer, PA 16137.

This application is for renewal of an NPDES Permit to discharge treated sewage to the Unnamed Tributary to Little Neshannock Creek in Lackawannock Township, **Mercer County**. This is an existing discharge.

The receiving water is classified for the following uses: trout stocked 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 Beaver Falls Municipal Authority on the Beaver River located at Beaver Falls, Pennsylvania, approximately 35 miles below point of discharge.

The proposed effluent limits for Outfall No. 001 based on a design flow of 0.010 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
TSS	30	60
Ammonia-Nitrogen (5-1 to 10-31)	6	12
(11-1 to 4-30)	18	36
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	2,000/100 ml as a geometric average	
Total Residual Chlorine	1.4	3.3
pH	6.0—9.0 at all times	

The EPA waiver is in effect.

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

PA 0218456. Sewage. **Dale and Elaine Wright**, 432 Lakeview Drive, New Brighton, PA 15066.

This application is for issuance of an NPDES permit to discharge treated sewage from the Dale and Elaine Wright Single Residence Sewage Treatment Plant in New Sewickley Township, **Beaver County**.

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

Outfall 001: new discharge, design flow of .0004 mgd.

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

The EPA waiver is in effect.

PA 0218570. Sewage. **Central Mainline Sewer Authority**, P. O. Box 56, Lilly, PA 15938.

This application is for issuance of an NPDES permit to discharge treated sewage from Central Mainline Sewer Authority Wastewater 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 Municipal Water Works on the Conemaugh River.

Outfall 001: new discharge, design flow of 0.35 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25	37.5		50
Suspended Solids	30	45		60
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric average			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.5			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

Proposed NPDES Permit Renewal Actions for Minor Sewage Discharges

The following parties have applied to renew their current NPDES permits to allow the continued discharge of controlled wastewaters into the surface waters of this Commonwealth. The Department of Environmental Protection (Department) has made a tentative determination to renew these permits and proposes to issue them, subject to their current permit effluent limitations, and monitoring and reporting requirements, with appropriate and necessary updated requirements to reflect new or changed regulations and other requirements. The updates may include, but will not be limited to, applicable permit conditions and/or requirements addressing combined sewer overflows (CSOs), municipal sewage sludge management and total residual chlorine control (TRC). Major changes to or deviations from the terms of the existing permit will be documented and published with the final Department actions.

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

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

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

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

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

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Requirements</i>
PA-0060950	Lackawanna Trail School District P. O. Box 85 Factoryville, PA 18419-0085	Wyoming County Clinton Township	Unnamed Tributary to the South Branch Tunkhannock Creek	

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>
PA0081434	Countryside MHP Irvin Peifer P. O. Box 506 Elizabethtown, PA 17022	York County N. Codorus Township	S. Branch Codorus Creek	TRC
PA0083615	H. David Pitcer Trucking Inc. Box 276 Biglerville, PA 17307	Adams County Menallen Township	Opossum Creek (7F)	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 name, address and telephone number of the protester, identification of the plan or application to which the protest is

addressed and a concise statement or protest in sufficient detail to inform the Department of the exact basis of the protest and the relevant facts upon which it is based. The Department may conduct a fact-finding hearing or an informal conference in response to any given protest or protests. Each writer will be notified in writing of the time and place of any scheduled hearing or conference concerning the plan or action or application to which the protest relates. To insure consideration by the Department prior to final action on permit application and proposed plans, initial protests and additions or amendments to protests already filed should be filed within 15 calendar days from the date of this issue of the *Pennsylvania Bulletin*. A copy of each permit application and proposed plan is on file in the office indicated and is open to public inspection.

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

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

A. 1300404. A & B Partners, 750 Bethlehem Pike, Ambler, PA 19020. Application for a Spray Irrigation System to serve the proposed Hickory Run Sports Complex, located in Penn Forest Township, **Carbon County**. Application received in the Regional Office—July 17, 2000.

A. 5400402. Sewerage. Schuylkill County Municipal Authority, 221 South Centre Street, P. O. Box 960, Pottsville, PA 17901. Application to extend the sewage collection and conveyance system for the Schuylkill Highridge Business Park, located in Cass and Foster Townships, **Schuylkill County**. Application received in the Regional Office—July 13, 2000.

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. 0100404. Sewerage, submitted by Gettysburg Municipal Authority, 601 East Middle Street, Gettysburg, PA 17325 in Straban Township, **Adams County** to construct the Route 15 Pumping Station to serve the Adams Commerce Center was received in the Southcentral Region on July 24, 2000.

A. 0100405. Sewerage, submitted by Jonathon Howe, 2961 Lake Meade Road, East Berlin, PA 17316 in Liberty Township, **Adams County** to construct a small flow sewage system to serve their single family residence was received on July 26, 2000.

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

WQM Permit No. 0900410. Sewerage. Jericho National Golf Club, P. O. Box 519, Washington Crossing, PA 18977. Applicant is requesting approval for the construction and operation of a wastewater treatment plant located in Upper Makefield Township, **Bucks County**.

WQM Permit No. 4600422. Sewerage. Montgomery County Sewer Authority, 10 Box 297, Oaks, PA 19456. Applicant is requesting approval to amend an existing permit to re-rate annual flow to serve Oaks WWTF located in Upper Providence Township, **Montgomery County**.

WQM Permit No. 4600423. Sewerage. Perkiomen Township Municipal Authority, 1 Trappe Road, Collegeville, PA 19426. Applicant is requesting approval for the construction and operation of a low-pressure force main system to convey sewage to an existing gravity sewer located in Perkiomen Township, **Montgomery County**.

WQM Permit No. 4600424. Sewerage. Cheryl A. and Shirley J. Newton, 228 Green Tree Tavern Road, North Wales, PA 19454. Applicants are requesting approval for the construction and operation for an onsite sewage treatment plant with chlorine disinfection with stream discharge located in Upper Salford Township, **Montgomery County**.

WQM Permit No. 1500420. Sewerage. Chadds Ford Investment Company, 514 McCue Road, Avondale, PA 19311. Applicant is requesting approval to install a dechlorination system to remove residual chlorine from the treated wastewater located in New Garden Township, **Chester County**.

WQM Permit No. 0900411. Sewerage. Lucy L. Green and Mark S. Sfirri, 1669 Pineville Road, New Hope, PA 18938. Applicant is requesting approval for the construction and operation of single residence sewage treatment plan located in Buckingham Township, **Bucks County**.

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

WQM Permit No. 2000410. Sewerage, Christopher E. and Georgianna M. Carr, 6198 Fisher Rd., Conneautville, PA 16406. This project is for the construction of a Single Residence Sewage Treatment Plant in Conneaut Township, **Crawford County**.

WQM Permit No. 2500410. Sewerage, Robert T. and Gayle S. Sheets, 109 High Street, Edinboro, PA 16412. This project is for the construction of a Single Residence Sewage Treatment Plant in Washington Township, **Erie County**.

WQM Permit No. 2500411. Sewerage, Albert G. and Camilla A. Stadtmueller, 8002 Driftwood Drive, Erie, PA 16511. This project is for the construction of a Single Residence Sewage Treatment Plant in Washington Township, **Erie County**.

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

A. 0200205. Industrial waste, US Steel Group, A Unit of USX Corp., 600 Grant Street, Pittsburgh, PA 15219-2749. Application for the construction and operation of an Acid Mine Drainage Neutralization System to serve the Taylor Landfill located in West Mifflin Borough, **Allegheny County**.

A. 0200410. Sewerage, Kennedy Township, 340 Forest Grove Road, Coraopolis, PA 15108. Application for the construction and operation of sewer extensions and pump station to serve the Oak Pointe Plan of Plots located in Kennedy Township, **Allegheny County**.

A. 0200411. Sewerage, Castle Shannon Borough, 3310 McRoberts Road, Castle Shannon, PA 15234. Application for the construction and operation of a sewer extension and pump station to serve Canal Street located in Castle Shannon Borough, **Allegheny County**.

A. 0491407-A2. Sewerage, New Sewickley Township Municipal Authority, P. O. Box 65, Freedom, PA 15042. Application for the modification and operation of a sewage treatment plant to serve the Tri-County Commerce Park WWTP located in New Sewickley Township, **Beaver County**.

A. 6500405. Sewerage, Hempfield Township Municipal Authority, R. D. 6, Woodward Drive, Greensburg, PA 15601. Application for the construction and operation of an interceptor to serve Foxridge located in Hempfield Township, **Westmoreland County**.

A. 6500407. Sewerage, Penn Township Sewer Authority, P. O. Box 458, Harrison City, PA 15636. Application for the construction and operation of a pump station to serve Campbell Farms located in Penn Township, **Westmoreland 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 Regional Office or County Conservation District Office indicated as the responsible office, within 30 days from the date of this public notice. A copy of the written comments should be sent to the County Conservation District Office. Comments reviewed within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Regional Office of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the Regional Office considers the public response significant.

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

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

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

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 PAS10F0920. Stormwater. **Pine Grove Mills Water/Sewer Extension**, State College Borough Water Authority, 1201 W. Branch Rd., State College, PA 16801 has applied to discharge stormwater from a construction activity located in Ferguson Township, **Centre County** to Slab Cabin Run; Spring Creek.

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

NPDES Permit PAS10-G423. Stormwater. **Wilmer and Joyce Hostetter**, 481 Limestone Road, Oxford, PA 19363, has applied to discharge stormwater from a construction activity located in Upper Oxford Township, **Chester County**, to Unnamed Tributary to East Branch Big Elk Creek (HQ-TSF-MF).

NPDES Permit PAS10-G424. Stormwater. **Hibernia Homes**, 1009 Telegraph Road, Coatesville, PA 19320, has applied to discharge stormwater from a construction activity located in West Caln Township, **Chester County**, to West Branch Brandywine Creek (HQ-TSF-MF).

NPDES Permit PAS10-G425. Stormwater. **Dewey Homes**, 73 Chestnut Street, Paoli, PA 19031, has applied to discharge stormwater from a construction activity located in Uwchlan Township, **Chester County**, to Shamona Creek (HQ-TSF-MF).

NPDES Permit PAS10-G426. Stormwater. **Woodstone Development Co., Inc.**, P. O. Box 814, Uwchlan, PA 19480, has applied to discharge stormwater from a construction activity located in West Vincent Township, **Chester County**, to Unnamed Tributary to Pickering Creek (HQ-TSF).

NPDES Permit PAS10-G427. Stormwater. **Luther Sr. Services of Southern Chester County**, P. O. Box 178, 111 East Doe Run Road, Unionville, PA 19375, has applied to discharge stormwater from a construction activity located in Penn Township, East Branch Big Elk Creek, **Chester County**, to (HQ-TSF-MF).

NPDES Permit PAS10-G008-R. Stormwater. **Toll Brothers, Inc.**, 3103 Philmont Avenue, Huntingdon Valley, PA 19006, has applied to discharge stormwater from a construction activity located in Easttown Township, **Chester County**, to Unnamed Tributary to Crum Creek (HQ-CWF).

Northeast Regional Office: Regional Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2511.

Pike County Conservation District, District Manager, HC 6, Box 6770, Hawley, PA 18428, (570) 226-8220.

NPDES Permit PAS10V031. Stormwater. **Tennessee Gas Pipeline Company**, 1001 Louisiana St., Room E544A, Houston, TX 77002 has applied to discharge stormwater from a construction activity located in Lackawaxen Township, **Pike County** to West Falls Creek HQ, CWF, MF.

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

NPDES Permit PAS10Q208. Stormwater. **Haresh Joshi**, 4365 Farmington Circle, Allentown, PA 18106 has applied to discharge stormwater from a construction activity located in Upper Macungie Township, **Lehigh County** to Little Lehigh Creek, HQ-CWF.

SAFE DRINKING WATER

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

Regional Office: Northcentral Field Operations, Environmental Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701.

A. 5500503. The Department has received a permit application from **Middleburg Municipal Authority**, 13 North Main Street, Middleburg, PA 17842, Franklin

Township, **Snyder County**. The application is for expansion of the existing water treatment plant which includes pipe modifications and flow regulations to each of the clarifiers, addition of the third filter unit and expansion of the building to accommodate the new building to accommodate the new filter unit.

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

Regional Office: Northcentral Field Operations, Environmental Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701.

Permit No. Minor Amendment. The Department issued a construction permit to **Westfield Borough Council**, 429 East Main Street, Westfield, PA 16950, Westfield Borough, **Tioga County**. This permit is for construction of a replacement waterline crossing under the Cowanesque River, adjacent to State Route 49.

Permit No. Minor Amendment. The Department issued a construction permit to **Municipal Authority of the Borough of Catawissa**, P. O. Box 54, Catawissa, PA 17820, Catawissa Township, **Columbia County**. This permit authorizes modification of the water filtration plant.

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 construction permit to **McClure Municipal Authority**, Box 138, McClure, PA 17841, McClure Borough, **Snyder County**. This permit is for construction of a new 290,000 gallon finished water storage tank and to replace the transmission lines.

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

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

A. 1500508. Public water supply. **North Coventry Water Authority**, 244 High Street, Suite 101, Pottstown, PA 19464. This proposal involves the construction of a public Water Supply System to serve the proposed Coventry Lake Estates Subdivision. The project includes disinfection facilities, a hydroneumatic tank, a pumping system, a distribution system and a well in North Coventry Township, **Chester County**.

A. 4600507. Public water supply. **Superior Water Company**, 2960 Skippack Pike, Worcester, PA 19490. This proposal involves the construction of a storage tank and a booster station. The project includes construction of a 300,000 gallon concrete storage tank to replace the existing two 10,000 gallon hydropneumatic tanks. Other modifications include expansion of the existing pump house, installation of a backup generator, and three 250 gpm booster pumps, including appurtenant piping and controls in Douglass Township, **Montgomery County**.

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

Permit No. 0600504. Public water supply. **E & Y Farm Apartments, Berks County**. *Responsible Official: George Yialamas. Type of Facility: New community water system including two wells with disinfection and a*

distribution system. Consulting Engineer: David J. Gettle, Engineer, Kohl Bros., Inc., P. O. Box 350, Myerstown, PA 17067. Application received: June 28, 2000.

Permit No. 0600505. Public water supply. **Washington Township Municipal Authority, Berks County**. *Responsible Official: Newton T. Longacre, Authority Chairperson. Type of Facility: New consecutive community water system comprised of a distribution system only. Consulting Engineer: Richard L. Hinkle, Gilmore & Associates, Inc., 331 Butler Avenue, New Britain, PA 18901. Application received: July 18, 2000.*

Permit No. 0600506. Public water supply. **Western Berks Water Authority, Berks County**. *Responsible Official: E. David Wenger, Authority Chairperson. Type of Facility: New dissolved air flotation clarification units. Consulting Engineer: Deborah M. Watkins, Inc., 1400 Weston Way, West Chester, PA 19380. Application received: July 19, 2000.*

HAZARDOUS SITES CLEANUP

Under the Act of October 18, 1988

Prompt Interim Response

East Tenth Street Site

Marcus Hook Borough, Delaware County

The Department of Environmental Protection (Department) is issuing this notice under section 506(b) of the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.101—6020.1304) (HSCA).

The Department, under the authority of HSCA, began a prompt interim response action on July 17, 2000, at the East 10th Street Site (Site), located on East 10th Street, in Marcus Hook Borough, Delaware County. The Site had a number of drums and containers of hazardous wastes and materials abandoned in a building. Based on the imminent threat of release of hazardous substances at the Site, and corresponding threats to human health and the environment, the Department decided that it was necessary to implement a prompt interim response action at the Site pursuant to authority under sections 501(a) and 505(b) of HSCA (35 P. S. §§ 6020.501(a) and 6020.505(b)). The Department determined that prompt action was required to protect the public health and safety and the environment from the threat of release of hazardous substances.

The Department made its decision to implement a prompt interim response at the Site because of the community's actual or potential exposure to hazardous substances by inhalation, ingestion and dermal contact. The Department determined that prompt action was required to protect the public health and safety, and the environment within the meaning of 25 Pa. Code § 3.21(b). The Department will conduct further investigations of Site conditions concurrent with, and following, the prompt interim response action.

The objectives of the prompt interim response action were to remove and properly dispose of hazardous wastes and materials that a former occupant had abandoned on the Site. The Department considered two alternative interim response actions for the East 10th Street Site: Alternative 1) No Action. A "No Action" alternative

provides a baseline against which all other alternatives can be prepared and/or judged. Had the Department selected the "No Action" alternative, any actual or potential health and environmental risk posed by the Site would have remained the same.

Alternative 2) Waste Removal and Disposal. This alternative consists of safely repackaging, temporarily storing, sampling for disposal purposes, and shipping the wastes offsite to approved disposal facilities.

In evaluating these alternatives, the Department considered the criteria of permanence, protection of human health and environment, and the alternatives' ability to meet applicable, relevant, and appropriate State and Federal requirements (ARARs). The Department also considered cost-effectiveness in analyzing the prompt interim alternatives. The Department determined that the "No Action" alternative would not be protective of the public health. The Department selected Alternative 2, "Waste Removal and Disposal." This alternative is protective of the public health and environment, complies with ARARs, and is feasible and effective. The Department determined that prompt action was required under the authority provided in section 505(b) of HSCA.

An Administrative Record which contains more detailed information concerning the prompt interim response action is available for public inspection. The Administrative Record may be examined from 8 a.m. to 4 p.m. at the Department's offices at Suite 6010, Lee Park, 555 North Lane, Conshohocken, PA 19428, (610) 832-6000. Individuals interested in examining the Administrative Record should contact April Flipse at (610) 832-5937 to arrange for an appointment.

An additional copy of the Administrative Record is available for review at the Marcus Hook Library, Tenth and Green Streets, Marcus Hook.

A public hearing is scheduled under section 506(d) of HSCA for September 27, 2000, at 7 p.m. at the Marcus Hook Borough Hall, Tenth and Green Streets, Marcus Hook, in the Council Room. Persons who want to present formal oral comments regarding this prompt interim response may do so by registering with the Department before the meeting. Individuals may register by calling the Department's Community Relations Coordinator, John Gerdemann, at (610) 832-6228.

Persons with a disability who wish to attend the September 27 meeting and require auxiliary aid, service or other accommodation to participate in the proceedings, should contact John Gerdemann at the telephone number listed above or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department of Environmental Protection may accommodate their needs.

The public may also submit written comments regarding the Department's prompt interim response action during the period of public comment. Under section 506(c) of HSCA, the Department has established a period for public comment, which shall run from the date of this notice through November 10, 2000. Written comments should be addressed to April Flipse, Project Officer, at the Department's address listed above.

Individuals with questions concerning this notice should contact April Flipse at (610) 832-5937.

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

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific cleanup 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 remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period, the municipality may request that the person identified, as the remediator of the site, develop and implement a public involvement plan. Requests to be involved, and comments, should be directed to the remediator of the site.

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

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

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

Former Agway Facility, Turbotville Borough, **Northumberland County**. ATC Associates, Inc., on behalf of their client, Agway Energy Products, P. O. Box 4852, Syracuse, NY 13221, has submitted a Notice of Intent to Remediate groundwater contaminated with BTEX. 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 *Milton Daily Standard* on June 14, 2000.

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

Jarrell & Rea Property (Former), City of Pittsburgh, **Allegheny County**. Walnut Capital Partners, 5541 Walnut Street, Suite 200, Pittsburgh, PA 15232 has submitted a Notice of Intent to Remediate soil and groundwater contaminated with lead, BTEX and PHCs. The applicant proposes to remediate the site to meet the special industrial area requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Pittsburgh Post Gazette* on July 10, 2000.

Metal Service Company Property (Former) Southern Portion, Apollo Borough, **Armstrong County**. Armstrong County Industrial Development Council, 402 Market Street, Kittanning, PA 16201 and Mary A. King, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 have submitted a Notice of Intent to Remediate soil and groundwater contaminated with lead and solvents. The applicant proposes to remediate the site to meet the site-specific standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Valley News Dispatch* on July 21, 2000.

Southeast Regional Office: Environmental Cleanup Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-5950.

Former SPS Technologies, Inc., Upper Dublin Township, **Montgomery County**. William D. Zimmerman, P.G., Environmental Strategies Corp., 11911 Freedom Drive, Suite 900, Reston, VA 20190, has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with solvents and BTEX. The applicant proposes to remediate the site to meet Statewide health and site-specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in *The Ambler Gazette* on March 23, 1999.

Airport Business Center, Tinicum Township, **Delaware County**. Roger W. Thomas, Cali Airport Realty Associates, L. P., 11 Commerce Drive, Cranford, NJ 07016, has submitted a Notice of Intent to Remediate site soil contaminated with heavy metals, pesticides and polycyclic aromatic hydrocarbons. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reported to have been published in *The Delaware County Daily Times* on or about July 24, 2000.

Delaware County Emergency Services Training Center, Darby Township, **Delaware County**. Richard C. Karr, P.G., McLaren Hart, Inc., 470 Norristown Road, Suite 300, Blue Bell, PA 19422, has submitted a Notice of Intent to Remediate site soil, groundwater, surface water and sediment contaminated with undetermined contaminants. The applicant proposes to remediate the site to

meet site-specific standards. A summary of the Notice of Intent to Remediate is reported to be published in *The Philadelphia Inquirer* on or about August 1, 2000.

Branch Road Farm Property, East Rockhill Township, **Bucks County**. Walter H. Hungarter, III, 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 pesticides. 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 News Herald* on July 12, 2000.

Triboro Electric Company, Doylestown Borough, **Bucks County**. Terrence J. McKenna, Keating Environmental Management, Inc., 479 Thomas Jones Way, Suite 700, Exton, PA 19341, has submitted a Notice of Intent to Remediate site soil contaminated with petroleum hydrocarbons. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reported to have been published in *The Intelligencer* on July 4, 2000. A Final report was simultaneously submitted.

Landhope Realty Property, New Garden Township, **Chester County**. John Kollmeier, Brownfield Associates, Inc., P. O. Box 80, Lewisville, PA 19351, has submitted a Notice of Intent to Remediate site groundwater contaminated with BTEX and petroleum hydrocarbons. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reported to have been published in *The West Chester Daily Local* on June 27, 2000.

SOLID AND HAZARDOUS WASTE

LICENSE TO TRANSPORT HAZARDOUS WASTE

Hazardous waste transporter license voluntarily terminated under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and the Infectious and Chemotherapeutic Waste Law (35 P. S. §§ 6019.1—6019.6) and regulations for license to transport hazardous waste.

Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

Eduardo Zappi Dermatopathology Laboratory, Inc. d/b/a Recycling Systems, 63-11 Queens Boulevard, Woodside, NY 11377; License No. **PA-AH 0594**; license terminated July 25, 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.

Empire Wrecking Co. of Reading, PA, 1420 Clarion Street, Reading, PA 19601; License No. **PA-AH 0255**; renewal license issued July 25, 2000.

TNI (USA), Inc. d/b/a AATCO, P. O. Box 856, Duenweg, MO 64841; License No. **PA-AH 0604**; renewal license issued July 24, 2000.

License expired under the Solid Waste Management Act (35 P. S. §§ 6018.1001—6018.1003) and regulations for license to transport hazardous waste.

Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

John Pfrommer, Inc., 1320 Ben Franklin Highway East, Douglassville, PA 19518; License No. **PA-AH 0042**; license expired on July 31, 2000.

Manfredi Motor Transit Co., 14841 Sperry Road, Newbury, OH 44065; License No. **PA-AH 0533**; license expired on July 31, 2000.

OPERATING PERMITS

Notice of Intent to Issue Title V Operating Permits

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

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

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

46-00012: Philadelphia Newspaper, Inc. (800 River Road, Conshohocken, PA 19428) in Upper Merion Township, **Montgomery County**. The facility's major emission points include nine non-heatset web offset lithographic printing presses, a printing press development operation, natural gas fired boilers, hot water heaters, and a gasoline storage and dispensing facility which emit major levels of volatile organic compounds (VOC) and nitrogen oxides. This facility is subjected to the provisions of the Federal New Source Performance Standards, 40 CFR 60, Subpart Dc.

09-00009: Webcraft Technologies, Inc. (4371 County Line Road, Chalfont, PA 18914) in New Britain Township, **Bucks County**. The facility's major emission points include six heatset web offset lithographic printing presses, nine converting lines and 39 flexographic print-

ing presses which emit major levels of organic compounds (VOC) and nitrogen oxides. This facility is regulated under the provisions of the Federal NESHAP regulations 40 CFR 63, Subpart KK and 40 CFR 60, Subpart Dc.

46-00156: Universal Packaging Corp. (1196 Easton Road, Horsham, PA 19044) in Horsham Township, **Montgomery County**. The facility's major emission points include four flexographic printing presses and their cleanup operations, which emit major levels of Volatile Organic Compounds (VOCs).

15-00010: Lukens Steel Co. (50 South First Avenue, Coatesville, PA 19320) in the City of Coatesville, **Chester County**. The facility's major emission points include electric arc furnaces and numerous steel forming processes, which emit major levels of nitrogen oxides (NO_x), sulfur oxides (SO_x), volatile organic compounds (VOCs) and particulate matter (PM).

15-00025: Kimball Intl. Mktg., Inc. d/b/a Transwall (1220 Wilson Drive, West Chester, PA 19380) in West Goshen Township, **Chester County**. The facility's major emission points include six spray booths, two glue booths, and one baking oven and cleaning operation, which emit major levels of volatile organic compounds (VOCs).

46-00020: Superior Tube Co. (3900 Germantown Pike, Collegeville, PA 19426) in Lower Providence Township, **Montgomery County**. The facility's major emission points include various tubing cleaning, drawing, and annealing operations, and boilers, which emit major levels of Volatile Organic Compounds (VOCs) and Nitrogen Oxides (NO_x).

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

32-00040: Sithe Northeast Management Co., Seward Power Station (1001 Broad Street, Johnstown, PA 15907) in East Wheatfield Township, **Indiana County**. The electric generating station is a 200-megawatt coal-fired power plant on the northwestern bank of the Conemaugh River in East Wheatfield Township, Indiana County. There are two steam turbine generators at this facility. Unit 4 has a nominal rating of 63 MW and is powered by two B & W dry bottom wall-fired boilers, Numbers 12 and 14. Unit 5 is rated at 137 MW and is powered by a single Combustion Engineering dry bottom, tangentially fired boiler (#15). As a result of the levels of the emissions from this facility, it is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments. The facility is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code, Chapter 127, Subchapter G.

TV-56-00232: Shade Landfill, Inc., Waste Management (USA Waste Northern Region, 310 Leger Road, North Huntingdon, PA) for their Shade Landfill in Shade Township, **Somerset County**. This source is defined as a Title V facility and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code, Chapter 127, Subchapter G.

TV-11-00332: Cambria CoGen Co. (243 Rubishch Road, Ebensburg, PA 15931) for their cogeneration power plant in Cambria Township, **Cambria County**. Process operations used at this site to generate steam and electricity are two waste coal-fired circulating fluidized bed boilers, a natural gas fired auxiliary boiler, a backup air heater, and the ancillary system that include the fuel handling, crushing and storage system, limestone and ash storage/handling system, and some other insignificant sources.

TV-11-00318: Ebensburg Power Co. (2840 New Germany Road, Ebensburg, PA 15931) for their cogeneration power plant in Cambria Township, **Cambria County**. Process operations used at this site to generate steam and electricity are a waste coal-fired circulating fluidized bed boiler, a natural gas fired auxiliary boiler, three diesel engines, and the ancillary system that include the fuel handling, crushing and storage system, limestone and ash storage/handling system, and some other insignificant sources.

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

24-00012: The Carbide/Graphite Group, Inc. (800 Theresia Street, St. Marys, PA 15857) in St. Marys Borough, **Elk County**. The facility's major emission sources include various material handling equipment, two natural gas fired boilers, ten natural gas fired carbottom kilns, longitudinal graphitizers, finishing and machining equipment, kilns and bake furnaces. The facility is a major facility due to its potential to emit of Sulfur Oxides and Nitrogen Oxides.

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

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

22-03005: Heckett Multiserv (612 North Main Street, Butler, PA 16001-1071) for construction of a Slag Quenching, Screening and Crushing Plant with dust controlled by water spray located at PST Old #5 Dump Track in Steelton Borough, **Dauphin County**.

Notice of Intent to Amend a Title V Operating Permit

Under 25 Pa. Code § 127.521 the Department of Environmental Protection (Department) intends to amend the Title V Operating Permit of Plainwell Tissue, for the plant located in Pittston Township, **Luzerne County**. The facility currently has a Title V Operating Permit No. 40-00019.

Plan approval No. 40-320-010 will be incorporated into the Title V operating permit through an amendment.

Plan Approval No. 40-320-010 is for installation and operation of a Flexographic Printer (Napkin Machine #3). The plan approval limits VOC emissions from all sources in the facility, including the new flexographic printer, to 70.6 tons per year on a 12-month rolling sum. The operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, the Department's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711.

Persons wishing to provide the Department with additional information which they believe should be considered prior to the issuance of this permit may submit the information to the address shown in the preceding paragraph. Each written comment must contain the following: name, address and telephone number of the person submitting the comments; identification of the proposed Permit No.: 40-00019; and, a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to James D. Parette, Acting Chief Engineering Services, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711, (570) 826-2531 within 30 days after publication date.

PLAN APPROVALS

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

Applications received and intent to issue Plan Approvals 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.

40-320-009A: Berwick Industries LLC (Bomboy Lane and Ninth Street, P. O. Box 428, Berwick, PA 18603) for modification of the flexographic printing operation in Salem Township, **Luzerne County**.

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

06-03069A: Highway Materials, Inc. (P. O. Box 1667, Blue Bell, PA 19422) for modification of a non-metallic mineral crushing plant controlled by wet suppression in Alsace Township, **Berks County**. The plant is subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for New Stationary Sources.

06-03121: Williams Metal Finishing, Inc. (870 Commerce Street, Sinking Spring, PA 19608) for a metal polishing operation controlled by a fabric collector in Sinking Spring, **Berks County**.

06-05088A: EJB Paving Materials Co. (1119 Snyder Road, West Lawn, PA 19609-1100) for modification of a drum mix asphalt plant to fire waste derived liquid fuels controlled by a fabric collector in Ontelaunee Township, **Berks County**. The plant is subject to 40 CFR Part 60, Subpart I—Standards of Performance for New Stationary Sources.

22-03041A: Librandi's Machine Shop, Inc. (93 Airport Drive, Middletown, PA 17057) for construction of a chrome electroplating tank in Middletown Borough, **Dauphin County**.

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

OP-41-00011A: Brodart Co. (500 Arch Street, Williamsport, PA 17705) for modification of a wood furniture finishing facility in Montgomery Borough, **Lycoming County**. The proposed modification is a change in the manner of applying sealer.

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

PA-56-281A: Dunamis Resources, Inc. (One Energy Place, Suite 4000, Latrobe, PA 15650) for operation of coal crushing, stockpiling and trucking at the Outten Mine in Milford Township, **Somerset County**.

PA-03-219A: TDK Coal Sales, Inc. (P. O. Box 259, Brockway, PA 15824) for operation of a coal processing facility at the Kesco Mine in East Franklin Township, **Armstrong County**.

PA-04-059C: Koppel Steel Corp. (P. O. Box 750, Beaver Falls, PA 15010) for operation of a melt shop at the Koppel Plant in Koppel Borough, **Beaver County**.

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

PA-24-151A: Glenn O. Hawbaker (1247 Million Dollar Highway, Kersey, PA 15846) for construction of a portable drum mix asphalt plant in Fox Township, **Elk County**.

10-307-050A: AK Steel Corp. (Route 8 South, P. O. Box 832, Butler, PA 16003) for conversion of the #2 Pickle Line from sulfuric/hydrofluoric/nitric acid pickling line to a sulfuric/hydrofluoric/hydrogen peroxide pickling operation located in **Butler County**. The public notice is required for sources required to obtain a Plan Approval at Title V facilities in accordance with 25 Pa. Code § 127.44. The permit will be subject to the following conditions:

1. The permittee shall install and maintain instrumentation to monitor the scrubber liquid flow and scrubber pressure drop. The pressure drop across the control device and the water flow rate to the control device shall be recorded on a weekly basis.

2. A stack test shall be conducted to develop emission factors for PM, NO_x, HF and H₂SO₄ emissions. The emission rates shall be expressed in lb/hr and lb/ton.

These conditions will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate the Best Available Technology for the source.

PA-10-021H: Indspec Chemical Corp. (133 Main Street, P. O. Box 307, Petrolia, PA 16050) for minor modification to increase hours of operation for Plan Approval PA-10-021G in Petrolia Borough, **Butler County**. The facility is a Title V Facility.

MINING

APPLICATIONS TO CONDUCT COAL AND NONCOAL ACTIVITIES

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

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

Written comments or objections, or requests for informal conferences on applications, may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the same address within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.12—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for comment, and informal conferences).

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. The NPDES permits will contain, at a minimum, technology-based effluent limitations (as described in the Department's regulations—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 mentioned public comment period will be provided with a 30-day period to review and submit comments on those requirements.

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

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

Coal Applications Received:

56950107. Permit Renewal for reclamation only. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001), for continued restoration of a bituminous surface mine in Black Township, **Somerset County**, affecting 147.0 acres, receiving stream Dempsey Run to Bromm Run to Coxes Creek and Laurel Run to Coxes Creek, application received July 25, 2000.

32930105. Permit Revision, P & N Coal Company, Inc. (240 West Mahoning Street, P. O. Box 332, Punxsutawney, PA 15767), for the restoration of unmanaged natural habitat rather than forestland on the properties of William and Rita Wakefield and Richard Hook in Banks Township, **Indiana County**, affecting 86.7 acres, receiving stream unnamed tributaries to Cush Creek and unnamed tributary to South Branch Bear Run, application received July 25, 2000.

32950109. Permit Transfer from Dunamis Resources, Inc. to Britt Energies, Inc. (2450 Philadelphia Street, Indiana, PA 15701), for continued operation of a bituminous surface mine in White Township, **Indiana County**, affecting 83.3 acres, receiving stream Yellow Creek and unnamed tributary to Yellow Creek to Two Lick Creek to Black Lick Creek to Conemaugh River, application received July 27, 2000.

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

03950111. Cookport Coal Co., Inc. (425 Market Street, Kittanning, PA 16201). Renewal application received for continued restoration of a bituminous surface mine located in Redbank Township, **Armstrong County**, affecting 46.3 acres. Receiving streams: unnamed tributary to Pine Run to Pine Run to Mahoning Creek to the Allegheny River. Renewal application received: July 26, 2000.

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

17910124. TDK Coal Sales, Inc. (P. O. Box 259, Brockway, PA 15824), transfer of an existing bituminous surface mine permit from Al Hamilton Coal Company, located in Brady and Penn Townships, **Clearfield County** affecting 393 acres. Receiving streams: Beech Run and an unknown tributary to Laurel Branch Run. Application received July 18, 2000.

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

61950102. Ben Hal Mining Company (389 Irishtown Road, Grove City, PA 16127). Renewal of an existing bituminous surface mine, auger and limestone removal operation in Irwin Township, **Venango County** affecting 73.5 acres. Receiving streams: Two unnamed tributaries to Scrubgrass Creek and one unnamed tributary to North Branch Slippery Rock Creek. Application for reclamation only. Application received July 28, 2000.

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

Noncoal Applications Received

02940301. Olszweski Contracting Co., Inc. (197 Route 30 West, Imperial, PA 15126). NPDES renewal application received for a noncoal surface mine located in Findlay Township, **Allegheny County**, affecting 62.0 acres. Receiving streams: North Fork, of Montour Run to Montour Run. NPDES renewal application received: July 21, 2000.

03920301. Continental Clay Co. (260 Oak Avenue, Kittanning, PA 16201). NPDES renewal application received for a noncoal surface and underground mine located in Rayburn Township, **Armstrong County**, affecting 334.5 acres. Receiving streams: unnamed tributaries to the Allegheny River. NPDES renewal application received: July 26, 2000.

3474SM46. Collier Stone Co. (80 Noblestown Road, Carnegie, PA 15106-1656). NPDES renewal application received for a noncoal surface mine located in Collier Township, **Allegheny County**, affecting 34.5 acres. Receiving streams: Scotts Run and Robinson Run. NPDES renewal application received: July 26, 2000.

3374SM58T. Coolspring Mining, Inc. (P. O. Box 1328, Uniontown, PA 15401). NPDES renewal application received for a noncoal (limestone) quarry located in North Union Township, **Fayette County**, affecting 146.6 acres. Receiving streams: unnamed tributary of Coolspring Run and Coolspring Run to Shutes Run to Cove Run to Redstone Creek to the Monongahela River. NPDES renewal application received: July 27, 2000.

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

35000301. Keystone Quarry, Inc. (P. O. Box 249, Dunham Drive, Dunmore, PA 18512), commencement, operation and restoration of a quarry operation in Ransom Township, **Lackawanna County** affecting 172.0 acres, receiving stream—Gardner Creek. Application received July 24, 2000.

APPLICATIONS RECEIVED UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT

ENCROACHMENTS

The following Dam Safety and Encroachment permit applications, requests for Environmental Assessment approval and requests for water quality certification have been received by the Department of Environmental Protection (Department). Section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)) requires the State to certify that the involved projects will not violate the applicable provisions of 33 U.S.C.A. §§ 1311—1313, 1316 and 1317, as well as relevant State requirements. Initial requests for 401 certification will be published concurrently with the permit application. Persons objecting to approval of a request for certification under section

401 or to the issuance of a Dam Safety or Encroachment Permit or the approval of Environmental Assessments must submit any comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before the application.

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

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

E01-216. Encroachment. **PA DCNR**, 435 State Park Road, Schellsburg, PA 15559. To construct and maintain a bridge for all terrain vehicles (ATV) and park hikers over Mountain Creek and to fill in the floodway in order to improve the existing trail for the bridge located about 1.6 miles northwest of the Celebration Hill Road and Wenksville Road intersection (Arendtsville, PA Quadrangle N: 21.6 inches; W: 15.63 inches) in Menallen Township, **Adams County**.

E34-095. Encroachment. **Excel Homes, Inc.**, R. R. 2, Box 683, Liverpool, PA 17045. To place fill in approximately 0.45 acre of wetlands within the floodplain of the Susquehanna River at a point along Route 11 & 15 and approximately 2,000 feet downstream of Mahantango Creek for the purpose of constructing a driveway (Dalmatia, PA Quadrangle N: 2.3 inches; W: 10.0 inches) in Susquehanna Township, **Juniata County**.

E36-695. Encroachment. **East Hempfield Township**, 1700 Nissley Road, Landisville, PA 17538. To construct and maintain a 72-inch diameter by 160 feet stream enclosure at the channel of an unnamed tributary to Little Conestoga Creek and to fill in 0.57 acre of associated wetlands in order to construct Good Drive located just upstream of US 30 about 1,900 feet east of the US 30 and PA 741 interchange (Lancaster, PA Quadrangle N: 11.3 inches; W: 14.5 inches) in East Hempfield Township, **Lancaster County**.

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

E04-241 A1. Encroachment. **THF Chippewa Development, L. P.**, 955 Executive Parkway, Suite 210, St. Louis, MO 53141. To amend permit E04-241 which authorized the construction and maintenance of a 78 inch corrugated metal pipe (depressed 12 inches) 219 feet long, to construct and maintain four outfall structures in a tributary to Wallace Run (WWF) and to place and maintain fill in approximately 0.3 acre of wetlands (PFO) for the purpose of providing access to a proposed retail development site. The project is located on the north side of Route 51 approximately 3,000 feet northwest of its intersection with Route 251 (New Galilee, PA Quadrangle N: 5.3 inches; W: 1.2 inches) in Chippewa Township, **Beaver County**. The permit also includes a review of an Environmental Assessment for a proposed non-jurisdictional Dam. The permit amendment will include the construction and maintenance of seven new outfall structures, the placement and maintenance of fill within the floodplain, the placement and maintenance of fill in 0.7 acre of wetlands (PEM) and the operation and maintenance of an existing temporary stream crossing. To meet the wetland replace-

ment requirement the applicant proposes to construct 0.65 acre of replacement wetlands (PEM) and to pay into the wetland replacement fund to 0.2 acre of wetland.

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

E08-360. Encroachment. **Michael J. McGlinchy**, R. R. 1, Box 177, Riverside Drive, Sayre, PA 18840. To construct and maintain a 22' × 24' two story addition with a full basement to a private residence on the east side of SR 1043 in the floodway of the Susquehanna River approximately 0.7 mile north of the intersection of SR 1043 with the Sayre bridge over the Susquehanna River (Sayre, PA Quadrangle N: 19.5 inches; W: 0.8 inch) in Athens Township, **Bradford County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E19-201. Encroachment. **Vincent Lushinski**, R. R. 1, Box 763, Shamokin, PA 17872. To remove the existing structure and to construct and maintain a single span bridge with a span of 19 feet and underclearance of 4.7 feet across Mugser Run located off S. R. 3008 approximately 2 miles west of Route 42 (Mt. Carmel, PA Quadrangle N: 18.1 inches; W: 8.55 inches) in Cleveland Township, **Columbia County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E55-163. Encroachment. **Pennsylvania Department of Transportation**, Engineering District 3-0, P. O. Box 218, Montoursville, PA 17754-0218. To remove the existing superstructure and to construct and maintain a single span concrete adjacent box beam bridge on existing abutments with a span of 83.5 feet and underclearance of 15 feet across Middle Creek and to place fill along 51 feet of the upstream channel bank to widen the roadway embankment. This project is located on SR 35 approximately 100 feet west of its intersection with SR 2009 (Freeburg, PA Quadrangle N: 4.80 inches; W: 3.40 inches) in Washington and Penn Townships, **Snyder County**. This project also includes a temporary one-lane bridge to maintain traffic during construction. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E59-399. Encroachment. **Phillip and Ellen Krajewski**, R. R. 1, Box 48C, Liberty, PA 16930. To construct and maintain a single dwelling private access bridge across Little Fall Creek which has a width of 12 feet, a span of 28 feet and a clearance of 3.6 feet. The bridge will be constructed on concrete abutments and have a wooden superstructure. This site is located 1/2 mile south on T-642 from the intersection with SR 414 (Nauvoo, PA Quadrangle N: 13.1 inches; W: 10.7 inches) in Liberty Township, **Tioga County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

E09-806. Encroachment. **PA DOT**, 7000 Geerdes Blvd., King of Prussia, PA 19406-1525. To replace and maintain an existing bridge with either a two-span steel plate girder or prestressed concrete adjacent box beam bridge

across the Unami Creek (HQ, TSF) consisting of a clear span of 120 feet and an underclearance of 11 feet. The proposed bridge will be shifted approximately 20 feet upstream from its original location. This project is located along S. R. 4027 (Allentown Road) Section 75S approximately 300 feet northwest of the intersection of Allentown Road and Mill Road (Milford Square, PA Quadrangle N: 9.70 inches; W: 3.05 inches) in Milford Township, **Bucks County**. The proposed includes use of a cofferdam during construction.

E46-870. Encroachment. **Schuylkill Canal Association**, P. O. Box 3, Mont Clare, PA 19453-5032. To perform the following activities associated with the restoration of the Schuylkill Canal (WWF) Lock 60:

1. To remove a minor road crossing
2. To construct and maintain a historically accurate bridge at the same location
3. To install and maintain functional mitre gates at each end of the lock
4. To construct and maintain a small toll house (lock tender's shanty)

This work is located just north of the PA Route 29 (Mont Clare) Bridge crossing (Phoenixville, PA Quadrangle N: 3.65 inches; W: 1.15 inches) in Upper Providence Township, **Montgomery County**.

E46-869. Encroachment. **Sal Lapio Homes, Inc.**, 104 Mill Road, Sellersville, PA 18960. To perform the following activities associated with the proposed Acorn Hills Golf Course located on the northeast corner of Hanover Square Road and Wagner Road (Sassamansville, PA Quadrangle N: 6.35 inches; W: 8.35 inches) in New Hanover Township, **Montgomery County**. The entire project will impact a de minimis area of wetland:

1. To install and maintain an 8-foot wide cart bridge over the West Branch of Swamp Creek (TSF) associated with holes #10 and #12 (Sassamansville, PA Quadrangle N: 5.5 inches; W: 8.5 inches)
2. To widen and improve an existing access road over the West Branch of Swamp Creek (Sassamansville, PA Quadrangle N: 5.5 inches; W: 8.55 inches)
3. To dredge 110 linear feet of Swamp Creek (TSF) and to install and maintain a 12-inch intake pipe and wet well to facilitate irrigation of the golf course. This work will be located on an off-site location on Evens Road east of Fagleysville Road (Sassamansville, PA Quadrangle N: 5.65 inches; W: 6.65 inches).

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 the 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**.

D20-068. Dam. **Pennsylvania Department of Corrections** (P. O. Box 598, Camp Hill, PA 17011-0598). To modify, operate and maintain Cambridge Springs Dam across a tributary to French Creek (WWF) for the purpose of meeting dam safety requirements. Modifications include the construction of a new spillway, raising the dam 6 inches, and lowering normal pool 11 inches. (Cambridge Springs, PA Quadrangle N: 7.8 inches; W: 7.3 inches) in Cambridge Township, **Crawford County**.

ENVIRONMENTAL ASSESSMENT

Requests for Environmental Assessment approval under 25 Pa. Code § 105.15 and requests for certification under section 401 of the Federal Water Pollution Control Act.

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

EA02-004CO. Environmental Assessment. **Dennis Norris** (Oxford Development Company, One Oxford Centre, Pittsburgh, PA 15219). To construct a non-jurisdictional dam to control stormwater at the Village of Pine, Phase Two, directly and indirectly impacting approximately 400 linear feet of stream channel and 0.15 acre of wetlands (PEM). The proposed dam will be located across a tributary to North Fork Pine Creek (CWF) approximately 2,400 feet northeast of the intersection of Perry Highway (State Route 19) and Wallace Road (S. R. 4068) (Mars, PA Quadrangle N: 2.2 inches, W: 7.3 inches).

WATER ALLOCATIONS

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

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

WA2-628E. Water Allocation. **Moon Township Municipal Authority**, 1700 Beaver Grade Road, Coraopolis, PA 15108. The applicant is requesting the right to withdraw 8,000,000 gallons per day (peak day) from the Ohio River.

Southcentral Regional Office: Water Supply Management Program, Sanitarian Program Manager, 909 Elmerston Avenue, Harrisburg, PA 17110-8200, (717) 705-4708.

Permit No. WA67-1013. **Stewartstown Borough Authority, York County.** *Responsible Official:* Robert L. Hunt, Borough Staff Coordinator. Request: The Authority is requesting the right to purchase finished water in the amount of 8,500,000 gallons/month for 10 years and 12,000,000 gallons/month thereafter from the York Water Co. *Consulting Engineer:* Charles A. Kehew, II, P.E., James R. Holley & Associates, Inc., 18 South George Street, York, PA 17401. *Application received:* June 20, 2000.

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

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

NPDES Permit PA-0053261. Industrial waste. **Praxair, Inc.**, Box 99, Stockertown, PA 18083 is authorized to discharge from a facility located in Stockertown Borough, **Northampton County**, to Bushkill Creek.

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

WQM Permit No. 6100404. Sewage. **Cornplanter Township, Quaker State Pump Station**, R. R. 1, Box 98A, Oil City, PA 16301. This project is for the replacement of the Quaker State Pump Station in Cornplanter Township, **Venango County**.

WQM Permit No. 4300404. Sewage. **Jamestown Municipal Authority**, P. O. Box 188, Jamestown, PA 16134. This project is for the expansion of an already existing sewage treatment facility in Jamestown Borough, **Mercer County**.

WQM Permit No. 2500407. Sewerage, **Dennis J. Jr. and Tarasia J. Maguire, SRSTP**, 5760 Peck Road, Erie, PA 16510. Construction of Dennis J. Jr. and Tarasia J. Maguire SRSTP located in Harborcreek Township, **Erie County**.

WQM Permit No. 2500408. Sewerage, **Roy C. Rodgers, SRSTP**, 11292 Firethorn Road, Wattsburg, PA 16442. Construction of Roy C. Rodgers, SRSTP located in Washington Township, **Erie County**.

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

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

NPDES Permit No. PA0025356. Sewage. **Borough of Mercer**, 147 North Pitt Street, Mercer, PA 16137 is authorized to discharge from a facility located in Mercer Borough, **Mercer County** to the Neshannock Creek.

NPDES Permit No. PA0093301. Sewage. **Penn Township Elementary School**, South Butler School District, P. O. Box 657, Saxonburg, PA 16056 is authorized to discharge from a facility located in Penn Township, **Butler County** to an unnamed tributary to Thorn Creek.

NPDES Permit No. PA0210161. Industrial waste. **Pennsylvania-American Water Company—Butler**, 296 Oneida Valley Road, Butler, PA 16001 is authorized to discharge from a facility located in Oakland Township, **Butler County** to Thorn Creek and Connoquenessing Creek.

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 or Body of Water</i>
PAS10Q192	East Penn Real Estate, Inc. 4445 Harriet Lane Bethlehem, PA 18017	Lower Macungie Township Lehigh County	Little Lehigh Creek

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream or Body of Water</i>
PAS10-G387	General Residential Properties, Inc. 666 Exton Commons Exton, PA 19341	East Whiteland Township Chester County	Valley Creek (EV)

INDIVIDUAL PERMITS

(PAR)

Notice of Intent for Coverage under NPDES and/or Other General Permits

The following parties have submitted (1) Notices of Intent (NOIs) for Coverage under (1) General NPDES Permits to discharge wastewater into the surface of the 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 EPA Region III Regional Administrator has waived the right to review or object to this permit action under the waiver provision: 40 CFR 123.24.

The application and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted.

List of NPDES and/or other General Permit Type

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater From Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Single Residence Sewage Treatment Plant
PAG-5	General Permit for Discharges From Gasoline Contaminated Groundwater 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 Discharge Resulting From Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)

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>
Newtown Township Bucks County	PAR10-D493	DeLuca Enterprises 842 Durham Road Suite 200 Newtown, PA 18940	Newtown Creek (TSF, MF)	Department of Environmental Protection Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Warminster Township Bucks County	PAR10-D491	IL Davisville Assoc. Inc. 101 West Main St. Morrestown, NJ 08052	Southampton Creek (TSF, MF)	Department of Environmental Protection Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130

NOTICES

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<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
London Grove Township Chester County	PAR10-G389	John M. Rouse 2109 Bellimead Avenue Havertown, PA	Unnamed Tributary to White Clay Creek	Department of Environmental Protection Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
East Fallowfield Township Chester County	PAR10-G361	Ruggiero Development 175 Strafford Avenue Suite 1 Wayne, PA 19087	Valley Run (TSF)	Department of Environmental Protection Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Lower Salford Township Montgomery County	PAR10-T617	TH Properties 345 Main Street Harleysville, PA 19438	Unnamed Tributary to West Branch Skippack Creek (TSF)	Department of Environmental Protection Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Lower Gwynedd Township Montgomery County	PAR10-T582	The Cutler Group, Inc. 5 Sentry Parkway West Suite 100 Blue Bell, PA 19422	Park Creek Tributary (WF, M)	Department of Environmental Protection Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Schuylkill Haven Borough Schuylkill County	PAR-105809	The Island Park Dev. Marlin W. Berger Jr. Public Works Director Borough of Schuylkill Haven 12 West Main Street Schuylkill Haven, PA 17972	Schuylkill River	Schuylkill CD (570) 622-3742
Upper Saucon Township Lehigh County	PAR10Q140	Blue Meadowview Assoc., LL Tony Corrado 3001 Market St., 2nd Fl. Philadelphia, PA 19104-2897	Saucon Creek CWF	Lehigh CD (610) 391-9583
Butler County Venango Township	PAR10E129	De Sale Restoration Area— Phase II Stream Restoration Inc. 3016 Unionville Road Cranberry Township, PA 16066	Unnamed Tributary to Seaton Creek (CWF)	Butler Conservation District 122 McCune Drive Butler, PA 16001-6501 (724) 284-5270
Clarion County St. Petersburg Borough Richland Township and Foxburg Borough	PAR10I527	St. Petersburg—Richland Regional Authority P. O. Box 134 St. Petersburg, PA 16054	Clarion River (CWF) Allegheny River (WWF)	Clarion County Conservation District 265 Holiday Inn Road Ste. 2 Clarion, PA 16214
Erie County Harborcreek Township	PAR10K168	Edward Gindlespurger 202 East 8th Street Erie, PA 16503	6-Mile Creek (CWF, MF)	Erie Conservation District 12723 Route 19 P. O. Box 801 Waterford, PA 16441 (814) 796-4203

<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>
Jefferson County Gaskill Township	PAR103335	Dominion Exploration & Production, Inc. 303 Airport Professional Center Indiana, PA 15701	Jackson Run (CWF) Ugly Run (CWF) Mahoning Creek (WWF)	Jefferson Conservation District R.R. 5, Box 51 Brookville, PA 15825 (814) 849-7463
<i>General Permit Type—PAG-3</i>				
<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Philadelphia County City of Philadelphia	PAR600056	B & L Auto Parts 3404 S. 61st Street Philadelphia, PA 19153	Schuylkill River	DEP Southeast Region Water Management 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Schuylkill County Tremont Borough	PAR202232	Dayton/Richmond Concrete Accessories 55 North Pine Street Tremont, PA 17981	Swatara Creek	Northeast Office 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511
Luzerne County Wilkes-Barre City	PAR802229	ABF Freight System, Inc. P. O. Box 10048 Fort Smith, AR 72917-0048	Solomon Creek to the Susquehanna River	Northeast Office 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511
City of Erie Erie County	PAR218318	Ready Mix Concrete Company of Erie, Inc. P. O. Box 1438 Erie, PA 16512	Waters of Lake Erie	Northwest Region Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Kane Borough McKean County	PAR228330	Ames/True Temper—Kane Facility Ames/True Temper P. O. Box 644 Unadilla, NY 13849-0644	West Run Stream	Northwest Region Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Allegheny County Hampton Township	PAR156101	PPG Industries, Inc. One PPG Place Pittsburgh, PA 15272	#1 Gourdhead Run to Pine Creek to Allegheny River; #3 McCaslin Run to Allegheny River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
<i>General Permit Type—PAG-4</i>				
<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Berks County Muhlenberg Township	PAG043513	Gerald Iovanna 2800 Moyer Lane Reading, PA 19605	UNT to Bernhart Run	DEP—Southcentral Region 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>
Westmoreland County Ligonier Township	PAG046209	Gerald F. Keller 5689 Vickie Lane Bedford, OH 44146-2404	Fourmile Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Somerset County Black Township	PAG046211	Harold Henning P. O. Box 67 Somerset, PA 15501	Dempsey Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Washington Township Erie County	PAG048342	Frank R. Stefano 13969 Route 86 Edinboro, PA 16412	Little Conneauttee Creek	Northwest Region Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Harborcreek Township Erie County	PAG048674	Dennis J. Jr. and Tarasia J. Maguire 5760 Peck Road Erie, PA 16510	Unnamed Tributary of Sixmile Creek	Northwest Region Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Washington Township Erie County	PAG048676	Roy C. Rodgers 11292 Firethorn Road Wattsburg, PA 16442	Tributary to Little Conneauttee Creek	Northwest Region Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Summit Township Erie County	PAG048348	John A. Mattson 750 Langdon Road Erie, PA 16509-6706	Unnamed Tributary to Walnut Creek	Northwest Region Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-10

<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 New Sewickley Township	PAG106102	Sun Pipe Line Company Ten Penn Center 1801 Market Street Philadelphia, PA 19103-1699	Crows Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

**SEWAGE FACILITIES ACT
PLAN APPROVAL**

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

Northcentral Regional Office: Water Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (570) 327-0530.

Location: Davidson Township, Sullivan County.

Project Description: This project is to construct sewerage collection, conveyance and treatment facilities for the Village of Sonestown. A septic tank effluent collection system is proposed. This system will consist mainly of gravity collection lines with two grinder pump stations located northeast of Big Run and southeast of Muncy Creek with force mains across these creeks. The gravity system will convey sewage to a pump station to be located near the intersection of Main Street and US Route 220 where it will be pumped to the sewage treatment plant behind the Township building. The sewage treatment plant will be a sand filter with discharge to Muncy Creek just upstream of the Township Route 325 bridge.

The Department's review of the sewage facilities update revision has not identified any significant negative environmental impacts resulting from this proposal.

SAFE DRINKING WATER

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

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

Permit No. 4600505. Public water supply. **North Wales Water Authority**, 200 West Walnut Street, North Wales, PA 19454. A permit has been issued to the North Wales Water Authority for the construction of a transfer station to transfer water from the North Wales Zone to the Upper Dublin Zone. The project includes flow and pressure control valves and a rechlorination system in Lower Gwynedd Township, **Montgomery County**. *Type of Facility:* Public Water Supply System. *Consulting Engineer:* Gannett Fleming, Inc., P. O. Box 67100, Harrisburg, PA 17106-7100. *Permit to Construct Issued:* July 20, 2000.

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

Permit No. 5099501. Public water supply. **Triple Crown Corporation, Perry County**. *Responsible Official:* Triple Crown Corporation. *Type of Facility:* Issuance of an Operation Permit authorizing utilization of the newly constructed Meadow View Village Mobile Home Park community water system. The system consists of two wells, hypochlorite disinfection, manganese sequestration, finished water storage, a distribution system and booster pumps. *Consulting Engineer:* Robert J. Fisher, P.E., R. J. Fisher & Associates, Inc., 1546 Bridge St., New Cumberland, PA 17070. *Permit to Operate Issued:* July 18, 2000.

Permit No. 6799505. Public water supply. **Wrightsville Borough Municipal Authority, York County**. *Responsible Official:* Everett Smeltzer, Jr. *Type of Facility:* An Operation Permit has been issued for operation of two upflow clarifiers and an increase in the permitted capacity of the filter plant to 0.648 mgd. *Consulting Engineer:*

John A. Klinedinst, P.E., C. S. Davidson, Inc., 38 North Duke Street, York, PA 17401. *Permit to Operate Issued:* July 21, 2000.

**LAND RECYCLING AND
ENVIRONMENTAL REMEDIATION**

Under Act 2, 1995

Preamble 2

The following final reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of final reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed, and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

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

The Department has received the following final reports:

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

Spee-D Food Mart, Borough of Forest Hills, **Allegheny County**. Supervalu, 11095 Viking Drive, Eden Prairie, MN 55344-7223 and Ronald W. Jenkins, Delta Environmental Consultants, Inc., 4068 Mount Royal Boulevard, Suite 225, Allison Park, PA 15101 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with BTEX. The report is intended to document remediation of the site to meet the Statewide health standard.

Southeast Regional Office: Environmental Cleanup Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-5950.

Triboro Electric Company, Doylestown Borough, **Bucks County**. Terrence J. McKenna, Keating Environmental Management, Inc., 479 Thomas Jones Way, Suite 700, Exton, PA 19341, has submitted a Final Report concerning remediation of site soil contaminated with petroleum hydrocarbons. The report is intended to document remediation of the site to meet the Statewide health standard.

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 Final Report concern-

ing remediation of site soil contaminated with lead. The report is intended to document remediation of the site to meet the Statewide health standard.

Landhope Realty Property, New Garden Township, **Chester County**. John Kollmeier, Brownfield Associates, Inc., P. O. Box 80, Lewisville, PA 19351, has submitted a Final Report concerning remediation of site groundwater contaminated with BTEX and petroleum hydrocarbons. The report is intended to document remediation of the site to meet the Statewide health standard.

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 a Remedial Investigation/Final Report concerning remediation of site groundwater contaminated with solvents. The report is intended to document remediation of the site to meet site-specific standards.

Heating Oil Partners, L. P./Gill Brothers Oil Company, Northampton Township, **Bucks County**. Sean M. Grexa, The Tyree Organization, Ltd., 1350 S. U. S. Highway 130, Burlington, NJ 08016, has submitted a Final Report concerning remediation of site soil contaminated with petroleum hydrocarbons and groundwater contaminated with BTEX. The report is intended to document remediation of the site to meet site-specific standards.

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 Remediations 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 Remediations 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 or report appears. If information concerning a plan or report is required in an alternative form, contact the community relations coordinator at the appropriate regional office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has acted upon the following plans and reports:

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

CDR Pigments, 75 Front St., Ridgway, PA, **County of Elk**, Ridgeway Borough, has submitted a Remedial Investigation Report concerning remediation of the site soil, groundwater and surface water contaminated with lead, heavy metals, solvents and BTEX. The report documented remediation of the site to meet the site specific standard and was approved by the Department on July 24, 2000.

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

LTV Steel Company, Inc., Coke Plant, City of Pittsburgh, **Allegheny County**. LTV Steel Company, Inc., 200 Public Square, Cleveland, OH 44114 and Martin C. Knuth, Civil and Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 have submitted a remedial investigation report concerning remediation of site soil and groundwater contaminated with PCBs, lead, heavy metals, solvents, BTEX, PHCs and PAHs. The remedial investigation report was approved by the Department on July 11, 2000.

Southeast Regional Office: Environmental Cleanup Program Manager; Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-5950.

Sharp's Woods, Easttown Township, **Chester County**. A Final Report concerning remediation of site soil contaminated with BTEX and polycyclic aromatic hydrocarbons was submitted to the Department. The report demonstrated attainment of the Statewide health standard and was approved by the Department on September 1, 1998.

Jackson Residence, Easttown Township, **Chester County**. A Final Report concerning remediation of site soil contaminated with BTEX and polycyclic aromatic hydrocarbons was submitted to the Department. The report demonstrated attainment of the Statewide health standard and was approved by the Department on September 1, 1998.

Bufo Residence, Easttown Township, **Chester County**. A Final Report concerning remediation of site soil contaminated with BTEX and polycyclic aromatic hydrocarbons was submitted to the Department. The report demonstrated attainment of the Statewide health standard and was approved by the Department on September 1, 1998.

Cartex Facility (former), Doylestown Borough, **Bucks County**. A Final Report concerning remediation of site soil and groundwater contaminated with solvents was submitted to the Department. The report demonstrated attainment of the Statewide health standard and was approved by the Department on August 3, 1998.

Welliver Residence, Easttown Township, **Chester County**. A Final Report concerning remediation of site

soil contaminated with BTEX and polycyclic aromatic hydrocarbons was submitted to the Department. The report demonstrated attainment of the Statewide health standard and was approved by the Department on September 1, 1998.

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

Berwick Industries, Inc., Fulton Plant, Borough of Berwick, **Columbia County**. A Final Report has been submitted addressing soil contaminated with toluene and groundwater contaminated with solvent. The report documented remediation to meet the Statewide health standard for soils and the site-specific standard for groundwater. The Department on August 6, 1998 approved the report.

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

Former O'Donnell's Ambulance Service, North Huntingdon Township, **Westmoreland County**. Jeffrey Chambers, Chambers Environmental Group, Inc., 485 E. College Avenue, Suite A, Pleasant Gap, PA 16823, has submitted a Final Report concerning remediation of site soil contaminated with benzene, toluene, ethylbenzene, xylene and lead. The Final Report did not demonstrate attainment of the Statewide health standard and was disapproved by the Department on September 15, 1998.

Redevelopment Authority of the City of McKeesport (corner of Irwin and Soles Streets), McKeesport, **Allegheny County**. Mark Urbassik, KU Resources, Inc., One Liberty Place, Suite 207, Duquesne, PA 15110, has submitted a Final Report concerning remediation of site soil contaminated with lead, benzene, toluene, ethylbenzene and xylene. The Final Report demonstrated attainment of the Statewide health standard and was approved by the Department on September 24, 1998.

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

State Line Gas-Metering Facility, Lawrenceville Borough, **Tioga County**. PPL, Inc., Two North Ninth Street, Allentown, PA 18101 has submitted a Final Report concerning the remediation of site soil contaminated with heavy metals. The Final Report demonstrated attainment of the Statewide health standard and was approved by the Department on July 19, 2000.

PPL Pole Site # 153, Eldred Township, **Lycoming County**. PPL, Inc., Two North Ninth Street, Allentown, PA 18101 has submitted a Final Report concerning the remediation of site soil contaminated with PCBs. The Final Report demonstrated attainment of the Statewide health standard and was approved by the Department on July 19, 2000.

Maisano Residence, Burnside Township, **Centre County**. Hydrocon Services, Inc., on behalf of their client, Irel Maisano, HC Box 116, 7 SW Meadow Drive, Karthaus, PA 16845, has submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide health standard and was approved by the Department on July 19, 2000.

AIR QUALITY OPERATING PERMITS

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

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

GP4-22-03042: E. L. Heim Co., Inc. (P. O. Box 2247, Harrisburg, PA 17105-2247) authorized use of a general permit for construction/operation of one natural gas-fired burnoff oven in Harrisburg City, **Dauphin County**.

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

GP-43-320: Vista Resources, Deer Creek Compressor Station (Grange Road, Mercer, PA 16137) on July 18, 2000, for operation of a second engine at a natural gas production facility in Deer Creek Township, **Mercer County**.

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

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

OP-46-0172: Gemplus Corp. (101 Park Drive, Montgomeryville, PA 18936) on July 31, 2000, for operation of three printing presses in Montgomery Township, **Montgomery County**.

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

67-02010A: SKF, USA, Inc. (525 Fame Avenue, Hanover, PA 17331-9582) on July 19, 2000, a RACT permit for operation of a spherical roller bearing production plant in Penn Township, **York County**.

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

PA-33-160A: Reynoldsville Casket Co. (5th Street Extension, P. O. Box 68, Reynoldsville, PA 15851) on July 31, 2000, for operation of color and clearcoat paint booths in Reynoldsville, **Jefferson County**.

Philadelphia Department of Public Health, Air Management Services, 321 University Ave., Philadelphia, PA 19104, (215) 685-7584.

V95-025: Sea Gull Lighting Products, Inc. (25th and Wharton Streets, Philadelphia, PA 19145) issued a Title V Operating Permit on June 12, 2000, for operation of a lighting fixtures manufacturing facility in the City of Philadelphia, **Philadelphia County**. The facility's emission sources include a vapor degreaser, three paint booths, a bake oven, three ≤ 2.8 MMBTU/hr boilers, and a polishing dust collector.

V95-026: Temple University, Health Sciences Campus (3401 North Broad Street, Philadelphia, PA 19140) issued a Title V Operating Permit on June 21, 2000, for operation of boilers in the City of Philadelphia, **Philadel-**

phia County. The facility's air emission sources include three boilers between 50–80 MMBTU/hr, four boilers <10 MMBTU/hr, and ten emergency generators.

V95-025: Temple University, Main Campus (Broad Street and Montgomery Avenue, Philadelphia, PA 19122) issued a Title V Operating Permit on July 10, 2000, for operation of boilers in the City of Philadelphia, **Philadelphia County.** The facility's air emission sources include six boilers between 20–50 MMBTU/hr, 22 boilers <10 MMBTU/hr, numerous heaters <3 MMBTU/hr, nine 2,250 bhp standby generators, and 36 emergency generators.

V95-094: SEPTA, Berridge/Courtland Maintenance Shop (200 West Wyoming Avenue, Philadelphia, PA 19140) issued a Title V Operating Permit on July 13, 2000, for a facility in the City of Philadelphia, **Philadelphia County.** The facility's air emission sources include two 300 HP boilers, four spray booths, two <5 MMBTU/hr spray booth heaters, and 34 parts washers.

S95-049: T.D.P.S. Materials/DePaul Concrete (2nd Street and Erie Avenue, Philadelphia, PA 19120) issued a Synthetic Minor Operating Permit on June 20, 2000, for operation of an asphalt and concrete facility. The facility's air emission sources include a hot mix asphalt plant, a concrete plant, and fugitive emissions from material handling and vehicle traffic. The hot mix asphalt plant and concrete plant are controlled by baghouses.

N96-037: Ball Park Brands (8400 Executive Avenue, Philadelphia, PA 19153) issued a Natural Minor Operating Permit on June 20, 2000, for operation of a plant that manufactures hot dogs. The facility's air emission sources include two 12.5 MMBTU/hr boilers (one is equipped with a low-NOx burner), three 3.3 MMBTU/hr tunnel ovens, nine 1.65 MMBTU/hr smokehouses, and one back-up generator.

N96-016: Stokes Vacuum (5500 Tabor Road, Philadelphia, PA 19120) issued a Natural Minor Operating Permit on June 20, 2000, for operation of designing, manufacturing and selling of vacuum pumps, blowers and related vacuum dryers. The facility's air emission sources include three boilers; one rated at 8.2 MMBTU/hr and two rated at 2.75 MMBTU/hr, and a paint booth. The facility's air emissions control device is a grit blast room baghouse.

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 blast/nickel plating operations in the City of Coatesville, **Chester County.**

OP-15-0002: Quebecor Printing Atglen Inc. (P. O. Box 464, Atglen, PA 19310-0465) on July 31, 2000, for Facility VOCs/NOx RACT in West Sadsbury Township, **Chester County.**

Philadelphia Department of Public Health: Air Management Services, 321 University Ave., Philadelphia, PA 19104, (215) 685-7584.

S95-093: General Services Administration (William J. Green, Jr. Federal Building, 600 Arch Street, Philadelphia, PA 19106) on July 26, 2000. The operating permit issued April 22, 1999, has been administratively amended to include the requirements of 25 Pa. Code

§ 129.93(b)(3)–(5) that were left out of the initial permit and to correct the telephone number of the facility contact.

Operating Permits denied, terminated, suspended or revoked under the Air Pollution Control Act (35 P. S. §§ 4001–4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

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

09-311-002: Sabatini Concrete Pipe & Products, Inc. (P. O. Box 30, Bristol, PA 19007) on July 27, 2000, for operation of a cement batch mixer in Bristol Township, **Bucks County.**

PLAN APPROVALS

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

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

PA-09-0024A: Waste Management of PA, Inc. (200 Bordertown Road, Tullytown, PA 19007) on July 24, 2000, for operation of a permitted landfill in Tullytown Borough, **Bucks County.**

PA-09-0106: Van Waters & Rogers, Inc. (Steel Road, Morrisville, PA 19067) on July 31, 2000, for operation of a chemical distribution facility in Falls Township, **Bucks County.**

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

PA-65-370A: Winco Salvage (P. O. Box 196, Connelville, PA 15425) on July 26, 2000, for operation of an aluminum recycling furnace at Budd's Ferry Road Site in Rostraver Township, **Westmoreland County.**

PA-11-370A: Laurel Highlands Landfill, Inc. (R. D. 1, Box 10, 196 Wagner Road, Vintondale, PA 15061) on July 26, 2000, for installation of a municipal waste landfill in Jackson Township, **Cambria County.**

PA-63-896A: UMCO Energy, Inc. (981 Route 917, Bentleyville, PA 15314) on July 26, 2000, for installation of a coal processing plant at New Century Mine in Fallowfield Township, **Washington County.**

PA-56-181A: Southern Alleghenies Landfill, Inc. (Westpointe Corporate Center One, 1550 Coraopolis Heights Road, Moon Township, PA 15108) on July 26, 2000, for operation of a leachate evaporation system in Conemaugh Township, **Somerset County.**

PA-04-306A: BASF Corp. (370 Frankfort Road, Monaca, PA 15061) on July 26, 2000, for operation of latex products manufacturing at Monaca Site in Shippingport Borough, **Beaver County.**

PA-04-235A: Pennsylvania Power Co. (76 South Main Street, Akron, OH 44308) on July 26, 2000, for operation of a forced oxidation gypsum plant at Bruce Mansfield in Shippingport Borough, **Beaver County.**

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

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

PA-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**.

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

36-05087A: Morgan Corp. (P. O. Box 588, Morgantown, PA 19543) on July 31, 2000, for installation of a spray booth controlled by fiberglass dry filters and using HVLP spray guns in Ephrata Borough, **Lancaster County**.

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

PA-24-092A: Motion Control Industries (Gillis Avenue, Ridgway, PA 15853) on July 18, 2000, for installation of control devices on existing sources in Ridgway, **Elk County**.

PA-25-066C: AKW L. P. (1015 East 12th Street, Erie, PA 16503) on July 27, 2000, for installation of furnaces in Erie, **Erie 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 410 water quality certification. Mining activity permits issued in response to these applications will also address the applicable permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

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

Small Noncoal (Industrial Mineral) Permits Issued

50000801. William A. Smith (R. R. 1 Box 243, Blain, PA 17006-9725), commencement, operation and restoration of a small quarry operation in Jackson Township, **Perry County** affecting 1.0 acre, receiving stream—unnamed tributary to Bull Run. Permit issued July 24, 2000.

58002808. Powers Stone, Inc. (R. R. 5, Box 124, Montrose, PA 18801), commencement, operation and restoration of a bluestone quarry operation in Middletown Township, **Susquehanna County** affecting 5.0 acres, receiving stream—none. Permit issued July 24, 2000.

35000803. Margaret A. Gaughan (1784 Felker Road, Middletown, PA 17057), commencement, operation and

restoration of a small bluestone quarry operation in Greenfield Township, **Lackawanna County** affecting 2.0 acres, receiving stream—none. Permit issued July 24, 2000.

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

Noncoal Permits Issued

37990302. Southdown, Inc. (1200 Smith Street, Suite 2400, Houston, TX 77002). Commencement, operation and restoration of limestone operation in Shenango and Wayne Townships, **Lawrence County** affecting 798.0 acres. Receiving streams: Unnamed tributaries to Snake Run, Unnamed tributaries to Beaver Run. Application received: August 4, 1999. Permit Issued: July 27, 2000.

300360-37990302-E-1. Southdown, Inc. (1200 Smith Street, Suite 2400, Houston, TX 77002). Application for a stream encroachment to construct and maintain a haul road crossing over unnamed tributary No. 1 to the Beaver River in Shenango and Wayne Townships, **Lawrence County**. Receiving streams: Unnamed tributaries to Snake Run, Unnamed tributaries to the Beaver River. Application received: August 4, 1999. Permit Issued: July 27, 2000.

300360-37990302-E-2. Southdown, Inc. (1200 Smith Street, Suite 2400, Houston, TX 77002). Application for a stream encroachment to mine through, relocate and reconstruct a 750-foot segment of unnamed tributary No. 1 to Snake Run in Shanango and Wayne Townships, **Lawrence County**. Receiving streams: Unnamed tributaries to Snake Run, Unnamed tributaries to the Beaver River. Application received: August 4, 1999. Permit Issued: July 27, 2000.

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

Coal Permits Issued

17880123. Forcey Coal, Inc. (P. O. Box 225, Madera, PA 16661), transfer of an existing bituminous surface mine permit from E. P. Bender Coal Co., Inc., located in Bigler Township, **Clearfield County** affecting 166 acres. Receiving streams: an unnamed tributary of Muddy Run and Muddy Run to Muddy Run and Muddy Run; Muddy Run to Clearfield Creek, Clearfield Creek to West Branch Susquehanna River; West Branch Susquehanna River to Susquehanna River. Application received February 11, 2000. Permit issued July 12, 2000.

17960122. Forcey Coal, Inc. (P. O. Box 225, Madera, PA 16661), transfer of an existing bituminous surface mine-auger permit from E. P. Bender Coal Co., Inc., located in Bigler Township, **Clearfield County** affecting 118 acres. Receiving streams: Muddy Run and Banian Run to Muddy Run, Muddy Run to Clearfield Creek, Clearfield Creek to West Branch Susquehanna River. Application received February 11, 2000. Permit issued July 12, 2000.

17970110. Moravian Run Reclamation Co., Inc. (605 Sheridan Drive, Clearfield, PA 16830), transfer of an existing bituminous surface mine-auger permit from Al Hamilton Contracting Company, located in Bell Township, **Clearfield County** affecting 256 acres. Receiving streams: unnamed tributaries to Bell Run to Bell Run to the West Branch of the Susquehanna River to the Susquehanna River. Application received January 31, 2000. Permit issued July 12, 2000.

17990118. Swisher Contracting, Inc. (P. O. Box 1223, Clearfield, PA 16830), commencement, operation and restoration of a bituminous surface mine-auger per-

mit in Lawrence Township, **Clearfield County** affecting 120 acres. Receiving streams: unnamed tributaries to Moose Creek, to Moose Creek, to the West Branch of the Susquehanna River. Application received September 23, 2000. Permit issued July 13, 2000.

17940109. E. P. Bender Coal Co., Inc. (Main and Lehmier Streets, P. O. Box 594, Carrolltown, PA 15722), renewal of an existing bituminous surface mine permit in Beccaria Township, **Clearfield County** affecting 337 acres. Receiving streams: two unnamed tributaries to Pine Run and Pine Run to Clearfield Creek to West Branch of the Susquehanna River. Application received May 18, 2000. Permit issued July 13, 2000.

17990110. M. B. Energy, Inc. (175 McKnight Road, Blairsville, PA 15717-7960), commencement, operation and restoration of a bituminous surface mine permit in Chest Township, **Clearfield County** affecting 350 acres. Receiving streams: Chest Creek to West Branch of the Susquehanna River. Application received May 14, 1999. Permit issued July 19, 2000.

17990119. Forcey Coal, Inc. (P. O. Box 225, Madera, PA 16661), commencement, operation and restoration of a bituminous surface mine permit in Woodward Township, **Clearfield County** affecting 83.3 acres. Receiving streams: unnamed tributaries of Goss Run to Goss Run to Beaver Run to Moshannon Creek to West Branch of the Susquehanna River. Application received October 8, 1999. Permit issued July 12, 2000.

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

56950107. Permit Renewal for reclamation only, Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001), for continued restoration of a bituminous surface mine in Black Township, **Somerset County**, affecting 147.0 acres, receiving stream Dempsey Run to Bromm Run to Coxes Creek and Laurel Run to Coxes Creek, application received July 25, 2000, issued July 27, 2000.

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

63813210. Pennsylvania Coal Reclamation, Inc. (P. O. Box 136, 619 Millers Run Road, Cuddy, PA 15031). Renewal issued for continued operation and reclamation of a bituminous surface mine/coal refuse reprocessing facility located in Deemston Borough, **Washington County**, affecting 51.3 acres. Receiving streams: unnamed tributary to Ten Mile Creek to Monongahela River. Application received: March 24, 2000. Renewal issued: July 24, 2000.

03940113. Thomas J. Smith, Inc. (R. R. 1, Box 260D, Shelocta, PA 15774). Renewal permit issued for continued operation and reclamation of a bituminous surface auger mine located in Washington Township, **Armstrong County**, affecting 68.7 acres. Receiving streams: unnamed tributaries to Huling Run. Renewal application received: February 9, 2000. Renewal permit issued: July 26, 2000.

02950101. Gary Gioia Coal Company (319 Karen Drive, Elizabeth, PA 15037). Renewal permit issued for continued operation and reclamation of a bituminous surface mine located in Elizabeth Township, **Allegheny County**, affecting 90.3 acres. Receiving streams: unnamed tributary to the Youghiogheny River. Renewal application received: March 8, 2000. Renewal permit issued: July 26, 2000.

03990109. Mears Enterprises, Inc. (P. O. Box 157, Clymer, PA 15728). Permit issued for commencement,

operation and reclamation of a bituminous surface/auger mine located in Wayne Township, **Armstrong County**, affecting 58.0 acres. Receiving streams: unnamed tributaries to the South Fork Pine Creek and to the South Fork Pine Creek itself. Application received: November 16, 1999. Permit issued: July 28, 2000.

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

Coal Applications Denied

17910901. Bulldog Coal Company (R. D. 2, Box 195A, Curwensville, PA 16833), major permit revision to an existing bituminous coal mining permit for a change in postmining land use from forestland to pastureland or land occasionally cut for hay. The permit is located in Knox Township, **Clearfield County** and affects 5 acres. Application received May 19, 2000. Permit denied July 14, 2000.

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

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

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, 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 on applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and sections 5 and 402 of The Clean Streams Law (35 P. S. §§ 691.5 and 691.402) and notice of final action for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)). (Note: Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description).

Permits Issued and Actions on 401 Certifications

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

E09-788. Encroachment Permit. **Doylestown Township**, 425 Wells Road, Doylestown, PA 18901. To construct and maintain an 8-foot wide, macadam bike path within the 100-year flood plain of the Neshaminy Creek (TSF-

MF) and across an unnamed tributary to the Neshaminy Creek which will impact a total of 0.19 acre of wetlands. The site is located along the Neshaminy Creek, in the vicinity of Wells Road and Lower State Road (Doylestown, PA Quadrangle, N: 5.75 inches, W: 3.5 inches) in Doylestown Township, **Bucks County**. The permittee agrees to provide a minimum of 0.20 acre of replacement wetland.

E23-399. Encroachment Permit. **City of Philadelphia Division of Aviation**, Terminal E, Philadelphia International Airport, Philadelphia, PA 19153. To construct and maintain a fire fighting training facility consisting of a paved open burn-pit, gravel vehicle maneuvering area, control building, access roadways, parking facilities, ancillary public utilities, drainage pipe and a domestic wastewater holding tank within the 100-year floodplain of the Delaware River (WWF-MF) at the Philadelphia International Airport (Bridgeport, PA-NJ Quadrangle N: 20.5 inches; W: 1.8 inches) in Tinicum Township, **Delaware County**.

E46-853. Encroachment Permit. **PA DOT, District 6-0**, 7000 Geerdes Blvd., King of Prussia, PA 19406. To remove an existing three-span, stone masonry arch bridge across Skippack Creek (TSF) and to construct and maintain, in its place, a twin span prestressed concrete box beam bridge. Each clear span of the new bridge will measure approximately 79 feet and the maximum vertical clearance will be about 14.0 feet. The new abutments and pier will be skewed 75 degrees left to match the approximate direction of stream flow. Improvements will include widening the total roadway width to approximately 40 feet. Total wetland impacts will be approximately 0.09 acre (0.2 acre permanent). The site is located along Kratz Road (Collegeville USGS Quadrangle N: 14.5 inches, W: 1.9 inches) in Skippack Township, **Montgomery County**. The permittee has met the wetland replacement requirement by participating in the Pennsylvania Wetland Replacement Project.

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

E439-003NE. Encroachment. **Pennsylvania Department of Transportation**, Attention: Amanda Leindecker, 1713 Lehigh Street, Allentown, PA 18103. To remove the existing three spans cement rubble masonry arch bridge across a tributary to Saucon Creek (CWF) S. R. 2030 and construct a cul-de-sac, approximately 100 feet from the bank of the channel, the project is located to the east of S. R. 0309, approximately 600 southeast of the intersection of S. R. 0309 and S. R. 0378 (Allentown, East, PA Quadrangle N: 5.2 inches; W: 2.35 inches), Upper Saucon Township, **Lehigh County** (Philadelphia District, U. S. Army Corps of Engineers).

E45-391. Encroachment. **Pennsylvania Department of Transportation, Engineering District 5-0**, 1713 Lehigh Street, Allentown, PA 18103-4724. To maintain a steel I-beam bridge, having a clear span of 61.5 feet and a minimum underclearance of 12 feet across Emerald Lakes (also known as Ramot Lakes). The construction of this bridge was authorized by Emergency Permit EP4500402. The project is located along S. R. 4002, Segment 0140, Offset 0000, approximately 0.7 mile north of S. R. 0080 (Pocono Pines, PA Quadrangle N: 15.0 inches; W: 7.7 inches), in Tobyhanna Township, **Monroe County**.

E64-211. Encroachment. **Wayne County**, 925 Court Street, Honesdale, PA 19431. To remove the existing structure and to construct and maintain a road crossing consisting of twin cell concrete box culverts each having

dimensions of 18 feet by 6 feet with a 1-foot culvert depression in Middle Creek and to place fill in a de minimis area of wetlands equal to 0.03 acre as a result of the proposed roadway widening. An additional 0.29 acre of wetlands will be temporarily disturbed during construction. The project is located along Township Road T412 (South Baker Road), approximately 1.6 miles downstream of S. R. 0296 (Lake Ariel, PA Quadrangle N: 22.6 inches; W: 0.1 inch) in South Canaan 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.

E22-413. Encroachment. **Triple Crown Corporation**, Mark DiSanto, 5351 Jaycee Avenue, Harrisburg, PA 17112. To place fill in the floodway of a tributary to Laurel Run (WWF) at a point approximately 2,000 feet upstream of Richardson Road for the purpose of constructing a warehouse and parking area in Swatara Township, **Dauphin County**.

E36-690. Encroachment. **Warwick School District**, 301 W. Orange St., Lititz, PA 17543. To construct and maintain a pedestrian footbridge having a clear span of 20 feet with an underclearance of 3.5 feet across an unnamed tributary to Lititz Run (WWF) to connect a walking path to school, a park area located in the Newport Square development (Lititz, PA Quadrangle N: 6.0 inches; W: 4.88 inches) in Lititz Borough and Warwick Township, **Lancaster County**. This permit was issued under section 105.13(e) "Small Projects."

E36-692. Encroachment. **Manheim Borough**, 15 E. High Street, Manheim, PA 17545. To remove an existing fill encroachment, regrade and stabilize approximately 155 lineal feet of the west bank of Chickies Creek (WWF) to a 3:1 slope. The permit authorizes construction of a pedestrian stream access path ascending from the top of bank and along the stream channel in the proposed Esther Swan Memorial Park to be located at intersection of East Stiegel and South Hazel Streets (Manheim, PA Quadrangle N: 6.5 inches; W: 2.0 inches) in Manheim Borough, **Lancaster County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E67-684. Encroachment. **Richard Poole**, Markey Brickyard Ind. Dev., 150 Farm Lane Drive, York, PA 17402. To fill 0.06 acre of wetlands adjacent to a tributary channel to the Codorus Creek (WWF) for development of the Markey Brickyard Industrial Park (York Haven, PA Quadrangle N: 6.4 inches; W: 13.9 inches) in East Manchester Township, **York County**. The permittee is required to provide 0.06 acre of replacement wetlands. This permit also includes 401 Water Quality Certification.

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

E25-612. Encroachment. **Pennsylvania Department of Transportation, District 1-0**, 255 Elm Street, Oil City, PA 16301. To remove the existing bridge and to construct and maintain a prestressed concrete spread box beam bridge having a normal span of 70.9 feet and an underclearance of 12 feet on a 75 degree skew across West Branch French Creek and impacting a de minimis area of adjoining wetlands on S. R. 0430 Section B00 Segment 0280 Offset 1009 approximately 0.2 mile east of S. R. 0089 (Wattsburg, PA Quadrangle N: 21.9 inches; W: 3.8 inches) located in Greenfield Township, **Erie County**.

E43-285. Encroachment. **PA Department of Transportation, District 1-0**, 255 Elm Street, Oil City, PA 16301. To install concrete paving 1-foot below the streambed and to maintain the bridge having a span of 9 feet and an underclearance of 4 feet across a tributary to Magargee Run on S. R. 0062, Segment 0220, Offset 1540 approximately 0.3 mile east of Charleston Road at the village of Charleston (Greenfield, PA Quadrangle N: 20.4 inches; W: 14.6 inches) located in Jefferson Township, **Mercer County**.

E61-235. Encroachment. **PA Department of Transportation, District 1-0**, 255 Elm Street, Oil City, PA 16301. To remove the existing Third Street Bridge and to construct and maintain a prestressed concrete adjacent box beam bridge having two spans of 115 feet and one span of 53 feet, 8 inches (bearing to bearing) and an underclearance of approximately 20 feet on a 77.73 degree skew across French Creek on S. R. 3017, Section B00, Segment 0170, Offset 1956 approximately 3 miles west of S. R. 0322 (Utica, PA Quadrangle N: 11.4 inches; W: 11.0 inches) located in the Borough of Utica, **Venango County**.

DAM SAFETY

Actions on applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and sections 5 and 402 of The Clean Streams Law (35 P. S. §§ 691.5 and 691.402) and notice of final action for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

Permits Issued and Actions on 401 Certification

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

D21-017. DEP. **Borough of Carlisle** (53 West South Street, Carlisle, PA 17013). To modify, operate and maintain the Carlisle Raw Water Intake Dam for the purpose of rehabilitating deteriorated sections of the dam and constructing a new fishway. This dam is located across the Conodoguinet Creek in North Middleton Township, **Cumberland County**.

D36-294. DEP. **Eagle Land Management of Pennsylvania, Inc.** (1265 Drummers Lane, Suite 102, Three Glenhardie Corporate Center, Wayne, PA 19087). To construct, operate and maintain the Milton Grove Wetland Mitigation Dam (Pond No. 3) located across a tributary to Little Chickies Creek in Mount Joy Township, **Lancaster County**.

ENVIRONMENTAL ASSESSMENT

Environmental Assessment Approval and Actions on 401 Certification

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

EA02-005CO. Environmental Assessment. **Walter Gregg** (Camp Meeting Road, Sewickley, PA 15143). To construct a non-jurisdictional dam for aesthetics at the proposed Snuggery Farm subdivision impacting approximately 475 linear feet of stream channel and four existing ponds having a total surface acreage of 0.38 acre. The proposed dam will be located across a tributary to Little Sewickley Creek (HQ-TSF) approximately 2,600 feet west of the intersection of Camp Meeting Road and Fern

Hollow Road (Ambridge, PA Quadrangle, N: 16.45 inches, W: 4.70 inches), **Allegheny County**.

D18-056EA. Environmental Assessment. **William Charles** (R. D. 1, Jersey Shore, PA 17740). To breach and remove the Welfare Dam across Paddy Run for the purpose of restoring the stream to a free flowing condition. The dam is located approximately 2,000 feet upstream from the confluence of Paddy Run with West Branch Susquehanna River (Renovo East, PA Quadrangle N: 15.5 inches; W: 14.3 inches), in Renovo Borough, **Clinton County**.

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

EA42-002NW. Environmental Assessment. **Pennsylvania Department of Environmental Protection**, Knox District Mining Office, White Memorial Building, P. O. Box 669, Knox, PA 16232-0669. To construct and maintain a 3-foot-high dam across Gum Boot Run (HQ-CWF), and to construct and maintain a 900-ton limestone vertical flow treatment facility within Gum Boot Run, the floodway of Gum Boot Run and a de minimis area (0.02 acre) of wetlands (PEM) as part of a Water Quality Restoration project to abate acid mine drainage on Gum Boot Run. The project is located on Seneca Resources property on Gum Boot Run approximately 2.05 miles southwest of the intersection of S. R. 0146 and S. R. 2001 (Wilcox-Clermont Road) in the Village of Clermont (Crosby, PA Quadrangle N: 7.2 inches; W: 17.05 inches) located in Sergeant Township, **McKean County**.

SPECIAL NOTICES

Availability of a Grant for the Remediation of a Waste Tire Pile in Pennsylvania

The Department of Environmental Protection (Department) announces the availability of a grant for fiscal year 2000/2001 for the remediation of the S&R Tire Recycling waste tire pile. Only applications for this site are being accepted.

To be considered for a grant, an applicant: 1) must propose to remediate the following waste tire pile: S&R Tire Recycling, Snyder Township, Blair County; 2) must not have contributed, in any manner, to the creation of a noncompliant waste tire pile; and 3) must have an identifiable end-use for the waste tires to be remediated.

Grant funds are to be used for activities directly related to the remediation of priority waste tire sites (such as employee wages, operation of equipment, transportation, processing costs and the like). Grants may not be used for the purchase of equipment and grant recipients shall use funds only for those activities approved by the Department.

All applicants must complete and submit an official two-part application for the proposed tire pile remediation. The Waste Tire Remediation Grant Application Parts A and B include all the materials and instructions necessary for applying for a grant. Copies of these documents are available by contacting the Division of Municipal and Residual Waste at (717) 787-7381 or may be obtained electronically from the Department Internet site on the world wide web at: <http://www.dep.state.pa.us> (type "tires" in directLINK). Six copies of the application containing both Parts A and B must be completed and submitted by 4 p.m. on September 22, 2000, to: Department of Environmental Protection, Division of Municipal and Residual Waste, 14th Floor—Rachel Carson State

Office Building, 400 Market Street, P. O. Box 8472, Harrisburg, PA 17105-8472. Applications that are incomplete or arrive after the deadline will not be considered.

At a minimum, all applications must contain: (1) a description of the applicant's experience in waste tire remediation; (2) markets or end-uses for the remediated tires; (3) a schedule for the remediation of tires at the site; (4) proposed cost of the waste tire pile remediation; and (5) any additional information the Department deems necessary. Please follow the instructions in the Part A and B Grant Application to assure you are submitting all of the necessary information in the correct format.

Persons who have any questions about this grant program should contact the Division of Municipal and Residual Waste (717) 787-7381.

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

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

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

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

Act 101

Section 902 Recycling Development and Implementation Grants

	<i>Municipal Applicant</i>	<i>Project Type</i>	<i>Grant Award</i>
<i>Southeast Region</i>			
1	Lower Makefield Township Bucks County	Yard Waste Composting	\$ 43,650
2	Quakertown Borough Bucks County	Curbside Recycling	\$182,250
3	Aston Township Delaware County	Yard Waste Collection	\$ 40,200
4	Ridley Township Delaware County	Yard Waste Collection	\$ 39,935
5	Upper Darby Township Delaware County	Recycling Education	\$ 11,611
<i>Southwest Region</i>			
6	Georges Township Fayette County	Curbside Recycling	\$103,855

	<i>Municipal Applicant</i>	<i>Project Type</i>	<i>Grant Award</i>
7	Nicholson Township Fayette County	Yard Waste Collection & Composting	\$ 69,876
8	Waynesburg Borough Greene County	Yard Waste Collection	\$ 9,427
Total (8)			\$500,804

[Pa.B. Doc. No. 00-1393. Filed for public inspection August 11, 2000, 9:00 a.m.]

Environmental Justice Work Group Meeting

The Department of Environmental Protection's Environmental Justice Work Group is holding a meeting on September 7 and 8, 2000, from 9 a.m. to 5 p.m. on the 7th and from 8:30 a.m. to 4 p.m. on the 8th, at the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101. The work group is assisting the agency in developing an environmental justice policy and program. Persons wishing to attend the meeting or has questions regarding the meeting should contact Alisa Harris, Environmental Equity Coordinator, at (717) 787-4449.

Persons with a disability who desire to attend the meeting and require an auxiliary aid, service or other accommodations to do so should contact Alisa Harris at (717) 787-4449.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 00-1394. Filed for public inspection August 11, 2000, 9:00 a.m.]

Public Notice of Availability of Revision to Pennsylvania General NPDES Permit for Wet Weather Discharges from Combined Sewer Systems (PAG-6)

On April 1, 2000, the Department of Environmental Protection (Department) published proposed revisions to Pennsylvania's General NPDES Permit for Wet Weather Discharges from Combined Sewer Systems (PAG-6), the Notice of Intent (NOI) and other related permit documents for 30-day public review and comment. The comment period ended May 1, 2000. No public comments were received. A copy of the proposed permit package was sent for EPA formal review and approval on April 14, 2000, and on July 18, 2000. The EPA has approved the general permit for final issuance. The Department therefore, by this final public notice, announces the availability of the final CSO general NPDES permit (PAG 6).

The EPA review of draft general permit documents and the Department's subsequent discussions resulted in the following changes to the April 1, 2000, published draft permit.

1. The proposed two Part C permit condition attachments have been integrated into a single permit condition. This is done as the final general permit does not provide for a compliance schedule for completion and implementation of the nine minimum controls (NMC) or

the long term control plan (LTCP). Any needed schedules will be included in an appropriate enforcement mechanism.

2. Upon review of the NOI and depending upon site-specific situations of a CSO system, the Department may require an individual permit to address water quality concerns through appropriate long term control plan requirements.

The final general permit documents package has been completed and is available from the Department's Central and Regional Offices. The package can be viewed at or downloaded from the Department web site at: http://www.dep.state.pa.us/dep/deputate/watermgt/Wqp/Forms/Forms_Home.htm.

For existing CSO Systems with currently approved coverage, the Department may decide, individually or as a group, to revoke or modify existing permits consistent with the revised general permit.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 00-1395. Filed for public inspection August 11, 2000, 9:00 a.m.]

Wetlands Protection Advisory Committee Meeting Cancellation

The Wetlands Protection Advisory Committee meeting scheduled for September 6 has been canceled. The next meeting is scheduled for November 15 in the first floor conference room of the Rachel Carson State Office Building at 10 a.m. For information contact Kelly Heffner at (717) 787-6827.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 00-1396. Filed for public inspection August 11, 2000, 9:00 a.m.]

DEPARTMENT OF HEALTH

Availability of Draft Preventive Health and Health Services Block Grant Application for Federal Fiscal Year 2001

The Department of Health (Department) is making copies available of the draft Preventive Health and Health Services Block Grant Application for FFY 2001, under 42 U.S.C.A. § 300 w-4. This application is the Commonwealth of Pennsylvania's draft request to the United States Department of Health and Human Services for block grant funding to address the Healthy People 2000/2010 Health Status Objectives.

The block grant application (Pennsylvania's funding request to HHS) describing proposed services, program goals, and objectives and activities will be available on or after August 18, 2000, and can be obtained by calling the Bureau of Chronic Diseases and Injury Prevention at (717) 787-6214. Persons with a disability who require an alternative format of the mentioned application (for example, large print, audio tape, Braille) should also contact the Bureau of Chronic Diseases and Injury Prevention at (717) 787-6214 or at V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984 [TT].

A public hearing will be conducted by the Department for the purpose of receiving testimony on the mentioned application in accordance with 42 U.S.C.A. § 300 w-4. Comments and suggestions from the public should relate to the priorities and program plans included in the application.

The hearing will be held from 10 a.m. until 1 p.m., September 12, 2000, in the Conference Room 628, Health and Welfare Building, 7th and Forster Streets, Harrisburg, PA. Persons wishing to testify are requested to pre-register by contacting the Bureau of Chronic Diseases and Injury Prevention at (717) 787-6214. Registration will be accepted on the day of the hearing. Persons will be allotted a maximum of 15 minutes to testify. Persons testifying should provide the Department with two copies of their testimony at the time of the hearing.

Written comments will be accepted and should be sent to the Bureau of Chronic Diseases and Injury Prevention, Room 933, Health and Welfare Building, P. O. Box 90, Harrisburg, PA 17108, and should be received no later than 4 p.m., September 12, 2000.

Persons with a disability who desire to comment in alternative format (for example, large print, audio tape, Braille) should notify the Bureau of Chronic Diseases and Injury Prevention at (717) 787-6214 or at V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Services (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 00-1397. Filed for public inspection August 11, 2000, 9:00 a.m.]

Laboratories Approved to Determine Urine Controlled Substance Content Under the Clinical Laboratory Act, the Vehicle Code, the Fish and Boat Code and the Game and Wildlife Code

The following laboratories are licensed by the Department of Health (Department) under the Clinical Laboratory Act (35 P.S. §§ 2151—2165) and/or the Federal Clinical Laboratory Improvement Act of 1967 (42 U.S.C.A. § 263a) and are currently approved by the Department under 28 Pa. Code § 5.50 (relating to approval to provide special analytical services) to perform analyses of urine for the determination of controlled substances or their biotransformation products. This approval is based on demonstrated proficiency in tests conducted by the Bureau of Laboratories of the Department of Health. These laboratories are also approved and designated for purposes of the Vehicle Code, 75 Pa.C.S. §§ 1547 and 3755 (relating to chemical testing to determine amount of alcohol or controlled substance; reports by emergency room personnel), the Fish and Boat Code, 30 Pa.C.S. § 5125 (relating to chemical testing to determine amount of alcohol or controlled substance) and the Game and Wildlife Code, 34 Pa.C.S. § 2502 (relating to hunting or furtaking under the influence of alcohol or controlled substance), as qualified to perform the types of services which will reflect the presence of controlled substances or their biotransformation products in urine.

Depending upon their capability and performance in proficiency surveys, laboratories are approved to perform screening and/or confirmatory urine drug analyses. Laboratories approved to perform screening tests only are

designated on the approval list by an "S" after the laboratory's name. Laboratories approved to perform confirmatory testing only are designated by a "C" following the laboratory's name. Those approved to perform both screening and confirmatory analyses are designated by the letters "SC." Screening analyses provide a presumptive indication that a controlled substance is present. Confirmatory testing is used to substantiate screening results.

Persons seeking forensic urine drug analysis services from any of the listed laboratories should determine that the laboratory employs techniques and procedures acceptable for the purpose. They should also determine that the director of the facility is agreeable to performing analyses for that purpose. Persons seeking the analyses are responsible for specifying the extent to which the presence of a controlled substance is to be verified. That specification should be predicated upon the purpose for which the analysis is being sought.

The list of approved laboratories will be revised approximately semiannually and published in the *Pennsylvania Bulletin*. Questions regarding this list should be directed to M. Jeffery Shoemaker, Ph.D., Director, Division of Chemistry and Toxicology, Department of Health, Bureau of Laboratories, P. O. Box 500, Exton, PA 19341-0500, (610) 280-3464, ext. 3273.

Persons with a disability who require auxiliary aid service should contact Dr. Shoemaker at V/TT: (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

Abington Memorial Hospital-S
1200 Old York Road
Abington, PA 19001
215-576-2350

ACT Lab Services, Inc.-SC
270 Commerce Drive
Fort Washington, PA 19034
215-283-6370

Albert Einstein Medical Center North-SC
5501 Old York Road
Philadelphia, PA 19141
215-456-6100

Allegheny County Division of Labs., Toxicology Section-S
10 County Office Building
Pittsburgh, PA 15219
412-350-6873

Allegheny General Hospital Dept. Lab. Med.-S
320 East North Avenue
Pittsburgh, PA 15212
412-359-3521

Altoona Hospital-S
620 Howard Avenue
Altoona, PA 16601
814-946-2340

Amergen Energy Company LLC-S
P. O. Box 480, Route 441 South
Middletown, PA 17057
717-948-8880

American Medical Laboratories-SC
14225 Newbrook Drive
Chantilly, VA 20153
703-802-6900

Ammon Analytical Laboratory-SC
600 Bloy Street
Hillside, NJ 07205
908-624-0004

Analytic Biochemistries, Inc.-SC
1680-D Loretta Avenue
Feasterville, PA 19053
215-322-9210

Associated Clinical Laboratories-SC
1526 Peach Street
Erie, PA 16501
814-461-2400

AUH-Forbes Regional Health Center-S
2570 Haymaker Road
Monroeville PA 15146
412-858-2560

Ayer Clinical Lab-Penn Hospital-S
Eighth and Spruce Streets
Philadelphia, PA 19107
215-829-3541

Barnes Kasson County Hospital-S
400 Turnpike Street
Susquehanna, PA 18847
570-853-3135

Bendiner & Schlesinger, Inc.-SC
47 Third Avenue
New York, NY 10003
212-254-2300

Bio Reference Laboratories, Inc.-SC
481 Edward H. Ross Drive
Elmwood Park, NJ 07407
201-791-3600

Bon Secours-Holy Family Reg. Health-S
2500 Seventh Avenue
Altoona, PA 16602
814-949-4495

Braddock Medical Center-S
412 Holland Avenue
Braddock, PA 15104
412-636-5000

Bradford Hospital-S
116-156 Interstate Parkway
Bradford, PA 16701
814-834-8282

Brandywine Hospital and Trauma Center-S
Route 30 Bypass
Coatesville, PA 19320
610-383-8000

Brownsville General Hospital-S
125 Simpson Road
Brownsville, PA 15417
724-785-7200

Canonsburg General Hospital-S
R. D. 1, Box 147, Route 519
Canonsburg, PA 15317
724-745-6100

Carlisle Hospital-S
245 Parker Street
Carlisle, PA 17013
717-249-1212

Cedar Crest Emergicenter-S
1101 South Cedar Crest Blvd.
Allentown, PA 18103
610-433-4260

- Centre Community Hospital-S
1800 East Park Avenue
State College, PA 16803
814-234-6117
- Chambersburg Hospital-S
112 North Seventh Street
Chambersburg, PA 17201
717-267-7152
- Charles Cole Memorial Hospital-S
R. D. 1, Box 205
Coudersport, PA 16915
814-274-9300
- Chester County Hospital-S
701 East Marshall Street
West Chester, PA 19380
610-431-5182
- Chestnut Hill Hospital-S
8835 Germantown Avenue
Philadelphia, PA 19118
215-248-8630
- Children's Hospital of Philadelphia-S
One Children's Center, 34th & Civic Center Blvd.
Philadelphia, PA 19104
215-590-1000
- Citizens General Hospital-S
651 Fourth Avenue
New Kensington, PA 15068
724-337-5031
- Clarion Hospital-S
1 Hospital Drive
Clarion, PA 16214
814-226-9500
- Clinical Laboratories, Inc.-SC
901 Keystone Industrial Park
Throop, PA 18512
570-346-1759
- Clinical Science Laboratory, Inc.-S
51 Francis Avenue
Mansfield, MA 02048
508-339-6106
- Community Hospital of Lancaster-S
1100 East Orange Street
Lancaster, PA 17602
717-397-3711
- Community Medical Center-S
1822 Mulberry Street
Scranton, PA 18510
570-969-8000
- Conemaugh Valley Memorial Hospital-S
1086 Franklin Street
Johnstown, PA 15905
814-534-9000
- Corporate Health Services-S
1914 Mercer Avenue
Farrell, PA 16121
724-346-6425
- Corry Memorial Hospital-S
612 West Smith Street
Corry, PA 16407
814-664-4641
- Crozer-Chester Medical Center-S
1 Medical Center Blvd.
Upland, PA 19013
610-447-2000
- De John Med Laboratory, Inc.-S
1570 Garrett Road
Upper Darby, PA 19082
610-626-2112
- Delaware County Memorial Hospital-S
501 North Lansdowne Avenue
Drexel Hill, PA 19026
610-284-8100
- Department of Pathology & Lab Med-HUP-SC
3400 Spruce Street
Philadelphia, PA 19104
215-662-6880
- Doylestown Hospital-S
595 West State Street
Doylestown, PA 18901
215-345-2250
- DrugScan, Inc.-SC
1119 Mearns Road, P. O. Box 2969
Warminster, PA 18974
215-674-9310
- DrugScan, Inc.—Limerick Division-S
Sanatoga & Evergreen Roads
Sanatoga, PA 19464
610-327-1200
- DrugScan, Inc.—Peach Bottom Division-S
1848 Lay Road (Atom Road)
Delta, PA 17314
717-456-3026
- Easton Hospital-S
250 South 21st Street
Easton, PA 18042
610-250-4140
- Ephrata Community Hospital-S
169 Martin Avenue P. O. Box 1002
Ephrata, PA 17522
717-733-0311
- Episcopal Hospital-S
100 East Lehigh Avenue
Philadelphia, PA 19125
215-427-7333
- Evangelical Community Hospital-S
1 Hospital Drive
Lewisburg, PA 17837
570-522-2510
- Fitness for Duty Center-S
Pennsylvania Power and Light Company
P. O. Box 467
Berwick, PA 18603
570-542-3336
- Frankford Hospital-Bucks County Campus-S
380 North Oxford Valley Road
Langhorne, PA 19047
215-934-5227
- Frankford Hospital—Frankford Division-S
Frankford Avenue and Wakeling Street
Philadelphia, PA 19124
215-831-2068
- Frankford Hospital—Torresdale Division-S
Knights and Red Lion Roads
Philadelphia, PA 19114
215-612-4000
- Frick Hospital-S
508 S. Church Street
Mount Pleasant, PA 15666
724-547-1500

Friends Hospital-S
4641 Roosevelt Blvd.
Philadelphia, PA 19124
215-831-4771

Friends Medical Lab, Inc.-SC
5820 Southwestern Blvd.
Baltimore, MD 21227
412-247-4417

Garcia Laboratory-S
2195 Spring Arbor Road
Jackson, MI 49203
517-787-9600

Geisinger Medical Center-SC
North Academy Road
Danville, PA 17822
570-271-6338

GHHA Occupational Health-S
1000 Alliance Drive
Hazleton, PA 18201
570-459-1028

Gnaden Huetten Memorial Hospital-S
11th and Hamilton Streets
Lehighton, PA 18235
610-377-1300

Good Samaritan Hospital-S
4th and Walnut Streets, P. O. Box 1281
Lebanon, PA 17042
717-270-7500

Good Samaritan Regional Medical Center-S
700 East Norwegian Street
Pottsville, PA 17901
570-621-4032

Graduate Hospital-S
1800 Lombard Street
Philadelphia, PA 19146
215-893-2240

Graham-Massey Analytical Labs-SC
60 Todd Road
Shelton, CT 06484
203-926-1100

Guthrie Clinic Path Lab-S
Guthrie Square
Sayre, PA 18840
570-888-5858

Hahnemann University Hospital-S
Broad and Vine Streets, MS 113
Philadelphia, PA 19102
215-762-1783

Hanover General Hospital-S
300 Highland Avenue
Hanover, PA 17331
717-637-3711

Harrisburg Hospital-S
South Front Street
Harrisburg, PA 17101
717-782-2832

Hazleton General Hospital-S
East Broad Street
Hazleton, PA 18201
570-450-4156

Health Network Laboratories-SC
2024 Lehigh Street
Allentown, PA 18103
610-402-8150

Health Quest Medical Laboratories, Inc.-S
2089 East High Street
Pottstown, PA 19464
610-327-2520

Holy Redeemer Hospital-S
1648 Huntingdon Pike
Meadowbrook, PA 19046
215-947-3000

Holy Spirit Hospital-SC
503 North 21st Street
Camp Hill, PA 17011
717-763-2206

Horizon Hospital System—Greenville Campus-S
110 North Main Street
Greenville, PA 16125
724-588-2100

Horizon Hospital System—Shenango Campus-S
2200 Memorial Drive
Farrell, PA 16121
724-981-3500

Indiana Hospital Dept. Lab. Med.-S
Hospital Road, P. O. Box 788
Indiana, PA 15701
724-357-7167

J.C. Blair Memorial Hospital-S
Warm Springs Avenue
Huntingdon, PA 16652
814-643-8645

Jeanes Hospital-S
7600 Central Avenue
Philadelphia, PA 19111
215-728-2347

Jersey Shore Hospital-S
1020 Thompson Street
Jersey Shore, PA 17740
570-398-0100

John F. Kennedy Memorial Hospital-S
Cheltenham and Langdon Streets
Philadelphia, PA 19124
215-831-7203

Kensington Hospital-S
136 West Diamond Street
Philadelphia, PA 19122
215-426-8100

Lab Corp Occupational Testing Services-SC
4022 Willow Lake Blvd
Memphis, TN 38118
901-795-1515

Lab Corp Occupational Testing Services-SC
1904 Alexander Drive
Research Triangle Park, NC 27709
919-549-8263

Lab Corp of America Holdings-SC
69 First Avenue—P. O. Box 500
Raritan, NJ 08869
201-526-2400

LabOne, Inc.-SC
10101 Renner Boulevard
Lenexa, KS 66219
913-888-1770

Laboratory Specialists, Inc.-SC
1111 Newton Street
Gretna, LA 70053
504-361-8989

Lancaster General Hospital—Susquehanna Division-S
306 North Seventh Street
Columbia, PA 17512
717-684-2841

Lancaster General Hospital-S
555 North Duke Street—P. O. Box 3555
Lancaster, PA 17603
717-299-5511

Latrobe Area Hospital-S
121 West Second Avenue
Latrobe, PA 15650
724-537-1550

Lewistown Hospital-S
Highland Avenue
Lewistown, PA 17044
717-248-5411

Lock Haven Hospital-S
24 Cree Drive
Lock Haven, PA 17745
570-893-5000

Magee Women's Hospital-S
Forbes Avenue and Halket Street
Pittsburgh, PA 15213
412-647-4651

Main Line Clinical Laboratories—Bryn Mawr CP-S
130 Bryn Mawr Avenue
Bryn Mawr, PA 19010
610-526-3554

Main Line Clinical Laboratories—Lankenau CP-S
100 East Lancaster Avenue
Wynnewood, PA 19096
610-645-2615

Main Line Clinical Laboratories—Paoli Memorial CP-S
255 West Lancaster Avenue
Paoli, PA 19301
610-648-1000

Meadville Medical Center—Liberty Street-S
751 Liberty Street
Meadville, PA 16335
814-336-3121

Medical College of Pennsylvania Hospital-S
3300 Henry Avenue
Philadelphia, PA 19129
215-842-6615

MedTox Laboratories, Inc.-SC
402 West County Road D
St. Paul, MN 55112
612-636-7466

Memorial Hospital Lab-S
1 Hospital Drive
Towanda, PA 18848
570-265-2191

Mercy Health Lab—Mercy Fitzgerald Hospital-S
1500 Lansdowne Avenue
Darby, PA 19023
610-237-4262

Mercy Health Lab—Mercy Hospital/Phila.-S
54th and Cedar Avenue
Philadelphia, PA 19143
215-748-9181

Mercy Health Lab/MSH-S
2701 DeKalb Pike
Norristown, PA 19401
610-278-2090

Mercy Health Partners-S
746 Jefferson Avenue
Scranton, PA 18510
570-348-7100

Mercy Hospital-S
25 Church Street
Wilkes-Barre, PA 18765
570-826-3100

Mercy Hospital Laboratory-S
Pride and Locust Streets
Pittsburgh, PA 15219
412-232-7831

Methodist Hospital Div./TJUH, Inc.-S
2301 South Broad Street
Philadelphia, PA 19148
215-952-9059

Miner's Hospital-S
290 Haida Avenue
Hastings, PA 16646
814-948-7171

Monongahela Valley Hospital, Inc.-S
Country Club Road—Route 88
Monongahela, PA 15063
724-258-1000

Montgomery Hospital-S
Powell and Fornance Streets
Norristown, PA 19401
610-270-2173

Muncy Valley Hospital-S
215 East Water Street
Muncy, PA 17756
570-546-8282

Nason Hospital-S
Nason Drive
Roaring Spring, PA 16673
814-224-6215

National Medical Services, Inc.-SC
3701 Welsh Road
Willow Grove, PA 19090
215-657-4900

Nazareth Hospital-S
2601 Holme Avenue
Philadelphia, PA 19152
215-335-6245

North Penn Hospital-S
100 Med Campus Drive
Lansdale, PA 19446
215-368-2100

Omega Medical Laboratories, Inc.-SC
2001 State Hill Road, Suite 100
Wyomissing, PA 19610
610-378-1900

Parkview Hospital-Parkview-S
1331 East Wyoming Avenue
Philadelphia, PA 19124
215-537-7430

Parkway Clinical Laboratory-S
3494 Progress Drive, Suite A
Bensalem, PA 19020
215-676-2296

Penn State Geisinger WVMC-S
1000 E. Mountain Drive
Wilkes-Barre, PA 18711
570-826-7830

Penna. Dept. of Health, Bureau of Labs.-SC
P. O. Box 500
Exton, PA 19341-0500
610-280-3464

Pharmchem Laboratories, Inc.-SC
1505-A O'Brien Drive
Menlo Park, CA 94025
650-617-9226

Phoenixville Hospital—Dept. of Pathology-S
140 Nutt Road
Phoenixville, PA 19460
610-983-1612

Pinnacle Health/Community General Osteopathic
Hospital-S
4300 Londonderry Road, P. O. Box 3000
Harrisburg, PA 17109
717-657-7214

Pittsburgh Criminalistics-SC
1320 5th Avenue
Pittsburgh, PA 15219
412-391-6118

Pocono Medical Center Lab.-S
206 East Brown Street
East Stroudsburg, PA 18301
570-476-3544

Polyclinic Hospital-S
2601 North Third Avenue
Harrisburg, PA 17110
717-782-4141

Pottstown Memorial Medical Center-S
1600 East High Street
Pottstown, PA 19464
610-327-7111

Pottsville Hospital and Warne Clinic-S
420 South Jackson Street
Pottsville, PA 17901
570-621-5262

Presbyterian Medical Center of Phila.-S
3400 Spruce Street—Dept. of Pathology
Philadelphia, PA 19104
215-662-3435

Princeton Biomedical Laboratories, Inc.-S
2921 New Rodgers Road
Bristol, PA 19007
215-785-5200

Psychomedics Corporation-SC
5832 Uplander Way
Culver City, CA 90230
800-522-7424

Punxsutawney Area Hospital-S
81 Hillcrest Drive
Punxsutawney, PA 15767
814-938-4500

Quest Diagnostics-SC
7470-A Mission Valley Road
San Diego, CA 92108
800-446-4728

Quest Diagnostics Clinical Laboratories, Inc.-SC
400 Egypt Road
Norristown, PA 19403
610-631-4200

Quest Diagnostics Clinical Laboratories, Inc.-SC
7600 Tyrone Avenue
Van Nuys, CA 91405
818-376-6195

Quest Diagnostics, Inc.-SC
One Malcolm Avenue
Teterboro, NJ 07608
201-393-5602

Quest Diagnostics, Inc.-S
1901 Sulphur Spring Road
Baltimore, MD 21227
301-247-9100

Quest Diagnostics, Inc.-SC
4444 Giddings Road
Auburn Hills, MI 48326
800-444-0106

Quest Diagnostics of PA, Inc.-S
900 Business Center Drive
Horsham, PA 19044
215-957-9300

Quest Diagnostics of PA, Inc.-SC
875 Greentree Road, 4 Parkway Center
Pittsburgh, PA 15220
412-920-7600

Quintiles Laboratories, Ltd.-SC
5500 Highlands Parkway, Suite 600
Smyrna, GA 30082
770-434-8492

Reading Hospital & Medical Center-S
6th and Spruce Streets
West Reading, PA 19611
610-988-8080

Redwood Toxicology Laboratory-SC
3573 Westwind Boulevard
Santa Rosa, CA 95403
707-577-7958

Ridgway Health Center, Inc.-S
94 Hospital Street
Ridgway, PA 15853
814-788-5530

Roxborough Memorial Hospital-S
5800 Ridge Avenue
Philadelphia, PA 19128
215-483-9900

Sacred Heart Hospital-S
Fourth and Chew Streets
Allentown, PA 18102
610-776-4727

Saint Clair Memorial Hospital-S
1000 Bower Hill Road
Pittsburgh, PA 15243
412-561-4900

Saint Francis Hospital-S
1000 South Mercer Street
New Castle, PA 16101
724-658-3511

Saint Joseph Hospital-S
250 College Avenue, P. O. Box 3509
Lancaster, PA 17604
717-291-8022

Saint Lukes Hospital-S
801 Ostrum Street
Bethlehem, PA 18015
610-691-4141

Saint Mary Medical Center-S
Langhorne-Newtown Road
Langhorne, PA 19047
215-750-2162

- Saint Mary's Health Center-S
763 Johnsonburg Road
Saint Mary's, PA 15857
814-788-8525
- Scientific Testing Labs, Inc.-SC
463 Southlake Boulevard
Richmond, VA 23236
804-378-9130
- Serenity Hall, Inc.-S
414 West Fifth Street
Erie, PA 16507
814-459-4775
- Sewickley Valley Hospital-S
Blackburn Road and Fitch Drive
Sewickley, PA 15143
412-741-6600
- Shadyside Hospital-S
5230 Centre Avenue
Pittsburgh, PA 15232
412-622-2315
- Sharon Regional Health System-S
740 East State Street
Sharon, PA 16146
724-983-3911
- Skippack Medical Laboratory-S
3887 Skippack Pike
Skippack, PA 19474
610-584-1669
- Soldiers and Sailors Memorial Hospital-S
Central Avenue
Wellsboro, PA 16901
570-724-1631
- Somerset Hospital-S
225 South Center Avenue
Somerset, PA 15501
814-443-2626
- South Hills Health System—Jefferson-S
575 Coal Valley Road
Pittsburgh, PA 15236
412-469-5723
- Southern Chester County Medical Center-S
1015 West Baltimore Pike
West Grove, PA 19390
610-869-1080
- Specialty Laboratories-S
2211 Michigan Avenue
Santa Monica, CA 90404
310-828-6543
- St. Francis Central Hospital-S
1200 Centre Avenue
Pittsburgh, PA 15219
412-562-3060
- St. Francis Medical Center-S
400-45th Street
Pittsburgh, PA 15201
412-622-4838
- St. Joseph Quality Medical Laboratory-SC
215 North 12th Street, Box 316
Reading, PA 19603
610-378-2200
- St. Joseph's Hospital—Div. NPHS-S
16th Street and Girard Avenue
Philadelphia, PA 19130
215-787-9000
- St. Lukes Hospital-S
1736 Hamilton Street
Allentown, PA 18104
610-439-4000
- Suburban General Hospital-S
100 South Jackson Avenue
Bellevue, PA 15202
412-734-6000
- Sunbury Community Hospital-S
350 North 11th Street
Sunbury, PA 17801
570-286-3333
- Taylor Hospital, Div. of CCMC-S
175 E. Chester Pike
Ridley Park, PA 19078
610-595-6450
- TechNow-S
31 Industrial Highway-S
Essington, PA 19029
610-362-0610
- Temple Lower Bucks Hospital-S
501 Bath Road
Bristol, PA 19007
215-785-9200
- Temple University Hospital-S
3401 North Broad Street
Philadelphia, PA 19140
215-707-4353
- The Medical Center—Beaver, PA, Inc.-S
1000 Dutch Ridge Road
Beaver, PA 15009
724-728-7000
- Thomas Jefferson University Hospital-S
125 South 11th Street—204 Pavilion
Philadelphia, PA 19107
215-955-6374
- Titusville Area Hospital-S
406 West Oak Street
Titusville, PA 16354
814-827-1851
- Toxi-Con-SC
201 Smallcombe Drive
Scranton, PA 18508
570-963-0722
- United Community Hospital-S
631 North Broad Street Ext.
Grove City, PA 16127
724-458-5442
- University of Pittsburgh Medical Center/Beaver Valley-S
2500 Hospital Drive—Pathology Department
Aliquippa, PA 15001
724-857-1238
- University Hospital-Milton S. Hershey Medical Center-S
500 University Avenue
Hershey, PA 17033
717-531-8353
- University of Pittsburgh Medical Center-CLSI-SC
Room 5929 Main Tower/CLSI
200 Lothrop Street
Pittsburgh, PA 15213
412-647-7813
- UPMC Bedford Memorial Hospital-S
10455 Lincoln Highway
Everett, PA 15537
814-623-3506

UPMC Lee Regional Hospital-S
320 Main Street
Johnstown, PA 15901
814-533-0130

UPMC Saint Margaret Hospital-S
815 Freeport Road
Pittsburgh, PA 15215
412-784-4000

Valley Forge Medical Center and Hospital-S
1033 W. Germantown Pike
Norristown, PA 19403
610-539-8500

Warminster Hospital-S
225 Newtown Road
Warminster, PA 18974
215-441-6700

Waynesboro Hospital-S
East Main Street
Waynesboro, PA 17268
717-765-3403

The Western Pennsylvania Hospital-S
4800 Friendship Avenue
Pittsburgh, PA 15224
412-578-5779

Western Reserve Care System-SC
North Side Medical Center—500 Gypsy Lane
Youngstown OH 44504
216-740-3794

Westmoreland Hospital-S
532 W. Pittsburgh Street
Greensburg, PA 15601
724-832-4365

Williamsport Hospital and Medical Center-S
777 Rural Avenue
Williamsport, PA 17701
570-321-2300

WVHCS Hospital—General Campus-SC
Corner North River and Auburn Streets
Wilkes-Barre, PA 18764
570-829-8111

York Hospital-S
1001 South George Street
York, PA 17405
717-771-2696

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 00-1398. Filed for public inspection August 11, 2000, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Open-Ended Application Period for Department-Authorized Messenger Services to Provide Decentralized Driver Licensing and Vehicle Registration Services by Means of Mainframe Connection

The Department of Transportation (Department), acting through its Office of Driver and Vehicle Program Services, intends to expand its existing program of decentralized motor vehicle and driver license services to permit addi-

tional applications of interested and qualified Department messenger services. The Department will authorize approved applicants to provide face-to-face, decentralized service to customers via a Messenger Service Center connection with the Department's mainframe computer. Successful applicants will be able to provide these services through one or more sites approved by the Department.

The authority for this expanded program can be found in Act 166 of 1992, P. L. No. 1250 (found in the Appendix to Title 75 Pa.C.S. at pages 15 and 16). The Department will approve qualified applicants on a case-by-case basis as the applications are reviewed.

To be eligible for participation in this program, an applicant at the time of application must be an authorized Department messenger service actively engaged in such service for two years. The Department will not consider any applicant sanctioned by the Department for any violation of statute or regulation within that two-year period.

Interested messenger services may obtain a copy of the application procedures and program requirements by contacting the Program Administrator for Decentralized Services at the address and phone number listed at the end of this notice. Completed applications shall be mailed to the same address:

Driver and Vehicle Program Services
attn.: Program Administrator—Partnering Division
1101 South Front Street, 4th Floor
Riverfront Office Center
Harrisburg, PA 17104
(717) 787-0489

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 00-1399. Filed for public inspection August 11, 2000, 9:00 a.m.]

Retention of Engineering Firms

Lackawanna, Luzerne, Pike, Susquehanna, Wayne and Wyoming Counties Project Reference No. 08430AG2588

The Department will retain two (2) engineering firms for two (2) Open-End Contracts for various engineering and/or environmental services on various projects located in Engineering District 4-0, that is Lackawanna, Luzerne, Pike, Susquehanna, Wayne and Wyoming Counties. Each Contract will be for a sixty (60) month period with projects assigned on an as-needed basis. The maximum amount of each Open-End Contract will be \$1.0 million.

The Department will establish an order of ranking of a minimum of five (5) firms for the purpose of negotiating two (2) Open-End Contracts based on the Department's evaluation of the letters of interest received in response to this solicitation. The final ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the final ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

a) Specialized experience and technical competence of firm. The specific experience of individuals employed by the firm shall be considered.

b) Understanding of the Department's requirements, Design Manuals, policies and specifications.

c) Past record of performance with respect to cost control, work quality, ability to meet schedules, and previous experience on Open-end Contracts.

d) Method of controlling quality of products and sub-missions. Consideration will be given to coordination between disciplines, sub-consultants, etc.

e) Location of Consultant in respect to the District. This will include ability/provisions for quick responses to District requests.

The work and services required under these Contracts may encompass a wide range of environmental studies and engineering efforts with the possibility of several different types of projects with short completion schedules being assigned concurrently. The anticipated types of projects include, but not limited to, bridge replacements or bridge rehabilitation with minor approach work, environmental studies, roadway betterments (3R type,) minor capital improvement projects (bridges or roadway), railroad grade crossing projects, and minor location studies, etc.

The engineering work and services which may be required under these Contracts include, but are not limited to, perform field surveys; plot topography and cross sections; prepare submission for utility verification and relocations engineering; prepare all pertinent submissions and materials necessary for the Department to prepare the application to PUC and for the PUC field conference; attend and supply any required information for all PUC meetings and hearings during the design of the project; develop erosion control details and narrative; prepare right of way plans; complete structure designs including type, size and location reports, core boring layouts and foundation designs and reports; develop traffic control plans with narratives; conduct soils investigations and prepare soils reports; investigate utility involvement on projects; provide material for and participate in value engineering reviews; coordinate contacts with railroad officials and procure railroad related costs, permits, and insurance; collect signal timing, accident data and other traffic flow data; document engineering study findings and activities; alternative analysis to assess impacts and mitigation; and prepare construction plans, specifications, and estimates.

The areas of environmental study required under these Contracts may include, but are not limited to: air quality; noise; energy; vibration; hazardous waste; surface water and ground water quality; surface water and ground water hydrology; terrestrial ecology including threatened and endangered species; wetlands; soils; geology; farmlands; visual quality; socio-economic resources; cultural resources; Section 4(f) Evaluations; early coordination and; scoping correspondence; meeting minutes; public meeting and hearing presentations; visualization materials, handouts and displays; technical basis reports (TBRs) and/or technical files; NEPA environmental documents; Section 106 documents; mitigation plans and reports; wetland and floodplain findings; and preliminary engineering plans, and remote sensing/mapping innovations.

The format and content of all documents will be consistent with applicable State and Federal regulations, policies and guidelines.

The engineering services and environmental studies identified above are the general work activities that can be expected under these Open-End Contracts. A more

specific and project-related Scope of Work will be outlined for each individual Work Order developed under these Open-End Contracts.

This project reference assignment is considered non-complex. The letter of interest shall be limited to a maximum of three (3) pages, 8 1/2" x 11", one sided, plus an organizational chart (up to 11" x 17" size), and additional resumes, if applicable. (See the General Requirements and Information Section).

The Letter of Interest submission shall be sent to:

Mr. Charles M. Mattei, P.E., District Engineer
Engineering District 4-0
Oneill Highway
Dunmore, Pa. 18512
Attn: George J. Roberts, P.E.

The Letter of Interest submission for this project reference number must be received at the address listed above by 4 p.m. prevailing time on the tenth (10th) day following the date of this Notice.

Any technical questions concerning the requirements for this project should be directed to George J. Roberts, P.E., phone number 570-963-4064, fax number 570-963-4014.

**Lackawanna, Luzerne, Pike, Susquehanna,
Wayne and Wyoming Counties**

Project Reference No. 08430AG2589

The Department will retain two (2) engineering firms for two (2) Open-End Contracts for various engineering and/or environmental services on various projects located in Engineering District 4-0, that is Lackawanna, Luzerne, Pike, Susquehanna, Wayne and Wyoming Counties. Each Contract will be for a sixty (60) month period with projects assigned on an as-needed basis. The maximum amount of each Open-End Contract will be \$1.0 million.

The Department will establish an order of ranking of a minimum of five (5) firms for the purpose of negotiating two (2) Open-End Contracts based on the Department's evaluation of the letters of interest received in response to this solicitation. The final ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the final ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

a) Specialized experience and technical competence of firm. The specific experience of individuals employed by the firm shall be considered.

b) Understanding of the Department's requirements, Design Manuals, policies and specifications.

c) Past record of performance with respect to cost control, work quality, ability to meet schedules, and previous experience on Open-end Contracts.

d) Method of controlling quality of products and sub-missions. Consideration will be given to coordination between disciplines, sub-consultants, etc.

e) Location of Consultant in respect to the District. This will include ability/provisions for quick responses to District requests.

The work and services required under these Contracts may encompass a wide range of environmental studies and engineering efforts with the possibility of several different types of projects with short completion schedules

being assigned concurrently. The anticipated types of projects include, but not limited to, bridge replacements or bridge rehabilitation with minor approach work, environmental studies, roadway betterments (3R type,) minor capital improvement projects (bridges or roadway), railroad grade crossing projects, and minor location studies, etc.

The engineering work and services which may be required under these Contracts include, but are not limited to, perform field surveys; plot topography and cross sections; prepare submission for utility verification and relocations engineering; prepare all pertinent submissions and materials necessary for the Department to prepare the application to PUC and for the PUC field conference; attend and supply any required information for all PUC meetings and hearings during the design of the project; develop erosion control details and narrative; prepare right of way plans; complete structure designs including type, size and location reports, core boring layouts and foundation designs and reports; develop traffic control plans with narratives; conduct soils investigations and prepare soils reports; investigate utility involvement on projects; provide material for and participate in value engineering reviews; coordinate contacts with railroad officials and procure railroad related costs, permits, and insurance; collect signal timing, accident data and other traffic flow data; document engineering study findings and activities; alternative analysis to assess impacts and mitigation; and prepare construction plans, specifications, and estimates.

The areas of environmental study required under these Contracts may include, but are not limited to: air quality; noise; energy; vibration; hazardous waste; surface water and ground water quality; surface water and ground water hydrology; terrestrial ecology including threatened and endangered species; wetlands; soils; geology; farmlands; visual quality; socio-economic resources; cultural resources; Section 4(f) Evaluations; early coordination and; scoping correspondence; meeting minutes; public meeting and hearing presentations; visualization materials, handouts and displays; technical basis reports (TBRs) and/or technical files; NEPA environmental documents; Section 106 documents; mitigation plans and reports; wetland and floodplain findings; and preliminary engineering plans, and remote sensing/mapping innovations; The format and content of all documents will be consistent with applicable State and Federal regulations, policies and guidelines.

The engineering services and environmental studies identified above are the general work activities that can be expected under these Open-End Contracts. A more specific and project-related Scope of Work will be outlined for each individual Work Order developed under these Open-End Contracts.

This project reference assignment is considered non-complex. The letter of interest shall be limited to a maximum of three (3) pages, 8 1/2" x 11", one sided, plus an organizational chart (up to 11" x 17" size), and additional resumes, if applicable. (See the General Requirements and Information Section).

The Letter of Interest submission shall be sent to:

Mr. Charles M. Mattei, P.E., District Engineer
Engineering District 4-0
Oneill Highway
Dunmore, Pa. 18512
Attn: George J. Roberts, P.E.

The Letter of Interest submission for this project reference number must be received at the address listed

above by 4 p.m. prevailing time on the tenth (10th) day following the date of this Notice.

Any technical questions concerning the requirements for this project should be directed to George J. Roberts, P.E., phone number 570-963-4064, fax number 570-963-4014.

**Westmoreland County
Project Reference No. 08430AG2590**

The Department will retain an engineering firm to provide preliminary & final design, environmental studies, and construction consultation on S.R. 0130, Section 10H, Trafford Bridge, Westmoreland County.

This project involves the replacement and design of the structure that carries S.R. 0130 over Turtle Creek and Norfolk Southern Railroad in Trafford Borough.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- a) Past record of performance with respect to cost control, work quality, ability to meet schedules, and previous experience on similar projects. The specific experience of individuals employed by the firm shall be considered.
- b) Available staffing for this assignment and the ability to meet the Department's needs.
- c) Specialized experience and technical competence of firm.
- d) Location of Consultant with respect to the District Office.
- e) Familiarity with Open Plan, or compatible, scheduling software.

The firm selected may be required to conduct the following activities, including but not limited to: field surveys, environmental and "context-sensitive" studies, design field view submission, P.U.C. coordination, traffic volume/ capacity analyses, hydraulic and hydrologic analysis and all necessary permits, preliminary and final structure designs, geotechnical studies and recommendations, lighting, property acquisition research, prepare right of way plans, pavement marking and signing, utility coordination, construction plans and P,S & E package preparation and shop drawing reviews, conduct public involvement activities, provide project management and scheduling.

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen percent (15%) of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information Section after the advertised project(s).

This project reference assignment is considered complex. The letter of interest shall be limited to a maximum of five (5) pages, 8 1/2" x 11", one sided, plus an organizational chart (up to 11" x 17" size), and additional resumes, if applicable. (See the General Requirements and Information Section).

The Letter of Interest submission shall be sent to:

Mr. Michael H. Dufalla, P.E., District Engineer
Engineering District 12-0
North Gallatin Avenue Extension
Uniontown, Pa. 15401
Attn: William Oshnack

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 William Oshnack, phone number (724) 439-7321, fax number (724) 430-4401.

**Bucks County
Project Reference No. 08430AG2591**

The Department will retain an engineering firm for an Open-End Contract to provide supplementary construction inspection staff under the Department's Inspector(s)-in-Charge to perform construction inspection services on various projects in Bucks County, Engineering District 6-0. The Contract will include roadway and bridge construction projects, and material plant inspection. The Contract will be for a period of sixty (60) months, with a maximum cost of \$1.0 Million dollars.

Department policy requires firms providing construction inspection services to have a Federal Acquisition Regulation (FAR) field overhead rate established. The Department's current policy (SOL-430-91-34) requires a firm to submit their proposed field and office cost allocation approach, before the beginning of the fiscal year where the separate overhead rates would apply. This approach must comply with the provisions set forth in Part 31 of the Federal Acquisition Regulations (48 CFR Chapter 1) which governs the determination of the eligibility of costs making up the firm's Direct and Indirect Costs.

The Department will establish an order of ranking of a minimum of three (3) firms for the purpose of negotiating an Engineering Agreement based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The final ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the final ranking.

The Department will consider the following factors, listed in order of importance, during the evaluation of the firms submitting letters of interest:

- a. Review of inspectors' resumes with emphasis on construction inspection capabilities, Department and District experience, and supervisory experience.
- b. Any specialized construction inspection experience in asphalt paving, structures, concrete, drainage, painting, maintenance and protection of traffic, traffic signal installation, and intelligent transportation systems construction.
- c. Understanding of Department's requirements, policies, and specifications.
- d. Ability to provide "CDS" operators or other personnel capable of inputting data into a personal computer (TCIS and TCI classifications)
- e. Number of NICET and NECEPT certified inspectors in each payroll classification.
- f. Ability to provide CPM scheduling (TCM-1 Classification)
- g. Past performance.

A minimum of four (4) individuals as part of the inspection staff must have NECEPT Bituminous Field Technician Certification.

The Department will establish the qualifications and experience required of the firm's inspectors, and the qualifications of the firm's proposed employees will be reviewed and approved by the Department.

It is anticipated that the supplementary construction inspection staff for this assignment will consist of the following number of inspectors who meet the requirements for the following inspection classifications:

<i>Classification</i>	<i>No. of Inspectors</i>
Transportation Construction Manager 1 (TCM-1) (NICET Highway Construction Level 4 or equivalent)	1 (1)
Transportation Construction Ins. Super. (TCIS) (NICET Highway Construction Level 3 or equivalent)	3 (2)
Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent)	6 (4)
Technical Assistant—1 (TA-1) (NICET Highway Construction Level 1 or equivalent)	3 (0)
Technical Assistant (TA) (NICET Highway Construction Level 1 or equivalent)	1 (0)
NACE Intermediate Coating Inspector	1 (0)**
NACE Basic Coating Inspector	1 (0)**

**These two (2) specialized classifications will be used for bridge painting inspection. Under these classifications, the selected firm must provide lead abatement training for these employees prior to any job assignment. In addition, the firm must establish, implement, and maintain an effective employee medical surveillance in accordance with 29 CFR 1926 throughout the duration of this inspection.

These two (2) specialized classifications will have the following requirements:

1. NACE Intermediate Coating Inspector Training/or Equivalent.

The inspector for the above NACE Intermediate Coating Inspector Training category will have completed at least 80% of the required credits for this NACE category or equivalent training; also, will have a minimum of five (5) years coating inspection experience on heavy industrial or highway projects; also, will have a minimum of one (1) year experience of coatings inspection on a lead removal project where air monitoring, blood monitoring, containment and disposal of lead debris were performed; also, will be knowledgeable in OSHA 1926.62 (Lead) regulations, applicable OSHA regulations governing proper respirator usage (29 CFR 1910.134) and lead exposure (29 CFR 1910.1025) and will also be capable of "climbing" on high bridge members to perform coatings inspection; will be capable of supervising/training lower coatings inspectors (both consultant and state) if necessary. Will also complete EPA accredited training for lead removal (Title X, Sections 402 and 404.

2. NACE Basic Coating Inspector Training/or equivalent.

The inspector for the NACE Basic Coating Inspector will have completed at least 80% of the required credits for this category or equivalent training also, will have a minimum of three (3) years coating inspection experience on heavy industrial or highway projects; also will have minimum of six (6) months experience on lead removal projects; also, will be knowledgeable in OSHA 1926.62 (lead regulations) applicable OSHA regulations governing proper respirator usage (29 CFR 1910.134) and lead

exposure (29 CFR 1910.1025), and will be capable of "climbing" on high bridge members to perform coatings inspection; will also be capable of working with state inspectors; will also complete EPA accredited training for lead removal (Title X, Sections 402 and 404).

The numbers in parenthesis above indicate the number of inspectors in each Classification that must meet at least one of the following requirements:

1. Be certified by the National Institute for Certification in Engineering Technologies (NICET) in the field of Transportation Engineering Technology, subfield of Highway Construction, or subfield of Highway Materials, at the Level required for the Inspection Classification.
2. Be registered as a Professional Engineer by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
3. Be certified as an Engineer-in-Training by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
4. Hold a Bachelor of Science Degree in Civil Engineering or a Bachelor of Science Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.
5. Hold an Associate Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

The maximum hourly payroll rate for each Department Payroll Classification for calendar year 2000 shall be as shown:

<i>Payroll Classification</i>	<i>Maximum Straight Time Hourly Payroll Rate (Year 2000)</i>
(TCM-1)	\$23.22
(TCIS)	\$20.34
(TCI)	\$17.05
(TA-1)	\$13.80
(TA)	\$11.72
NACE Intermediate Coating Inspector	\$28.25
NACE Basic Coating Inspector	\$23.50

If applicable, the maximum straight time hourly payroll rate for subsequent calendar years will be established at the scope of work meeting.

The maximum hourly payroll rate is the maximum hourly rate paid to an employee in a specific Department Payroll classification. The Department reserves the right to negotiate hourly payroll rates of compensation of individuals based on knowledge, experience and education up to the payroll classification maximum hourly payroll rate.

The firm selected may be required to attend a pre-construction conference with the Department and the construction contractor for this project. Under the supervision and direction of the Department, the selected firm will be required to keep records and document the construction work; prepare current and final estimates for payment to the construction contractor; assist the Department in obtaining compliance with the labor standards, safety and accident prevention, and equal opportunity provisions of the contract item; and perform other duties as may be required. Firms applying must have qualified personnel capable of climbing structures during painting, rehabilitation, or construction.

The firm selected may be required to supply the following equipment to the Department:

Quantity Item

- (10) Cellular Phones (for Engineer's employees only)
- (4) Paint Test Medical Kits per project as may be required.
- (8) One digital camera per project. Each camera to have the following specifications: 1024x768 minimum resolution; storage on a 3 1/2" floppy disk; picture date stamped, and storage in JPEG format.

The Department will directly reimburse the selected engineering firm for the above equipment, for use by the consultant inspection staff at their actual cost not to exceed the maximum direct reimbursement shown below. The engineering firm is required to include their billing rates for each type of equipment in the letter of interest.

- Cell Phone Usage* As per invoice
- Paint Inspection As per invoice
- Medical Tests
- Cameras (Digital) As per invoice

If the equipment is self-owned, reimbursement will be based on actual cost of ownership not to exceed the maximum allowable. If equipment is from an outside supplier, the engineer must secure a minimum of three written quotes. The Department reserves the right to request additional quotes.

*Cost of phone and activation fees are not eligible for direct reimbursement

The Department will reimburse for actual miles driven on the project as directed by the Department, and a maximum of \$32.50/day for either mileage to and from the work site or lodging. An inspector will not be reimbursed for a combination of the two during the same day. Mileage will be reimbursed for the most direct route from the inspector's residence or the Consultant's office, whichever is less, to the project site and return at the lesser of the maximum mileage rate established by the Commonwealth or the firm's current policy. The first 15 miles each day each way of an inspector's commute from and to his/her residence or the consultant's office to the work location is considered normal commuting travel and will not be eligible for mileage reimbursement. Lodging will be reimbursed at a maximum rate of \$32.50/day, in lieu of mileage, but receipts for all costs must be provided to the Department with the Engineer's invoice. Lodging will only be reimbursed for employees whose home or headquarters is more than 65 miles from the project.

The maximum number of resumes to be included in the letter of interest shall be as follows:

<i>Classification</i>	<i>No. of Resumes</i>
TCM-1	(2)
TCIS	(4)
TCI	(7)
TA-1	(0)
TA	(0)
NACE Intermediate	(2)
NACE Basic	(2)

Letters of interest for this project must include a letter signed by the individuals you propose for all TCM-1 and TCIS positions giving their approval to use their names in your letter of interest for this open-end project.

This project reference assignment is considered non-complex. The letter of interest shall be limited to a maximum of three (3) pages, 8 1/2" x 11", one sided, (any pages beyond 3 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:

Andrew L. Warren, District Administrator
Engineering District 6-0
7000 Geerdes Blvd.
King of Prussia, PA 19406-1525

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. Nas Aini phone number (610) 205-6691, fax number (610) 205-6672.

Cameron, Centre, Clearfield, Clinton, Elk, Juniata, McKean, Mifflin, and Potter Counties

Project Reference No. 08430AG2592

The Department will retain three (3) engineering firms for three (3) Open-End Contracts for various engineering and/or environmental services on various projects located in Engineering District 2-0, that is Cameron, Centre, Clearfield, Clinton, Elk, Juniata, McKean, Mifflin, and Potter Counties. The Contracts will be for a sixty (60) month period each with projects assigned on an as-needed basis. The maximum amount of the Open-End Contracts will be \$1.0 million each.

The Department will establish an order of ranking of a minimum of seven (7) firms for the purpose of negotiating three (3) Open-End Contracts based on the Department's evaluation of the letters of interest received in response to this solicitation. The final ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the final ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- a) Proposed methodology to accomplish the required services on a fast-track schedule.
- b) Specialized experience and technical competence of firm.
- c) Specialized experience, previous experience, and technical competence of individuals who constitute the firm.
- d) Number and experience of available bridge/structural engineers to meet the Department's needs.
- e) Past record of performance with respect to cost control, work quality, ability to meet schedules, and previous experience on Open-end Contracts.

The work and services required under these Contracts may encompass a wide range of environmental studies and engineering efforts with the possibility of several different types of projects with short completion schedules being assigned concurrently. The anticipated types of projects include, but not limited to, major projects, bridge replacements or bridge rehabilitation with minor approach work, environmental studies, roadway betterments (3R type,) minor capital improvement projects (bridges or roadway), railroad grade crossing projects, and minor location studies, etc.

The engineering work and services which may be required under these Contracts include, but are not

limited to: design reviews for structures (Type, size, and location study; Hydrology and Hydraulic Study; Final Bridge Plans; Reconnaissance and Soils Geo-technical Engineering Report; Foundation Recommendation Report; Geo-technical Engineering Report; etc); design reviews for roadways (Geometry; Right- of-Way Plans; Construction Plans, Specifications, and Estimates; Erosion and Sedimentation Control Plans; Traffic Control Plans; Traffic Signal Plans; Drainage Reports; Storm-water Management Reports; Incident Management Plans; Wetland Mitigation Plans; Pavement Design Reports; etc); perform field surveys; plot topography and cross sections; prepare submission for utility verification and relocations engineering; prepare all pertinent submissions and materials necessary for the Department to prepare the application to PUC and for the PUC field conference; attend and supply any required information for all PUC meetings and hearings during the design of the project; develop erosion control details and narrative; prepare right of way plans; complete structure designs including type, size and location reports, core boring layouts and foundation designs and reports; develop traffic control plans with narratives; conduct soils investigations and prepare soils reports; investigate utility involvement on projects; provide material for and participate in value engineering reviews; coordinate contacts with railroad officials and procure railroad related costs, permits, and insurance; collect signal timing, accident data and other traffic flow data; document engineering study findings and activities; alternative analysis to assess impacts and mitigation; and prepare construction plans, specifications, and estimates.

The areas of environmental study required under these Contracts may include, but are not limited to: air quality; noise; energy; vibration; hazardous waste; surface water and ground water quality; surface water and ground water hydrology; terrestrial ecology including threatened and endangered species; wetlands; soils; geology; farmlands; visual quality; socio-economic resources; cultural resources; Section 4(f) Evaluations; early coordination and; scoping correspondence; meeting minutes; public meeting and hearing presentations; visualization materials, handouts and displays; technical basis reports (TBRs) and/or technical files; NEPA environmental documents; Section 106 documents; mitigation plans and reports; wetland and floodplain findings; and preliminary engineering plans, and remote sensing/mapping innovations. The format and content of all documents will be consistent with applicable State and Federal regulations, policies and guidelines.

The engineering services and environmental studies identified above are the general work activities that can be expected under these Open-End Contracts. A more specific and project-related Scope of Work will be outlined for each individual Work Order developed under each Open-End Contract.

The project reference assignment is considered non-complex. The letter of interest shall be limited to a maximum of three (3) pages, 8 1/2" x 11", one sided, plus an organizational chart (up to 11" x 17" size), and additional resumes, if applicable. (See the General Requirements and Information Section).

The Letter of Interest submission shall be sent to:

Mr. George M. Khoury, P.E., District Engineer
Engineering District 2-0
P. O. Box 342
1924-30 Daisy Street
Clearfield, PA 16830

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. Vasco A. Ordóñez, P.E., Chief Liaison Engineer at (814) 765-0439.

Washington County

Project Reference No. 08430AG2593

The Department will retain an engineering firm to provide environmental and feasibility studies, traffic analysis, preliminary and final designs and services during construction (consultation during construction and shop drawing review) for S.R. 79, Section 20H, South Junction, Washington County.

This project involves the replacement of the existing interchange between two major interstates (I-79 and I-70). The interchange is located in South Strabane Township, Washington County. A significant realignment of this interchange is required to satisfy current design criteria. The project will also involve the feasibility study of additional through-lanes on I-70 within the project limits.

The Department will consider the following factors, listed in order of importance, during the evaluation of the firms submitting letters of interest:

- a) Past record of performance with respect to cost control, work quality, ability to meet schedules, and previous experience. The specific experience of individuals employed by the firm shall be considered.
- b) Available staffing for this assignment and the ability to meet the Department's needs.
- c) Experience and technical competence in roadway and bridge design.
- d) Ability to expedite the project.
- e) Current workload.

The firm selected may be required to conduct the following activities, including but not limited to: field surveys, environmental assessments and "context-sensitive" studies, traffic volume/capacity analyses, preliminary and final structure designs, geotechnical studies and recommendations, roadway and structure borings, interchange geometric design and lighting, traffic control plans, property acquisition research, right-of-way plans, erosion and sedimentation control plans, pavement marking and signing layout plans, utility coordination, resource agency coordination, construction plans and PS & E package preparation, shop drawing review and construction consultation, project partnering and public involvement.

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen percent (15%) of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information Section after the advertised project(s).

This project reference assignment is considered complex. The letter of interest shall be limited to a maximum of five (5) pages, 8 1/2" x 11", one sided, plus an organizational chart (up to 11" x 17" size), and additional resumes, if applicable. (See the General Requirements and Information Section).

The Letter of Interest submission shall be sent to:

Mr. Michael H. Dufalla, P.E., District Engineer
Engineering District 12-0
825 North Gallatin Avenue
Uniontown, PA 15401
ATTN: Mr. Richard R. Glass, P.E.

The Letter of Interest submission for this project reference number must be received at the address listed above by 4:30 p.m. prevailing time on the twentieth (20th) day following the date of this Notice.

Any technical questions concerning the requirements for this project should be directed to Mr. Richard R. Glass, P.E., phone number (724) 439-7265, fax number (724) 439-7263.

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 presumptive group, within the definition of Disadvantaged Business Enterprise (DBE). The goal for DBE participation shall be as stated in the individual project advertisement. Responding firms shall make good faith efforts to meet the DBE goal using DBEs (as they are defined prior to the act, WBEs or combinations thereof).

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. 00-1400. Filed for public inspection August 11, 2000, 9:00 a.m.]

ENVIRONMENTAL QUALITY BOARD

Meeting Cancellation

The August 15, 2000, Environmental Quality Board meeting has been canceled. The next meeting of the Board is scheduled for September 19, 2000, at 10 a.m. in Room 105 of the Rachel Carson State Office Building (RCSOB), Harrisburg.

JAMES M. SEIF,
Chairperson

[Pa.B. Doc. No. 00-1401. Filed for public inspection August 11, 2000, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Comments Issued

Section 5(d) and (g) of the Regulatory Review Act (71 P. S. § 745.5(d) and (g)) provide 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 subsections 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
16-17	Department of State Boxing and Wrestling	7/27/00	6/26/02
10-156	Department of Health Reporting of Communicable and Noncommunicable Diseases	7/27/00	6/26/02

**State Athletic Commission Regulation No. 16-17
Boxing and Wrestling**

July 27, 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 have not been met. The State Athletic Commission (SAC) must respond to these Comments when it submits the final-form regulation. If the final-form regulation is not delivered by June 26, 2002, the regulation will be deemed withdrawn.

1. General.—Clarity.

References to the Athletic Code

In several places, the regulation uses a general reference to the entire "Athletic Code." Rather than referencing the entire Athletic Code, each statutory citation or reference in the regulation should refer to the specific statutory sections or subsections that are pertinent to the particular regulatory provision. For example, the licensing of physicians in section 3.3(a) of the regulation should provide a complete citation to sections 905(a) and 910 of the Athletic Code (5 Pa.C.S. §§ 905(a) and 910).

Functions of a SAC Commissioner or the Executive Director

Various provisions throughout the regulation state that "the Commission [SAC] or Executive Director" will perform a certain duty or function. For example, section 3.2(a) states that inspectors "shall be appointed by the Commission [SAC] or Executive Director and approved by the Secretary." It is our understanding that SAC's intent is to allow one member of the SAC or the Executive Director to appoint or nominate a person to be an inspector. There was no intent to involve the entire SAC in the hiring of each inspector. The SAC counsel identified other provisions where the intent was for one SAC Commissioner or the Executive to perform a function or duty.

To clearly state the SAC's intent, the regulation should replace the phrase "the Commission or Executive Director" with "a Commissioner or the Executive Director." In addition, section 1.1 of the regulation should include a definition of the term "Commissioner" as a member of the SAC.

Forms, Manuals and Procedures

In certain provisions, the regulation refers to forms or procedures approved or prescribed by the SAC. For example, section 3.3(b) refers to both a physician's report on a form prescribed by the SAC and "procedures prescribed by the SAC as approved by the Medical Advisory Board." According to SAC staff, these procedures are set forth in a document entitled the "Medical/Safety Manual" which SAC publishes for the physicians assigned to contests. In addition, SAC publishes manuals for judges

and referees, contract forms for boxers, managers and promoters, and other prescribed forms.

The regulation should include information on how copies of these forms and manuals may be obtained. This information could be a SAC address or telephone number that people could use to request a form or manual.

2. Section 1.1. Definitions.—Consistency with Statute; Clarity.

Commission credentials

The definition of this term contains the phrase "in furtherance of the Commission's official duties." This phrase does not add anything to the meaning of the term. The phrase should be deleted from this definition in the final-form regulation.

Bout

The term "bout" is not defined in this section; however, the term is used throughout the regulation. For example, section 3.1(j) states that the SAC may videotape a "bout" to review action. Additionally, section 5.2(c) speaks to rescheduling a "bout" or "main bout." In the final-form regulation, SAC should define "bout" and "main bout" and use the terms consistently throughout the regulation.

Event

The regulation defines this term as "one or more boxing contests, as defined in section 302 of the Athletic Code . . ." However, the term "boxing contest" does not appear in section 302 of the Athletic Code. Instead, the term "contest" in section 302 of the Athletic Code is defined as "a boxing engagement . . ."

It is our understanding that the term "event" is intended to mean an engagement including one or more bouts or contests. This definition needs to be modified to clearly match SAC's intent and the term should be used consistently throughout the regulation.

Subsection (b)—Incorporation by reference

This subsection incorporates by reference the definitions in section 302 of the Athletic Code pertaining to boxing and the definitions in section 1902 of the Athletic Code pertaining to wrestling. However, it is our understanding that SAC's intent was to incorporate all the statutory definitions. The phrases "pertaining to boxing" and "pertaining to wrestling" were meant to identify pertinent sections of this regulation, not the applicable statutory definitions.

To enhance clarity, this subsection should be divided into two paragraphs. The first subparagraph should clearly state that all the definitions in section 302 of the Athletic Code are incorporated for the provisions of the regulation related to boxing which include Subparts A and B. The second would state that all the definitions in section 1902 of the Athletic Code are incorporated for the regulatory provisions related to wrestling which include Subpart C of the regulation.

3. Section 3.1. Executive Director.—Clarity.

Attending a representative number of events

Subsection (b) states that the Executive Director shall attend a "representative number" of athletic events. The SAC should clarify what constitutes a "representative number" by specifying a minimum number or percentage of bouts or events that the Executive Director will attend.

Approval of proposed matches

Subsection (h) gives the Executive Director "the authority to approve or prohibit each proposed matching of

boxers within this Commonwealth.” The regulation should clearly state the criteria or processes the Executive Director will use in deciding which matches would be approved or prohibited. For example, the criteria could include references to statutory requirements such as section 708 of the Athletic Code related to suspension and revocation for injuries, or section 711 of the Athletic Code related to limitation on difference in weights.

Circumstances not addressed by this part

Subsection (i) states “Circumstances arising that are not addressed by this part shall be ruled on by the Executive Director.” What is meant by the word “circumstances”? Are these “circumstances” limited to situations relating to the SAC’s duties under the Athletic Code?

Reviewing videotape

Subsection (j) states: “The Executive Director and the Commission may use a videotape of a bout to review actions taken relating to a bout.” It is our understanding that the intent of this subsection is to state that a single Commissioner, the Commission as a whole, or the Executive Director has the option of reviewing a videotape. To clearly state this intent, this phrase should be revised to state “The Executive Director, a Commissioner or the Commission...”

Right of appeal

Subsection (k) indicates that actions by the Executive Director are subject to the right of appeal to the SAC. There are two concerns.

First, it is our understanding that in practice there are two levels of appeal and review. Initially, the Executive Director may meet with concerned parties to discuss one of his actions and informally work toward resolution of differences in opinion. If the issues are not resolved by the informal review, parties may appeal to the SAC. The subsection should reflect the actual practices of the Executive Director and SAC. It should outline the two-tier process which includes informal review and the right of appeal. The regulation should also include references to the appropriate regulatory or statutory rules of procedure for appeals such as 1 Pa. Code Chapter 35 or 2 Pa.C.S. §§ 501—508.

Second, sections 1301—1305 of the Athletic Code specifically outline the procedures for SAC to consider recommendations by the Executive Director that a permit or license be suspended or revoked. For example, a person has the right to a hearing before SAC “within ten business days after the date on which the license or permit is suspended or revoked” under section 1304(b) of the Athletic Code. This subsection should include a reference to sections 1301—1305 of the Athletic Code.

4. Section 3.2. Inspectors.—Statutory authority; Clarity.

Nomination of inspectors

Subsection (a) indicates that inspectors will be “appointed by” a SAC Commissioner or the Executive Director and “approved by the Secretary.” Since the Secretary has the authority to make appointments, this provision should state that an inspector will be “nominated by” a SAC Commissioner or the Executive Director.

Agents of the Department of Revenue

Subsection (d) identifies the inspectors as agents of the Department of Revenue. Section 210 of the Fiscal Code (72 P. S. § 210) states that the Department of Revenue has the authority to appoint agents to “facilitate collection of money from persons . . . who have business with

administrative departments, boards or commissions . . .” Since the Department of Revenue, not the SAC, has the authority to appoint its agents, the phrase “as agents of the Department of Revenue” should be deleted.

The subsection also states that it is the inspector’s duty to “enforce legislative and regulatory provisions pertaining to the collection of revenues” due to the Commonwealth. This language is vague. The SAC should include a specific reference to section 916 of the Athletic Code and any other specific regulatory or statutory provisions that relate to collection of revenues.

5. Section 3.3. Physicians.—Clarity.

Procedures

Subsection (b) requires examinations to be “conducted in accordance with procedures prescribed by the SAC as approved by the Medical Advisory Board . . .” It is not clear what “procedures” are to be used by the physician. The regulation should state that the approved procedures are set forth in the “Medical/Safety Manual” published by SAC.

Designee

Subsection (c) refers to a “designee.” The term “designee” is not defined. It is not clear whether a designee would be employed by the SAC. The regulation should define the term “designee” or it should be deleted from the final-form regulation.

Follow up ministrations and postbout physical report

Subsection (h) requires “follow up ministrations” by the attending physician when there is a knockout or technical knockout. New language in this subsection requires the attending physician to complete a “postbout physical report on each boxer.” The SAC’s “Medical/Safety Manual” contains a form entitled “Post Fight Check” for the attending physician. This subsection should state that the report will be completed on a form prescribed by SAC.

6. Section 3.4. Announcers.—Clarity.

Subsection (j) states: “Only an assigned announcer may make an announcement from the ring unless another person is specifically authorized.” Announcers for professional events must be licensed by the SAC and assigned by the promoter or sponsor of the event. However, it is not clear who would “specifically authorize” another person to make an announcement from the ring. The regulation should indicate who has the authority to authorize “another person” to make announcements.

7. Section 5.1. Tickets.—Statutory authority; Reasonableness.

As proposed, subsection (e) requires “ticket holders to events under the jurisdiction of the Commission to surrender their tickets or the appropriate stubs at the admission gates . . .” Since ticket holders are not licensees, the burden of the requirement “to collect the tickets from the ticket holders” should be placed upon the promoter who is a licensee. The SAC should restate the requirement for ticket collection in subsection (i) accordingly.

8. Section 5.2. Postponements and cancellations.—Implementation procedure; Clarity.

Subsection (e) states that ticket holders will be entitled to a refund in cases of postponement or cancellation of the main event or the entire program “under the conditions of time, place and procedure that the Commission [SAC] approves and announces in each instances.” How

will this information be announced? What media will be used to notify ticket holders of how, when and where they can obtain a refund?

9. Section 13.3. Additional license fees.—Clarity.

This section requires that “license fees or taxes due to the Commonwealth within a maximum of 48 hours after each promotion.” The term “promotion” is not defined, however, the regulation does define the term “event” and the Athletic Code defines the term “contest.” The SAC should replace the term “promotion” with the defined term “event” or “contest.”

10. Section 21.1. Contracts.—Clarity.

Subsection (n) indicates that a promoter may not advertise or announce a boxing contest until the event has been approved. Is this a reference to approval by the Executive Director? If appropriate, this subsection should cross-reference subsection 3.1(h) of this regulation.

11. Section 21.3. Ring and ring equipment.—Clarity.

Paragraph (7) reads: “The ring shall be amply illuminated if needed, as determined by the Commission [SAC].” Existing language that describes the type of illumination required is being deleted. Why? What standards will the SAC use to determine the need for ample illumination?

12. Section 21.4. Conduct of bouts.—Clarity.

Part of subsection (c) and all of subsection (e) prescribe clothing and glove requirements for boxers. However, the title and other subsections of this section address “conduct of bouts.” To be consistent with the headings of the sections, the SAC should move the clothing and glove requirements in subsections (c) and (e) to section 21.8 relating to “boxers.”

13. Section 21.10. Seconds.—Clarity.

Subsection (j) provides that “a manager, second or another person having received ample warnings to stop an offending conduct may be ejected from the corner.” There are four issues pertaining to the language in this subsection.

First, it is not clear who “another person” would be. Only individuals licensed by the SAC are allowed in the boxer’s corner of the ring. The regulation should clearly specify who is allowed in a boxer’s corner and delete “another person” from the final-form regulation.

Second, the regulation should address situations when “another person” who is not licensed but is a spectator or ticket holder disrupts the bout or impedes the boxers. Since this section relates to seconds or licensees in each boxer’s corner, provisions for situations involving spectators should be added to section 21.4 relating to “conduct of bouts” or section 21.11 relating to “referees.”

Third, it is not clear how many warnings are “ample.” Existing language that the SAC has proposed be deleted from the regulation indicated two warnings. The SAC should delete “ample” and replace it with a specific number of warnings in the final-form regulation. For example, the SAC could state “having received two or more warnings”

Fourth, the phrase “offending conduct” has not been defined. If the phrase is not defined, then what may be offensive to one referee may not be offensive to another. The SAC should define “offending conduct” and include examples in the final-form regulation.

14. Section 21.11. Referees.—Clarity.

Subsection (c)(7) establishes that a referee is to determine whether an injury resulted from an “accidental foul” or an “intentional foul.” The word “foul” is not defined. However, section 21.16(b) includes a comprehensive list of fouls and other practices prohibited in boxing bouts by the SAC. Section 21.11(c)(7) should include a cross-reference to the activities or actions that constitute a foul in section 21.16(b).

15. Section 21.12. Judges.—Clarity.

Subsection (c) contains the phrase “generally recognized rules of boxing.” In section 21.11(c)(8), the reference to the rules generally recognized in the sport under the traditional title of the “Marquis of Queensbury Rules” is being deleted. The reference to “generally recognized rules of boxing” is vague. It is our understanding that the Association of Boxing Commissions (ABC) has established rules which the SAC uses for championship events. Whether it is the ABC’s rules or another source, the regulation should specify the rules that apply to the sport in Pennsylvania. The SAC should consider incorporating a specific reference in the regulation, or the term “generally recognized rules of boxing” should be defined.

16. Miscellaneous Clarity Issues.

Typographical errors

Section 3.2(e), as published in the *Pennsylvania Bulletin*, states:

Subject only to the direction of the Commission, an inspector or the Executive Director shall have authority over the following

However, section 3.2(e) of the proposed regulation submitted by the SAC states:

Subject only to the direction of the Commission or the Executive Director, an inspector shall have authority over the following

The meaning of the two versions is very different and the SAC should include the correct version in the final-form regulation and ensure the correct version is published by the *Pennsylvania Bulletin*.

Missing parenthesis

In the version of the regulation published in the *Pennsylvania Bulletin*, section 21.4, relating to “conduct of bouts,” is missing a closing parenthesis after subsection (a). This should be corrected in the final-form regulation.

Reversed bracket

Also in the version published in the *Pennsylvania Bulletin*, section 21.4(c) has a bracket that should be a closing bracket after the words “their seconds.” Instead the bracket is facing the wrong direction. This should be corrected in the final-form regulation.

Department of Health Regulation No. 10-156

Reporting of Communicable and Noncommunicable Diseases

July 27, 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 Department of Health (Department) must respond to these Comments when it submits the final-form regulation. If the final-

form regulation is not delivered by June 26, 2002, the regulation will be deemed withdrawn.

1. General—Statutory authority, Protection of the public health, Reasonableness and Clarity.

Authorized departures from the regulations

Section 27.9 would allow the Department to authorize an exception to any regulation in Chapter 27. Section 27.151(a)(1) would allow the Department to specify additional diseases that would prohibit donation of blood. The exception or addition expires after 90 days unless the Advisory Health Board (Board) acts to affirm it. These sections do not state what happens after the Board affirms an exception or addition.

A provision of the regulation may only be amended by promulgation of a new regulation. The Department should add language to state that if the Board affirms the Department's action, the Department will amend the regulation. In the alternative, the Board should explain its statutory authority for amending the regulation without going through the rulemaking process.

Additionally, the Department should consider incorporating by reference the Morbidity and Mortality Weekly Report's "Case Definitions for Infectious Conditions Under Public Health Surveillance" for the list of communicable diseases contained in the proposed rulemaking. This would be a viable alternative to authorizing an exception to any regulation in this chapter, if the regulation becomes outdated. Guidelines for documents that can be incorporated by reference can be found at 45 Pa.C.S. § 727 and 1 Pa. Code § 3.41.

Scope of reporting

As defined in section 27.1, the individuals responsible for reporting are "health care practitioners." Section 27.23 assigns the same reporting responsibility as health care practitioners to institutions, orphanages and child care groups. Section 27.21a(a) contains the list of specific diseases, infections and conditions that a health care practitioner must report.

The proposed regulation assigns the same reporting responsibility to a number of different persons, who have varying degrees of skill, to identify diseases, infections and conditions. While physicians have the necessary expertise to diagnose, commentators stated that other persons included under the definition of "health care practitioner" and section 27.23 could only provide a layman's identification. What does the Department expect in reports from laymen? Can the reports be based on symptoms and suspicions, rather than identification?

Suggested additions and deletions of diseases

Commentators suggested additions and deletions of diseases to several sections, including sections 27.22(b), 27.43a(b)(2) and 27.201. We recommend that the Department review the commentators' concerns, and explain in the Comment and Response document why each of those specific diseases was not included or was deleted.

Subchapter A. GENERAL PROVISIONS

2. Section 27.1. Definitions.—Consistency with statute, Reasonableness and Clarity.

General

This section defines six terms that are also defined in 35 P.S. § 521.2. We object to the definitions of the following terms that differ from the definitions contained in the statute: "communicable disease," "isolation," "local health officer," "quarantine" and "reportable disease." If

the Department does not use the statutory definitions in the final-form regulation, it should justify the changes.

Child

This regulation defines "child" as "[A] person 15 years of age or younger." As many different definitions for "child" exist in this Commonwealth, the Department should clarify how the use of this specific definition was determined. How is a person between the ages of 16 to 21 classified?

Isolation

The definition of "isolation" requires the "separation for the communicable period of an infected person or animal from other persons or animals . . ." Commentators have asked whether the Department should clarify "separation" because the definition, as written, could be interpreted to require any patient or resident with any infection to be isolated.

We understand that many different factors are considered to determine whether a patient, resident or animal should be separated, and what degree of separation is required. There are a number of factors for separation, including the disease, patient, resident or animal's behavior, and current situation at the facility. Likewise, separation could entail complete isolation or simply moving the patient to a single-patient room.

These factors and situations are substantive and should be in the body of the regulation, not in the definition of "isolation." Therefore, to avoid confusion over implementation of "separation," the Department should include the factors involved in making a decision to separate, and what form separation could take, in section 27.61, relating to isolation.

Local health department

This definition states "[T]he Department will maintain a list of local health departments and revise the list when new local health departments are established." That information is substantive, and should not be included in the term's definition. The Department should consider moving that portion of the definition to section 27.4, relating to reporting cases.

Additionally, will the list of local health departments be revised if a local health department is relocated, or closed? If so, the Department should amend the final-form regulation to reflect that intent.

Undefined terms

The terms "pupil," "school," "school employee," "clinically related health care service" and "child care provider" are used in this proposed rulemaking. To eliminate any confusion, the Department should consider defining these terms in either section 27.1, relating to definitions, or within the sections where they are used.

3. Section 27.4. Reporting cases.—Reasonableness and Clarity.

Subsection (a) outlines how and where cases should be reported. Will the Department provide a list of addresses and phone numbers if one of the locations mentioned in subsections (a)(1)—(7) changes? If so, how will the Department notify health care practitioners and clinical laboratories of a change in location?

4. Section 27.7. Cooperation between clinical laboratories and persons who order laboratory tests.—Reasonableness and Clarity.

Testing

Section 27.7 requires clinical laboratories and “persons who request (and order) the testing . . .” to share information. We have two concerns with this section. First, the term “the person who requests the testing” is unclear. Is that person the practitioner, or the individual (who may be a nurse, physician’s assistant or a member of the support staff) who actually contacts the clinical laboratory? The Department should resolve this ambiguity in the final-form regulation.

Second, paragraph (1) uses the term “person who requests the testing.” Paragraph (2) uses “[A] person who orders testing.” Is there a difference between a person who “requests” and a person who “orders” testing? If not, the Department should use a uniform term throughout this section.

5. Section 27.8. Criminal penalties for violating the act or this chapter.—Protection of public health and safety.

This section outlines penalties for persons who violate any provision of this chapter. However, the regulation does not address the immediate measures a healthcare facility should take if a patient under the facility’s care leaves the facility and exposes the public to disease. The Department should explain what a healthcare facility should do in this situation.

Subchapter B. REPORTING OF DISEASES, INFECTIONS AND CONDITIONS

6. General.—Economic impact, Need and Clarity.

Hepatitis C

Commentators, including Representative Dennis O’Brien, Majority Chairperson of the House Health and Welfare Committee, stated there is a need for more comprehensive reporting of viral Hepatitis C cases, including chronic as well as acute. The lists of diseases in sections 27.21a, 27.22 and 27.43a require reporting of viral Hepatitis C. These sections do not specify whether the disease must be chronic or acute for reporting purposes. To have the appropriate information reported, the Department should clarify the reporting of Hepatitis C cases.

Duplicative reporting requirements

Subchapter B requires multiple reporting of a single incidence of disease. Commentators outlined the following examples:

- Section 27.21a(b)(1) provides that a health care facility is not required to report a case if it reported the case previously. A clinical laboratory is also required to report under section 27.22, even if it is part of the health care facility. In this instance, the regulations require two reports on one diagnosis within the same facility.
- Section 27.22(a) requires clinical laboratories to report. The regulation appears to require duplicative reporting when one clinical laboratory refers a case to another laboratory.

The Department should clarify whether only one report is required in these situations, or explain why duplicative reporting is needed and how the benefits outweigh the costs.

Complexity of reporting process

Commentators believe the reporting requirements in Subchapter B are burdensome in two ways. First, the reporter is required to determine the appropriate local

agency for the patient’s residence, or which local agency is able to intervene. Second, when reporting to the Department, the point of submittal varies by the disease being reported. Commentators suggest simplifying the reporting process to improve the appropriate filing of reports. Among the suggestions is reporting to a single point that distributes the reports to the appropriate agencies. The Department should review the process for submitting reports, and explain why the current system is necessary.

7. Section 27.21a. Reporting of cases by health care practitioners and health care facilities.—Clarity.
Section 27.22. Reporting of cases by clinical laboratories.—Clarity.

Sections 27.21a(a)(2) and 27.22(b) require reporting of several diseases “in children up to 5 years or 60 months of age.” Why are both phrases “5 years” and “60 months” needed? For clarity, the Department should use the phrase “under 5 years of age.”

Under section 27.21(a)(2), Chickenpox will become reportable 3 years after the adoption of the final-form regulation. The Department explains in the Preamble that Chickenpox has not been reportable since 1984. The 3 year delay is to allow the Department to obtain data before requiring reporting of Chickenpox. We question why the Department is including Chickenpox in this rulemaking before the data is available. The Department should consider including Chickenpox in a future rule-making.

8. Section 27.22. Reporting of cases by clinical laboratories.—Protection of the public health.

Subsection (c) lists the content of reports. Commentators suggest adding “the source of specimen, results and range of normal values for the specific test.” The Department should consider adding these items to the reports.

9. Section 27.32. Reporting AIDS.—Protection of the public health and Need.

Section 27.32 is being deleted. Therefore, AIDS reporting will no longer be required from hospitals, healthcare facilities and institutions. Representative O’Brien expressed concern that, under the language of the proposed regulation, AIDS would no longer be a reportable disease. Because section 27.21 requires physicians to report cases of AIDS, section 27.32 should be retained in the final-form regulation.

10. Section 27.34. Reporting cases of lead poisoning.—Duplication and Clarity.

Subsection (a)

A commentator stated clinical laboratories do not always determine whether the patient is pregnant. As the regulation is written, pregnancy is a criteria for reporting cases of lead poisoning. The Department should explain how a clinical laboratory would know or determine whether the patient is pregnant.

Why is the Department using the phrase “those persons under 16 years of age,” instead of the defined term “child” which includes persons 15 years of age or younger?

Subsection (i)

Paragraph (5) is a broad requirement for “[O]ther information as requested by the Department.” The Department should limit the scope of this information to the information needed to complete the form, as explained in subsection (i).

Subsection (j)

Subsection (j) ends with the phrase “or other disciplinary action.” What other disciplinary action is the Department authorized to take under the statute?

Subchapter C. QUARANTINE AND ISOLATION**11. Section 27.60. Disease control measures.—Clarity.**

The last sentence of this section states that under certain circumstances a local health authority shall consult with and receive approval from the Department prior to taking disease control measures. The regulation should state how to request the Department’s approval, and whether the Department’s approval is in writing.

12. Section 27.71. Exclusion of pupils and staff for specified diseases and infectious conditions.—Economic and fiscal impact, Need, Reasonableness and Clarity.*Children and staff attending schools and child care group settings*

Prior to section 27.71, the regulation is subtitled “Communicable diseases in children and staff attending schools and child care group settings.” However, the title and text of sections 27.71, 27.72, 27.73 and 27.74 use other terms such as “pupils.” For clarity, the Department should review these sections and use defined terms consistently, including the subtitle.

Staff person who has contact with pupils; verification for readmission

Section 27.71 requires pupils and staff persons who have contact with pupils that are suspected of having one of the listed diseases to receive verification from a school nurse or physician that the criteria for readmission has been satisfied. We have three questions regarding this section.

First, the term “staff person who has contact with pupils” is unclear. Who is included in this term? The Department should define this term in either this section or in section 27.1, relating to definitions.

Second, if the timeframe for readmission has been satisfied (as noted in paragraphs (1)—(15)), is it necessary for pupils and staff persons who have contact with pupils to receive verification for readmission from a school nurse or physician?

Finally, the regulation is limited to “school nurse” or physician verification for readmission. Commentators stated that not all schools have a “school nurse” readily available. Why is verification limited to a school nurse or a physician? Would verification from other medical personnel, such as a registered nurse or physician’s assistant, meet this requirement? We have the same concern in section 27.73, relating to readmission of excluded pupils and staff.

13. Section 27.72. Exclusion of pupils and staff showing symptoms.—Reasonableness and Clarity.*Staff person and staff person who has contact with pupils*

This section requires persons in charge of a school to immediately exclude pupils or staff persons who show a number of different symptoms that could denote the onset or infection of a communicable disease. In subsection (a), why is the phrase “pupil or staff person” used instead of “pupil or a staff person who has contact with pupils”? For consistency with the rest of the rulemaking, the Department should choose one of the two phrases, define it and use it consistently.

Inclusion of Diarrhea

Also in subsection (a), commentators have suggested including “diarrhea” in the list of symptoms that require persons in charge of a school to exclude pupils or staff members. They argue that the addition of “diarrhea” in this subsection would be consistent with other provisions in the regulation, specifically: Sections 27.76(a)(3) relating to exclusion and readmission of children and staff in child care group settings; section 27.154(6) relating to restrictions on caregivers in a child care group setting; and section 27.155(6) relating to restrictions on health care practitioners. The Department should include “diarrhea” in subsection (a)(1)—(7), or explain this inconsistency.

Subsection (b)

Subsection (b) states: “[T]he Department will periodically determine and publish . . . what increase in absenteeism constitutes an unusual rate of absenteeism.” The term “periodically” is unclear. Will the Department publish such information quarterly, annually or monthly? Will the information be published in the *Pennsylvania Bulletin*? The Department should establish a timeframe for “periodically,” and state where the publication will occur.

This subsection also requires schools to maintain records of exclusions and review these records to determine when unreasonable rates of absenteeism occur. Is the school then required to forward that information to the Department? If so, what forms and procedures are required to report this information? The final-form regulation should clearly state that schools need to submit this information, and should specify the reporting process.

14. Section 27.76. Exclusion and readmission of children and staff in child care group settings.—Reasonableness and Clarity.*Invasive H. influenza disease*

Commentators have noted that the Department should delete subsection (a)(8), which deals specifically with “invasive H. influenza disease.” As noted in Issue #1, we understand that the Department utilizes the Morbidity and Mortality Weekly Report’s “Case Definitions for Infectious Conditions Under Public Health Surveillance” (Report), for determining which communicable diseases need to be reported. As “invasive H. influenza disease” is not included in the Report, we question its inclusion here. The Department should explain.

Screening

Subsection (b)(3) requires caregivers at child care group settings: to screen “each child by staff at the time the child is brought to the child care group setting for the presence of a condition which requires exclusion.” We have three concerns with this subsection.

First, does this requirement mandate that caregivers at a child care group examine every child every day for the presence of an exclusionary disease, or only if the child is suspected of having an exclusionary disease? The Department should clarify its intention in the final-form regulation.

Second, the regulation states that caregivers should screen each child for “the presence of a condition which requires exclusion.” Does this mean that the caregiver is responsible for making an accurate diagnosis of a child’s condition, or that the caregiver should screen for symptoms of exclusionary diseases? The Department should explain.

Finally, how will the caregiver report the presence of an exclusionary disease to the Department? Will there be a form approved by the Department? Is there a process the caregiver must follow? The Department should fully explain the process for caregivers to report exclusionary diseases in the final-form regulation.

15. Section 27.77. Immunization requirements for children in child care group settings.—Clarity.

Certificates of immunization

Subsection (a)(4) requires certificates of immunization to be completed and signed for each child enrolled in a child care group setting. This subsection also requires that these certificates be “periodically updated by the caregiver.” The term “periodically” is unclear. The Department should include a timeframe.

Subchapter D. SEXUALLY TRANSMITTED DISEASES, TUBERCULOSIS AND OTHER COMMUNICABLE DISEASES

16. Section 27.87. Refusal to submit to treatment for communicable diseases.—Clarity.

The second sentence of subsection (b) is long and complex. The Department should amend this sentence to make it clearer.

17. Section 27.89. Examinations for syphilis.—Consistency with the statute, Protection of the public health and Clarity.

Subsections (a)(1) and (c) state that the Department will publish the rate of syphilis in the *Pennsylvania Bulletin* “as necessary.” What is the purpose of publishing the rate of syphilis, why is publication necessary and what criteria will be used to determine when it is necessary?

Subchapter E. SELECTED PROCEDURES FOR PREVENTING DISEASE TRANSMISSION

18. Section 27.151. Restrictions on the donation of blood, blood products, tissue, sperm and ova.—Consistency with statute and Clarity.

Subsection (a) states that, “a person who is known to be infected with a causative agent of a reportable disease is not allowed to donate.” The Department should add “or suspected” in accordance with 35 P. S. § 521.4(a).

19. Section 27.152. Investigation of cases and outbreaks.—Clarity.

In subsection (b), a representative may be required to present “documentation to establish that he is an authorized representative of the Department or local health authority.” What kind of documentation is required? Would a nametag meet this requirement?

20. Section 27.158. Special requirements for shigellosis.—Protection of the public health and Clarity.

This section begins with the phrase “[A] household contact of a case of shigellosis.” This phrase is unclear. The Department should either provide examples or define the term “household contact” in this section of the final-form regulation.

21. Section 27.161. Special requirements for tuberculosis.—Clarity.

In subsection (b) the term “substantial” is used to describe a timeframe. The Department should provide a specific timeframe and delete the term “substantial.”

Subchapter F. MISCELLANEOUS PROVISIONS

22. Section 27.201. Disposition of articles exposed to contamination.—Protection of the public health and Clarity.

This section provides an exception for when the transmission of articles is made “with proper precaution.” The regulation should explain or reference what “proper precaution” must be taken.

23. Section 27.202. Lease of premises occupied by a person with communicable disease.—Clarity.

The phrase “[cleaned] to the satisfaction of health authorities” is being deleted. What standard must be met?

24. Other clarity issues.

Portions of the regulation use vague phrases or have typographical errors. The Department should review the following:

Section 27.4(c) requires that “[A] case shall be reported using the appropriate case format.” The Department should explain what the “appropriate case format” is, and how reporters will be made aware of the proper format for reporting.

Section 27.23 begins with the phrase “[E]xcept as otherwise set forth in this section.” Why is this phrase needed?

If the Department retains “invasive H. influenza disease,” “influenza” should be replaced with “influenzae” in section 27.76.

Section 27.84(a) and (b) reference an “appropriate” remedy. Section 27.87(b) references an “appropriate” institution. The Department should clarify what is considered “appropriate.”

Section 27.203 requires “appropriate precautions” to prevent the spread of disease. This phrase is vague. The Department should give examples of what it considers to be “appropriate precautions” in the final-form regulation.

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 00-1402. Filed for public inspection August 11, 2000, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Voluntary Surrender of Certificate of Authority

Mid-Atlantic States Casualty Company, a domestic stock casualty insurance company, has submitted an application for approval to surrender its Insurance Department Certificate of Authority. Persons wishing to comment on the grounds of public or private interest concerning the surrender, are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the writer, identification of the application to which the comment is addressed, and a concise statement with sufficient detail to inform the Department of the exact basis of the comment and the relevant facts upon which it

is based. Written statements should be directed to Robert Brackbill, Company Licensing Division, Room 1311 Strawberry Square, Harrisburg, PA 17120, by fax to (717) 787-8557, or by e-mail to rbrackbi@ins.state.pa.us.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 00-1403. Filed for public inspection August 11, 2000, 9:00 a.m.]

PENNSYLVANIA MUNICIPAL RETIREMENT BOARD

Hearings Scheduled

Hearings have been scheduled, as authorized by Pennsylvania Municipal Retirement Law (53 Pa.C.S. §§ 881.101—881.501) (relating to Pennsylvania Municipal Retirement Board) in connection with the Pennsylvania Municipal Retirement Board's denial of Claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the Pennsylvania Municipal Retirement Board, 1010 North 7th Street, Suite 301, Eastgate Center, Harrisburg, PA 17102.

October 30, 2000 William R. Handforth, Jr. 1:30 p.m.
(Disability)

Persons with a disability who wish to attend the listed hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact Tina Eisenhart at (717) 787-2065 to discuss how the Pennsylvania Municipal 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 16 Pa. Code § 91.1 (relating to applicability of general rules), procedural matters will be in conformance with the General Rules of Administrative Practice and Procedure, 1 Pa. Code §§ 31.1—35.251 unless specific exemption is granted.

JAMES B. ALLEN,
Secretary

[Pa.B. Doc. No. 00-1404. Filed for public inspection August 11, 2000, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission (Commission). Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to

the application. Protests to the applications published herein are due on or before September 4, 2000, as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent application or both.

Applications of the following for approval of the beginning of the exercise of the right and privilege of operating as common carriers for transportation of persons as described under each application.

A-00117081. Eugene Witmer (661 East 28th Division Highway, Lititz, Lancaster County, PA 17543)—persons in paratransit service, between points in the borough of Lititz, Lancaster County, and within an airline distance of 25 miles of the limits of said borough, and from points in said area, to points in Pennsylvania, and vice versa, limited to the transportation of persons whose personal convictions prohibit them from owning or operating motor vehicles.

A-00117082. Guardian Transportation Services, Inc. (93 Old York Road, Suite 1-477, Jenkintown, Montgomery County, PA 19046), a corporation of the Commonwealth of Pennsylvania—persons in paratransit service, between points in the county of Montgomery and the city and county of Philadelphia.

A-00117085. Michele Thomas, t/d/b/a The Dinner Rolls (1157 St. Matthews Road, Chester Springs, Chester County, PA 19425) persons in limousine service, between points in the counties of Chester, Montgomery, Berks, Lancaster, Delaware, Bucks and Philadelphia; subject to the following conditions: (1) that service is limited to the use of Rolls Royce, Bentley, BMW, Excalibur, Mercedes, Jaguar, Destiny, Franklin or Cadillac vehicles; and (2) that the service is limited to transportation provided in connection with a dining engagement.

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-00117080. Baillis Limousine, Inc. (22 War Trophy Lane, Media, Delaware County, PA 19063), a corporation of the Commonwealth of Pennsylvania—persons, in limousine service, between points in the counties of Bucks, Montgomery and Philadelphia, and from points in said counties to points in Pennsylvania, and return; subject to the following conditions: (a) that no right, power or privilege is granted to provide service to points in Delaware County; (b) that no right, power or privilege is granted to provide service from points in the city and county of Philadelphia, south of Spring Garden Street between the Delaware and Schuylkill Rivers, except that service may be rendered from the Philadelphia International Airport; and (c) that no right, power or privilege is granted to provide service from points in the townships of Nockamixon and Bridgetown, and points north and west of Pennsylvania Highway Route 563, all in Bucks County; which is to be a transfer of the rights authorized under the certificate issued to Elite Limousine, Ltd. at A-00108396, subject to the same limitations and conditions. *Attorney:* Bradley T. Beckman, 1601 Market Street, Suite 2330, Philadelphia, PA 19103.

Applications of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under each application.

A-00116326, Folder 2. Ron Galbreath, t/d/b/a La Grand Elite Limousine (10428 East Lake Road, North East, Erie County, PA 16428), persons in group and party service, in vehicles seating 15 passengers or less, including the driver, between points in the county of Erie, and from points in said county, to points in Pennsylvania, and vice versa. *Attorney:* William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219-2383.

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-00117044. Cat's Attic, Inc. (234 West Patriot Street, Somerset, Somerset County, PA 15501), a corporation of the Commonwealth of Pennsylvania (1) household goods in use, between points in the borough of Somerset, Somerset County, and within an airline distance of 25 statute miles of the limits of said borough, and from points in said borough and territory, to points in Pennsylvania, and vice versa; subject to the following conditions: (a) that no right, power or privilege is granted to render service to, from or between points in the city of Johnstown, Cambria County, and within an airline distance of 3 statute miles of the limits of said city, provided, however, that this shall not exclude shipments to, from or between points in the county of Somerset; and (b) that no right, power or privilege is granted to render service to, from or between points in the county of Westmoreland; and (2) 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 Frances S. Zajdel, at A-00110944, subject to the same limitations and conditions. *Attorney:* Kimberly H. Hindman, P. O. Box 1313, Somerset, PA 15501.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 00-1405. Filed for public inspection August 11, 2000, 9:00 a.m.]

Telecommunications

A-310892F0002. American Fiber Network, Inc. Adoption by American Fiber Network, Inc. of an interconnection agreement between GTE North Incorporated and AT&T Communications under section 252(i) of the Telecommunications Act of 1996.

GTE North Incorporated and American Fiber Network, Inc., by its counsel, filed on July 26, 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 GTE North Incorporated and American Fiber Network, 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. 00-1406. Filed for public inspection August 11, 2000, 9:00 a.m.]

Telecommunications

A-310921F0002. Bell Atlantic-Pennsylvania, Inc. and Conversent Communications of Pennsylvania, LLC. Joint Petition of Bell Atlantic-Pennsylvania, Inc. and Conversent Communications of Pennsylvania, LLC, for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Bell Atlantic-Pennsylvania, Inc. and Conversent Communications of Pennsylvania, LLC, by its counsel, filed on July 28, 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 Conversent Communications of Pennsylvania, LLC 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. 00-1407. Filed for public inspection August 11, 2000, 9:00 a.m.]

Telecommunications

A-310464F0002. Bell Atlantic-Pennsylvania, Inc. and NET-tel Corporation. Joint Petition of Bell Atlantic-Pennsylvania, Inc. and NET-tel Corporation for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Bell Atlantic-Pennsylvania, Inc. and NET-tel Corporation, by its counsel, filed on July 28, 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 NET-tel Corporation 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. 00-1408. Filed for public inspection August 11, 2000, 9:00 a.m.]

Telecommunications

A-310701. GTE North Incorporated and Cat Communications International, Inc. d/b/a/ CCI. Joint Application of GTE North Incorporated and Cat Communications International, Inc. d/b/a CCI for approval of a resale agreement under section 252(e) of the Telecommunications Act of 1996.

GTE North Incorporated and Cat Communications International, Inc. d/b/a CCI, by its counsel, filed on July 27, 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 GTE North Incorporated and Cat Communications International, Inc. d/b/a CCI 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. 00-1409. Filed for public inspection August 11, 2000, 9:00 a.m.]

Telecommunications

A-310946F0002. GTE North Incorporated and Pathnet, Inc. Joint Application of GTE North Incorporated and Pathnet, Inc. for approval of an interconnection agreement under section 252(a)(1) and (e) of the Telecommunications Act of 1996.

GTE North Incorporated and Pathnet, Inc. by its counsel, filed on July 31, 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 GTE North Incorporated and Pathnet, 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. 00-1410. Filed for public inspection August 11, 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:

October 11, 2000	Geneva McKee (Membership Eligibility)	1 p.m.
	Phyllis A. Breninger (Membership Eligibility)	2:30 p.m.
October 18, 2000	Patricia K. Ott (Membership Eligibility)	1 p.m.
	Lillian H. Trautman (Membership Eligibility)	2:30 p.m.
October 25, 2000	Louise K. Staub (Tax Collector Salary)	1 p.m.

Persons with a disability who wish to attend the 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 the General Rules of Administrative Practice and Procedure, 1 Pa. Code Part II unless specific exemption is granted.

DALE H. EVERHART,
Secretary

[Pa.B. Doc. No. 00-1411. Filed for public inspection August 11, 2000, 9:00 a.m.]

TURNPIKE COMMISSION

Retention of Engineering Firms

Open-End Construction Inspection Milepost 0.00 to Milepost 246.0

**Allegheny, Beaver, Bedford, Butler, Cumberland,
Franklin, Fulton, Huntingdon, Lawrence, Somerset,
Westmoreland and York Counties, PA**

Reference No. 2-059

The Turnpike Commission (Commission) will retain an Engineering or Construction Management firm to provide open-end construction inspection services for various projects in the Pennsylvania Turnpike's Western Region (Milepost 0.00 to Milepost 246.0). The types of projects to be inspected under this agreement may include, but are not limited to, bituminous overlays, bridge rehabilitation and replacements, service plaza parking lot expansions and building modifications.

The agreement will have a completion date of December 31, 2002 with projects assigned on an as-needed basis. The agreement will be for a maximum cost of \$750,000.

The main service to be provided under this agreement will be to supply construction inspectors on an as-needed basis as a supplement to our existing inspection staff. On limited occasions, the selected firm may be required to provide a full time onsite construction inspection staff, with sufficient office personnel, managers, engineers, technicians and clerical staff to support the field functions. The selected firm may be required to attend the prebid meeting and preconstruction conference, write project correspondence, and review and approve contractor's submissions. In addition, the selected firm may be required to keep records utilizing the Turnpike's Construction Documentation System (CDS) to document the construction progress, prepare current and final estimates for payment to contractors, prepare change orders, conduct monthly job conferences, monitor monthly progress, provide liaison with affected utilities and communities, conduct semifinal and final inspections, determine the final quantities for each contract item, and perform other duties as required.

Eighty percent of the inspection staff assigned to this Commission construction project must meet at least one of the following requirements:

1. Be certified by the National Institute for Certification in Engineering Technologies (NICET) as a Transportation Engineering Technician—Construction Level 2 or higher.
2. Be registered as a Professional Engineer by the Commonwealth of Pennsylvania with 1 year of highway inspection experience acceptable to the Commission.
3. Be certified as an Engineer-in-Training by the Commonwealth of Pennsylvania with 2 years of highway inspection experience acceptable to the Commission.
4. Hold a Bachelor of Science Degree in Civil Engineering or Civil Engineering Technology with 2 years of highway inspection experience acceptable to the Commission.
5. Hold an Associate Degree in Civil Engineering Technology with 3 years of highway inspection experience acceptable to the Commission.

The remaining 20% assigned to this project shall meet the following education and experience requirements:

Education—Graduation from High School or equivalent certification or formal training. Completion of a training program in construction inspection approved by the Commission may be substituted for high school graduation.

Experience—One year of experience in construction inspection or workmanship which required reading and interpreting construction plans and specifications, or 1 year of experience in a variety of assignments involving the testing of materials used in highway or similar construction projects. A 2 to 4 year engineering college degree may be substituted for 1 year of experience.

Questions and inquires concerning this Project should be directed to Matthew J. Wagner, P.E., at (717) 939-9551, Ext. 5210, or by e-mail at mwagner@paturndpike.com.

Open-End Coating Consultation Services Systemwide

Reference No. 3-131

The Commission may retain an Engineering firm specializing in protective coatings to provide open-end construction coating inspection services and consultation for various projects Statewide on the Pennsylvania Turnpike System. The types of projects to be inspected under this agreement may include, but are not limited to, existing steel bridges, water tanks, radio towers, sign structures and field applications of coatings to shop primed steel. Other tasks that may be assigned include review of new coating and paint removal products, recommendation of coating selection, specification preparation, existing steel corrosion surveys, cost effective paint maintenance strategy development, identification of candidate structures for maintenance painting, coating failure analysis, and training of Commission personnel in coating related issues.

The agreement will have a completion date of December 31, 2002 with projects assigned on an as-needed basis. The agreement will be for a maximum cost of \$500,000.

The firm will be required to provide technical expertise in all aspects of coating management. On limited occasions, the selected firm may be required to provide a full time onsite construction inspection staff, with sufficient office personnel, managers, engineers, technicians and clerical staff to support the field functions. The selected firm may be required to attend the prebid meeting and preconstruction conference, write project correspondence, and review and approve contractor's submissions. In addition, the selected firm may be required to document the construction progress, prepare current and final estimates for payment to contractors, prepare change orders, conduct monthly job conferences, monitor monthly progress, provide liaison with affected utilities and communities, conduct semifinal and final inspections, determine the final quantities for each contract item, and perform other duties as required. All other assigned tasks not directly involved with inspection work will require appropriate written reports.

Questions and inquires concerning this Project should be directed to Matthew J. Wagner, P.E., at (717) 939-9551, Ext. 5210, or by e-mail at mwagner@paturndpike.com.

Open-End Construction Inspection Milepost 246.00 to Milepost 359.0 and the Northeast Extension

Berks, Bucks, Carbon, Chester, Dauphin, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne and Montgomery Counties

Reference No. 4-056

The Commission will retain an Engineering or Construction Management firm to provide open-end construction inspection services for various projects in the Pennsylvania Turnpike's Eastern Region (Milepost 246.00 to Milepost 359.0 and the Northeast Extension). The types of projects to be inspected under this agreement may include, but are not limited to, bituminous overlays, bridge rehabilitation and replacements, service plaza parking lot expansions and building modifications.

The agreement will have a completion date of December 31, 2002 with projects assigned on an as-needed basis. The agreement will be for a maximum cost of \$750,000.

The main service to be provided under this agreement will be to supply construction inspectors on an as-needed basis as a supplement to our existing inspection staff. On limited occasions, the selected firm may be required to provide a full time onsite construction inspection staff, with sufficient office personnel, managers, engineers, technicians and clerical staff to support the field functions. The selected firm may be required to attend the prebid meeting and preconstruction conference, write project correspondence, and review and approve contractor's submissions. In addition, the selected firm may be required to keep records utilizing the Turnpike's Construction Documentation System (CDS) to document the construction progress, prepare current and final estimates for payment to contractors, prepare change orders, conduct monthly job conferences, monitor monthly progress, provide liaison with affected utilities and communities, conduct semifinal and final inspections, determine the final quantities for each contract item, and perform other duties as required.

Eighty percent of the inspection staff assigned to this Commission construction project must meet at least one of the following requirements:

1. Be certified by the National Institute for Certification in Engineering Technologies (NICET) as a Transportation Engineering Technician—Construction Level 2 or higher.
2. Be registered as a Professional Engineer by the Commonwealth of Pennsylvania with 1 year of highway inspection experience acceptable to the Commission.
3. Be certified as an Engineer-in-Training by the Commonwealth of Pennsylvania with 2 years of highway inspection experience acceptable to the Commission.
4. Hold a Bachelor of Science Degree in Civil Engineering or Civil Engineering Technology with 2 years of highway inspection experience acceptable to the Commission.
5. Hold an Associate Degree in Civil Engineering Technology with 3 years of highway inspection experience acceptable to the Commission.

The remaining 20% assigned to this project shall meet the following education and experience requirements:

Education—Graduation from High School or equivalent certification or formal training. Completion of a training program in construction inspection approved by the Commission may be substituted for high school graduation.

Experience—One year of experience in construction inspection or workmanship which required reading and interpreting construction plans and specifications, or 1 year of experience in a variety of assignments involving the testing of materials used in highway or similar construction projects. A 2 to 4 year engineering college degree may be substituted for 1 year of experience.

Questions and inquires concerning this Project should be directed to Matthew J. Wagner, P.E., at (717) 939-9551, Ext. 5210, or by e-mail at mwagner@paturndpike.com.

Construction Inspection/Project Management Services for the Roadway Reconstruction and Bridge Rehabilitation and Replacement between Mileposts 85.00 and 94.00 Westmoreland County, PA

Reference No. 1-118

The Commission will retain an Engineering or construction Management firm with full depth highway pavement replacement inspection experience to provide a staff of approximately 15 field inspection personnel for the complete construction inspection, management, administration and documentation for the Roadway Reconstruction and Bridge Rehabilitation and Replacement between Mileposts 85.00 and 94.00, in Westmoreland County. Construction documents were prepared using metric units. Construction will include the reconstruction and widening of the roadway with 3.6 meter width shoulders, 5.5 meter width median, and 19 meter width of full depth Bituminous Roadway with an ID-3 Wearing Course. Additional work includes the replacement of several overhead bridge structures, installation of an Asphalt Permeable Base Course, and the replacement of the existing drainage structures. The total estimated cost of this construction is \$60 million. The Consultant Agreement is anticipated to start in March 2001 and terminate in December 2006.

The selected firm will be required to provide a full time onsite construction inspection staff, with sufficient office personnel, managers, engineers, technicians and clerical staff to support the field functions. The selected firm will be required to attend the prebid meeting and preconstruction conference, write all project correspondence, and review and approve contractor's submissions. In addition, the selected firm will be required to keep records utilizing the Turnpike's Construction Documentation System (CDS) to document the construction progress. The selected firm will also be expected to prepare current and final estimates for payment to contractors, prepare change orders, conduct monthly job conferences, monitor monthly progress, provide liaison with affected utilities, communities and the press, conduct semifinal and final inspections, and determine the final quantities for each contract item. The Construction Management team will also be expected to handle public relation activities for the project, which would include but may not limited to, development and maintenance of a project web site, press conferences, answering customer questions, informational brochures, and other duties as required.

Eighty percent of the inspection staff assigned to this Commission constructed project must meet the following Requirements:

1. Be certified by the National Institute for Certification in Engineering Technologies, (NICET) as a Transportation Engineering Technician—Construction Level 2 or higher.
2. Be registered as a professional engineer by the Commonwealth of Pennsylvania with 1 year of highway inspection experience acceptable to the Commission.

3. Be certified as an Engineer-in-Training by the Commonwealth of Pennsylvania with 2 years of highway inspection experience acceptable to the Commission.

4. Hold a Bachelor of Science Degree in Civil Engineering or Civil Engineering Technology with 2 years of highway inspection experience acceptable to the Commission.

5. Hold an Associate Degree in Civil Engineering Technology with 3 years of highway inspection experience acceptable to the Commission.

The remaining 20% assigned to this project shall meet the following education and experience requirements:

Education—Graduation from High School or equivalent certification or formal training. Completion of a training program in construction inspection approved by the Commission may be substituted for High School graduation.

Experience—One year of experience in construction inspection or workmanship which requires reading and interpreting construction plans and specifications, or 1 year of experience in a variety of assignments involving the testing of materials used in highway or similar construction projects. A 2 to 4 year engineering college degree may be substituted for 1 year of experience.

The Commission reserves the right to place Commission personnel on the project to assist the Construction Manager with various Construction Management duties.

The following factors will be considered by the Commission during the evaluation of the firms submitting Letters of Interest for this project:

a. Specialized experience and technical competence of prime consultant and subconsultants. The Team must clearly demonstrate an ability to analyze available data to make decisions, completing the project in a timely and cost effective manner.

b. Past record of performance with respect to cost control, work quality ability to meet schedules and previous experience on similar projects. The consultant should identify similar projects that have been completed by that firm as the prime, the magnitude of the project, and the client.

c. The specific experience and number of individuals who constitute the firm.

d. Location of consultant's office where the work will be performed.

e. Workload of the prime consultant and subconsultants for all Pennsylvania Department of Transportation and Pennsylvania Turnpike Commission projects.

f. Other factors, if any, specific to the project.

Address these items and any necessary further details in a brief yet comprehensive manner in the letter of interest.

Questions and inquiries concerning this Project should be directed to Matthew J. Wagner, P.E., at (717) 939-9551, Ext. 5210, or by e-mail at mwagner@paturnpike.com.

**Construction Inspection/Project Management
Services for the Roadway Reconstruction and
Bridge Rehabilitation and Replacement between
Mileposts 109.00 and 122.00
Somerset County, PA**

Reference No. 2-060

The Commission will retain an Engineering or Construction Management firm with full depth highway

pavement replacement inspection experience to provide a staff of approximately 15 field inspection personnel for the complete construction inspection, management, administration and documentation for the Roadway Reconstruction and Bridge Rehabilitation and Replacement between Mileposts 109.00 and 122.00, in Somerset County. Construction documents were prepared using metric units. Construction will include the reconstruction and widening of the roadway with 3.6 meter width shoulders, a variable width median ranging from 3.1 to 7.8 meters, and 15.2 meter width of full depth Bituminous Roadway with an ID-3 Wearing Course. Additional work includes the replacement of several overhead bridge structures, installation of an Asphalt Permeable Base Course, Geo-grid slope fill construction and the replacement of the existing drainage structures. The total estimated cost of this construction is \$65 million. The Consultant Agreement is anticipated to start in January 2001 and terminate in May 2006.

The selected firm will be required to provide a full time onsite construction inspection staff, with sufficient office personnel, managers, engineers, technicians and clerical staff to support the field functions. The selected firm will be required to attend the prebid meeting and preconstruction conference, write all project correspondence, and review and approve contractor's submissions. In addition, the selected firm will be required to keep records utilizing the Turnpike's Construction Documentation System (CDS) to document the construction progress. The selected firm will also be expected to prepare current and final estimates for payment to contractors, prepare change orders, conduct monthly job conferences, monitor monthly progress, provide liaison with affected utilities, communities and the press, conduct semifinal and final inspections, and determine the final quantities for each contract item. The Construction Management team will also be expected to handle public relation activities for the project, which would include but may not limited to, development and maintenance of a project web site, press conferences, answering customer questions, informational brochures, and other duties as required.

Eighty percent of the inspection staff assigned to this Commission constructed project must meet the following Requirements:

1. Be certified by the National Institute for Certification in Engineering Technologies, (NICET) as a Transportation Engineering Technician—Construction Level 2 or higher.

2. Be registered as a professional engineer by the Commonwealth of Pennsylvania with 1 year highway inspection experience acceptable to the Commission.

3. Be certified as an Engineer-in-Training by the Commonwealth of Pennsylvania with 2 years of highway inspection experience acceptable to the Commission.

4. Hold a Bachelor of Science Degree in Civil Engineering or Civil Engineering Technology with 2 years of highway inspection experience acceptable to the Commission.

5. Hold an Associate Degree in Civil Engineering Technology with 3 years of highway inspection experience acceptable to the Commission.

The remaining 20% assigned to this project shall meet the following education and experience requirements:

Education—Graduation from High School or equivalent certification or formal training. Completion of a training

program in construction inspection approved by the Commission may be substituted for High School graduation.

Experience—One year of experience in construction inspection or workmanship which requires reading and interpreting construction plans and specifications, or 1 year of experience in a variety of assignments involving the testing of materials used in highway or similar construction projects. A 2 to 4 year engineering college degree may be substituted for 1 year of experience.

The Commission reserves the right to place Commission personnel on the project to assist the Construction Manager with various Construction Management duties.

The following factors will be considered by the Commission during the evaluation of the firms submitting Letters of Interest for this project:

- a. Specialized experience and technical competence of prime consultant and subconsultants. The Team must clearly demonstrate an ability to analyze available data to make decisions, completing the project in a timely and cost effective manner.
- b. Past record of performance with respect to cost control, work quality ability to meet schedules and previous experience on similar projects. The consultant should identify similar projects that have been completed by that firm as the prime, the magnitude of the project, and the client.
- c. The specific experience and number of individuals who constitute the firm.
- d. Location of consultant's office where the work will be preformed.
- e. Workload of the prime consultant and subconsultants for all Pennsylvania Department of Transportation and Pennsylvania Turnpike Commission projects.
- f. Other factors, if any, specific to the project.

Address these items and any necessary further details in a brief yet comprehensive manner in the letter of interest.

Questions and inquiries concerning this Project should be directed to Matthew J. Wagner, P.E., at (717) 939-9551, Ext. 5210, or by e-mail at mwagner@paturnpike.com.

General Requirements and Information

Firms interested in providing the described work and services are invited to submit a Letter of Interest with the required information. The Letters of Interest must include the following:

1. One page transmittal letter clearly identifying the project reference number, brief description of the project from the advertisement, the firm's Federal identification number, the firm's legal name, contact person or project manager, address of corporate office and project office. (If the firm has multiple offices, the location of the office performing the work must be identified).
2. A three page expression of interest on the advertised project. Each firm should demonstrate their ability to perform the specific requirements indicated for each project and provide explanation that the firm has successfully completed similar type projects of the same magnitude.
3. An organization chart for the Project, identifying key personnel and any subconsultants and their roles. Any

deviation from the subconsultants listed in the letter of interest will require written approval from the Commission.

4. Tabulation of workload for the prime consultant and all subconsultants for all Pennsylvania Department of Transportation and Pennsylvania Turnpike Commission projects.

5. An Annual Qualification Package similar to the one submitted to the Pennsylvania Department of Transportation for the current year that is in the same District as this project or one that is best suited for this project.

The Annual Qualification Package should contain at a minimum the following information for the prime consultant and all subconsultants and attached to the back of the letter of interest (subs to follow primes):

- Standard Form (SF) 254—Architect-Engineer and Related Services Questionnaire in its entirety, not more than 1 year old as of the date of the advertisement.
- Resumes of key personnel expected to be involved in the project (limit to one 8 1/2 × 11 page, one side, per person). Only resumes of key personnel should be included.
- Copy of the firm's registration to do business in the Commonwealth as provided by the Department of State for firms with out-of-State headquarters or corporations not incorporated in Pennsylvania.
- A copy of the Department's DBE/WBE Certification, if applicable.

If a Joint Venture responds to a project advertisement, the Commission will not accept separate letters of interest from joint venture constituents. A firm will not be permitted to submit a letter of interest on more than one joint venture for the same project reference number. Also, a firm that responds to a project as a prime may not be included as a designated subconsultant to another firm that responds to the same project advertisement. This does not preclude a firm from being set forth as a designated subconsultant to more than one prime consultant responding to the project advertisement.

The Commission is committed to the inclusion of disadvantaged, minority, and woman firms in contracting opportunities. The minimum participation level for DBE/MBE/WBEs in these contracts will be 10% each. Responding firms shall clearly identify DBE/MBE/WBE firms, expected to participate in these contracts, in their letter of interest. If the selected firm does not meet the minimum requirement for DBE/MBE/WBE participation, they will be required to demonstrate good faith efforts to achieve the required level. Proposed DBE/MBE/WBE firms must be certified by the Pennsylvania Department of Transportation at the time of the submission of the letter of interest. If further information is desired concerning DBE/MBE/WBE participation, direct inquiries to the Office of Equal Opportunity Development, Turnpike Commission by calling (717) 939-9551, Ext. 4241.

Firms interested in performing the these services are invited to submit a letter of interest and required information to Michael W. Flack, P.E., Assistant Chief Engineer for Construction, at the PA Turnpike Commission

Administration Building located at 176 Kost Road, Carlisle, PA 17013-0779. (FedEx address: 176 Kost Road, Carlisle, PA 17013-0779) (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676).

The letter of interest and required information must be received by 12 p.m. (noon), Local Time, Friday, September 1, 2000. Any letters of interest received after this date and time will be time-stamped and returned.

Based on an evaluation of acceptable letters of interest received in response to these solicitations, one firm will be selected for each project. The order of preference will be established for the purpose of negotiating an agreement with the highest ranked firm established by the

Technical Review Committee and approved by the Selection Committee. Technical Proposals or Requests will not be requested prior to selection.

The Commission reserves the right to reject all letters of interest, to cancel solicitation requested under this notice, and/or to re-advertise solicitation for the work and services.

BRADLEY L. MALLORY,
Chairperson

[Pa.B. Doc. No. 00-1412. Filed for public inspection August 11, 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

<h3 style="margin: 0;">Reader's Guide</h3>	<h3 style="margin: 0;">REQUIRED DATA DESCRIPTIONS</h3>								
<h2 style="margin: 0;">Legal Services & Consultation—26</h2> <p style="margin: 10px 0 0 40px;">① Service Code Identification Number</p> <p style="margin: 10px 0 0 20px;">② Commodity/Supply or Contract Identification No.</p> <p style="margin: 10px 0 0 0;">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.</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 40%;">Department: General Services</td> <td style="width: 60%; text-align: right;">③ Contract Information</td> </tr> <tr> <td>Location: Harrisburg, Pa.</td> <td style="text-align: right;">④ Department</td> </tr> <tr> <td>Duration: 12/1/93-12/30/93</td> <td style="text-align: right;">⑤ Location</td> </tr> <tr> <td>Contact: Procurement Division 787-0000</td> <td style="text-align: right;">⑥ Duration</td> </tr> </table> <p style="margin: 10px 0 0 0;">⑦ (For Commodities: Contact:) Vendor Services Section 717-787-2199 or 717-787-4705</p>	Department: General Services	③ Contract Information	Location: Harrisburg, Pa.	④ Department	Duration: 12/1/93-12/30/93	⑤ Location	Contact: Procurement Division 787-0000	⑥ Duration	<p style="margin: 10px 0 0 0;">① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.</p> <p style="margin: 10px 0 0 0;">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.</p> <p style="margin: 10px 0 0 0;">③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.</p> <p style="margin: 10px 0 0 0;">④ Department: State Department or Agency initiating request for advertisement.</p> <p style="margin: 10px 0 0 0;">⑤ Location: Area where contract performance will be executed.</p> <p style="margin: 10px 0 0 0;">⑥ Duration: Time estimate for performance and/or execution of contract.</p> <p style="margin: 10px 0 0 0;">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</p>
Department: General Services	③ Contract Information								
Location: Harrisburg, Pa.	④ Department								
Duration: 12/1/93-12/30/93	⑤ Location								
Contact: Procurement Division 787-0000	⑥ Duration								

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

SU-49220-9 Shippensburg University is seeking vendors interested in bidding on a trough stacker conveyor for the Steam Plant. Bid opening is scheduled for August 21, 2000 at 2 p.m. Vendors interested in receiving a bid package should telephone Janet Neidigh, Purchasing Agent at (717) 477-1123, Ext. 3139 or email jlneid@ship.edu. The University encourages responses from small and disadvantaged, minority, and women-owned firms.

Department: State System of Higher Education
Location: Shippensburg University, Shippensburg Township, Shippensburg, Cumberland County, PA
Duration: Indeterminate 2000—2001
Contact: Janet Neidigh, (717) 477-1386

1065380 Provide all materials needed to construct a 12' x 26' camping cottage. For a copy of bid package fax request to (717) 787-0725.

Department: Conservation and Natural Resources
Location: Barnesville, PA
Duration: FY 2000—01
Contact: Vendor Services, (717) 787-2199

1101210 Defibrillator, Lifepak 500 Automated External Defibrillator (AED) Monophasic Waveform/2-button operation. No Substitute. For a copy of bid package fax request to (717) 787-0725.

Department: Public Welfare
Location: Harrisburg, PA
Duration: FY 2000—01
Contact: Vendor Services, (717) 787-2199

8211820 12" x 30" Bicycle PA Route Markers. For a copy of bid package fax request to (717) 787-0725.

Department: Transportation
Location: Various, PA
Duration: FY 2000—01
Contact: Vendor Services, (717) 787-2199

8252520 Mower, Flail, Rear & Right. For a copy of bid package fax request to (717) 787-0725.

Department: Transportation
Location: Harrisburg, PA
Duration: FY 2000—01
Contact: Vendor Services, (717) 787-2199

SERVICES

Computer Related—08

BOA00-1 The Office of the Budget is issuing a request-for-proposal (RFP) to perform a Quality Control Review (QCR) of the Comptroller Operations audit area in the Office of the Budget for the period July 1, 1999 to June 30, 2000. The selected firm must use a quality control review program that meets the requirements cited in Chapter 3, Paragraph 3.34 of the Government Auditing Standards. The RFP will be available on the Office of the Budget web page, www.budget.state.pa.us, on August 14, 2000. If you desire a hardcopy of the RFP please call Harvey C. Eckert at the number below or E-mail him at heckert@state.pa.us.

Department: Office of the Budget/Executive Offices
Location: Comptroller Operations Offices, Harrisburg, PA
Duration: Approximately nine weeks. Specific time period will be in the RFP.
Contact: Harvey C. Eckert, (717) 787-6496

1801812269 The Commonwealth of PA, Department of Revenue, Bureau of Imaging & Document Management desires to engage vendor services to provide data entry and key verification of PA Employer W-2 Transmittal records, bid proposals to be submitted for job name KTEMW2, price per thousand records. Prices and daily production volumes must be stated in terms of 800 character records and firm for the period of the effective date through June 30, 2001, during the initial contract period. The majority of the work is received between January and April. Records are to be recorded on 9 track, 1600 B.P.I. magnetic tape (this media is required), or on 3480 or 3490 Data Cartridge, and possibly will migrate to File Transfer Protocol (FTP) during the term of this contract. One contract will be awarded. The Department of Revenue at its option may negotiate to extend this contract for additional 1 year terms. The 1-year terms are from July 1 through June 30. Any such extension shall be based upon the terms and prices to be charged and agreed to between the Department and the contractor.

Department: Revenue
Location: Department of Revenue, Bureau of Imaging & Document Management, 1854 Brookwood Street, Harrisburg, PA 17104
Duration: Effective date through June 30, 2001
Contact: William Lupp, (717) 705-6745

Construction & Maintenance—09

FM0589 Construct a 40' x 60' tarp type salt storage building.

Department: Transportation
Location: PennDot Maintenance Garage, Waynesburg, Greene County, PA
Duration: 90 after award
Contact: Karen Marchewka, (724) 439-7429

DGS570-27ME8 Project Title: Western PA SCI. Brief Description: All work necessary to furnish and install within buildings and connect to the work of the Site Utilities Prime Contractor, all fire protection piping and accessories, sprinklers and initiating devices, including all accessories and appurtenances. Est. Range: Under \$100,000. Fire Protection Construction. Plans Deposit: \$250 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 \$75 per set or provide your express mail account number to the office listed below. Mail requests to: P. J. Dick Inc., 421 LaBelle Rd., East Millsboro, PA 15433, Attn: Cindy Nichols, Tel: (724) 785-2066. Bid Date: Wednesday, August 30, 2000 at 11 a.m. A Prebid Conference has been scheduled for Tuesday, August 15, 2000 at 10 a.m. at the Field Office of P. J. Dick Inc., 421 LaBelle Rd., East Millsboro, PA 15433. All Contractors who have secured Contract Documents are invited and urged to attend this Prebid Conference. All bidders and other interested parties, that wish to visit the project work site shall schedule an appointment to do so with the Construction Manager. Only those with such an appointment shall be permitted access to the site. The Const. Ins. Information Form and the Const. Information Form Summary Table should both be completed and submitted with the bid. If there is some deficiency in the information submitted with the bid, the Dept. reserves the right to request clarification and/or supporting documentation from the bidder. If the Dept. requests clarification or supporting documentation, the bidder will be notified by fax or express mail. The bidder will be allowed 2 business days from receipt of the Dept. request within which to provide the clarification or supporting documentation. If the information is not provided within the 2 days, the bid will be rejected as non-responsive. The 2-day time period will be strictly enforced. No extensions will be granted. If the bidder provides clarification or supporting documentation, it does not mean that the bidder will be awarded the contract.

Department: General Services
Location: Western PA SCI, 421 LaBelle Rd. (State Route 4020), Luzerne Township, Fayette Co., PA
Duration: 510 Calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

DGS570-27ME6 Project Title: Western PA SCI. Brief Description: All work necessary to furnish and install electrical power distribution systems, building power and communications systems, electronic security systems and the building's electronic control systems, including all accessories and appurtenances. Est. Range: \$2,000,000 to \$5,000,000. Electrical Construction. Plans Deposit: \$250 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 \$75 per set or provide your express mail account number to the office listed below. Mail requests to: P. J. Dick Inc., 421 LaBelle Rd., East Millsboro, PA 15433, Attn: Cindy Nichols, Tel: (724) 785-2066. Bid Date: Wednesday, August 30, 2000 at 11 a.m. A Prebid Conference has been scheduled for Tuesday, August 15, 2000 at 10 a.m. at the Field Office of P. J. Dick Inc., 421 LaBelle Rd., East Millsboro, PA. All Contractors who have secured Contract Documents are invited and urged to attend this Prebid Conference. All Bidders and other interested parties that wish to visit the project work site shall schedule an appointment to do so with the Construction Manager. Only those with such an appointment shall be permitted access to the site. The Const. Ins. Information Form and the Const. Information Form Summary Table should both be completed and submitted with the bid. If there is some deficiency in the information submitted with the bid, the Dept. reserves the right to request clarification and/or supporting documentation from the bidder. If the Dept. requests clarification or supporting documentation, the bidder will be notified by fax or express mail. The bidder will be allowed 2 business days from receipt of the Dept. request within which to provide the clarification or supporting documentation. If the information is not provided within the 2 days, the bid will be rejected as non-responsive. The 2-day time period will be strictly enforced. No extensions will be granted. If the bidder provides clarification or supporting documentation, it does not mean that the bidder will be awarded the contract.

Department: General Services
Location: Western PA SCI, 421 LaBelle Rd. (State Route 4020), Luzerne Township, Fayette Co., PA
Duration: 510 Calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

0834 Pave a parking area 110' x 70' currently gravel and resurface existing driveway, line parking area and delineate handicap parking.

Department: Historical and Museum Commission
Location: Cornwall Iron Furnace, Box 251, Rexmont Road and Boyd Street, Cornwall, PA 17016
Duration: Bid opening August 25, 2000, work to be completed by approximately 10/31/2000
Contact: Steve Somers, (717) 272-9711

DGS1103-38/48ME3.4 Project Title: Electrical. Brief Description: All work necessary to complete the furnishing and installation of Electrical work in the Chiller Plant and throughout the Convocation/Events Center, including, but not limited to, conduit, wiring, electrical equipment and audio visual systems necessary to complete the work. Estimated Range: \$5,000,000 to \$10,000,000. Electrical Construction. Plans Deposit: \$300 per set payable to: Pitt-Center Partners. 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 \$50 per set or provide your express mail account number to the office listed below. Mail requests to: Pitt-Center Partners, 3803 University Drive, Pittsburgh, PA 15213, Attn: Nancy Vichek, Tel: (412) 621-4222. Bid Date: Wednesday, August 30, 2000 at 11 a.m. A Prebid conference has been scheduled for Friday, August 11, 2000 at 9:30 a.m. at the Fitzgerald Field House, University of Pittsburgh, Pittsburgh, PA. All Contractors who have secured Contract Documents are invited and urged to attend this Prebid Conference.

Department: General Services
Location: University of Pittsburgh Campus, Pittsburgh, Allegheny County, PA
Duration: 395 Calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

FDC-010-828 Removal of existing fuel system at the Forest District Office northwest of Renovo along PA Route 120 in Clinton County. Work includes removal and disposal of existing system; excavating, backfilling and compacting; soil/water tests, and contaminated soil disposal. Note: Bid documents will be available on or after August 14, 2000.

Department: Conservation and Natural Resources
Location: Leidy Township
Duration: 30 Days
Contact: Construction Management Section, (717) 787-5055

DGS570-27ME5 Project Title: Western PA SCI. Brief Description: All work necessary to furnish and install all mechanical systems, including HVAC, Chillers, Hot Water Equipment, Connections to Steam Piping, Connections to Site Hot and Chilled Water Distribution System including all accessories and appurtenances. Est. Range: \$2,000,000 to \$5,000,000. Mechanical Construction. Plans Deposit: \$250 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 \$75 per set or provide your express mail account number to the office listed below. Mail requests to: P. J. Dick Inc., 421 LaBelle Rd., East Millsboro, PA 15433, Attn: Cindy Nichols. Bid Date: Wednesday, August 30, 2000 at 11 a.m. A Prebid Conference has been scheduled for Tuesday, August 15, 2000 at 10 a.m. at the Field Office of P. J. Dick Inc., 421 LaBelle Rd., East Millsboro, PA 15433. All Contractors who have secured Contract Documents are invited and urged to attend this Prebid Conference. All Bidders & other interested parties, that wish to visit the project work site shall schedule an appointment to do so with the Construction Manager. Only those with such an appointment shall be permitted access to the site. The Const. Ins. Information Form and the Const. Information Form Summary Table should both be completed and submitted with the bid. If there is some deficiency in the information submitted with the bid, the Department reserves the right to request clarification and/or supporting documentation from the bidder. If the Department requests clarification or supporting documentation, the bidder will be notified by fax or express mail. The bidder will be allowed 2 business days from receipt of the Department request within which to provide the clarification or supporting documentation. If the information is not provided within the 2 days, the bid will be rejected as non-responsive. The 2-day time period will be strictly enforced. No extensions will be granted. If the bidder provides clarification or supporting documentation, it does not mean that the bidder will be awarded the contract.

Department: General Services
Location: Western PA SCI, 421 LaBelle Rd. (State Route 4020), Luzerne Township, Fayette Co., PA
Duration: 510 Calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

DGS1103-48ME1.5 Project Title: Fire Protection. Brief Description: All work necessary to complete the furnishing and installation of Fire Protection Work including, but not limited to, all piping, equipment and fire protection control equipment necessary to complete the work. Estimated Range: \$500,000 to \$1,000,000. Fire Protection Construction. Plans Deposit: \$300 per set payable to: Pitt-Center Partners. 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 \$50 per set or provide your express mail account number to the office listed below. Mail requests to: Pitt-Center Partners, 3803 University Drive, Pittsburgh, PA 15213, Attn: Nancy Vichek, Tel: (412) 621-4222. Bid Date: Wednesday, August 30, 2000 at 11 a.m. A Prebid Conference has been scheduled for Thursday, August 10, 2000 at 2 p.m. at the Fitzgerald Field House, University of Pittsburgh, Pittsburgh, PA. All Contractors who have secured Contract Documents are invited and urged to attend this Prebid Conference.

Department: General Services
Location: University of Pittsburgh Campus, Pittsburgh, Allegheny County, PA
Duration: 382 Calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

FM0588 Demolish concrete salt storage dome, remove foundation completely, responsibly dispose of concrete & debris, repair any pavement to restore site.

Department: Transportation
Location: PennDot Maintenance Garage, Waynesburg, Greene County, PA
Duration: 45 days afterward
Contact: Karen Marchewka, (724) 439-7429

DGS1103-48ME4.2 Project Title: HVAC Equipment Duct Work and Fans. Brief Description: All work necessary to complete the furnishing and installation of HVAC duct work and air distribution equipment in the Chiller Plant and throughout the Convocation/Events Center. Estimated Range: \$2,000,000 to \$5,000,000. HVAC Duct Work and Fans Construction. Plans Deposit: \$300 per set payable to: Pitt-Center Partners. 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 \$50 per set or provide your express mail account number to the office listed below. Mail requests to: Pitt-Center Partners, 3803 University Drive, Pittsburgh, PA 15113, Attn: Nancy Vicheck, Tel: (412) 621-4222. Bid Date: Wednesday, August 30, 2000 at 11 a.m. A Prebid Conference has been scheduled for Thursday, August 10, 2000 at 9 a.m. at the Fitzgerald Field House, University of Pittsburgh, Pittsburgh, PA. All Contractors who have secured Contract Documents are invited and urged to attend this Prebid Conference.

Department: General Services
Location: University of Pittsburgh Campus, Pittsburgh, Allegheny County, PA
Duration: 382 Calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

DGS1103-38/48ME3.2 Project Title: HVAC Equipment and Pipe. Brief Description: All work necessary to complete the furnishing and installation of HVAC equipment & piping and ATC controls related to the chilled water & steam distributions systems in the Chiller Plant & throughout the Convocation/Events Center. Estimated Range: \$5,000,000 to \$10,000,000. Equipment and Pipe Construction. Plans Deposit: \$300 per set payable to: Pitt-Center Partners. 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 \$50 per set or provide your express mail account number to the office listed below. Mail requests to: Pitt-Center Partners, 3803 University Drive, Pittsburgh, PA 15113, Attn: Nancy Vicheck, Tel: (412) 621-4222. Bid Date: Wednesday, August 30, 2000 at 11 a.m. A Prebid Conference has been scheduled for Thursday, August 10, 2000 at 9 a.m. at the Fitzgerald Field House, University of Pittsburgh, Pittsburgh, PA. All Contractors who have secured Contract Documents are invited and urged to attend this Prebid Conference.

Department: General Services
Location: University of Pittsburgh Campus, Pittsburgh, Allegheny Co., PA
Duration: 382 Calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

DGS570-27ME7 Project Title: Western PA SCI. Brief Description: All work necessary to furnish and install within building and connect to the work of the Site Utilities Prime Contractor, domestic water systems and fixtures, and all sanitary and storm drain piping and venting and accessories and appurtenances. Est. Range: Under \$100,000. Plumbing Construction. Plans Deposit: \$250 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 \$75 per set or provide your express mail account number to the office listed below. Mail requests to: P. J. Dick Inc., 421 LaBelle Rd., East Millsboro, PA 15433, Attn: Cindy Nichols, Tel: (724) 785-2066. Bid Date: Wednesday, August 30, 2000 at 11 a.m. A Prebid Conference has been scheduled for Tuesday, August 15, 2000 at 10 a.m. at the Field Office of P. J. Dick Inc., 421 LaBelle Rd., East Millsboro, PA 15433. All Contractors who have secured Contract Documents are invited and urged to attend this Prebid Conference. All bidders and other interested parties, that wish to visit the project work site shall schedule an appointment to do so with the Construction Manager. Only those with such an appointment shall be permitted access to the site. The Const. Ins. Information Form and the Const. Information Form Summary Table should both be completed and submitted with the bid. If there is some deficiency in the information submitted with the bid, the Department reserves the right to request clarification and/or supporting documentation from the bidder. If the Department requests clarification or supporting documentation, the bidder will be notified by fax or express mail. The bidder will be allowed 2 business days from receipt of the Department request within which to provide the clarification or supporting documentation. If the information is not provided within the 2 days, the bid will be rejected as non-responsive. The 2-day time period will be strictly enforced. No extensions will be granted. If the bidder provides clarification or supporting documentation, it does not mean that the bidder will be awarded the contract.

Department: General Services
Location: Western PA SCI, 421 LaBelle Rd. (State Route 4020), Luzerne Township, Fayette Co., PA
Duration: 510 Calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

024-0003 This contract will provide manpower, equipment and incidental guiderrail material for installation of approximately 15,000 linear feet of strong post guiderrail at various locations throughout Cameron County. All guiderrail material will be supplied by the Department of Transportation except for the bolts, nuts, washers, rotating brackets, bridge connection plates, anchor bolts, concrete for the end treatments and end anchorages. It will be the Contractor's responsibility to pick up the material and deliver it to the worksites. A mandatory prebid meeting (1 day) will be held to include review of the guiderrail locations, and a site will be determined where the guiderrail will be stored. The Department shall be responsible for removal of all existing guiderrail and for any grading of shoulder stabilization prior to the placement of the guiderrail by the Contractor. All request for bid packages must be received by Fax at (814) 274-9764 or by phone at (814) 274-9181.

Department: Transportation
Location: Various locations within Cameron County
Duration: One Year Contract
Contact: Gary L. Gunzburger, (814) 274-9181

DGS1103-48ME1.3 Project Title: Plumbing. Brief Description: All work necessary to complete the furnishing and installation of Plumbing Work including all plumbing piping, fixtures and accessory items necessary to complete the work. Estimated Range: \$1,000,000 to \$2,000,000. Plumbing Construction. Plans Deposit: \$300 per set payable to: Pitt-Center Partners. 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 \$50 per set or provide your express mail account number to the office listed below. Mail requests to: Pitt-Center Partners, 3803 University Drive, Pittsburgh, PA 15113, Attn: Nancy Vicheck, Tel: (412) 621-4222. Bid Date: Wednesday, August 30, 2000 at 11 a.m. A Prebid Conference has been scheduled for Thursday, August 10, 2000 at 11 a.m. at the Fitzgerald Field House, University of Pittsburgh, Pittsburgh, PA. All Contractors who have secured Contract Documents are invited and urged to attend this Prebid Conference.

Department: General Services
Location: University of Pittsburgh Campus, Pittsburgh, Allegheny County, PA
Duration: 382 Calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

FDC100-834 Pave park roads at Reeds Gap State Park, Mifflin County and Poe Valley State Park in Centre County. Work includes approximately 600 tons ID-2 wearing and leveling material and 250 tons of 2A aggregate for shoulder material. Note: Bid documents will be available on or after August 14, 2000.

Department: Conservation and Natural Resources
Location: Armagh Township, Mifflin County and Penn Township, Centre County
Duration: 30 Days
Contact: Construction Management Section, (717) 787-5055

K00083.4 Project K00083.4: Furnish and install outside data cable plant affecting various buildings throughout the Main and Porreco campuses. The project also includes inside wiring in several buildings. Connectivity to residence halls will not be included as this was accomplished under K97046; Campus Wide Information Network Priority 1B. Bids are due by 2 p.m., September 6, 2000 in the Purchasing Office, 220 Mc Nerney Hall, Edinboro, PA 16444. A prebid meeting is scheduled for August 16, 2000 at 9:30 a.m. in the University Center Seminar Room. To obtain a bid package, contact Tom Anderson, (814) 732-2704. Non-refundable cost of bid documents is \$175. MBE/WBE companies are encouraged to respond.

Department: State System of Higher Education
Location: Edinboro University of Pennsylvania, Main Campus and Porreco Center
Duration: 365 calendar days from Notice to Proceed
Contact: Tom Anderson, Contract Specialist, (814) 732-2704

DGSA229-22 Project Title: Pistol Range Improvements. Brief Description: Install new bullet containment system. Improve surface drainage and repave macadam firing lanes. Estimated Range: \$100,000 to \$500,000. General Construction. Plans Deposit: \$25 per set payable to: Commonwealth of PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5 per set or provide your express mail account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Tel: (717) 787-3923. Bid Date: Wednesday, August 23, 2000 at 2 p.m.

Department: General Services
Location: PA State Policy Academy, Hershey, Dauphin County, PA
Duration: 120 Calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

DGSA948-340 Project Title: Demolition of Brightbill Residence. Brief Description: Demolition of Brightbill Residence. Estimated Range: Under \$100,000. General Construction. Plans Deposit: \$25 per set payable to: Commonwealth of PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of the documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5 per set or provide your express mail account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Tel: (717) 787-3923. Bid Date: Wednesday, August 23, 2000 at 2 p.m.

Department: General Services
Location: Harrisburg State Farm, Harrisburg, Dauphin County, PA
Duration: 45 Calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

025005 This contract will provide manpower, equipment and incidental guiderrail material for installation of approximately 14,000 linear feet of strong post guiderrail and approximately 18,000 linear feet of weak post guiderrail at various locations throughout McKean County. All guiderrail material will be supplied by the Department of Transportation except for the bolts, nuts, washers, rotation brackets, bridge connection plates, anchor bolts, concrete for end treatments and end anchorages. It will be Contractors responsibility to pick up the material and deliver it to the work sites. A mandatory Prebid Meeting (only 1 day) will be held which will include review of the guiderrail locations, and site(s) to be determined where the guiderrail material will be stored. The Department shall be responsible for removal of all existing guiderrail and for any grading of shoulder stabilization prior to the placement of the guiderrail by the Contractor. Request for Bid Packages must be received by Fax at (814) 465-3170. Att: Warren.

Department: Transportation
Location: Various locations within McKean County
Duration: One Year
Contact: Warren Buchanan, (814) 465-7754

026-0005 Project Title: HVAC Systems Repair. Brief Description: Selective demolition and renovation of HVAC system and chemical fume exhaust systems and associated electrical work. Estimated Range: \$100,000 to \$500,000. HVAC and Electrical Construction. Plans Deposit: \$25 per set payable to: Commonwealth of PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5 per set or provide your express mail account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Tel: (717) 787-3923. Bid Date: Wednesday, August 23, 2000 at 11 a.m.

Department: General Services
Location: PA State Police Regional Crime Laboratory, Erie, Erie County, PA
Duration: 90 Calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

026-0005 This contract will provide manpower, equipment and incidental guiderail material for installation of approximately 22,000 linear feet of strong post guiderail and approximately 13,000 linear feet of weak post guiderail at various locations throughout Potter County. All guiderail material will be supplied by the Department of Transportation except for the bolts, nuts, washers, rotating brackets, bridge connection plates, anchor bolts, concrete for the end treatments and end anchorages. It will be the Contractor's responsibility to pick up the material and deliver it to the worksites. A mandatory prebid meeting (1 day) will be held to include review of the guiderail locations, and a site will be determined where the guiderail will be stored. The Department shall be responsible for removal of all existing guiderail and for any grading of shoulder stabilization prior to the placement of the guiderail by the Contractor. All requests for bid packages must be received by Fax at (814) 274-9764 or by phone at (814) 274-9181, Ext. 3007.

Department: Transportation
Location: Various locations within Potter County
Duration: One Year Contract
Contact: Gary L. Gunzburger, (814) 274-9181

Demolition—11

097005 Bid is for the demolition of the concrete salt dome building, location is Somerset Stockpile, SR601N, 1312 North Center Avenue, Somerset, PA. Contractor to demolish existing 86' diameter concrete salt storage dome (retaining walls and footers) and remove all refuse from site of work for disposal in accordance with rules and regulations of authority having jurisdiction over the disposal area. Bid will include all necessary equipment, employees and materials. Bid will be awarded on a lump sum basis. Department reserves the right to reject any and all bids.

Department: Transportation
Location: 1312 North Center Ave., Somerset, PA 15501
Duration: Indeterminate 2000—2001
Contact: R. M. Knepper, (814) 445-7095

Engineering—14

08430AG2593 To provide preliminary engineering and environmental services, final design, and services during construction for S. R. 0079, Section 20H, the replacement of the current interchange (I-79 with I-70) located in South Strabane Township, Washington 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 12-0
Duration: Thirty days after construction completion
Contact: N/A

08430AG2592 Three Open-End Contracts to provide various engineering and environmental services on various projects in Engineering District 2-0, that is, Cameron, Centre, Clearfield, Clinton, Elk, Juniata, McKean, Mifflin and Potter Counties. Details concerning this project may be found under Department of Transportation—Retention of Engineering Firms in the *Pennsylvania Bulletin*, or www.statecontracts.com under Retention of Engineering Firm Data.

Department: Transportation
Location: Engineering District 2-0
Duration: Sixty months
Contact: N/A

08430AG2591 Open-End Contract to provide construction inspection services on various projects in Bucks 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 6-0
Duration: Sixty Months
Contact: N/A

08430AG2590 To provide preliminary and final design, environmental studies, and construction consultation for S. R. 0130, Section 10H in Westmoreland 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 12-0
Duration: Thirty days after construction completion
Contact: N/A

08430AG2589 The Department will retain two engineering firms for two Open-End Contracts for various engineering and/or environmental services on various projects in Engineering District 4-0, that is, Lackawanna, Luzerne, Pike, Susquehanna, Wayne and Wyoming Counties. Details concerning this project may be found under Department of Transportation—Retention of Engineering Firms in the *Pennsylvania Bulletin*, or www.statecontracts.com under Retention of Engineering Firm Data.

Department: Transportation
Location: Engineering District 4-0
Duration: Sixty Months
Contact: N/A

08430AG2588 The Department will retain two engineering firms for two Open-End Contracts for various engineering and/or environmental services on various projects in Engineering District 4-0, that is, Lackawanna, Luzerne, Pike, Susquehanna, Wayne and Wyoming Counties. Details concerning this project may be found under Department of Transportation—Retention of Engineering Firms in the *Pennsylvania Bulletin*, or www.statecontracts.com under Retention of Engineering Firm Data.

Department: Transportation
Location: Engineering District 4-0
Duration: Sixty Months
Contact: N/A

Food—19

100400 Vendors need to supply the listed perishable foods to the YDC in New Castle for the quarter—October through December. Shell eggs; fresh bread, rolls, etc.; fresh pastries; fresh pies & cakes, fresh fruits & vegetables; fresh prepared fruits & vegetables; frozen fruits & vegetables; ice cream & ice cream products; fresh cheese & dairy products; fresh meats; miscellaneous prepared foods; fresh poultry; and fresh fish.

Department: Public Welfare
Location: Youth Development Center, R. R. 6, Box 21A, Frew Mill Road, New Castle, PA 16101
Duration: October 1, 2000—December 31, 2000
Contact: Kathleen A. Zeigler, (724) 656-7308

21—Hazardous Material

SC160276 Millersville University is seeking qualified bidders who can provide the University with asbestos air monitoring services. The contractor shall provide all air sampling and on-site sample analysis services during asbestos abatement projects on campus. The contractor must comply with all applicable asbestos regulations including EPA, OSHA, DOLI, DEO, etc. Analytical services must comply with NVLAP, NIST, or an equivalent proficiency program. The University will issue a multi-year contract for services on an "as needed" basis. Interested bidders must fax their request to be placed on a bidders list to Anna Stauffer (Fax (717) 871-2000) no later than 2 p.m., Friday, August 18, 2000.

Department: State System of Higher Education
Location: Millersville University, Millersville, PA 17551
Duration: Duration of Contract—3 years
Contact: Anna Stauffer, (717) 872-3041

22—HVAC

B-12812 Vendor should provide to the State Correctional Institution Graterford plumbing fixtures, repair parts and any other related plumbing supply.

Department: Corrections
Location: State Correctional Inst., Graterford, Box 246, Off Rt. 29, Graterford, PA 19426
Duration: 1 Year
Contact: Kelly Richardson, (610) 489-4151

CMS No. 065351 For the routine inspection, maintenance, testing, daily surveillance and monitoring of the pump station, electrical substation, ventilation system, and other appurtenances contained in the pump stations. Bidding packages may be purchased by contacting the PennDot Sales Store, 6th Floor, Forum Place, 555 Walnut St., P. O. Box 2730, Harrisburg, PA 17101-1900, (717) 787-5968. Specifications can be viewed on the PennDot's home page (<http://www.dot.state.pa.us>) by selecting Publications. The expected date of release of the bid package is August 10, 2000.

Department: Transportation
Location: Interstate I-95 with Dock Street, I-95 SB Ramp with Delaware Ave., I-676 with 10th St., I-676 with 22nd St. all in Philadelphia County, SR 13 with TR 413 in Bucks County.
Duration: November 2000—November 2003
Contact: Louis J. Prinni—Highway Maintenance Manager, (610) 205-6703

99-542 The Contractor will furnish all equipment, personnel and materials necessary to complete electrical repairs and servicing as required by the Department. Work will be performed within Monroe County: (1) hourly rate for electrical foreman = Estimate of 550 hours.

Department: Transportation
Location: Various locations within Monroe County
Duration: One year period from date of approval with four 1 yr. Renewals.
Contact: Denise Grabowski, (570) 424-3024

98-541 Plumbing services at PennDOT facilities throughout Monroe County. Plumber—200 hours, Plumber's Helper—100 hours. All parts will be provided by PennDOT.

Department: Transportation
Location: Monroe County
Duration: One year with four 1-year renewals
Contact: Denise Grabowski, (570) 424-3024

REP-0152 Contractor to provide refractory repairs to the 1000 HP IBW hot water boiler located at SCI Albion.

Department: Corrections
Location: State Correctional Institution at Albion, 10745 Rt. 18, Albion, PA 16475-0001
Duration: One time service to be completed prior to November 1, 2000
Contact: Lesley S. Jarrett, Purchasing Agent II, (814) 756-5778, Ext. 750

MI-784.4 Electrical Project Title: Dutcher Hall—Theatre Lighting. Project Scope: Install new breakout boxes, panelboard, new dimmer rack; revise existing dimmer rack; relocate existing equipment; add one neutral conductor; remove existing theatre and house lighting breakout boxes, lighting control panels, and wiring. Plans Cost: \$15 non-refundable.

Department: State System of Higher Education
Location: Dutcher Hall, Millersville University, Millersville, Lancaster County, PA 17551
Duration: 30 calendar days from the date of the Notice to Proceed
Contact: Jill M. Coleman, (717) 872-3730

1000-079 Qualified bidders to maintain and repair the following heating & ventilation system, located in Building No. 088-5762, 2550 Oakland Avenue, Indiana, PA: Heating: (2) Gas Fired Boilers with 2,531,000 BTU/HR gross output each—Manufacturer: Peerless. Ventilation System: 4 Pipe System with a 90 ton Trane Chiller, fluid cooler (inside) fan coil units, ventilation air, air handling unit. Fax bid requests to Diane Spence at (724) 357-2872.

Department: Transportation
Location: PA Department of Transportation, Engineering District 10-0, 2550 Oakland Avenue, Indiana, PA 15701
Duration: 3 year contract with one 3-year renewal
Contact: Diane Spence, (724) 357-7987

Janitorial—23

Bid #8169 Furnish all equipment, materials & labor to perform janitorial services three times a week, including empty waste baskets, clean lavatories, sweep floors, machine buff tile floor, vacuum carpets, dust furniture, wash windows inside and outside, general housecleaning twice a year and shampoo carpets. Detailed Work Schedule & Bid must be obtained from Facility Management Division, (717) 783-5484.

Department: State Police
Location: Total Automation Office, 2629 Market Place, Harrisburg, PA 17110-9362
Duration: 12/1/00—6/30/03
Contact: Donna Enders, (717) 783-5484

Laundry/Dry Cleaning—25

00881031 Contractor to provide rental uniforms for the Security Department located at the Loysville Youth Development Center (Perry County). Rental shall include laundry services.

Department: Public Welfare
Location: Youth Development Center (Perry County), R. D. 2, Box 365B, Loysville, PA 17047
Duration: Anticipated start date 9/1/00—6/30/01
Contact: Nikki Koser, Purchasing Agent, (717) 789-5508

Lodging/Meeting—27

SP3500012212 Provide lodging, meeting rooms and meals for one, 3-day conference for the Department of Environmental Protection, Bureau of Land Recycling and Waste Management for approximately 225 attendees.

Department: Environmental Protection
Location: Within a 5 mile radius of downtown State College, Pennsylvania
Duration: Through June 30, 2001
Contact: Sharon Peterson, (717) 787-2471

Medical Services—29

RFP No. 7-00 This RFP for HealthChoices Behavioral Health Services for the Lehigh/Capital Zone is to improve access to services, improve quality of services, stabilize the rate growth of the cost of the Medicaid Program. The objectives of this program are to: promote county behavioral health service system reform, ensure effective interface with other local systems of care for physical health and human services, ensure involvement of families, including parents of children and adolescents, consumers and persons in recovery in the oversight and monitoring of the program, improve technology, risk management and cost control, address the social/ethnic/cultural diversity of the population in each involved county.

Department: Public Welfare
Location: Various counties in Pennsylvania
Duration: October 1, 2001 through September 30, 2004, with the option to renew for one additional 2-year period
Contact: Lori Vessella, (717) 783-9281

Property Maintenance—33

00716-001-00-AS-1 Remove existing roofs and install new roofs in Visitor Center and Locomotive/Log Loader Buildings at the PA Lumber Museum, Galeton, Potter County PA. For directions contact the Project Manager, Kent Steinberunner at (717) 783-9931 or the site at (814) 435-2652. All interested bidders should submit a \$25 (non-refundable) check and a request for a bid package in writing to: PA Historical & Museum Commission, Division of Architecture, Room 526, 3rd & North Streets, Harrisburg, PA 17120—Attention: Judi Yingling, (717) 772-2401 or Fax (717) 783-1073. All proposals are due on Friday, August 25, 2000 at 11:45 p.m. Bid opening will be held in Room 526, 5th Floor of the State Museum Building, corner of 3rd & North Streets, Harrisburg, PA 17120.

Department: Historical and Museum Commission
Location: PA Lumber Museum, Box K, Galeton, PA 16922
Duration: September 10, 2000 to October 31, 2001
Contact: Judi Yingling, (717) 772-2401

WC 727 West Chester University is soliciting sealed bids for Project WC 727—Stone Front at 811 Roslyn Avenue. The work shall consist of the addition of Natural Stone Venner to the exterior of the ranch style house and at the interior fireplace. Also, providing and installing stall structural support for stone in interior locations. The specifications are expected to be available on or about August 14, 2000. The date and time for the bid opening will be in the bid package.

Department: State System of Higher Education
Location: West Chester University, 811 Roslyn Avenue, West Chester, PA
Duration: 60 calendar days from Notice to Proceed
Contact: Jacki Marthisen, Contracts Manager, (610) 436-2705

Real Estate—35

373883 Lease office space to the Commonwealth of Pennsylvania 16,446 sq. ft. of office space situated in Pittsburgh, Allegheny County, bounded by: North: Fort Duquesne Blvd., South: Fort Pitt Blvd., East: 11th St. to Grant St. to Fort Pitt Blvd. and West: Commonwealth Place. The Department of Public Welfare will occupy the space. Proposals Due: September 11, 2000. Solicitation No. 93067.

Department: Public Welfare
Location: 505 North Office Building, Harrisburg, PA 17125
Duration: N/A
Contact: Cynthia T. Lentz, (717) 787-0952

373883 Lease office space to the Commonwealth of Pennsylvania 6,266 sq. ft. of office space with 43 parking spaces, situated in Altoona, Blair County, within the boundaries of Logan Township and the corporate limits of the City of Altoona. The Department of Environmental Protection, Altoona District Office will occupy the space. Proposals Due: September 11, 2000 Solicitation No: 93060.

Department: Environmental Protection
Location: 505 North Office Building, Harrisburg, PA 17125
Duration: N/A
Contact: Cynthia T. Lentz, (717) 787-0952

373883 Lease office space to the Commonwealth of Pennsylvania 8,753 sq. ft. of office space with 21 parking spaces in Erie County, PA, within Summit Township, South of I-90, between SR19 and SR97. The PA State Police will occupy the space. Proposals Due: October 2, 2000 Solicitation No: 93057.

Department: State Police
Location: 505 North Office Building, Harrisburg, PA 17125
Duration: N/A
Contact: John Hocker, (717) 787-4396

Sanitation—36

97-540 Disposal hauled by Department trucks to landfill. Quantities: Municipal solid waste = 250 tons, Misc. large appliances (freon-free) = 25 each and Misc. large appliances (freon-activated) = 25 each.

Department: Transportation
Location: Vendor's site
Duration: Three year contract
Contact: Denise Grabowski, (570) 424-3024

Miscellaneous—39

RFP#12-00 Management, administration and operation of the Allentown Secure Treatment Unit (ASTU). ASTU is a 16 bed secure care facility located on the grounds of Allentown State Hospital, Lehigh County. The program, a part of our youth development center/youth forestry camp (YDC/YFC) system, provides intensive rehabilitative services to adjudicated youth with severe mental health and emotional problems. Copies of the RFP can be made by facsimile at (717) 787-3560.

Department: Public Welfare
Location: Grounds of Allentown State Hospital, Allentown, PA
Duration: Estimated 7/1/01—6/30/06
Contact: Kathy A. King-McCarthy, (717) 705-3878

4300-02909 SCI Greene will be issuing bids for various woodworking machinery, i.e., 8" jointers, band saw, bench saw, etc. These items are necessary for the start-up of a new Building Trades Program. Bidders will be required to submit, detailed specifications for all approved equal items submitted.

Department: Corrections
Location: SCI Greene, 169 Progress Drive, Waynesburg, PA 15370
Duration: Indeterminate 2000-2001
Contact: Pat Nichols, (724) 852-5533

B0000332 Millersville University is seeking qualified bidders who can provide the University with CheckPoint Firewall software to be used with Marconi's ESX-2400. Vendor shall provide training, software and installation/support services. Support must provide 7 x 24 phone, e-mail response and when necessary, 4 hour response for onsite. Support must also include offsite firewall monitoring quarterly assessments, monthly testing, and audits on all products. Vendor must also assist with initial policy setup and provide onsite training for five MU staff on the software, VPN-1, Floodgate, and enterprise VPN Center. Vendor must also be experienced with installation and troubleshooting CheckPoint products on Marconi's ESX-2400. Interested bidders must fax their requests to Anna Stauffer (717) 871-2000 no later than 2 p.m., Friday, August 18, 2000.

Department: State System of Higher Education
Location: Millersville University, Millersville, PA 17551
Duration: One Year
Contact: Anna Stauffer, (717) 872-3041

PG-0010 The State Correctional Institution at Pine Grove is soliciting bids for Auto Cad 2000 Software needed in the Education Department at our facility.

Department: Corrections
Location: State Correctional Institution at Pine Grove, 189 Fyock Road, Indiana, PA 15701
Duration: 8/15/00
Contact: Sherre Benninghoff, Purchasing Agent, (724) 357-2585

2000-1 Pennsylvania nonprofit organizations, which have previously conducted successful mathematics and/or science professional development activities, Pennsylvania institutions of higher education and intermediate units are invited to submit applications to conduct intensive, high quality professional development programs to improve mathematics and science teaching and learning in the Commonwealth. Funding is from Subchapter II-Dwight D. Eisenhower Professional Development Program—The Improving America's Schools Act of 1994 (P. L. 103-382).

Department: Education
Location: 333 Market Street, Harrisburg, PA 17126-0333
Duration: Through August 15, 2002
Contact: Linda J. Benedetto, (717) 772-3623 or TDD (717) 783-8455

RFP No. 10-00 This RFP will provide an opportunity for local agencies to establish programs designed to foster responsible parenting by developing parenting skills, enhancing employment opportunities for noncustodial parents; providing counseling and education services; and facilitating access and visitation for noncustodial parents and their children. The grant funds are available through the county Domestic Relations Section (DRSs) of the Court of Common Pleas to local public agencies, courts, or nonprofit private entities (i.e., fatherhood groups, community-based organizations). Service providers are encouraged to share their proposed program plans with the county DRS and discuss the possibility of sponsoring a joint initiative.

Department: Public Welfare
Location: The Department of Public Welfare intends to provide grant funding to establish pilot programs in four separate geographic regions of the State, including one rural county, where adequate coordinated parenting services are not available.

Duration: October 1, 2000 through June 30, 2002
Contact: Lori Vessella, (717) 783-9281

[Pa.B. Doc. No. 00-1413. Filed for public inspection August 11, 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

STATE CONTRACTS INFORMATION

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
7210-01 rip No. 1	07/31/00	Chestnut Ridge Foam Inc.	180,639.30
9120-16	07/31/00	V-P Energy Inc.	200,000.00
9905-06 sup No. 1	07/31/00	Avery Dennison/Stimsonite	14,770.50
9985-10	08/04/00	Fischer Hughes of Allentown Inc.	50,000.00
9985-10	08/04/00	Relocation Consulting/Management Inc.	75,000.00

Requisition or Contract No.	PR Award Date or Contract Effective Date	To	In the Amount Of
1002110-01	08/01/00	American Specialty Office Products	20,143.50
1494209-02	08/01/00	Philip Levin Co. Inc.	14,999.60
8252190-01	08/01/00	Elliott & Frantz Inc.	88,860.00
8252330-01	08/01/00	Ingersol Rand Co.	39,455.00
8505310-01	08/01/00	Tri-Boro Construction Supplies	7,060.00
8505310-02	08/01/00	Apex Pinnacle	30,176.00

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 00-1414. Filed for public inspection August 11, 2000, 9:00 a.m.]