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Pennsylvania Bulletin  
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# PENNSYLVANIA BULLETIN

Volume 29  
Saturday, September 4, 1999 • Harrisburg, Pa.  
Number 36  
Pages 4669—4768

**Agencies in this issue:**

The Courts  
Department of Banking  
Department of Environmental Protection  
Department of General Services  
Department of Health  
Department of Labor and Industry  
Department of Public Welfare  
Department of Revenue  
Department of Transportation  
Environmental Hearing Board  
Independent Regulatory Review Commission  
Liquor Control Board  
Office of Administration  
Pennsylvania Public Utility Commission  
State Athletic Commission

**Detailed list of contents appears inside.**

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

**No. 298, September 1999**

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**PENNSYLVANIA**



**BULLETIN**

(ISSN 0162-2137)

published weekly by Fry Communications, Inc. for the Commonwealth of Pennsylvania, Legislative Reference Bureau, 647 Main Capitol Building, State & Third Streets, Harrisburg, Pa. 17120, under the policy supervision and direction of the Joint Committee on Documents pursuant to Part II of Title 45 of the Pennsylvania Consolidated Statutes (relating to publication and effectiveness of Commonwealth Documents). Subscription rate \$82.00 per year, postpaid to points in the United States. Individual copies \$2.50. Checks for subscriptions and individual copies should be made payable to "Fry Communications, Inc." Periodicals postage paid at Harrisburg, Pennsylvania.

Postmaster send address changes to:

FRY COMMUNICATIONS  
Attn: *Pennsylvania Bulletin*  
800 W. Church Rd.  
Mechanicsburg, Pennsylvania 17055-3198  
(717) 766-0211 ext. 2340  
(800) 334-1429 ext. 2340 (toll free, out-of-State)  
(800) 524-3232 ext. 2340 (toll free, in State)

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Fry Communications, Inc.  
Attn: *Pennsylvania Bulletin*  
800 W. Church Rd.  
Mechanicsburg, PA 17055-3198

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ISBN 0-8182-0004-9

Editorial preparation, composition, printing and distribution of the *Pennsylvania Bulletin* is effected on behalf of the Commonwealth of Pennsylvania by FRY COMMUNICATIONS, Inc., 800 W. Church Road, Mechanicsburg, Pennsylvania 17055-3198.

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

## ***Pennsylvania Bulletin***

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

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

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

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

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

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

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

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

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

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

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

## ***Pennsylvania Code***

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

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

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

## **How to Find Documents**

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

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

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

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

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

### Fiscal Notes

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

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

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## List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 1999.

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 3622, 3719, 4060, 4168, 4348, 4349,  
 4432, 4433, 4434, 4435, 4436, 4543,  
 4544, 4558, 4559, 4678, 4679, 4680

# THE COURTS

## Title 255—LOCAL COURT RULES

### BUTLER COUNTY

Local Rule of Court Under Rule 400.1 of the Pennsylvania Rules of Civil Procedure; No. 99-40228

#### Order of Court

And Now, this 19th day of August, 1999, it is hereby *Ordered and Decreed*, effective thirty (30) days after publication in the *Pennsylvania Bulletin*, that the Butler County Court of Common Pleas hereby *Adopts* Local Rule of Civil Procedure L400.1 governing service of original process:

#### **L400.1 Person to make service within the Commonwealth—Generally.**

(a) With respect to all actions filed in Butler County, Pennsylvania original process shall be served within the Commonwealth:

(i) by the sheriff or a competent adult in the actions in equity, partition, prevent waste, and declaratory judgment when declaratory relief is the only relief sought, and

(ii) by the sheriff in all other actions.

(b) This Rule shall become effective thirty (30) days after its publication in the *Pennsylvania Bulletin* and shall be promulgated in the manner provided by Pa. R.C.P. 239(c). Until this Rule becomes effective, service in Butler County shall only be made in a manner consistent with this Order.

It is further *Ordered* that the Butler County Court Administrator do the following:

1. File seven (7) certified copies of this Administrative Order with the Administrative Office of Pennsylvania Courts.

2. File two (2) certified copies with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. File one (1) certified copy with the Pennsylvania Civil Procedural Rules Committee.

4. Forward one (1) copy for publication in the *Butler County Law Journal*.

5. Forward one (1) copy to the Butler County Law Library.

6. Keep continuously available for public inspection copies of the Order and Rule in the Prothonotary's Office.

*By the Court*

MARTIN J. O'BRIEN,  
*President Judge*

[Pa.B. Doc. No. 99-1485. Filed for public inspection September 3, 1999, 9:00 a.m.]

## ELK AND CAMERON COUNTIES Local Rule No. 301; Crim. Misc. No. 1999-15

#### Order of Court

Now, this 16th day of August, 1999, *It Is Ordered and Decreed* that Local Rule 301 is amended as follows:

#### **L301—Arbitration—Compulsory.**

\* \* \*

(p) Each appointed arbitrator shall be paid \$125.00 from County funds and an additional \$10.00 for travel from one county to another within the judicial district. The chairperson of the arbitration board shall be entitled to an additional \$25.00 in compensation, or a total of \$150.00, plus \$10.00 for travel from one county to another within the judicial district. In cases requiring hearings of unusual duration or involving questions of unusual complexity, the Court, upon petition of the appointed arbitrators, may allow additional compensation. Upon petition of any party, the Court may, for cause shown, disallow compensation to any or all of the appointed arbitrators. The arbitrators' compensation shall not be taxed as costs nor follow the award.

*It Is Further Ordered* that this amendment shall be effective 30 days after publication in the *Pennsylvania Bulletin*.

*By the Court*

VERNON D. ROOF,  
*President Judge*

[Pa.B. Doc. No. 99-1486. Filed for public inspection September 3, 1999, 9:00 a.m.]

## Local Rule 400.1; Crim. Misc. No. 1999-15

#### Order of Court

Now, this 16th day of August, 1999, *It Is Ordered and Decreed* that Local Rule 400.1 is promulgated as follows:

#### **LR400.1—Service of Original Process.**

With respect to all civil actions filed in the Fifty-Ninth Judicial District of Pennsylvania (Elk and Cameron Counties), on and after September 1, 1999, original process shall be served within this Commonwealth as follows:

(a) in actions in equity, partition, to prevent waste, and declaratory judgment when declaratory judgment is the only relief, by the Sheriff or by a competent adult of the County where the action is filed, and

(b) in all other actions, by the Sheriff of the County where the action is filed.

(c) If original process is to be served in a county other than the county in which the action is pending, it shall be served only by a person authorized to make service in the other county.

*It Is Further Ordered* that this rule shall be effective 30 days after publication in the *Pennsylvania Bulletin*.

*By the Court*

VERNON D. ROOF,  
*President Judge*

[Pa.B. Doc. No. 99-1487. Filed for public inspection September 3, 1999, 9:00 a.m.]

### GREENE COUNTY

#### Consolidated Rules of Court; Service of Process; C.A. No. 5 of 1992

##### Order

*And Now*, this 16th day of August, 1999, it is *Ordered*:

1. The following Greene County Rule of Procedure (G.Co.R.) is adopted as a Rule of this Court, effective October 1, 1999 or thirty (30) days after publication in the *Pennsylvania Bulletin*, whichever is later.

2. The Court Administrator of Greene County shall:

(a) File ten (10) certified copies of this Order and the following Rule with the Administrative Office of Pennsylvania Courts;

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

(c) File one (1) certified copy of this Order and the following Rule with the Pennsylvania Civil Procedure Rules Committee;

(d) File proof of compliance with this Order in the docket at the above number and term, which shall include a copy of each letter of transmittal; and

(e) Cause a copy of this Order and the following Rule to be published one (1) time in the *Greene Reports*.

*By the Court*

H. TERRY GRIMES,  
*President Judge*

#### G400.1: Service of Process.

Original process shall be served within the Commonwealth:

a. By the sheriff or a competent adult in the actions of equity, partition, prevent waste, and declaratory judgment when declaratory relief is the only relief sought; and

b. By the sheriff in all other actions.

[Pa.B. Doc. No. 99-1488. Filed for public inspection September 3, 1999, 9:00 a.m.]

### NORTHAMPTON COUNTY

#### Administrative Order 1999-12—Domestic Relations Section Fee Schedule

##### Order of Court

*And Now*, this 12th day of August, 1999, the Northampton County Domestic Relations Section yearly transaction fee of Twenty-four (\$24.00) Dollars estab-

lished under Administrative Order 1997-9 is suspended effective June 30, 1999. Administrative Order 1997-9 is hereby vacated.

Seven (7) certified copies of the amended Fee Schedule shall be filed with the Administrative Office of Pennsylvania Courts; two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; and one (1) certified copy shall be filed with the Domestic Relations Section of the Pennsylvania Civil Procedural Rules Committee. A copy shall be kept available in the Office of the Clerk of Courts—Civil and in the Domestic Relations Section. A copy is directed to be published in the *Northampton County Reporter*.

*By the Court*

ROBERT A. FREEDBERG,  
*President Judge*

#### Notice to All Payors and Payees of Support of Amended Fee Schedule

Listed below are the Domestic Relations Section's fees for services.

Returned check charge—Twenty-five dollars (\$25.00) each

Audit fee—(refundable if DRS is in error)—Twenty-five dollars (\$25.00)

Petition for Special Relief filing fee—Twenty-five dollars (\$25.00)

Spouse only, Alimony and APL filing fee—Twenty-five (\$25.00)

Duplication and copying charges—Twenty-five cents (\$.25) per page copied

Petition for Contempt fee—Twenty-five dollars (\$25.00)

Non-Compliance Court fee—Twenty-five dollars (\$25.00)

AOPC (Judicial Computer Project Fee)—Five dollars (\$5.00)

[Pa.B. Doc. No. 99-1489. Filed for public inspection September 3, 1999, 9:00 a.m.]

### SUSQUEHANNA COUNTY

#### New Rule of the Civil Division and the Orphans' Court Division of the Court of Common Pleas; No. 1991-669 C. P.

##### Order

*Now To Wit*, this 20th day of August, 1999,

*It Is Ordered and Decreed* that the following rule of the Civil Division and Orphans' Court Division of the Court of Common Pleas of Susquehanna County be and the same are promulgated herewith to become effective thirty (30) days after the publication of the rules in the *Pennsylvania Bulletin*; that seven (7) certified copies shall be filed with the Administrative Office of Pennsylvania Courts; that two (2) certified copies shall be filed with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; that one (1) certified copy shall be filed

with the Civil Procedural Rules Committee; and that one (1) copy shall be filed with the Prothonotary of the Court of Common Pleas of Susquehanna County.

*By the Court*

KENNETH W. SEAMANS,  
*President Judge*

**Amendment of Local Rules of Court; No. 1991-669  
CP**

**Order of Court**

*And Now*, this 20th day of August, 1999, pursuant to Rule 400.1(b), Pa.R.C.P. and upon petition of the Susquehanna County Sheriff, the court hereby establishes Local Rule 400.1:

Original process shall be served within the Commonwealth

(a) by the sheriff or a competent adult in the actions in equity, partition, prevent waste, and declaratory judgment when declaratory relief is the only relief sought, and

(b) by the sheriff in all other actions.

[Pa.B. Doc. No. 99-1490. Filed for public inspection September 3, 1999, 9:00 a.m.]

**WASHINGTON COUNTY**

**Local Civil Rule L-400.1(b)(1); No. 9900001**

**Order**

*And Now* this 16th day of August, 1999, the following local rule is adopted and shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

Pursuant to Pennsylvania Rule of Civil Procedure 400.1(b)(1) original process shall be served within the Commonwealth:

(i) by the sheriff or a competent adult in actions in equity, partition, to prevent waste, and declaratory judgment when declaratory relief is the only relief sought, and

(ii) by the sheriff in all other actions.

*By the Court*

THOMAS D. GLADDEN,  
*President Judge*

[Pa.B. Doc. No. 99-1491. Filed for public inspection September 3, 1999, 9:00 a.m.]

**WESTMORELAND COUNTY**

**Amendment of Rule of Civil Procedure 400.1 Governing Service of Original Process and Other Legal Papers; Misc. Doc. No. 3 of 1999**

**Order of Court**

*And Now*, to wit, this 20th day of August, 1999, in conformity with Pa.R.C.P. 400.1(b)(1), as recently amended and adopted by the Supreme Court of Pennsylvania, and which amendment is scheduled to take effect on September 1, 1999,

*It Is Hereby Ordered and Decreed* that original process shall be served within Westmoreland County,

(a) by the Sheriff or a competent adult in the actions in equity, partition, prevent waste and declaratory judgment when declaratory judgment is the only relief sought; and

(b) by the Sheriff in all other actions.

This Order shall take effect immediately and shall remain in effect until the matter may be more closely examined by the Westmoreland County Civil Rules Committee and the Board of Judges of Westmoreland County and a local rule passed thereafter.

*By the Court*

CHARLES H. LOUGHRAN,  
*President Judge*

[Pa.B. Doc. No. 99-1492. Filed for public inspection September 3, 1999, 9:00 a.m.]

**DISCIPLINARY BOARD OF  
THE SUPREME COURT**

**Notice of Transfer of Attorney to Inactive Status**

Notice is hereby given that the following attorneys have been transferred to inactive status by Order of the Supreme Court of Pennsylvania dated July 22, 1999, pursuant to Rule 111(b) Pa.R.C.L.E., which requires that every active lawyer shall annually complete, during the compliance period for which he or she is assigned, the continuing legal education required by the Continuing Legal Education Board. The Order became effective August 21, 1999 for Compliance Group 3 due December 31, 1998.

Notice with respect to attorneys having Pennsylvania registration addresses, who have been transferred to inactive status by said Order, was published in the appropriate county legal journal.

Charles Abner, Jr.  
Australia

Pacifico S. Agnellini III  
Atlantic City, NJ

Sally Akan  
Spokane, WA

Robert James Andrews  
Boardman, OH

Richard D. Ballot  
Florham Park, NJ

Michael Vincent Baronio  
Secaucus, NJ

Ellen Batzel Behravesh  
Fletcher, NC

Rahn Robert Buffington  
Honolulu, HI

Daniel Joseph Cahill  
Ventnor, NJ

Ada Elizabeth Cherry  
Baltimore, MD

Joel Mark Chipkin  
Atlantic City, NJ

Allan A. Christian  
St. Croix, VI

George A. Ciervo  
Willingboro, NJ

Margaret Mary Cunningham  
Cherry Hill, NJ

Cristen Philip D'Arrigo  
Bridgeton, NJ

Edward J. Danser  
Mesa, AZ

John H. Davies  
Camden, NJ

Ardelia Davis  
Washington, DC

April Gordon Dawson  
Hyattsville, MD

Wilfred Ray DeBruce  
Washington, DC

William Franklin Detwiler  
New York, NY

Brian Leroy Dillard  
Silver Spring, MD

Andrew Robert Duffy  
Colts Neck, NJ

Thomas J. Duke  
Mt. Laurel, NJ

Thomas A. Fadner II  
Oshkosh, WI

David S. Fenkel  
East Brunswick, NJ

Cindy L. Gantnier  
Richmond, VA

Anthony R. Hanley  
Syracuse, NY

William A. Hansen  
Forked River, NJ

Gregory L. Hawthorne  
Riverdale, NY

Joseph Robert Henderson  
Ann-Arbor, MI

Beth Jean Hermanson  
Boston, MA

Diane Y. Hughes  
Monroeville, NJ

Kerry L. Iris  
McLean, VA

Jonathan R. Ivans  
Mt. Holly, NJ

Bruce M. Iverson  
Morristown, NJ

Kevin Darrow Jones  
Washington, DC

Peter Carl Lange, Jr.  
Marlton, NJ

E. Eugene Lauver  
Houston, TX

Gregory A. Lomax  
Cherry Hill, NJ

Richard M. Macksoud, Jr.  
Teaneck, NJ

Lawrence Maggitti III  
Bronx, NY

Samuel A. Malat  
Haddon Heights, NJ

Michael Edward Markson  
New York, NY

Robert B. Martens, Jr.  
Bradford, MA

Charles A. McAleer III  
Newark, MD

James William McCartney  
San Juan, PR

Patricia M. McGillan  
Baltimore, MD

Walter V. McLaughlin, Jr.  
Geneva, IL

Charles Gary Mickens  
Warren, OH

Sonya Genice Moody  
Mineola, NY

David R. Morgan  
New York, NY 10016

Michael P. Nido, Jr.  
Pompano Beach, FL

Colleen Patricia Orso  
Fort Lee, NJ

Louis Alfred Piccone  
Staten Island, NY

Roger E. Pollitt  
Englewood Cliff, NJ

Elliot Joseph Queen  
Washington, DC

Thomas F. Reynolds  
Northfield, NJ

Archie Leon Rich  
Washington, DC

Barbara Ross  
Toms River, NJ

Kenneth Raymond Rush  
Hackensack, NJ

Richard N. Selby II  
Youngstown, OH

Richard J. Sestak  
Los Angeles, CA

Bernard J. Schulte, Jr.  
Hackensack, NJ

Pauline Mara Schwartz  
Arlington, VA

Paul Hunter Scull, Jr.  
Pennsville, NJ

Robin Ball Shapiro  
Avon Lake, OH

Maria Christina Siarres  
New York, NY

Stephanie Walker  
Mt. Laurel, NJ

Raymond John Walsh  
Springfield, VA

Nicholas A. Wininsky  
Wheeling, WV

Lois Anne Wood  
Trenton, NJ

Peter A. Wood  
Williamstown, NJ

Kelly D. Yaksich  
Englewood, CO

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

[Pa.B. Doc. No. 99-1493. Filed for public inspection September 3, 1999, 9:00 a.m.]

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# RULES AND REGULATIONS

## Title 25—ENVIRONMENTAL PROTECTION

### ENVIRONMENTAL HEARING BOARD

[25 PA. CODE CH. 1021]

#### Practice and Procedure

The Environmental Hearing Board (Board) by this order amends Chapter 1021 (relating to practice and procedure) to read set forth at Annex A. The amendments modify the rules of practice and procedure before the Board by adding or correcting terminology relating to the Board and implementing improvements in practice and procedure.

The Board approved the final-form regulations at its June 16, 1999, meeting.

#### *Effective Date*

The amendments will go into effect upon publication in the *Pennsylvania Bulletin* as final rulemaking.

#### *Contact Person*

For further information, contact William T. Phillipy, IV, Secretary to the Board, 2nd Floor, Rachel Carson State Office Building, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. If information concerning this notice is required in an alternative form, Mr. Phillipy may be contacted at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania relay center at (800) 654-5984.

#### *Statutory Authority*

The final-form regulations are promulgated under the authority of section 5 of the Environmental Hearing Board Act (act) (35 P. S. § 7515) which empowers the Board to adopt regulations pertaining to practice and procedure before the Board.

#### *Comments and Revisions to Proposed Rulemaking*

The Board received comments on the proposed revisions from the Independent Regulatory Review Commission (IRRC); John W. Carroll, Esq. of Pepper Hamilton; R. Timothy Weston, Esq. of Kirkpatrick & Lockhart; and Thomas A. Linzey, Esq. of the Community Environmental Defense Fund. The commentators had specific comments which will be addressed on a section-by-section basis. The Board will address the comments and recommendations as a group only when the commentators had the same comments and recommendations. However, comments and recommendations which have only been raised by one of the commentators will be separately addressed.

#### *§ 1021.17. Extensions of time*

One commentator suggested that subsection (a) should grant the Board authority to grant a motion for an extension of time for the filing of appeals. The commentator states that because the 30-day time period for filing some appeals is not established by statute, but is established solely by § 1021.52 (relating to timeliness of appeal), the Board has authority to interpret its rules to allow a motion.

The more recently adopted environmental statutes such as section 10.2 of the Air Pollution Control Act (35 P. S. § 4010.2), and section 13 of the Storage Tank and Spill Prevention Act (35 P. S. § 7313), specify that an appeal to

the Board shall be filed within 30 days. This is the same period which the Board has adopted in § 1021.52(d). This 30-day rule for an appeal is consistent with the rule which exists in the case of many other administrative agencies. In addition, § 1021.53(a) (relating to amendments to appeal; nunc pro tunc appeals) gives an appellant the right to amend its appeal within 20 days after the appeal is filed. As a practical matter this gives an appellant 50 days in which to state the grounds for the appeal as a matter of right. In addition, the appellant may further amend the grounds stated for the appeal if appellant meets the conditions of § 1021.53(b) relating primarily to facts developed during the preparation phases of the case including discovery. Accordingly, the Board thinks it is unnecessary to grant a right to obtain an extension of time for the initial filing of the appeal when the appeal is under statutes which do not specify a 30-day period. The Board also sees considerable benefit to a uniform 30-day rule for the filing of appeals.

IRRC suggested that for clarity the "Note" portion should conform to the standard format for regulations established by the Joint Committee on Documents, 1 Pa. Code § 7.6 and Chapter 9 (relating to format of regulations; and preparation of documents subject to codification). The Board adopts this suggestion by creating a cross reference to § 1021.71 (relating to procedural motions).

#### *§ 1021.22. Representation*

This rule relates to representation before the Board. The Board for years has required that corporations be represented by attorneys admitted to practice before the Supreme Court of Pennsylvania. The amended rule would add this requirement to unincorporated associations. One commentator with extensive experience in representation of parties before the Board when citizens groups without counsel have been represented by their officers or by other nonattorney individuals highly endorsed the direction being taken by the Board in this proposal. Its comments referred to one example where the citizens group was represented before the Board by its Secretary who dragged on the appeal for 17 months, including extensive discovery. Then, less than 3 weeks before the scheduled hearing on the merits, the citizens group withdrew its appeal with prejudice without extracting a single concession from the company which had received the permit which was the subject of the appeal. This commentator's more detailed description of the way in which it was put to undue expense emphasizes the importance of having parties represented by the Board who are subject to the Rules of Professional Conduct and who are willing to comply with the Board's Rules of Procedure.

The Community Environmental Defense Fund urged that the Board either leave the rule as is so as to permit unincorporated associations to be represented through a spokesperson or to change the rule to recognize pro se appearances by individual members of an association as a trustee ad litem. Pa.R.C.P. No. 2152 requires that an action prosecuted by an association be prosecuted in the name of member or members thereof as trustees ad litem for the association. These comments pointed out that the retention of an attorney to represent the unincorporated association involves the considerable expense that these associations are unable to afford. Many of the comments apply to an individual proceeding pro se. These comments pointed out that many successful results have been



achieved by individual pro se litigants or by unincorporated associations who are represented by pro bono counsel. The Board agrees that that is true. Nothing in the Board's rule would prohibit individuals from representing themselves or an unincorporated association from being represented by pro bono counsel.

The commentator argued that the representation of an association by a spokesperson or representative individual does not constitute the unauthorized practice of law because there is no pecuniary benefit to the individual who becomes a representative. This is an inaccurate statement of law. The power to subpoena witnesses, to engage in the examination of witnesses at either a deposition or at a hearing and the presentation of legal and factual contentions before the Board in its adjudicatory proceedings is the very heart of the practice of law whether the individual is compensated for the effort or not. The commentator pointed out that many appeals before the Board may become unmanageable because of the large number of individuals who would be parties if the association is unable to appear through a spokesperson. The Board acknowledges that this is true. However, the Board believes that the alternative of a lay spokesperson authorizes the unlawful practice of law which may subject other parties to unreasonable expense and harassment which would not occur if the association were represented by an attorney bound by the Professional Rules of Conduct.

These commentators argued that Pa.R.C.P. No. 2152 allows a trustee ad litem to be designated a representative of the association which would not require an attorney representative. The commentator's description of the rule is inaccurate. Pa.R.C.P. No. 2152 merely states the rule as to how an action by an unincorporated association must be prosecuted. It provides that an action prosecuted by an association shall be prosecuted in the name of the member or members thereof as trustees ad litem for the association. This rule with respect to the capacity to sue has nothing to do with the question of whether or not the association must have counsel to pursue its lawsuit in the courts. As indicated, Commonwealth law requires that parties other than individuals be represented by an attorney admitted to the Supreme Court of Pennsylvania or by a qualified attorney from another state who has been authorized by the Board to enter an appearance pro hac vice.

The proposed § 1021.22(c) provided that an out-of-State attorney may be admitted to practice before the Board pro hac vice if the jurisdiction where the attorney is admitted to practice grants a like privilege to attorneys in this Commonwealth. One commentator suggested that this proposal be expanded to include the provisions of Pa.B.A.R. 301 applicable to admission pro hac vice which requires that the motion for admission pro hac vice be made by a lawyer in this Commonwealth and that the attorney admitted pro hac vice could not serve as an attorney of record.

The Board believes that a proposal would unnecessarily increase the costs of litigation before the Board. While Commonwealth trial court judges may find it convenient to be sure that there is an attorney of record within their easy reach, the Board's experience with out-of-State attorneys who have practiced before it has been that these attorneys are able and responsible individuals. Since much of the Board's prehearing practice is conducted through motions, status reports and telephone conference calls rather than by frequent prehearing conferences in person, the Board sees no practical necessity for this

requirement. However, the Board and the members of the Board's Procedural Rules Committee have concluded that this Bar Admission Rule is a part of the law of the Commonwealth and with respect to the practice of law. Under Pa.B.A.R. 103, the Supreme Court declared that these rules shall supersede all other court rules and practices pertaining to the admission to the bar and the practice of law. Accordingly, the Board has no choice but to comply with the Bar Admission Rules. The rule will be amended to require corporations to retain an attorney of this Commonwealth of record should they desire to be represented by lawyers other than members of the Bar of the Supreme Court of Pennsylvania.

The Board will create an exemption from this requirement, as recommended by the Board's Procedural Rules Committee however, for citizen groups and unincorporated associations who are able to find an out-of-State attorney who will be willing to represent them but would be unable to afford a Commonwealth counsel of record. The Board thinks that an exception is justified under the realities of environmental practice. The Board notes that Pa.B.A.R. 311 provides an exemption from the requirement of being represented by an attorney in this Commonwealth admitted to practice in the case of representation of indigent persons by law students under the direction of an organized defender association or legal services program. The Board believes the same consideration should be given to those citizen groups and non-profit associations who are unable to afford the burden of being represented by a Commonwealth attorney of record.

The Board has revised the rule in conformance with the statements set forth previously.

#### *§ 1021.30. Filing*

Proposed § 1021.30(a) required that documents filed with the Board be filed at its headquarters in Harrisburg. The principal reason for this requirement is that all of the documents filed with the Board are placed on the Board's docket by personnel in the Board's central office.

One commentator suggested that this requirement be revised to permit filing directly with the presiding administrative law judge wherever the judge sits, such as the Pittsburgh Office. The Board will continue to require filing of all documents in the Board's central office in Harrisburg to assure that all documents filed with the Board are properly recorded on the Board's docket. An administrative law judge in another location may request that the parties also provide him with a complimentary copy so that he will be promptly advised of the request being made by the party. Consequently, we reject the suggestion.

#### *§ 1021.31. Service by the Board*

IRRC suggested that this rule be revised to clarify the language. IRRC noted that the amendment to supersede 1 Pa. Code § 33.31 (relating to service by the agency) leaves unanswered the question of whom to serve if a party has not yet entered an appearance. Existing § 1021.31 requires that the Board serve documents originated by it, including orders and notices, upon the person designated in the notice of appearance. IRRC recommended either: 1) that the rule continue to "supplement" and not supersede the General Rules; or 2) revise the rule to indicate that service should be made on a permittee before the permittee enters an appearance.

The Board will adopt the second suggestion by requiring that the Board serve any person on whom the notice of appeal or complaint was served. This will result in service on the permittee because §§ 1021.31 and 1021.51

require that service be made on a permittee at the address in the permit or at its chief place of business in this Commonwealth.

One commentator suggested that the provisions of these rules be expanded so as to assure that the Board properly serves the party if no notice of appearance has been entered and that service on an attorney be made on the particular attorney representing the client in the matter before the Board.

The Board customarily serves its orders and other notices on the party involved whether or not represented by counsel and invariably serves only the attorney who has entered an appearance for the party before it in the case where the party is represented by counsel. The Board has amended the rule to reflect the suggested changes. However, the Board will amend proposed § 1021.51(g) to assure that when service is made on any third party, such as the permittee when the appeal is filed and will continue to serve that party until an appearance is entered by an attorney. Thereafter, service will be made on that attorney. In addition, the Board will amend proposed § 1021.32 to assure that service will be made only on an attorney representing the party in the matter before the Board.

*§ 1021.32. Service by a party*

The existing §§ 1021.31 and 1021.32 and proposed § 1021.32 relate to required service by a party. Proposed § 1021.32 required the parties to file a copy of each document filed with the Board on every party to the proceeding on or before the day that the document is filed with the Board.

One commentator suggested that the Board should provide a special manner of service for the parties requesting expedited consideration of a particular motion or matter. In some instances, parties will file a document with the Board by telecopy but will serve the other parties by ordinary mail. This suggestion is being adopted in § 1021.32 by requiring that the parties be served so that they receive the document within 24 hours of filing with the Board.

*§ 1021.33. Date of service*

One commentator strongly endorsed this change in the rule which will provide an additional 3 days for response when service of the document is made by mail. This is the rule in both State and Federal court procedure.

*§ 1021.35. Number of copies*

Section 1021.35(a)(2) requires filing two copies of prehearing memoranda, petitions for supersedeas and all other motions. One commentator and IRRC correctly pointed out that the rule should require filing of two copies only in the case of prehearing memoranda, petitions for supersedeas and all motions other than motions for stays, extensions and continuances of procedural deadlines. The rule will be amended to insert the word "than" in the rule as indicated previously.

*§ 1021.51. Commencement, form and content*

Subsection (f) requires prepayment of a penalty where the appeal is from an assessment of a civil penalty that requires an appellant to prepay the penalty. Commentators have pointed out that this rule should specifically state that this requirement applies only when a statute requires the prepayment of the penalty. IRRC concurred with the commentators that the section should be revised to clearly indicate that the prepayment requirement only applies when required by statute. The Board intended

that the prepayment requirement would be applicable only in the event prepayment was required by a statute, and will clarify the rule by adding that language to the final-form regulations.

As noted previously, this rule is being amended in subsection (g)(3) to require service on the recipient of a Department action, such as a permittee, at the address in the document evidencing the Department's action or at its chief place of business in this Commonwealth. One commentator pointed out several typographical errors in the publication of this rule. Subsection (f) (proposed subsection (g)) will be retained in the final rulemaking including paragraph (1)—(3).

*§ 1021.56. Complaints filed by the Department*

IRRC commented that the amendments should be revised for reasonableness and clarity. It questioned whether the change in the language in subsection (b), specifically the replacement of notice to plead with notice of right to respond, will give adequate notice of the consequences of a failure to respond, or the failure to specifically deny factual allegations. IRRC suggested that the Board should either: 1) revise the regulation to provide that complaints will contain a notice advising defendants of these consequences; or 2) explain how defendants are advised of these consequences through other means.

The Board amends the rule to include a provision that a complaint shall contain a notice advising defendants that a failure to respond stating all answers, objections and defenses may result in judgment being entered against them.

*§ 1021.57. Answers to Complaints filed by the Department*

Section 1021.57(c) of the Board's proposed rules provided in the case of a complaint for civil penalties by the Department a defendant failing to file an answer in the prescribed time shall be deemed in default and all relevant matters in the complaint may be deemed admitted. This is in accord with the usual rule of civil practice that admissions of material facts made in a responsive pleading may be offered into evidence at the time of hearing or trial.

IRRC and one commentator stated that this should occur only "on motion made." The Board will add "upon motion made." Counsel might choose to raise this issue by a motion rather than by a simple offer of the admission as evidence.

This rule provides that the prehearing procedures relating to discovery and the filing of dispositive motions provided for in § 1021.81 (relating to prehearing procedure) will be followed after an answer is filed. One commentator suggested that this should be done only after preliminary objections are decided. The Board will not follow this suggestion. Section 1021.57 will be amended to make it clear in subsection (e) that all affirmative defenses must be raised in the answer and that no preliminary objections are to be filed.

IRRC's comments contained three recommendations:

- 1) Subsection (b) should be divided into two numbered paragraphs for clarity.
- 2) The rule should be amended to resolve whether:
  - a) Replies to new matter and answers to preliminary objections are still required.
  - b) The same deemed admitted rule applies to failure to file a reply or answer.

3) It concurred with another commentator that the language "upon motion made" should be incorporated in subsection (c) for clarity since the proposed rule leaves unclear how facts may be deemed admitted against a party.

The Board will amend subsections (b) and (c) to reflect IRRC's first suggestion. IRRC's other two comments have been adopted in the changes made in § 1021.57.

*§ 1021.58. Procedure after an Answer is filed*

This rule provides that the prehearing procedures relating to discovery and the filing of dispositive motions provided for in § 1021.81 will be followed after an answer is filed. One commentator suggested that this should be done only after preliminary objections are decided. The Board will not follow this suggestion. Section 1021.57 will be amended to make it clear that all affirmative defenses must be raised in the answer and that no preliminary objections are to be filed.

*§ 1021.70. Motions—General*

Proposed § 1021.70(e) sought to establish an admission for purposes of deciding a motion upon the failure by a party to respond to all factual averments contained in the motion. Subsection (e) requires that a response to a motion set forth in correspondingly numbered paragraphs all factual disputes and the reason the opposing party objects to the motion. The proposed rule would have added the language "material facts set forth in the motion that are not denied may be deemed admitted for the purposes of deciding the motion." This provision is required to force parties responding to a motion to actually deal with the facts rather than to simply brush off the motions with generalities. Sometimes the answers filed by pro se appellants give a pretty good idea of what their claim is but do not address the facts in correspondingly numbered paragraphs as the rule requires. In this situation the Board needs some discretion as to whether or not it will deem the material facts admitted or not. This rule would deem admitted material facts only for purposes of deciding the motion. This should be compared to the requirement of § 1021.57 with respect to answers to complaints. In this case, the Board may deem the facts admitted for all purposes of the case.

IRRC and one commentator suggested that this provision be made consistent with subsection (f) by amending subsection (e) to include the following language set forth in italics: "Material facts set forth in a motion other than a motion for summary judgment or partial summary judgment that are not denied . . ." The Board will make this change in the final rulemaking in order to provide consistency.

One commentator suggested that any motion be subject to the requirement that the moving party attach a verification or affidavit supporting each of the facts set forth in the motion.

The Board thinks that this requirement would not make an improvement in motion practice. While the Board requires affidavits based on personal knowledge for purposes of a motion for summary judgment or for a petition for supersedeas, the result of consideration of those motions by the Board is likely to affect basic substantive rights. The proposed rule was designed for those parties who choose not to aid the Board in determination of what the facts are related to the motion by simply ignoring the factual averments of the motion or failing to respond. The Board thinks that counsel opposing the motion can easily respond to the factual averments of the motion thus helping the Board decide the

matter without the risk of an adverse conclusion by the Board based on a technical interpretation of the parties' response. The Board thinks that the requirement that the attorney filing the motion attach an affidavit based on knowledge, information and belief would not deter the broad allegations with which this commentator is concerned.

*§ 1021.80. Consolidation*

Section 1021.80 governs the procedure on consolidation of proceedings. It also supersedes the comparable provision in 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) (GRAPP). One commentator and IRRC suggested that the applicability of 1 Pa. Code § 35.45 (relating to consolidation) should be retained because it authorizes the Board in a consolidated case to make orders concerning the conduct of the proceeding to avoid any unnecessary cost or delay. This amendment is not necessary because proposed § 1021.4 authorizes the Board to interpret the regulations to secure a just, speedy and inexpensive determination of every appeal or proceeding in which they are applicable. Accordingly, the Board does not believe that a specific provision for dealing with consolidation of cases is necessary. The Board will adopt the suggestion of IRRC that this section cross reference § 1021.4.

*§ 1021.88. Motions in Limine*

Section 1021.88 of the proposal provides that a party may obtain a ruling on evidentiary issues by filing a motion in limine. One commentator suggested that this provision should be deleted because it gives no guidance to individuals who appear before the Board. This commentator says that this provision implies that the Board must decide the evidentiary issue, but in fact the presiding administrative law judge could exercise his discretion not to rule on it as a preliminary matter. The commentator is correct that this is the effect of this provision. Under most circumstances, the motion will be decided. However, the presiding administrative law judge may decide that the decision should be reserved until the evidence is offered. However, the Board thinks that providing for a motion in limine in the Board's rules does give guidance to parties that evidentiary issues may well be ruled upon in advance of the hearing.

*§ 1021.104. Transcript*

This rule relates to posthearing submissions, and proposes that this rule supersede the otherwise applicable GRAPP rule in 1 Pa. Code §§ 35.131—35.133 (relating to transcript) providing the procedure for posthearing submissions. These rules also provide a procedure for corrections in the transcript upon motion or agreement by the parties, which would not otherwise be provided for by an existing Board rule. The Board will adopt a comment of one commentator and IRRC and withdraw the proposed supersession.

The Board intends to propose a rule with respect to correction of the transcript in the near future before again proposing to supersede these rules. In the meantime, correction of stenographic areas in the transcript can be corrected by motion or agreement of the parties as a matter of course under GRAPP.

*§ 1021.107. Evidence*

IRRC suggested that for clarity the "Note" portion should conform to the standard format for regulations established by the Joint Committee on Documents, 1 Pa. Code § 7.6 and Chapter 9. The Board adopts the

suggestion by stating in the rule that the Board generally applies the Pennsylvania Rules of Evidence.

*§ 1021.108. Written testimony*

This rule provides for the use of written testimony as a means of a party to present direct testimony, subject to cross examination by the opposing party.

One commentator suggested that the Board should explicitly reserve the power, upon objections from other parties, to require that witnesses present their direct testimony in person and on the witness stand. In addition, this commentator stated that the Board must make a clear requirement that written testimony be filed a certain number of days before the start of the hearing so that there will be ample time to prepare a meaningful response.

The Board believes that no change in the rule is required. This proposed rule only stated that the prepared testimony "may" be admitted into evidence. The Board will have ample authority at a prehearing conference prior to the time of the hearing to rule on any objections to the use of prepared testimony. Indeed the proposed rule provided for objections to the use of written testimony that must be filed at least 5 days before the hearing.

The Board thinks it unnecessary to require that written testimony always be submitted prior to the initial day of the hearing. In many cases, the Board's hearing will stretch out for several weeks which are not necessarily consecutive. Accordingly, the rule would permit the filing of written testimony at one of these later dates only upon motion approved by the Board. The Board will permit the use of prepared testimony only if that is useful and the opposing party has ample time to respond. This will assure that the responding party will have ample time to make a meaningful response. However, as a matter of clarity, the Board has amended subsection (c) to refer to the point in time that party may file written testimony to be "prior to the close of the record" in place of "at a later date."

*§ 1021.117. Amicus curiae*

Section 1021.117 provides for interested persons to file brief or memorandum of law amicus curiae with regard to legal issues involved in the case. It provides a procedure for obtaining authorization from the Board to file a brief. One commentator suggested that this section should be deleted because of his belief that a party should either meet the legal standing test to intervene or not be heard at all.

The Board believes that briefs amicus curiae by interested parties such as environmental groups and industry associations which might not otherwise have standing to be a party in the case should be heard on their views of legal issues. The Board has found in some instances that the interested parties have raised significant legal issues which justifiably were decisive of the matter which the parties did not raise before the Board. Accordingly, this rule will be retained.

*§ 1021.125. Sanctions*

This proposed rule dealt with the sanctions that the Board may impose on a party for failure to abide by a Board order or Board rule of practice and procedure. The power to dismiss the appeal or preclude the introduction of evidence for witnesses or documents not disclosed in discovery is continued. The power to bar an attorney from practice before the Board for repeated or flagrant violations of orders is removed to comply with the decision of

the Pennsylvania Supreme Court. The reference to the Pennsylvania Rules of Civil Procedure for practice before a court of common pleas was also removed because those rules relate only to discovery matters whereas the Board rule is designed to cover all situations in which the imposition of sanctions would be appropriate.

One commentator suggested that the deletion of language "in compliance with an order" with respect to sanctions should be reinserted where it was deleted. The commentator asserted that a party should not be sanctioned for failure to disclose evidence unless there was an affirmative duty to disclose the evidence either under the prehearing order or in response to a specific order of the Board. The Board rejects this proposal. Reinserting this language might enable a party who wants to hide a material witness or material documents in discovery to be free to introduce that evidence if the Board had not previously entered an order prohibiting the introduction of that evidence. Attorneys for parties before the Board know that a failure to reveal material witnesses or material documents in the course of discovery is most likely to result in the Board sustaining an objection to the offer of the evidence at the hearing on the ground that it was not disclosed in discovery. The objecting party probably will not know in advance that there is a material witness or a material document which has not been disclosed in discovery and should be free to make an effective objection at the time that evidence is offered whether or not it previously has made a motion.

Two commentators and IRRC stated that the phrase "other appropriate sanctions" is too vague. The Board will amend the rule at the suggestion of IRRC to read "other appropriate sanctions including those permitted under Pa.R.C.P. Rule 4019 (relating to sanctions regarding discovery matters)." While the language "other appropriate sanctions" will leave broad discretion in the Board as to other possible situations in which sanctions might be imposed, the Board believes that it is not possible in advance to be more specific about the types of situations that might possibly arise in the future when sanctions may be appropriate for reasons other than a failure to comply with discovery requests.

*§ 1021.161. Prepayment of penalties*

IRRC suggested that the proposed rule be divided into subsections and for clarity that the "Note" portion should conform to the standard format for regulations established by the Joint Committee on Documents, 1 Pa. Code § 7.6 and Chapter 9. The Board adopts these suggestions and incorporates the note concerning the bond into a new subsection (b).

*§ 1021.162. Hearing on inability to prepay penalty*

This rule relates to hearings on inability to prepay a penalty or post a bond. One commentator pointed out that the rule improperly refers to an application for counsel fees under more than one statute. The rule will be amended as suggested so that it refers to: "(relating to commencement, form and content of appeals)."

IRRC suggested that the Board make the following amendments for clarity: 1) replace "in the event" with "if"; and 2) divide the first and second sentences into two separate subsections. The rule will be amended to reflect these recommendations.

*Other Proposed Rules*

The Board did not receive any comments on proposed rules: § 1021.2 Definitions; § 1021.4 Construction and application of rules; § 1021.11 Timely filing required;

§ 1021.15 Effective dates of Board adjudication and preliminary orders; § 1021.21 Appearance in person; § 1021.34 Certificate of service; § 1021.41 Docket; § 1021.52 Timeliness of appeal; § 1021.61 Special actions; § 1021.64 Pleadings: generally; § 1021.65 Complaints-civil penalty proceedings; § 1021.66 Answers-civil penalty proceedings; § 1021.81 Prehearing procedure; § 1021.82 Prehearing memorandum; § 1021.85 Initiation of hearings; § 1021.86 Conduct of hearings; § 1021.87 Continuance of hearings; § 1021.89 Presentation by the parties; § 1021.90 Limiting number of witnesses and additional evidence; § 1021.92 Oral argument after hearing; § 1021.114 Subpoenas; § 1021.116 Posthearing briefs; § 1021.118 Adjudications; and § 1021.171 Composition of the Certified Record on Appeal to Commonwealth Court.

#### *Sunset Date*

A sunset date has not been established for these final-form regulations. The effectiveness of the final-form regulations will be evaluated on an ongoing basis by the Board and the Board's Rules Committee.

#### *Regulatory Review*

On February 16, 1999, as required by section 5(a) of the Regulatory Review Act (71 P. S. § 745.4(a)), the Board submitted copies of the proposed revisions, which were published in 29 Pa.B. 1074 (February 27, 1999), to IRRC and the Senate and House Environmental Resources and Energy Committees for review and comment. The Board, in accordance with section 5(b.1) of the Regulatory Review Act (71 P. S. § 745.5(b.1)), also provided IRRC and the Committees with the Regulatory Analysis Form prepared in compliance with Executive Order 1982-2 (relating to improving government regulations) and copies of comments received.

In preparing the final-form regulations, the Board has considered the comments received from the public and IRRC. No comments on the proposed amendments were received from either of the legislative committees.

These final-form regulations were approved by the House Environmental Resources and Energy Committee and the Senate Environmental Resources and Energy Committee on July 22, 1999. IRRC met on August 5, 1999, and approved the final-form regulations under section 5(c) of the Regulatory Review Act.

#### *Findings of the Board*

The Board finds that:

(1) Public notice of the proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1021 and 1202) and the regulations thereunder at 1 Pa. Code §§ 7.1 and 7.2.

(2) These final-form regulations are necessary and appropriate for administration of the act.

#### *Order*

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

(a) The regulations of the Board, 25 Pa. Code Chapter 1021, are amended by adding §§ 1021.4, 1021.30, 1021.82 and 1021.108, amending §§ 1021.2, 1021.15, 1021.17, 1021.22, 1021.31—1021.35, 1021.41, 1021.51, 1021.52, 1021.56—1021.58, 1021.70, 1021.80, 1021.81, 1021.85—1021.90, 1021.92, 1021.104, 1021.107, 1021.114, 1021.116—1021.118, 1021.125, 1021.161, 1021.162 and 1021.171; and by deleting §§ 1021.11, 1021.21, 1021.61 and 1021.64—1021.66.

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

(c) The Chairperson of the Board shall submit this order and Annex A to the House Environmental Resources and Energy Committee, the Senate Environmental Resources and Energy Committee, and IRRC, as required by law.

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

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

GEORGE J. MILLER,  
*Chairperson*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 29 Pa.B. 4497 (August 21, 1999).)*

**Fiscal Note:** Fiscal Note 106-4 remains valid for the final adoption of the subject regulations.

#### **Annex A**

### **TITLE 25. ENVIRONMENTAL PROTECTION**

#### **PART IX. ENVIRONMENTAL HEARING BOARD**

#### **CHAPTER 1021. PRACTICE AND PROCEDURES**

#### **Subchapter A. PRELIMINARY PROVISIONS**

#### **GENERAL**

#### **§ 1021.2. Definitions.**

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

*Act*—The Environmental Hearing Board Act (35 P. S. §§ 7511—7516).

*Action*—An order, decree, decision, determination or ruling by the Department affecting personal or property rights, privileges, immunities, duties, liabilities or obligations of a person including, but not limited to, a permit, license, approval or certification.

*Board*—The Environmental Hearing Board, consisting of its chairperson and four members, all of whom are administrative law judges appointed by the Governor to hear appeals from actions of the Department.

*Costs Act*—The act of December 13, 1982 (P. L. 1127, No. 257) (71 P. S. §§ 2031—2035), known as the Commonwealth Agency Adjudicatory Expenses Award.

*Department*—The Department of Environmental Resources or its successor agencies.

*Dispositive motion*—A motion that seeks to resolve the issues in an appeal without the need for hearing or further hearing. The term includes a motion to quash appeal, a motion to dismiss, a motion for summary judgment, and a motion for partial summary judgment, but not a motion in limine.

*Hearing examiner*—A person other than a Board member designated by the Board to preside at hearings or conferences.

*Intervenor*—A person who has been permitted to intervene by the Board, as provided by § 1021.62 (relating to intervention).

*Party*—An appellant, appellee, plaintiff, defendant, permittee or intervenor.

*Permittee*—The recipient of a permit, license, approval or certification in a third-party appeal.

*Person*—An individual, partnership, association, corporation, political subdivision, municipal authority or other entity.

*Pleading*—A complaint filed under § 1021.56 (relating to complaints filed by the Department) or answer filed under § 1021.57 (relating to answers to complaints filed by the Department). Documents filed in appeals, including the notice of appeal, are not pleadings.

*Supersedeas*—A suspension of the effect of an action of the Department pending proceedings before the Board.

*Third-party appeal*—The appeal of an action by a person who is not the recipient of the action.

(b) Subsection (a) supplements 1 Pa. Code § 31.3 (relating to definitions), except for “pleading” which supersedes the definition of “pleading” in 1 Pa. Code § 31.3 (relating to definitions).

**§ 1021.4. Construction and application of rules.**

The rules in this chapter shall be liberally construed to secure the just, speedy and inexpensive determination of every appeal or proceeding in which they are applicable. The Board at every stage of an appeal or proceeding may disregard any error or defect of procedure which does not affect the substantial rights of the parties.

**TIME**

**§ 1021.11. (Reserved).**

**§ 1021.15. Effective dates of Board adjudications and preliminary orders.**

(a) Adjudications and orders of the Board will be effective as of the date of entry.

(b) Subsection (a) supersedes 1 Pa. Code § 31.14 (relating to effective dates of agency orders).

**§ 1021.17. Extensions of time.**

(a) The time fixed or the period of time prescribed for the filing of a document required or permitted to be filed under this chapter, other than the notice of appeal, may be extended by the Board for good cause upon motion.

(b) The motion in subsection (a) shall conform to the provisions in § 1021.71 (relating to procedural motions).

(c) Subsections (a) and (b) supersede 1 Pa. Code § 31.15 (relating to extensions of time).

**REPRESENTATION BEFORE THE BOARD**

**§ 1021.21. (Reserved).**

**§ 1021.22. Representation.**

(a) Parties, except individuals appearing on their own behalf, shall be represented by an attorney at all stages of the proceedings subsequent to the filing of the notice of appeal.

(b) Corporations shall be represented by an attorney of record admitted to practice before the Supreme Court of Pennsylvania. Corporations may also be represented by an attorney in good standing and admitted to practice before the highest court of another state on a motion pro hac vice filed by the Pennsylvania attorney of record.

(c) Groups of individuals acting in concert, whether formally or informally, shall be represented by an attorney admitted to practice law before the Supreme Court of

Pennsylvania or by an attorney in good standing admitted to practice before the highest court of another state who has made a motion to appear specially in the case and agrees therein to abide by the Rules of the Board and the Rules of Professional Conduct.

(d) Individuals may appear in person on their own behalf; however, they are encouraged to appear through counsel and may be required to appear through counsel under subsection (c) if the Board determines they are acting in concert with or as a representative of a group of individuals.

(e) Subsections (a)—(d) supersede 1 Pa. Code §§ 31.21—31.23 (relating to appearance in person; appearance by attorney; and other representation prohibited at hearings).

**Subchapter B. DOCUMENTARY FILINGS  
FILING AND SERVICE OF DOCUMENTS**

**§ 1021.30. Filing.**

(a) Documents filed with the Board shall be filed at its headquarters—2nd Floor, Rachel Carson State Office Building, 400 Market Street, Post Office Box 8457, Harrisburg, Pennsylvania 17105-8457.

(b) The date of filing shall be the date the document is received by the Board.

(c) Documents may be filed by personal delivery, by mail or by facsimile. When a document is filed by facsimile, the original shall be deposited in the mail on the same day. If a document exceeds ten pages, the facsimile shall consist of the first five pages and last five pages of the document and the certificate of service. A filing received after the close of the business day at 4:30 pm Eastern Time shall be deemed to be filed on the following business day.

**§ 1021.31. Service by the Board.**

(a) Orders, notices and other documents originating with the Board shall be served upon the person designated in the notice of appearance, or if no notice of appearance has been entered, upon the person upon whom the notice of appeal or complaint was served by mail or in person.

(b) Subsection (a) supersedes 1 Pa. Code § 33.31 (relating to service by the agency).

**§ 1021.32. Service by a party.**

(a) Copies of each document filed with the Board shall be served upon every party to the proceeding on or before the day that the document is filed with the Board. Service upon a party represented by an attorney in the matter before the Board shall be made by serving the attorney.

(b) In matters involving requests for expedited disposition service shall be made within the ensuing 24 hours of the time of filing with the Board. For purposes of this subsection, service means actual receipt by the opposing party.

(c) Subsections (a) and (b) supersede 1 Pa. Code § 33.32 (relating to service by a participant).

**§ 1021.33. Date of service.**

(a) The date of service shall be the date the document served is mailed or delivered in person. When service is by mail, 3 days shall be added to the time required by this chapter for responding to the document.

(b) Subsection (a) supersedes 1 Pa. Code § 33.34 (relating to service by participant).

**§ 1021.34. Certificate of service.**

(a) Each document which is required to be filed with the Board shall include a certificate of service which shall certify the date and manner of service and the name and address of the person served.

(b) Subsection (a) supersedes 1 Pa. Code § 33.35 (relating to proof of service).

**§ 1021.35. Number of copies.**

(a) Unless otherwise ordered by the Board, the following number of copies shall be filed with the Board:

(1) Dispositive motions and post-hearing briefs—three copies.

(2) Prehearing memoranda, petitions for supersedeas and all motions, other than motions for stays, extensions and continuances of procedural deadlines—two copies.

(3) Other documents—one copy.

(b) One copy of briefs and other documents shall be served on the other parties to the proceeding.

(c) Subsections (a) and (b) supersede 1 Pa. Code § 33.37 (relating to number of copies).

**§ 1021.41. Docket.**

(a) The Board will maintain a docket of proceedings and a proceeding as initiated shall be assigned an appropriate designation.

(b) The Board will maintain a complete official file on proceedings.

(c) The docket and the official file shall be available for inspection and copying by the public during the office hours of the Board insofar as consistent with the proper discharge of the duties of the Board.

(d) Subsections (a)—(c) supersede 1 Pa. Code § 33.57 (relating to docket).

**Subchapter C. FORMAL PROCEEDINGS****APPEALS****§ 1021.51. Commencement, form and content.**

(a) An appeal from an action of the Department shall commence with the filing of a written notice of appeal with the Board.

(b) The caption of an appeal shall be in the following form:

ENVIRONMENTAL HEARING BOARD  
2nd Floor, Rachel Carson State Office Building  
400 Market Street, Post Office Box 8457  
Harrisburg, Pennsylvania 17105-8457

JOHN DOE, Appellant  
234 Main Street, Smithtown,  
Jones County, Pennsylvania 15555  
(Telephone (123) 456-7890)

v. Docket No. \_\_\_\_\_

Commonwealth of Pennsylvania  
Department of \_\_\_\_\_, Appellee

(c) The appeal shall set forth the name, address and telephone number of the appellant.

(d) If the appellant has received written notification of an action of the Department, a copy of the action shall be attached to the appeal.

(e) The appeal shall set forth in separate numbered paragraphs the specific objections to the action of the Department. The objections may be factual or legal. An

objection not raised by the appeal or an amendment thereto under § 1021.53 (relating to amendments to appeal; nunc pro tunc appeals) shall be deemed waived, provided that, upon good cause shown, the Board may agree to hear the objection. For the purpose of this subsection, good cause shall include the necessity for determining through discovery the basis of the action from which the appeal is taken.

(f) When the appeal is from an assessment of a civil penalty for which the statute requires an appellant to prepay the penalty or post a bond, the appellant shall submit to the Board with the appeal a check in the amount of the penalty or an appropriate bond securing payment of the penalty or a verified statement that the appellant is unable to pay.

(g) Concurrent with or prior to the filing of a notice of appeal, the appellant shall serve a copy thereof on each of the following:

(1) The office of the Department issuing the notice of Departmental action.

(2) The Office of Chief Counsel of the Department or agency taking the action appealed.

(3) In a third party appeal, the recipient of the action. The service shall be made at the address set forth in the document evidencing the action by the Department or at the chief place of business in this Commonwealth of the recipient.

(h) The service upon the recipient of an action as required by this section, shall subject the recipient to the jurisdiction of the Board as a party.

(i) Appellant shall provide satisfactory proof that service has been made as required by this section.

(j) Subsections (a)—(i) supersede 1 Pa. Code §§ 35.5—35.7 and 35.9—35.11 (relating to informal complaints; and formal complaints).

**§ 1021.52. Timeliness of appeal.**

(a) Except as specifically provided in § 1021.53 (relating to appeal nunc pro tunc), jurisdiction of the Board will not attach to an appeal from an action of the Department unless the appeal is in writing and is filed with the Board in a timely manner, as follows, unless a different time is provided by statute:

(1) The person to whom the action of the Department is directed or issued shall file its appeal with the Board within 30 days after it has received written notice of the action.

(2) Any other person aggrieved by an action of the Department shall file its appeal with the Board within one of the following:

(i) Thirty days after the notice of the action has been published in the *Pennsylvania Bulletin*.

(ii) Thirty days after actual notice of the action if a notice of the action is not published in the *Pennsylvania Bulletin*.

(b) The appellant shall, within 20 days of the mailing of a request from the Board, file missing information required by § 1021.51(c), (d) and (i) (relating to commencement, form and content) or suffer dismissal of the appeal.

(c) Subsections (a) and (b) supersede 1 Pa. Code §§ 35.5—35.7 and 35.9—35.11 (relating to informal complaints; and formal complaints).

*Comment:* The language “person to whom the action of the Department is issued or directed” is intended to include, but not be limited to, the recipient of: an order, a permit or license issuance or denial, a civil penalty assessment, or certification. See section 4(a) and (c) of the act (35 P. S. § 7515 (a) and (c)).

**SPECIAL ACTIONS**

**§ 1021.56. Complaints filed by the Department.**

(a) When authorized by statute the Department may initiate the action by filing a complaint or petition, together with a certificate of service and a notice of a right to respond.

(b) This action shall commence when the complaint is filed and service of the complaint and of a notice of a right to respond is made upon the defendant.

(c) The complaint shall set forth the statutory authority under which the Board is authorized to act and shall set forth in separate numbered paragraphs the specific facts and circumstances upon which the request for action is based.

(d) The notice of a right to respond or defend shall conform to the following:

[Case Caption]

**NOTICE**

If you wish to defend against the claims set forth in the following pages, you must take action within thirty (30) days after this complaint and notice are served by entering a written appearance personally or by attorney and filing in writing with the Board your answers, defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Board without further notice for any claim or relief requested by the Department.

You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, contact the Secretary to the Board at (717) 787-3483.

(e) Subsections (a)—(d) supersede 1 Pa. Code §§ 35.5—35.7 and 35.9—35.11 (relating to informal complaints; and formal complaints).

**§ 1021.57. Answers to complaints filed by the Department.**

(a) Answers to complaints shall be filed with the Board within 30 days after the date of service of the complaint, unless for cause the Board, with or without motion, prescribes a different time. An answer will not be required in less than 10 days after date of service.

(b) Answers to complaints shall set forth any legal objections as well as any denial of facts, in a single pleading.

(c) Answers shall be in writing and so drawn as to fully and completely advise the parties and the Board as to the nature of the defense, including affirmative defenses. Answers shall admit or deny specifically and in detail each material allegation of the complaint and state clearly and concisely the facts and matters of law relied upon.

(d) A defendant failing to file an answer within the prescribed time shall be deemed in default and, upon motion made, all relevant facts in the complaint may be deemed admitted. Further, the Board may impose any

other sanctions for failure to file an answer in accordance with § 1021.125 (relating to sanctions).

(e) No new matter or preliminary objections shall be filed.

(f) Subsections (a)—(e) supersede 1 Pa. Code §§ 35.5—35.7 and 35.35 (relating to informal complaints; and answers to complaints and petitions).

**SUBSEQUENT PROCEDURE**

**§ 1021.58. Procedure after an answer is filed.**

After an answer is filed the prehearing procedures in § 1021.81 (relating to prehearing procedures) shall be followed.

**§ 1021.61. (Reserved).**

**§ 1021.64. (Reserved).**

**§ 1021.65. (Reserved).**

**§ 1021.66. (Reserved).**

**MOTIONS**

**§ 1021.70. General.**

(a) This section applies to all motions except those made during the course of a hearing.

(b) Motions and responses shall be in writing and be signed by a party or its attorney.

(c) A copy of the motion or response shall be served on the opposing party. The motion or response shall include a certificate of service indicating the date and manner of service on the opposing party.

(d) A motion shall set forth in numbered paragraphs the facts in support of the motion and the relief requested.

(e) A response to a motion shall set forth in correspondingly-numbered paragraphs all factual disputes and the reason the opposing party objects to the motion. Material facts set forth in a motion, other than a motion for summary judgment or partial summary judgment, that are not denied may be deemed admitted for the purposes of deciding the motion.

(f) Except in the case of motions for summary judgment or partial summary judgment, for purposes of the relief sought by a motion, the Board will deem a party's failure to respond to a motion to be an admission of all properly-pleaded facts contained in the motion.

(g) Except as provided in § 1021.73(e) (relating to dispositive motions), the moving party may not file a reply to a response to its motion, unless the Board orders otherwise.

(h) Subsection (b) supplements 1 Pa. Code §§ 33.11 and 35.178 (relating to the execution of filed documents; and presentation of motions). Subsection (c) supplements 1 Pa. Code § 33.32 (relating to service by a participant) and supersedes 1 Pa. Code §§ 33.35 and 33.36 (relating to proof of service; and form of certificate of service). Subsections (d)—(f) supplement 1 Pa. Code §§ 35.177 and 35.178 (relating to the scope and content of motions; and presentation of motions).

**CONSOLIDATION**

**§ 1021.80. Consolidation.**

(a) The Board, on its own motion or on the motion of any party, may order proceedings involving a common question of law or fact to be consolidated for hearing of any or all of the matters in issue in such proceedings.



(b) Subsection (a) supersedes 1 Pa. Code § 35.45 (relating to consolidation).

*Comment:* See also § 1021.4 (relating to construction and application of rules) authorizing the Board to interpret its rules to insure just, speedy and inexpensive determinations.

### **PREHEARING CONFERENCES AND PREHEARING PROCEDURES**

#### **§ 1021.81. Prehearing procedure.**

(a) Upon the filing of an appeal, the Board will issue a prehearing order providing that:

(1) Discovery shall be concluded within 90 days of the date of the prehearing order.

(2) The party with the burden of proof shall serve its expert reports and answers to all expert interrogatories within 120 days of the date of the prehearing order. The opposing party shall serve its expert reports and answers to all expert interrogatories within 30 days after receipt of the expert reports and answers to all expert interrogatories from the party with the burden of proof.

(3) Dispositive motions in a case requiring expert testimony shall be filed within 180 days of the date of the prehearing order. If neither party plans to call an expert witness, dispositive motions shall be filed within 150 days after the filing of the appeal unless otherwise ordered by the Board.

(4) The parties may, within 45 days of the date of the prehearing order, submit a Joint Proposed Case Management Order to the Board.

(b) A Joint Proposed Case Management Order shall propose alternate dates for the conclusion of discovery, the service of expert or supplemental reports, and the filing of dispositive motions. The Board may issue subsequent prehearing orders incorporating the alternate dates proposed by the parties or other dates the Board deems appropriate.

(c) After the Board resolves all dispositive motions, it will establish a hearing date for the remaining issues. The Board may also direct that the parties meet prior to the hearing to stipulate to uncontested facts, the qualifications of experts and the admissibility of exhibits.

(d) The parties shall file their prehearing memoranda at least 20 days before the scheduled hearing date.

(e) Subsection (d) supplements 1 Pa. Code § 35.121 (relating to initiation of hearings).

#### **§ 1021.82. Prehearing memorandum.**

(a) A prehearing memorandum shall contain the following:

(1) A statement of the facts in dispute and the facts upon which the parties agree.

(2) A statement of the legal issues in dispute, including citations to statutes, regulations and caselaw supporting the party's position.

(3) A description of scientific tests upon which the party will rely and a statement indicating whether an opposing party will object to their use.

(4) A list of expert witnesses whose qualifications will not be challenged and which may be entered into the record as an unchallenged exhibit.

(5) A summary of the testimony of each expert witness.

(6) The proposed order of witnesses.

(7) A list of the exhibits the party seeks to introduce into evidence and a statement indicating whether the opposing party will object to their introduction.

(8) Signed copies of any stipulations reached by the parties.

(b) The Board may impose sanctions on a party which does not comply with the requirements of subsection (a). These sanctions may include the preclusion of testimony or documentary evidence and the cancellation of the hearing.

(c) The requirements of this section apply only to a party's case-in-chief.

### **HEARINGS**

#### **§ 1021.85. Initiation of hearings.**

(a) If the proceedings are at issue and a hearing is required, a formal evidentiary hearing shall be scheduled and a notice of hearing shall be sent to all parties to the proceedings.

(b) Subsection (a) supersedes 1 Pa. Code § 35.121 (relating to initiation of hearings).

#### **§ 1021.86. Conduct of hearings.**

(a) Hearings may be held, at the discretion of the Board, before the Board as a whole, by individual Board members sitting as administrative law judges, or by hearing examiners who are not members of the Board. Hearings held by hearing examiners not members of the Board will be decided by the Board based upon its review of the record and the examiner's proposed adjudication. All final decisions shall be decisions of the Board decided by majority vote. Petitions for supersedeas and other petitions and motions may be decided by the Board member hearing the petition or motion.

(b) Subsection (a) supersedes 1 Pa. Code § 35.123 (relating to the conduct of the hearings).

#### **§ 1021.87. Continuance of hearings.**

(a) Hearings may not be continued except for compelling reasons. Requests for continuances shall be submitted to the Board in writing with a copy served upon the other parties to the proceedings, except that during the course of a hearing in a proceeding, the requests may be made by oral motion in the hearing.

(b) Subsection (a) supersedes 1 Pa. Code § 31.15 (relating to extensions of time).

#### **§ 1021.88. Motions in limine.**

A party may obtain a ruling on evidentiary issues by filing a motion in limine.

#### **§ 1021.89. Presentation by the parties.**

(a) Parties shall have the right to an opening statement, presentation of evidence, cross-examination, objection, motion and argument, and closing argument.

(b) The party with the burden of proof is required to make a prima facie case by the close of its case-in-chief.

(c) Subsections (a) and (b) supersede 1 Pa. Code § 35.126 (relating to presentation by the parties).

#### **§ 1021.90. Limiting number of witnesses and additional evidence.**

(a) The Board may limit the number of witnesses upon an issue and may request a party to present additional evidence on an issue.

(b) Subsection (a) supplements 1 Pa. Code §§ 35.127 and 35.128 (relating to limiting number of witnesses; and additional evidence).

**§ 1021.92. Oral argument after hearing.**

(a) A party may, within 5 days after the last post-hearing briefing and prior to adjudication, request oral argument before the entire Board. The Board may grant or deny the request.

(b) Subsection (a) supersedes 1 Pa. Code § 35.204 (relating to oral argument before presiding officer).

**TRANSCRIPT**

**§ 1021.104. Transcript.**

(a) Hearings shall be stenographically reported and a transcript of the report shall be a part of the record.

(b) Parties desiring copies of the transcript shall obtain the copies from the official reporter.

(c) Parties shall have the opportunity to review a copy of the transcript on file with the Board.

(d) Subsections (a)—(c) supplement 1 Pa. Code §§ 35.131—35.133 (relating to general provisions).

**EVIDENCE**

**§ 1021.107. Evidence.**

(a) The Board is not bound by technical rules of evidence and relevant and material evidence of reasonable probative value is admissible. The Board generally applies the Pennsylvania Rules of Evidence.

(b) Copies of an exhibit to be offered into evidence shall be made available to parties at the time it is identified as an exhibit unless otherwise ordered by the Board.

(c) Witnesses shall be sworn or shall affirm.

(d) Subsections (a)—(c) supersede 1 Pa. Code §§ 35.137—35.139, 35.162 and 35.166.

**§ 1021.108. Written testimony.**

(a) Written testimony of a witness, on numbered lines in question and answer form, may be admitted into evidence provided the witness is present for cross-examination.

(b) Written testimony shall be filed concurrently with the prehearing memorandum unless a different time is prescribed by the Board. Objections to written testimony which can be reasonably anticipated prior to hearing shall be in writing and filed at least 5 days before the hearing unless otherwise ordered by the Board.

(c) If a party desires to file written testimony prior to the close of the record, it may do so only upon motion approved by the Board. This approval shall include the scope of the written testimony and the time for filing the testimony and service upon opposing counsel.

**SUBPOENAS**

**§ 1021.114. Subpoenas.**

(a) Except as otherwise provided in this chapter or by order of the Board, requests for subpoenas and subpoenas shall be governed by Pa.Rs.C.P. 234.1—234.4 and 234.6—234.9. When the term “court” is used in Pa.R.C.P. “Board” is to be understood; when the terms “Prothonotary” or “clerk of court” are used in Pa.R.C.P. “Secretary to the Board” is to be understood.

(b) Proof of service of the subpoena need not be filed with the Board.

(c) Subsections (a) and (b) supersede 1 Pa. Code §§ 35.139 and 35.142 (relating to fees of witnesses; and subpoenas).

**BRIEFS**

**§ 1021.116. Posthearing briefs.**

(a) The initial posthearing brief of each party shall contain proposed findings of fact (with references to the appropriate exhibit or page of the transcript), an argument with citation to supporting legal authority, and proposed conclusions of law.

(b) Reply briefs shall be as concise as possible and may not exceed 25 pages. Longer briefs may be permitted at the discretion of the presiding administrative law judge.

(c) An issue which is not argued in a posthearing brief may be waived.

(d) Subsections (a)—(c) supersede 1 Pa. Code §§ 35.191—35.193 (relating to briefs).

**§ 1021.117. Amicus curiae.**

(a) Anyone interested in legal issues involved in a matter pending before the Board may request leave to file an amicus curiae brief or memorandum of law, in regard to those legal issues. The amicus curiae shall state in its request the legal issues to be addressed in the brief and shall serve a copy of the request on all parties.

(b) If the Board grants a request, the amicus curiae shall file the brief within the time prescribed by the Board and shall serve a copy on all parties. Any party may file a response to a brief amicus curiae which is adverse to its interests.

(c) The amicus curiae may present oral argument only as the Board may direct.

**ADJUDICATIONS**

**§ 1021.118. Adjudications.**

(a) At the conclusion of the proceedings, the Board will issue an adjudication containing a discussion, findings of fact, conclusions of law and an order.

(b) The Board will serve a copy of the adjudication on all parties to the proceeding or their representatives.

(c) Subsections (a) and (b) supersede 1 Pa. Code § 35.226 (relating to final orders).

**SANCTIONS**

**§ 1021.125. Sanctions.**

The Board may impose sanctions upon a party for failure to abide by a Board order or Board rule of practice and procedure. The sanctions may include dismissing an appeal, entering adjudication against the offending party, precluding introduction of evidence or documents not disclosed, barring the use of witnesses not disclosed, or other appropriate sanctions including those permitted under Pa.R.C.P. 4019 (relating to sanctions regarding discovery matters).

**PREPAYMENT OF PENALTIES**

**§ 1021.161. Prepayment of penalties.**

(a) When a statute requires that an appellant prepay or post a bond to secure payment of a penalty assessed by the Department, the appellant shall submit to the Board with the appeal a check in the amount of the penalty or an appropriate bond securing payment of the penalty as required by statute. The check shall be made payable to the Commonwealth of Pennsylvania.

(b) A bond shall be in favor of the Department of Environmental Protection except in the case of the Air Pollution Control Act (35 P.S. §§ 4001—4106) which currently requires the bond to be in favor of the Board.

**§ 1021.162. Hearing on inability to prepay penalty or post a bond.**

(a) If an appellant submits a verified statement that he is unable to pay in accordance with § 1021.51 (relating to commencement, form and content of appeals), the Board may schedule a hearing on the validity of this claim and may require the appellant to supply appropriate financial information to the Department in advance of the hearing.

(b) If the Board determines that the appellant is able to prepay the penalty assessed or post a bond the Board will order the appellant to do so, within a period not to exceed 30 days.

**APPELLATE MATTERS**

**§ 1021.171. Composition of the Certified Record on Appeal to Commonwealth Court.**

(a) Unless the parties file a stipulation with the Board providing otherwise, within 20 days of the filing of the petition for review, the Board shall certify the record in accordance with Pa.R.C.P. 1951 (relating to record below in proceedings on petition for review) and the record shall consist of:

- (1) A list of the docket entries.
- (2) The notice of appeal and the Department action appealed to the Board, or, if the proceedings before the Board were initiated with a complaint, the complaint.

(b) In addition to items listed in subsection (a), for appeals of Board adjudication, the record shall also include:

- (1) The Board's adjudication and order.
- (2) The notes of testimony from the hearing, all exhibits admitted into evidence.
- (3) The parties' posthearing memoranda, including requested findings of fact and conclusions of law.
- (4) Petitions for reconsideration or to reopen the record, answers and accompanying exhibits.
- (5) Other documents which formed the basis of the Board's adjudication.

(c) In addition to items listed in subsection (a), for appeals of Board opinions and orders, the record shall also include:

- (1) The Board's opinion and order.
- (2) The motion or petition which was the subject of the Board's opinion and order, together with responses, answers, and replies, and accompanying exhibits.
- (3) Petitions for reconsideration of the Board's opinion and order, responses, answers, and replies, and accompanying exhibits.
- (4) Other documents which formed the basis of the Board's opinion and order.

[Pa.B. Doc. No. 99-1494. Filed for public inspection September 3, 1999, 9:00 a.m.]

# PROPOSED RULEMAKING

## DEPARTMENT OF HEALTH

[28 PA CODE CHS. 1101, 1103, 1105, 1107, 1109, 1111 AND 1113]

### Retail Store Management and Administration Appeals for WIC; Review of Regulations

Under the Governor's Executive Order 1996-1, the Department of Health (Department) is conducting a review of regulations governing retail store management and administrative appeals for the Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program). The regulations under review may be found at 28 Pa. Code Part VIII, Chapters 1101, 1103, 1105, 1107, 1109, 1111 and 1113 (29 Pa.B. 3841 (July 24, 1999)).

All regulations will be reviewed, however, certain changes are mandated as a result of changes to Federal regulations governing the WIC Program. The final Federal rules were published in the *Federal Register* on March 17, 1999, and are to be implemented by states operating WIC Programs no later than May 2000. Additionally, the United States Department of Agriculture has published proposed changes to the Federal regulations in the June 16, 1999, *Federal Register*. Copies of the State regulations which include the mandatory changes to be effective May 2000, final rules for the Federal regulations and proposed changes to the Federal regulations may be obtained by calling Wendy Noel at (717) 783-1289. Copies of the State regulations which include the mandatory changes to be effective May 2000, may also be accessed

through the Department of Health web site at [www.health.state.pa.us](http://www.health.state.pa.us).

The Department is seeking public comment on the State regulations. The Department will hold a public meeting on Thursday, September 23, 1999, from 10 a.m. to 3 p.m., at the Rachel Carson State Office Building Auditorium located at 400 Market Street, Harrisburg, PA. The purpose of the meeting is to solicit public comment on the State regulations.

Persons wishing to give testimony at the public meeting are requested to preregister with the State WIC Program office by calling (717) 783-1289. Those unable to attend the meeting, but wishing to express their views, may submit written comments to the Department. To be considered, written comments must be received no later than 5 p.m. September 23, 1999. Written comments may be directed to: Department of Health, Division of Women, Infants and Children (WIC), Attention: Retail Store Management Unit, P. O. Box 90, Harrisburg, PA 17108.

Persons who require reasonable accommodations in accordance with the Americans with Disabilities Act (ADA) of 1990, should contact Wendy Noel at (717) 783-1289 for assistance. V/TT: (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Services at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 99-1495. Filed for public inspection September 3, 1999, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 58—RECREATION

### STATE ATHLETIC COMMISSION

#### [58 PA. CODE CH. 41]

#### Athletic Agents

On January 27, 1998, the Pennsylvania General Assembly enacted 5 Pa.C.S. Part II (relating to athletic agents) (act) requiring registration of athletic agents. The act became effective March 28, 1998. For calendar year 1999 to date (April 26, 1999), 26 agents within this Commonwealth and 39 agents residing outside this Commonwealth have registered as athletic agents. This statement of policy provides guidance to athletic agents seeking to comply with the act.

Under 5 Pa.C.S. § 3102 (relating to definitions), an "athletic agent" is defined as a "person who *directly or indirectly* recruits or solicits a person to enter into an agent contract or professional sport services contract or who procures, offers, promises or attempts to obtain employment for a person with a professional sports team as a professional athlete." (emphasis added) An "agent contract" is defined in the same section as "[a]ny contract or agreement pursuant to which a person authorizes or empowers an athletic agent to negotiate or solicit on behalf of the person with one or more professional sports teams for the employment of the person by a professional sports team as a professional athlete."

Section 3301 of the 5 Pa.C.S. (relating to athletic agent registration) requires registration of all persons, whether or not they reside in this Commonwealth, who "*directly or indirectly* serve or offer to serve as an athletic agent unless the person has first procured athletic agent registration" from the State Athletic Commission (Commission) (emphasis added). In addition, 5 Pa.C.S. § 3302 (relating to application for registration) specifies the procedures and fees for registration of athletic agents, while 5 Pa.C.S. § 3303 (relating to qualification for registration) addresses the qualifications for registration. The reference to out-of-State athletic agents in 5 Pa.C.S. § 3302(d) clarifies that their negotiations with sports teams or promoters in this Commonwealth on behalf of any athlete, wherever they are located, would trigger the registration and reporting requirements.

The fact that all athletic agents (both in-State and out-of-State agents) should be covered by this act is demonstrated by three important items. The first is clearly stated in the Legislative history during the debate that occurred on the Senate floor as this legislation was considered. References to two out-of-State athletic agents from different states were specifically made during the Senate floor debate of January 21, 1998. See pages 1357—1358. It is clear from the floor debate that the Senate intended that this law apply to all out-of-State athletic agents as well as to athletic agents residing in this Commonwealth. Section 1921 of the Statutory Construction Act of 1972, 1 Pa.C.S. § 1921 (relating to legislative intent controls) provides information on the

intent of the statute and the "mischief to be remedied." Furthermore, there is no mention in the Legislative history of any limitation of the act to only professional sports teams or promoters located solely within this Commonwealth.

The Legislative history demonstrates that the General Assembly required the registration of all athletic agents who enter this Commonwealth either directly or indirectly from any location (within or outside this Commonwealth) to procure employment contracts with athletes located in this Commonwealth. This would include any means of direct or indirect contact, including telephonic, electronic, mail, electronic mail or personal contact. In this technological age, a variety of methods are available to athletic agents to contact athletes located in this Commonwealth.

The second demonstration of the Legislative intent to include both in-State and out-of-State athletic agents in the registration requirements of the act is the great lengths to which the General Assembly went in other portions of this Legislation to fully protect Commonwealth athletes. As noted in the Senate floor debate of January 21, 1998, abuses by some out-of-State agents in the past have acted as an incentive for the General Assembly to include a variety of preventative and enforcement measures within our Legislation.

To ensure the complete protection of athletes located within this Commonwealth, the General Assembly included provisions in 5 Pa.C.S. § 3304 (relating to issuance of registration to certain persons prohibited) to prohibit the issuance of registration to those convicted of certain offenses and to prohibit registration to those who act as athletic agents without registering with the Commission. Likewise, 5 Pa.C.S. § 3305 (relating to unlawful actions by athletic agents) prohibits unlawful activities by athletic agents, while 5 Pa.C.S. § 3306 (relating to suspension and revocation of registration) provides for the suspension and revocation of registration of athletic agents who commit unlawful actions. To provide for enforcement of these protections of Commonwealth athletes, 5 Pa.C.S. § 3307 (relating to bonding requirements) requires the bonding of all athletic agents (which may be used to pay damages for the actions of athletic agents), and 5 Pa.C.S. § 3309 (relating to penalty and injunctive relief) allows the Commission to impose civil penalties or injunctive relief.

Finally, the third justification for the inclusion of both in-State and out-of-State athletic agents in the registration requirements of the act is found in the Statutory Construction Act at 1 Pa.C.S. § 1932 (relating to statutes "in pari materia"). Section 1932 specifically requires that all sections of a statute are to be read "in pari materia." That is, all sections of the statute are to be read together as a whole. In 5 Pa.C.S. § 3301, registration with the Commission is required of all persons who directly or indirectly serve as athletic agents. Furthermore, the definition of "athletic agent" in 5 Pa.C.S. § 3102 defines an athletic agent as a person who directly or indirectly recruits or solicits a person to enter into an

agent contract or a professional sport services contract or who offers employment for a professional sports team as a professional athlete. Finally, the definition of "agent contract" in 5 Pa.C.S. § 3102 is defined as any contract to which a person authorizes or empowers an athletic agent to negotiate or solicit on behalf of the person with one or more professional sports teams for the employment of the person as a professional athlete. These two key definitions in 5 Pa.C.S. § 3102 and the registration requirements for athletic agents in 5 Pa.C.S. § 3301 contain no mention of the limitation to sports teams or promoters located within this Commonwealth.

Therefore, the reference to out-of-State athletic agents in 5 Pa.C.S. § 3302(d) should be interpreted to clarify that their negotiations of professional sport services contracts with sports teams or promoters in this Commonwealth with athletes who are located in this Commonwealth as well as located outside this Commonwealth would trigger their registration and reporting requirements in this Commonwealth. By reading all of the sections of the act "in pari materia," it is clear that the act requires two types of registration for out-of-State athletic agents. First, 5 Pa.C.S. § 3301 requires the registration in advance of all athletic agents, wherever they reside, who directly or indirectly recruit or solicit a person located within this Commonwealth to enter into an agent contract or agreement which authorizes or empowers an athletic agent to negotiate or solicit on behalf of an athlete with any professional sports team in any location. Second, 5 Pa.C.S. § 3302(d) requires notification within 7 days and registration within 30 days of all athletic agents for any professional athletes, wherever they are located, when the athletic agent is negotiating a sports services contract with any Commonwealth sports team or promoter.

This statement of policy is not intended to circumscribe any administrative discretion given to the Department of State under any law or rule or regulation. This statement of policy is effective upon publication in the *Pennsylvania Bulletin*. Questions on this statement of policy can be addressed to the State Athletic Commission at (717) 787-5720.

(*Editor's Note:* The regulations of the Commission, 58 Pa. Code Part I are amended by adding a statement of policy in §§ 41.1—41.3 to read as set forth in Annex A.)

KIM PIZZINGRILLI,  
*Secretary of the Commonwealth*

**Fiscal Note:** 16-21. No fiscal impact; (8) recommends adoption.

**Annex A**  
**TITLE 58. RECREATION**  
**PART I. STATE ATHLETIC COMMISSION**  
**Subpart D. ATHLETIC AGENTS**  
**CHAPTER 41. ATHLETIC AGENTS—STATEMENT OF POLICY**

- Sec.  
41.1. Athletic agents required to register.  
41.2. Evidence of acting as athletic agent.  
41.3. Professional sports services contracts with Commonwealth sports teams or promoters.

**§ 41.1. Athletic agents required to register.**

This chapter announces the Commission's interpretation of 5 Pa.C.S. Part II (relating to athletic agents). The Commission interprets 5 Pa.C.S. § 3301 (relating to athletic agent registration) as requiring all athletic agents, whether or not they reside in this Commonwealth, to register with the Commission when they directly or indirectly serve or offer to serve as an athletic agent, as defined in 5 Pa.C.S. § 3102 (relating to definitions), for any athlete located in this Commonwealth.

**§ 41.2. Evidence of acting as athletic agent.**

The signing of an agent contract, as defined in 5 Pa.C.S. § 3102 (relating to definitions), will be regarded as evidence of acting as an athletic agent, unless the athletic agent can prove that no contacts of any kind were made in this Commonwealth. This would include any means of direct or indirect contact, including telephonic, electronic, mail, electronic mail or personal contact.

**§ 41.3. Professional sports services contracts with Commonwealth sports teams or promoters.**

The Commission interprets 5 Pa.C.S. § 3302(d) (relating to application for registration) as requiring all out-of-State athletic agents to register with the Commission when they negotiate any professional sport services contract for all athletes, whether or not they are located within this Commonwealth, who perform with a professional sports team or a promoter in this Commonwealth. Under 5 Pa.C.S. § 3302(d)(2), an out-of-State agent representing an athlete is required to notify the Commission within 7 days of commencing negotiations for a sports services contract with a Commonwealth professional sports team or promoter. Under 5 Pa.C.S. § 3302(d)(3), the out-of-State agent representing an athlete is required to complete a registration application within 30 days of commencing negotiations for a sports services contract with a Commonwealth professional sports team or promoter.

[Pa.B. Doc. No. 99-1496. Filed for public inspection September 3, 1999, 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 24, 1999.

#### BANKING INSTITUTIONS

##### New Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-19-99	First CornerStone Bank King of Prussia Montgomery County	1004 West Ninth Ave. King of Prussia Montgomery County	Approved
8-20-99	Aligned Partners Trust Company Pittsburgh Allegheny County  <i>Correspondent:</i> John P. Shaffer Rodgers Brothers, Inc. 7 Wood St., 7th Flr. Pittsburgh, PA 15222	Pittsburgh	Filed

##### Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
6-30-99	First Leesport Bancorp, Inc., Leesport, to acquire 100% of the voting shares of Merchants of Shenandoah Ban-Corp, Shenandoah	Leesport	Effective

As a result of this transaction, Merchants Bank of Pennsylvania, Shenandoah, a State-chartered banking institution, became a wholly-owned subsidiary of First Leesport Bancorp, Inc.

##### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-20-99	Keystone Financial Bank, National Association, Harrisburg; Financial Trust Services Company, Carlisle; and Key Trust Company, Horsham Surviving Institution— Keystone Financial Bank, National Association, Harrisburg	Harrisburg	Effective

##### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-23-99	Summit Bank Bethlehem Northampton County	1430 Walnut Street Philadelphia Philadelphia County	Opened

##### Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-16-99	Summit Bank Bethlehem Northampton County	<i>To:</i> 12 Chestnut Street Paoli Chester County  <i>From:</i> 1756 East Lancaster Ave. Paoli Chester County	Effective

**Branch Discontinuances**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-20-99	Summit Bank Bethlehem Northampton County	Second Avenue and Hutchison St. Martins Creek Northampton County	Effective

**Articles of Amendment**

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
8-20-99	Financial Trust Services Company Carlisle Cumberland County	To amend Articles 2 and 3 of the Articles of Incorporation which provide for a change in location of the principal place of business; and change the purpose clause from that of a trust company to a bank and trust company, respectively.*	Approved and Effective
8-20-99	Key Trust Company Horsham Montgomery County	To Amend Article 3 of the Articles of Incorporation to change the purpose clause from that of a trust company to a bank and trust company.*	Approved and Effective

\*The Articles of Incorporation for the above-noted institutions are being amended to facilitate the merger of the two entities with and into Keystone Financial Bank, National Association, an affiliated nationally-chartered bank.

**SAVINGS ASSOCIATIONS**

No activity.

**CREDIT UNIONS**

No activity.

DAVID E. ZUERN,  
*Secretary*

[Pa.B. Doc. No. 99-1497. Filed for public inspection September 3, 1999, 9:00 a.m.]

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Applications, Actions and Special Notices**

**APPLICATIONS**

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

[National Pollution Discharge Elimination System Program (NPDES)]

**DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER**

**(Part I Permits)**

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

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

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

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

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



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

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

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*Northeast Region: Environmental Protection Manager, Water Management, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2553.*

**PA 0027006.** Sewerage, **Tamaqua Borough**, 320 East Broad Street, Tamaqua, PA 18252.

This proposed action is for renewal of an NPDES permit to discharge treated sewage into the Little Schuylkill River in Walker Township, **Schuylkill County**.

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

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is the Pottstown Water Authority, located on the Schuylkill River.

The proposed effluent limits for Outfall 001, based on a design flow of 2.60 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Weekly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25.0	40.0	50.0
Total Suspended Solids	30.0	45.0	60.0
NH <sub>3</sub> -N			
(5-1 to 10-31)	6.0		12.0
(11-1 to 4-30)	18.0		
Dissolved Oxygen	a minimum of 5.0 mg/l at all times		
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a geometric mean		
(10-1 to 4-30)	2,000/100 ml as a geometric mean		
pH	6.0—9.0 standard units at all times		
Total Residual Chlorine	1.0		2.0
Color	monitor and report		

The EPA waiver is not in effect.

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

**PA 0080594.** Industrial waste, SIC: 3084, **Bristolpipe Corporation**, 88 Newport Road, Leola, PA 17540.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to an unnamed tributary of Mill Creek, in Upper Leacock Township, **Lancaster County**.

The receiving stream is classified for warm water fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was the Holtwood Power Plant located in Martic Township, **Lancaster County**. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.72 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
BOD <sub>5</sub>		26	
Total Suspended Solids		19	
Oil and Grease	15	29	30
Temperature			
(5-1 to 10-31)		90°F as daily average	
(11-1 to 4-30)		65°F as daily average	
pH		6.0—9.0 standard units	

The proposed effluent limits for Outfall 002 for stormwater are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>		monitor	
COD		monitor	
Oil and Grease		monitor	
Total Suspended Solids		monitor	
Total Kjeldahl Nitrogen		monitor	
Phosphorus		monitor	

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Iron (dissolved)		monitor	
pH		monitor	

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

The EPA waiver is in effect.

**PA 0088056.** Industrial waste (well water), SIC: 4941, **Gettysburg Municipal Authority**, 601 East Middle Street, P. O. Box 3307, Gettysburg, PA 17325.

This application is for issuance of an NPDES permit for a new discharge of untreated well water to Marsh Creek in Cumberland Township, **Adams County**.

The receiving stream is classified for cold water fish, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements, the existing downstream potable water supply intake considered during the evaluation was the Gettysburg Municipal Authority intake located on Marsh Creek. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for the intermittent flow of 1.3 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Temperature (well)	monitor and report (°F)	monitor and report (°F)
(upstream)	monitor and report (°F)	monitor and report (°F)
(downstream)	monitor and report (°F)	monitor and report (°F)
Total Iron	monitor and report	monitor and report
Manganese	monitor and report	monitor and report
Sulfate	monitor and report	monitor and report
Total Dissolved Solids	monitor and report	monitor and report
pH	from 6.0—9.0 su inclusive	

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

The EPA waiver is in effect.

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

**PA 0218057.** Industrial waste, SIC: 3273, **U. S. Army Corps of Engineers, Pittsburgh District**, 1000 Liberty Avenue, Pittsburgh, PA 15222-4186.

This application is for issuance of an NPDES permit to discharge treated process water and stormwater from a concrete batch plant in Duquesne, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, unnamed tributary to the Monongahela River, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is PA American Water Company located at Becks Run, 7.5 miles below the discharge point.

*Outfall 001:* new stormwater discharge for the period from permit issuance through cessation of construction activities.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Suspended Solids			15.0	30.0	37.5
Aluminum			0.1	0.2	0.25
Iron			1.0	2.0	2.5
Manganese			0.1	0.2	0.25
pH	not less than 6.0 nor greater than 9.0				

*Outfall 001:* new discharge, design flow of 1.8 mgd for the period from the operation of the batch plant through permit expiration.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Suspended Solids			15.0	30.0	37.5
Total Dissolved Solids			250.0	500.0	625.0
Oil and Grease			not detectable		

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
MBAS				not detectable	
Aluminum			0.1	0.2	0.25
Iron			1.0	2.0	2.5
Manganese			0.1	0.2	0.25
Magnesium				monitor and report	
pH	not less than 6.0 nor greater than 9.0				

*Other Conditions:* Approval of the erosion and sedimentation control plan, stormwater management conditions.

The EPA waiver is in effect.

**PA 0218090.** Stormwater, SIC: 1542, **Public Auditorium Authority of Pittsburgh and Allegheny County**, 425 Sixth Avenue, Suite 1410, Pittsburgh, PA 15219-1819.

This application is for issuance of an NPDES permit to discharge stormwater from the construction of PNC Park in Pittsburgh, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, Allegheny River, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is the West View Municipal Authority, located on the Ohio River, 5.4 miles below the discharge point.

*Outfall 001:* new discharge.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	monitor and report				
Total Suspended Solids			30		60
Oil and Grease			15		30
Boron				monitor and report	
Iron				monitor and report	
Aluminum				monitor and report	
Lead				monitor and report	
Manganese				monitor and report	
Mercury				monitor and report	
Vanadium				monitor and report	
Beryllium				monitor and report	
Copper				monitor and report	
Nickel				monitor and report	
Zinc				monitor and report	

*Outfall 001:* new discharge

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Cyanide (Free)				monitor and report	
Chromium				monitor and report	
Anthracene				monitor and report	
Benzo(k)fluoranthene				monitor and report	
Benzo(a)anthracene				monitor and report	
Benzo(b)fluoranthene				monitor and report	
Benzo(g,h,i)				monitor and report	
Fluoranthene				monitor and report	
Benzo(a)pyrene				monitor and report	
Naphthalene				monitor and report	
2-Methylnaphthalene				monitor and report	
Acenaphthene				monitor and report	
Chrysene				monitor and report	
Pyrene				monitor and report	
Phenanthrene				monitor and report	
Acenaphthylene				monitor and report	
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

**PA 0035882.** Sewage, **Placid Manor Mobile Homes Court**, P. O. Box 411, Adamsburg, PA 15611-0411.

This application is for renewal of an NPDES permit to discharge treated sewage from the Placid Manor Mobile Home Park STP in Hempfield Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Unnamed Tributary of Little Sewickley Creek, which are classified as a trout stocked fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Westmoreland County Municipal Authority, McKeesport Plant, on the Youghiogheny River.

*Outfall 001:* existing discharge, design flow of 0.015 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	2.6			5.2
(11-1 to 4-30)	5.0			10.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	(2,000/100 ml as a geometric mean)			
Total Residual Chlorine				
(1st month—36th month)	monitor and report			
(37th month—expiration)	0.06			0.15
Dissolved Oxygen	not less than 6.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA 0097047.** Sewage, **Westmoreland County Industrial Park Authority**, 601 Courthouse Square, Greensburg, PA 15601.

This application is for renewal of an NPDES permit to discharge treated sewage from the Nike Site No. 37 STP in Sewickley Township, **Westmoreland County**.

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

*Outfall 001:* existing discharge, design flow of .008 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25	38		50
Suspended Solids	30	45		60
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

**PA 0039225.** Sewage. **Blaine E. Rhodes Sewer Company**, P. O. Box 397, Reno, PA 16343-0397.

This application is for renewal of an NPDES permit to discharge treated sewage to the Allegheny River in Sugar Creek Borough, **Venango County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Emlenton Water Company on the Allegheny River located at river mile 90, approximately 37.1 miles below point of discharge.

The proposed effluent limits for Outfall No. 001 (after the chlorine contact tank), based on the design flow of 0.0465 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
TSS	30	60
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric average 100,000/100 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.

**PA 0002674.** Industrial waste, SIC: 2911, **American Refining Group, Bradford Refinery**, 77 North Kendall Avenue, Bradford, PA 16701.

This application is for renewal of an NPDES permit, to discharge treated industrial waste, stream condensate and stormwater to Tunungwant Creek and Foster Brook in Bradford, **McKean County**. These are existing discharges.

The receiving waters are classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the PA/NY state line approximately 3 miles below point of discharge.

The proposed discharge limits, based on a design flow of 0.45 mgd, are:

*Outfall No. 002*

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	XX		
BOD <sub>5</sub>	XX	XX	125
TSS	XX	XX	105
NH <sub>3</sub> -N	XX	XX	13
Oil and Grease	15		30
COD	XX	XX	615
Phenolics	XX	XX	0.8
Sulfide	XX	XX	0.7
Chromium (T)	XX	XX	0.9
Hexavalent Chromium	XX	XX	0.07
Copper			
Interim Limits	XX	XX	
Final Limits	0.036	0.072	0.09
pH		6.0—9.0 at all times	

XX—Monitor and report on monthly DMRs.

The proposed discharge limits, based on a design flow of 0.012 mgd, are:

*Outfall No. 004*

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	XX		
BOD <sub>5</sub>	XX	XX	125
TSS	XX	XX	105
NH <sub>3</sub> -N	XX	XX	3
Oil and Grease	15		30
COD	XX	XX	615
Phenolics	XX	XX	0.8
Sulfide	XX	XX	0.7
Chromium (T)	XX	XX	0.9
Hexavalent Chromium	XX	XX	0.07
pH		6.0—9.0 at all times	

The proposed discharge limits, based on a design flow of n/a mgd, are:

*Outfall No. 005, 006, 007, 008, 009 and 010.*

<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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These outfalls shall consist of uncontaminated stormwater runoff only.  
Refer to stormwater only outfall condition in Part C.

1. Final water quality based effluent based limitation for Copper.
2. Requirement to submit a Toxic Reduction Evaluation.

3. Conditions for future permit modification.
4. Procedures for granting time extensions to achieve final water quality based effluent limitations.
5. Procedures for demonstrating alternative site-specific bioassay based effluent limitations.
6. Procedures for demonstrating alternative method detection limits.

The EPA waiver is not in effect.

**PA 0221571.** Industrial waste, SIC: 3089, **Loranger Manufacturing Corporation**, P. O. Box 948, 2715 Pennsylvania Avenue West, Warren, PA 16365.

This application is for revoke/reissue of an NPDES permit, to discharge NCCW, compressor condensate, ultrasonic wastewater, TowerClean backwash and stormwater to an unnamed tributary to Morse Run in Conewango Township, **Warren County**. This is an existing discharge.

The receiving water is classified for the following uses: HQ-CWF, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Emlenton Water Company on the Allegheny River located at Emlenton, approximately 87 miles below point of discharge.

The proposed discharge limits, based on a design flow of 0.0002 mgd, are:

*Outfall No. 001*

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH		6.0—9.0 at all times	

The proposed discharge limits, based on a design flow of 0.01 mgd, are:

*Outfall No. 004*

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX		
pH		6.0—9.0 at all times	

The proposed discharge limits, based on a design flow of 0.000005 mgd, are:

*Outfall No. 005*

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX		
pH		6.0—9.0 at all times	

The proposed discharge limits, based on a design flow of 0.00027 mgd, are:

*Outfall No. 006*

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX		
pH		6.0—9.0 at all times	

The EPA waiver is in effect.

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#### **Proposed NPDES Permit Renewal Actions for Minor Sewage Discharges**

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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 Manager will make a final determination regarding the proposed permit action. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

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

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*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 0036102	Lehigh County Authority P. O. Box 3348 Allentown, PA 18106-0348	Lehigh Heidleberg Township	Unnamed tributary to Mill Creek	TRC
PA 0042951	Tremont Municipal Authority 423 West Main Street Tremont, PA 17981	Schuylkill Tremont Boro	Swatara Creek	TRC

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

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Requirements</i>
PA 0086371	Poor Richard's Historic Hereford Inn Richard and Carol Mack P. O. Box 84 Hereford, PA 18056	Berks Hereford Township	Perkiomen Creek	TRC
PA 0024708	Union Township Municipal Authority P. O. Box 5625 Belleville, PA 17004-9701	Mifflin Union Township	Kishacoquillas Creek	TRC
PA 0086665	Green Springs Brethren In Christ Church 720 Greenspring Road Newville, PA 17241	Cumberland North Newton Township	Green Spring Creek	TRC

## **DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER**

### **Applications under the Pennsylvania Clean Streams Law**

#### **(Part II Permits)**

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

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

protests and additions or amendments to protests already filed should be filed within 15 calendar days from the date of this issue of the *Pennsylvania Bulletin*. A copy of each permit application and proposed plan is on file in the office indicated and is open to public inspection.

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

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

*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. 0195408 99-1.** Sewage, submitted by **Freedom Valley Worship Center**, 2218A York Road, Gettysburg, PA 17325, Straban Township, **Adams County**, to replace the

septic tanks with an aerobic treatment tank was received in the Southcentral Region on July 26, 1999.

**A. 3699405.** Sewage, submitted by **East Earl Sewer Authority**, 4610 Division Highway, East Earl, PA 17519, East Earl Township, **Lancaster County**, to construct a sewage pumping station to serve Cedar Lane Heights development was received in the Southcentral Region on July 27, 1999.

**A. 6799201.** Industrial waste, submitted by **Waste Management of Pennsylvania, Inc.**, 1000 New Ford Mill Road, Morrisville, PA 19067, Dover Township, **York County**, to modify the existing groundwater treatment system was received in the Southcentral Region on July 29, 1999.

**A. 3699406.** Sewage, submitted by **Salisbury Township**, 5581 Old Philadelphia Pike, Gap, PA 17527, Salisbury Township, **Lancaster County**, for expansion of an existing wastewater treatment plant was received in the Southcentral Region on August 2, 1999.

**A. 2299405.** Sewage, submitted by **Derry Township Municipal Authority**, 670 Clearwater Road, Hershey, PA 17033-3237, Derry Township, **Dauphin County**, for construction of pump stations on Quarry Road and Bullfrog Valley Road was received in the Southcentral Region on August 9, 1999.

**A. 4499401.** Sewage, submitted by **Kistler Borough**, 94 Cedar Street, Mount Union, PA 17066, Kistler Borough, **Mifflin County**, for construction of gravity sewers, pump station and force main was received in the Southcentral Region on August 11, 1999.

**A. 0799403.** Sewage, submitted by **Borough of New Morgan**, Building D, Room 3, Morgantown, PA 19543, New Morgan Borough, **Berks County**, to construct a sanitary sewer interceptor and a sewage treatment facility was received in the Southcentral Region on August 13, 1999.

*Southwest Regional Office: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**A. 3074201, Amendment No. 3.** Industrial waste. **West Penn Power (dba Allegheny Power)**, 800 Cabin Hill Drive, Greensburg, PA 15601-1689. Application for the installation and operation of a stormwater diversion sump that will direct industrially impacted stormwater to Hatfield's existing wastewater treatment system located in Monongahela Township, **Greene County**.

**A. 0299417.** Sewerage. **Emil Radinick**, 924 Millcourt, Bridgeville, PA 15017. Application for construction and operation of a small flow sewage treatment plant to serve the Radinick Residence located in South Fayette Township, **Allegheny County**.

**A. 5699403.** Sewerage. **Clark Fisher**, 318 Barberrry Drive, Lancaster, PA 17601. Application for construction and operation of a small flow sewage treatment plant to serve the Fisher Residence located in Lincoln Township, **Somerset County**.

**A. 5699404.** Sewerage. **Edward Conner**, 114 Hawk Lane, Somerset, PA 15501. Application for construction and operation of a small flow sewage treatment plant to serve the Conner Residence located in Jenner Township, **Somerset County**.

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

**WQM Permit No. 2599416.** Sewage. **Harborcreek Township Sewer Authority**, 5601 Buffalo Road, Harborcreek, PA 16421. This project is for the construction of a duplex submersible sewage pump station, forcemain and gravity sanitary collection sewer in Harborcreek Township, **Erie County**.

## INDIVIDUAL PERMITS

(PAS)

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### NPDES Individual

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

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

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

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

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

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

*Southcentral Regional Office: Regional Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 657-4707.*

*Mifflin County Conservation District, District Manager, 20 Windmill Hill Rm. 4, Burnham, PA 17009, (717) 248-4695.*

**NPDES Permit PAS-10-4506.** Stormwater. **Uni-Marts, Inc.**, 477 East Beaver Avenue, State College, PA 16801-5690, has applied to discharge stormwater from a



construction activity located in Armagh Township, **Mifflin County**, to Laurel Creek (HQ-CWF).

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

**NPDES Permit PAS10A110.** Stormwater. **Walter G. Gregg, Jr.**, Camp Meeting Road, Sewickley, PA 15143, has applied to discharge stormwater from a construction activity located in Bell Acres Borough, **Allegheny County** to Tributary Little Sewickley Creek.

## SAFE DRINKING WATER

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

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

**A. 4699511.** Public water supply. **Horsham Water and Sewer Authority**, 617 Horsham Road, Horsham, PA 19044. This proposal involves the installation of an aeration system to existing well No. 3 for the removal of carbon dioxide in Horsham Township, **Montgomery County**.

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

**4099503.** Public water supply. **Glen Summit Spring Water**, Kevin Duffy, P. O. Box 129, Mountaintop, PA 18707. This proposal involves the construction of a borehole adjacent to its existing springs to supplement the springs during times of reduced groundwater recharge. It is located in Wright Township, **Luzerne County**. *Engineer:* Mark Snyder, P.E., Rettew Associates, Inc.

**5299503.** Public water supply. **Fawn Hill Association, Inc.**, Stephen D. Vogt, Water Committee Chairperson, Greentown, PA 18426. This proposal involves permitting of existing unpermitted facilities consisting of one well and associated distribution system which currently serves 17 homes. It is located in Green Township, **Pike County**. *Engineer:* Schoenagel and Schoenagel, Fred C. Schoenagel, Jr. P.E.

*Regional Office: Northcentral Field Operations, Environmental Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701.*

**A. Minor Amendment.** The Department has received a construction permit application from **Wellsboro Municipal Authority**, 28 Crafton Street, Wellsboro, PA 16901, Borough of Wellsboro, **Tioga County**. The minor amendment is to repair the settling basin at the water treatment plant on Park Hill and construction of a new reinforced shotcrete wall.

**A. Minor Amendment.** The Department has received a permit application from **United Water Pennsylvania**, 4211 East Park Circle, Harrisburg, PA 17111, Town of Bloomsburg, **Columbia County** to install a BIF chemical feeder at the Irondale Treatment Plant for the purpose of feeding activated charcoal to treat taste and odor problems.

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

**0499503. Beaver County Commissioners**, 810 Third Street, Beaver, PA 15009-2196. Installation of water line

connecting a new 1 mgd water storage tank to the existing Aliquippa water distribution and the New Beaver County Jail serving the City of Aliquippa, Center Township and Hopewell Township in **Beaver County**.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 1

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

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

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

For further information concerning the content of a Notice of Intent to Remediate, contact the Environmental Cleanup Program Manager in the Department's Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

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

*Southeast Regional Office, Environmental Cleanup Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-5950.*

**Brinker's Fuels Facility**, Doylestown Borough, **Bucks County**. Matthew H. Jones, WIK Associates, Inc., P. O. Box 287, New Castle, DE 19720, has submitted a Notice of Intent to Remediate site soil 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 *Doylestown Intelligencer Record* on August 2, 1999.

**Modern Laundry (Former)**, City of Philadelphia, **Philadelphia County**. Sonya Y. Ward, Powell-Harpstead, Inc., 800 East Washington Street, West Chester, PA 19380, has submitted a Notice of Intent to Remediate site groundwater contaminated with petroleum hydrocarbons. The site is located in a special industrial area. The applicant's proposed remediation will address any immediate, direct or imminent threat to the public health and the environment and will be based on the results of the Baseline Remedial Investigation Report. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Inquirer* on April 29, 1999.

**Spring Mill Estates North Parcel Site II**, Upper Providence Township, **Montgomery County**. Mark Fortna, DelVal Soil & Environmental Consultants, Inc., Sky Run II, Suite A1, 4050 Skyron Drive, Doylestown, PA 18901, 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 *Times Herald* on August 16, 1999.

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

**Dixon Bros. Dry Cleaners (Former)**, City of Pittsburgh, **Allegheny County**. Maribeth Hook, Urban Redevelopment Authority of Pittsburgh, 200 Ross Street, Pittsburgh, PA 15219, has submitted a Notice of Intent to Remediate soil and groundwater contaminated with solvents and PHCs. The applicant proposes to remediate the site to meet the site-specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Pittsburgh Post Gazette* on August 16, 1999.

## SOLID AND HAZARDOUS WASTE

### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Applications submitted under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate a solid waste processing or disposal area or site.**

*Northcentral Regional Office: Regional Solid Waste Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3653.*

**A. 301306. Sunbury Steam Electric Station** (Pennsylvania Power & Light Co., Two North Ninth Street, Allentown, PA 18101-1179). Application for permit reissuance for change of ownership of a residual waste disposal

impoundment located in Shamokin Dam Borough, **Snyder County**. Application accepted in the regional office on August 16, 1999.

### PREVIOUSLY UNPERMITTED CLASS OF SPECIAL HANDLING WASTE

#### INFECTIOUS OR CHEMOTHERAPEUTIC WASTE

**Applications received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Infectious and Chemotherapeutic Waste Law (35 P. S. §§ 6019.1—6019.6) and regulations for license to transport infectious and chemotherapeutic waste.**

*Bureau of Land Recycling and Waste Management: Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

**All Waste Destruction Corp.**, 2906 Eagleville Road, Audubon, PA 19407; David Della, President; application received July 19, 1999.

## AIR QUALITY

### Notice of Plan Approval and Operating Permit Applications

#### Nonmajor Sources and Modifications

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

The Department has received applications for plan approvals and/or operating permits from the following facilities. Although the sources covered by these applications may be located at a major facility, the sources being installed or modified do not trigger major new source review or prevention of significant deterioration requirements.

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

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

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

### OPERATING PERMITS

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

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

**06-01069D: East Penn Mfg. Co., Inc.** (P. O. Box 147, Lyon Station, PA 19536-0147), for a lead/acid battery manufacturing facility controlled by various fabric collectors and wet scrubbers in Richmond Township, **Berks County**. Various sources are subject to 40 CFR Part 60, Subpart KK, Standards of Performance for New Stationary Sources.

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

**41-310-011: Hanson Aggregates Pennsylvania, Inc.** (P. O. Box 231, Easton, PA 18040-0231), for operation of a sand and gravel processing plant and associated air cleaning devices (a water spray dust suppression system) in Montoursville Borough, **Lycoming County**. Most of the equipment in the respective plant is subject to Subpart OOO of the Federal Standards of Performance for New Stationary Sources.

#### Notice of Intent to Issue Title V Operating Permits

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

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

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

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

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

**TVOP-54-00003: Schuylkill Energy Resources, Inc.** (Highway 54E, P. O. Box 112, Shenandoah, PA 17976), for CFB boiler, emergency generators, fire pumps and coal and fly ash handling equipment in Mahanoy Township, **Schuylkill County**.

**TVOP-13-00005: Consolidated Cigar Corp.** (1000 Tresckow Road, McAdoo, PA 18237), for boilers, casting lines for tobacco and non-tobacco products, space heaters and emergency generators in Banks Township, **Carbon County**.

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

**67-05016: R. H. Sheppard Co., Inc.** (101 Philadelphia Street, Hanover, PA 17331), located in Hanover Borough, **York County**. The facility's major sources of emissions include degreasing operations, coremaking operations and pouring/cooling/shakeout operations which primarily emit the following air contaminants: volatile organic compounds, methyl formate and carbon monoxide.

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

**TVOP-60-00008: Pennsylvania House** (137 North Tenth Street, Lewisburg, PA 17837), for their wood furniture manufacturing facility in East Buffalo Township, **Union County**. The facility's major sources include: boilers; heaters; tanks; surface coating operations; wood furniture manufacturing; and associated process equipment. These sources emit major quantities of carbon monoxide (CO), volatile organic compounds (VOCs) and hazardous air pollutants (HAPs). As a result of the major quantities of CO, VOC and HAPs, Pennsylvania House 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. The sources also emit oxides of nitrogen (NO<sub>x</sub>), sulfur dioxide (SO<sub>2</sub>) and particulate matter. The facility is also subject to all applicable requirements of maximum achievable control technology (MACT) as specified in 40 CFR, Part 63, Subpart JJ, National Emission Standards for Wood Furniture Manufacturing Operations and the Reasonably Available Control Technology (RACT) for VOC emissions.

**TVOP-60-00009: Pennsylvania House** (137 North Tenth Street, Lewisburg, PA 17837), for their wood furniture manufacturing facility in White Deer Township, **Union County**. The facility's major sources include: a boiler; furnaces; surface coating operations; wood furniture manufacturing; and associated process equipment. These sources emit major quantities of volatile organic compounds (VOCs) and hazardous air pollutants (HAPs). As a result of the major quantities of VOCs and HAPs, Pennsylvania House 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. The sources also emit carbon monoxide (CO), oxides of nitrogen (NO<sub>x</sub>), sulfur dioxide (SO<sub>2</sub>) and particulate matter. The facility is also subject to all applicable requirements of maximum achievable control technology (MACT) as specified in 40 CFR, Part 63, Subpart JJ, National Emission Standards for Wood Furniture Manufacturing Operations and the Reasonably Available Control Technology (RACT) for VOC emissions.

**TVOP-18-00005: CNG Finnefrock** (625 Liberty Avenue, Pittsburgh, PA 15222), for their natural gas transmission facility in Leidy Township, **Clinton County**. The facility's major sources include: boilers; heaters; engines; and fugitive emissions. These sources emit major quantities of volatile organic compounds (VOCs); nitrogen oxides (NO<sub>x</sub>); carbon monoxide (CO) and a single hazardous air

pollutant (formaldehyde). As a result of the major quantities of VOCs, NO<sub>x</sub>, CO and HAP, the CNG Finnefrock facility 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. The sources also emit sulfur dioxide (SO<sub>2</sub>) and particulate matter. The facility is also subject to all applicable requirements of the Reasonably Available Control Technology (RACT) provisions specified in 25 Pa. Code §§ 129.91—129.95 for VOC and NO<sub>x</sub> emissions.

**TVOP-49-00020: Truck Accessories Group, Inc., Leer East** (R. R. 1, Box 142, Milton, PA 17847), for their fiberglass truck accessories manufacturing facility in Milton Borough, **Northumberland County**. The facility's major sources include: heaters; surface coating operations; fiberglass reinforced plastics manufacturing; and associated process equipment. These sources emit major quantities of volatile organic compounds (VOCs) and a hazardous air pollutant (HAP), styrene. As a result of the major quantities of VOC and HAP, the Truck Accessories Group, Inc. facility 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. The sources also emit carbon monoxide (CO), oxides of nitrogen (NO<sub>x</sub>), sulfur dioxide (SO<sub>2</sub>) and particulate matter. The facility is also subject to all applicable requirements of the Reasonably Available Control Technology (RACT) provisions specified in 25 Pa. Code §§ 129.91—129.95 for VOC emissions.

**TVOP-49-00018: Arcos Alloys** (One Arcos Drive, Mount Carmel, PA 17851), for their welding wire manufacturing facility in Mount Carmel Township, **Northumberland County**. The facility's major sources include: degreasers; a boiler; a process oven; and associated process equipment. These sources emit major quantities of a hazardous air pollutant (HAP), perchloroethylene. As a result of the major quantities of HAP, the Arcos Alloys facility 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. The sources also emit carbon monoxide (CO), oxides of nitrogen (NO<sub>x</sub>), sulfur dioxide (SO<sub>2</sub>), volatile organic compounds (VOCs) and particulate matter.

**TVOP-17-00015: Permagrain Products, Inc.** (115 Reactor Road, Karthaus, PA 16845), for their plasticized wood flooring manufacturing facility in Girard Township, **Clearfield County**. The facility's major sources include: boilers; tanks; materials handling equipment; wood treatment operations; and associated process equipment. These sources emit major quantities of a hazardous air pollutant (HAP), methyl methacrylate. As a result of the major quantities of HAP, the Permagrain Products facility 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. The sources also emit carbon monoxide (CO), oxides of nitrogen (NO<sub>x</sub>), volatile organic compounds (VOCs), sulfur dioxide (SO<sub>2</sub>) and particulate matter.

**TVOP-41-00022: The HON Co.** (1201 West Third Street, Williamsport, PA 17701), for their wood office furniture manufacturing facility located in Williamsport, **Lycoming County**. The facility's main sources include several spray booths that apply stains, varnishes and

other coatings to wood surfaces and woodworking equipment. These sources emit major quantities of hazardous air pollutants (HAPs) and volatile organic compounds (VOCs). As a result of the major quantities of HAPs and VOCs emitted, The HON Co.'s Williamsport facility 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. The sources also emit particulate matter (PM) and nitrogen oxides (NO<sub>x</sub>). This facility is also subject to all applicable requirements of maximum achievable control technology (MACT) as specified in 40 CFR, Part 63, Subpart JJ. National Emission Standards for Wood Furniture Manufacturing Operations and the Reasonably Available Control Technology (RACT) for VOC emissions.

**TVOP-18-00002: International Paper Co.** (Lock Haven Mill, P. O. Box 268, Lock Haven, PA 17745), for their paper mill located in the Castanea Township, **Clinton County**. The plant's major sources include bituminous coal fired boilers which emit major quantities of carbon monoxide (CO), nitrogen oxides (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), hazardous air pollutants (HAPs) and particulate matter. As a result of the major quantities of CO, NO<sub>x</sub>, SO<sub>x</sub>, HAPs and particulate matter emitted, the paper mill is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments. The plant is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code, Chapter 127, Subchapter G. The plant is also subject to all applicable requirements of Reasonably Available Control Technology (RACT) for NO<sub>x</sub> emissions. The owner and operator of this facility have taken Federally enforceable emissions restrictions to limit the potential volatile organic compound (VOCs) emissions below major source thresholds.

**TVOP-41-00013: Coastal Aluminum Rolling Mills** (2475 Trenton Avenue, Williamsport, PA 17701), for their aluminum rolling and drawing and metal coil coating plants located in the City of Williamsport, **Lycoming County**. The plants' major sources include aluminum rolling mills and metal coil coating lines which emit major quantities of volatile organic compounds (VOCs). As a result of the major quantities of VOCs emitted, the aluminum rolling and drawing and metal coil coating plants are major stationary sources as defined in Title I, Part D of the Clean Air Act Amendments. The plants are therefore subject to the Title V permitting requirements adopted in 25 Pa. Code, Chapter 127, Subchapter G. The plants are also subject to all applicable requirements of Reasonably Available Control Technology (RACT) for VOC emissions.

**TVOP-60-00005: Yorktowne, Inc.** (8th and Walnut Streets, Mifflinburg, PA 17844), for their wood kitchen cabinet manufacturing facility located in Mifflinburg Borough, **Union County**. The plant's major source is a wood coating operation which emits major quantities of volatile organic compounds (VOCs) and hazardous air pollutants (HAPs). As a result of the major quantities of VOCs and HAPs emitted, the kitchen cabinet manufacturing facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments. The plant is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code, Chapter 127, Subchapter G. The plant is also subject to all applicable requirements of Reasonably Available Control Technology (RACT) for VOC emissions and maximum achievable control technology (MACT) of 40 CFR 60, Subpart JJ, National Emissions Standards for Wood Furniture Manufacturing Operations.

**TVOP-49-00010: Fleetwood Motor Homes of Pennsylvania, Inc.** (P. O. Box 5, Paxinos, PA 17860), for their motor home manufacturing facility located in Ralpho Township, **Northumberland County**. The facility's major sources include: undercoating/gluing/sealing/cleaning operations which emit major quantities of volatile organic compounds (VOCs) and hazardous air pollutants (HAPs). As a result of the major quantities of VOCs and HAPs emitted, the Fleetwood Motor Homes of Pennsylvania, Inc. facility 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. This facility is also subject to all applicable requirements of Reasonably Available Control Technology (RACT) for VOC emissions.

**TVOP-49-000005: Hoeganaes Corp.** (River Road and Taylors Lane, Riverton, NJ 08077), for their Watsonstown Primary Metal Products Facility located in Delaware Township, **Northumberland County**. The facility's main sources include a metal powder blending and bonding operation, a metal powder coating operation and a research and development coating system. These sources emit major quantities of hazardous air pollutants (HAPs). As a result of the major quantities of HAPs emitted, the Hoeganaes Watsonstown facility 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. The sources also emit nitrogen oxides (NOx), sulfur oxides (SOx), particulate matter (PM) and volatile organic compounds (VOCs).

**TVOP-49-00002: I.H.F.P., Inc.** (30 Marr Street, Milton, PA 17847), for their Milton Plant located in Milton Borough, **Northumberland County**. The facility's main sources include four natural gas/no. 2 fuel oil-fired boilers, 74 miscellaneous natural-gas fired combustion sources, bulk flour storage silos, food processing equipment and miscellaneous chemical usage. These sources emit major quantities of nitrogen oxides (NOx). As a result of the major quantities of NOx emitted, I.H.F.P., Inc.'s Milton Plant 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. The sources also emit carbon monoxide (CO), sulfur oxides (SOx), hazardous air pollutants (HAPs) and particulate matter. This facility is also subject to all applicable requirements of Reasonably Available Control Technology (RACT) for NOx emissions.

**TVOP-49-00009: Mohawk Flush Doors, Inc.** (P. O. Box 112, Northumberland, PA 17857), for their manufacturing—millwork facility located in Point Township, **Northumberland County**. The facility's main sources include four spray booths, a roller coat line, woodworking equipment and combustion sources. These sources emit major quantities of hazardous air pollutants (HAPs). As a result of the major quantities of HAPs emitted, the Mohawk Flush Doors, Inc.'s manufacturing—millwork facility 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. The sources also emit volatile organic compounds (VOCs), nitrogen oxides (NOx), sulfur oxides (SOx), particulate matter (PM) and carbon monoxide (CO). This facility is also subject to all applicable requirements of Reasonably Available Control Technology (RACT) for VOC emissions.

## PLAN APPROVALS

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

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

**06-01003F: Lucent Technologies, Inc.** (P. O. Box 13396, Reading, PA 19612-3396), for construction of an emergency generator controlled by annual firing limits in Muhlenberg Township, **Berks County**.

**06-03109: LFG Energy, LLC** (4737 South Highway 101, Suite 299, Minnetonka, MN 55345), for construction of three LFG fired gas turbines controlled by low NOx combustion in Exeter Township, **Berks County**.

**06-05100: CPN Berks LLC** (The Pilot House, 2nd Floor, Lewis Wharf, Boston, MA 02110), for construction of a combined cycle power generating station controlled by low NOx combustion and SCR in Ontelaunee Township, **Berks County**. The facility will be subject to 40 CFR Part 52 (Prevention of Significant Deterioration), New Source Review, 40 CFR Part 60 (Standards of Performance for New Stationary Sources), 40 CFR Part 72 (Acid Rain) and NOx Allowances.

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

**OP-14-0004B: Graybec Lime, Inc.** (P. O. Box 448, Bellefonte, PA 16823), for construction of additional stone handling equipment and associated air cleaning devices (fabric collectors) in Spring Township, **Centre County**. This construction is subject to Federal Prevention of Significant Deterioration (PSD) regulations as well as Subpart OOO of the Federal Standards of Performance for New Stationary Sources.

*City of Philadelphia: Air Management Services, 321 University Avenue, Philadelphia, PA 19104, (215) 823-7584.*

**99045, 99089: Ashland Chemical** (2801 Christopher Columbus Blvd., Philadelphia, PA 19148), for replacement and operation of a new reactor vessel, thin tank and rail car loading station in The City of Philadelphia, **Philadelphia County**.

## MINING

### APPLICATIONS TO CONDUCT COAL AND NONCOAL ACTIVITIES

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

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of the application is available for inspection at the District mining

office indicated above each application. Where a 401 water quality certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for the certification.

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

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. The NPDES permits will contain, at a minimum, technology-based effluent limitations (as described in the Department's regulations—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 to the above, more restrictive effluent limitations, restrictions on discharge volume, or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit when necessary for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies which have requested review of the NPDES permit requirements for a particular mining activity within the above-mentioned public comment period will be provided with a 30-day period to review and submit comments on those requirements.

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

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

#### *Coal Applications Received*

**54890102R2. White Pine Coal Co., Inc.** (P. O. Box 59, Ashland, PA 17921), renewal of an existing anthracite surface mine operation in Reilly, Cass and Foster Townships, **Schuylkill County** affecting 729.7 acres, receiving stream—Swatara Creek. Application received August 11, 1999.

**54793206. Reading Anthracite Company** (200 Mahantongo Street, Pottsville, PA 17901), correction to an existing coal refuse reprocessing operation in Mahanoy Township, **Schuylkill County** affecting 3,038.0 acres, receiving stream—Mahanoy Creek. Application received August 16, 1999.

**54840103R3. Shepco Coal Co.** (P. O. Box 98, Hazleton, PA 18201), renewal of an existing anthracite surface mine operation in North Union and East Union

Townships, **Schuylkill County** affecting 660.0 acres, receiving stream—Tomhickon Creek. Application received August 17, 1999.

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

**16990104. Original Fuels, Inc.** (P. O. Box 343, Punxsutawney, PA 15767). Commencement, operation and restoration of a bituminous surface strip operation in Porter Township, **Clarion County** affecting 208.5 acres. Receiving streams: Two unnamed tributaries to Leatherwood Creek; One unnamed tributary to West Fork to Leatherwood Creek; Leatherwood Creek to Redbank Creek to Allegheny River. Application received August 11, 1999.

**102119-16990104-E-1. Original Fuels, Inc.** (P. O. Box 343, Punxsutawney, PA 15767). Application for a stream encroachment to construct a permanent sediment pond within unnamed tributary no. 4 to Leatherwood Creek in Porter Township, **Clarion County**. Receiving streams: Two unnamed tributaries to Leatherwood Creek; One unnamed tributary to West Fork to Leatherwood Creek; Leatherwood Creek to Redbank Creek to Allegheny River. Application received August 16, 1999.

**33890113. Original Fuels, Inc.** (P. O. Box 343, Punxsutawney, PA 15767). Renewal of an existing bituminous surface strip, auger, tipple refuse disposal and limestone and sandstone removal operation in Perry Township, **Jefferson County**, affecting 508.8 acres. Receiving streams: Unnamed tributaries of Pine Run to Pine Run to Mahoning Creek to the Allegheny River. Application received August 18, 1999.

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

**17990903. G & S Timer, Inc.** (P. O. Box 207, Curwensville, PA 16833), commencement, operation and restoration of an incidental extraction permit in Bigler Township, **Clearfield County** affecting 7.3 acres. Receiving streams: unnamed streams to Upper Morgan Run to Clearfield Creek to West Branch Susquehanna River. Application received August 9, 1999.

**17990115. Hepburnia Coal Company** (P. O. Box I, Grampian, PA 16838), commencement, operation and restoration of a bituminous surface mine-auger permit located in Bell Township and Mahaffey Borough, **Clearfield County** affecting 67 acres. Receiving streams: unnamed tributaries to Chest Creek and Chest Creek. Application received August 16, 1999.

**17930125. EnerCorp, Inc.** (R. D. 2, Box 236, Morrisdale, PA 16858), renewal of an existing bituminous surface mine permit in Morris Township, **Clearfield County** affecting 130.0 acres. Receiving streams: unnamed tributary to Moshannon Creek to West Branch Susquehanna River. Application received July 29, 1999.

**17814033. Phillip Reese Coal Co., Inc.** (Box 67, Karthaus, PA 16845), renewal of an existing bituminous surface mine permit in Karthaus Township, **Clearfield County** affecting 403.3 acres. Receiving streams: Saltlick Run and unnamed tributaries to Saltlick Run. Application received July 30, 1999.

**17940101. E. P. Bender Coal Co., Inc.** (P. O. Box 594, Carrolltown, PA 15722), renewal of an existing bituminous surface mine permit in Beccaria Township, **Clearfield County** affecting 53.0 acres. Receiving streams: unnamed tributary to Muddy Run, Muddy Run, Clearfield Creek, West Branch Susquehanna River. Application received August 2, 1999.

**18840101. Ed Hanslovan Coal Co., Inc.** (R. D. 2, Box 230, Morrisdale, PA 16858), renewal of an existing bituminous surface mine permit in West Keating Township, **Clinton County** affecting 77.3 acres. Receiving streams: Grove Run and Delaney Hollow. Delaney Hollow to Grove Run, Grove Run to West Branch Susquehanna River; West Branch Susquehanna River to Susquehanna River. Application received August 2, 1999.

**17880103. Sky Haven Coal, Inc.** (R. D. 1, Box 180, Penfield, PA 15849-9751), renewal of an existing bituminous surface mine permit in Bradford Township, **Clearfield County** affecting 54.8 acres. Receiving streams: unnamed tributaries to Roaring Run to the West Branch of the Susquehanna River to the Susquehanna River. Application received August 11, 1999.

**17940107. River Hill Coal Co., Inc.** (P. O. Box 141, Kylertown, PA 16847), renewal of an existing bituminous surface mine permit in Karthaus Township, **Clearfield County** affecting 440.0 acres. Receiving streams: tributaries to Saltlick Run and tributaries to Upper Three Runs to the West Branch of the Susquehanna River; and tributaries directly to the West Branch Susquehanna River. Application received August 19, 1999.

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

**65840119. M. B. Energy, Inc.** (P. O. Box 1319, Indiana, PA 15701-1319). Application received for a revision to add 12.3 acres to the existing 631.4 acre permit, as well as stream variances to remove and restore an existing stream channel on an unnamed tributary to Stony Run and to mine to within 25 feet of another unnamed tributary to Stony Run, at a surface mining site located in Derry Township, **Westmoreland County**. Receiving streams: unnamed tributary of Stony Run and unnamed tributaries of McGee Run to Conemaugh Run. Application received: August 17, 1999.

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

**11813034.** Permit renewal for reclamation only, **Laurel Land Development, Inc.** (P. O. Box 629, Carrolltown, PA 15722), for continued restoration of a bituminous strip-auger mine in Conemaugh Township, **Cambria County**, affecting 56.0 acres, receiving stream to Clapboard Run. Application received August 17, 1999.

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

#### *Noncoal Applications Received*

**26990301. Carbon Fuel Resources, Inc.** (P. O. Box 275, West Leisenring, PA 15489). Application received for commencement, operation and reclamation of a large industrial mineral (slag and slag by-products with processing of slag material) site located in Dunbar Township and Vanderbilt Borough, **Fayette County**, proposed to affect 297.0 acres. Receiving streams: Unnamed tributaries to Dickerson Run to Dickerson Run to Youghiogheny River. Application received: July 30, 1999.

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

**5078NC3T3. Pennsy Supply, Inc.** (1001 Paxton Street, P. O. Box 3331, Harrisburg, PA 17105), transfer of an existing quarry operation from Small Mountain Quarry, Inc. in Salem Township, **Luzerne County** affecting 63.9 acres, receiving stream—none. Application received August 6, 1999.

**40870301T. Pennsy Supply, Inc.** (1001 Paxton Street, P. O. Box 3331, Harrisburg, PA 17105), transfer of an existing quarry operation from Small Mountain Quarry, Inc. in Dorrance Township, **Luzerne County** affecting 75.0 acres receiving stream—Wapwallopen Creek. Application received August 6, 1999.

**40980302T. Pennsy Supply, Inc.** (1001 Paxton Street, P. O. Box 3331, Harrisburg, PA 17105), transfer of an existing quarry operation from Small Mountain Quarry, Inc. in Salem Township, **Luzerne County** affecting 49.6 acres, receiving stream—none. Application received August 6, 1999.

**6075SM3C4. Eastern Industries, Inc.** (4401 Camp Meeting, Center Valley, PA 18034), correction to an existing quarry operation to update NPDES Permit No. PA0069744 in Union Township, **Union County**, receiving stream—Winfield Creek. Application received August 11, 1999.

## APPLICATIONS RECEIVED UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT

### ENCROACHMENTS

The following Dam Safety and Encroachment permit applications, requests for Environmental Assessment approval and requests for water quality certification have been received by the Department of Environmental Protection (Department). Section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)) requires the State to certify that the involved projects will not violate the applicable provisions of 33 U.S.C.A. §§ 1311—1313, 1316 and 1317, as well as relevant State requirements. Initial requests for 401 certification will be published concurrently with the permit application. Persons objecting to approval of a request for certification under section 401 or to the issuance of a Dam Safety or Encroachment Permit or the approval of Environmental Assessments must submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted above the application.

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

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

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

**E09-795.** Encroachment. **Columbia Transmission Corp.**, P. O. Box 10146, Fairfax, VA 22030-0146. To install and maintain a fiber optic utility line communication system across the following exceptional value wetland areas: 1. Wetland area (PEM), Resource No. PA-86, along Molasses Creek, (Milford Square USGS Quadrangle N: 9.7 inches; W: 5.8 inches) in Milford Township, Bucks County. 2. Wetland area (PEM), Resource No. PA-91, along an unnamed tributary to Unami Creek (Milford Square USGS Quadrangle N: 13.2 inches;

W: 3.8 inches) in Milford Township, Bucks County. 3. Wetland area (PEM-PFO), Resource No. PA-92, along an unnamed tributary to Unami Creek (Milford Square USGS Quadrangle N: 14.4 inches; W: 3.4 inches) in Milford Township, Bucks County. 4. Wetland area (PEM), Resource No. PA-94, along an unnamed tributary to Unami Creek (Milford Square USGS Quadrangle N: 15.5 inches; W: 2.7 inches) in Milford Township, Bucks County. 5. Wetland area (PEM), Resource No. PA-95, along Unami Creek (Milford Square USGS Quadrangle N: 16.2 inches; W: 2.25 inches) in Milford Township, Bucks County. 6. Wetland areas (PEM), Resource Nos. PA-96 and PA-97, located on both sides of Old Bethlehem Pike (Milford Square USGS Quadrangle N: 16.8 inches; W: 1.9 inches) in Richland Township, Bucks County. 7. Wetland area (PEM), Resource No. PA-103, (Quakertown USGS Quadrangle N: 22.1 inches; W: 16.4 inches) in Springfield Township, Bucks County. This project is a segment of the Chesapeake Network Fiber Optic Project, which will be installed along existing Columbia Gas Pipeline right-of-way. In Pennsylvania, this project will extend through Lancaster, Chester, Montgomery, Bucks, Lehigh and Northampton Counties. Wetland disturbance will be temporary and minimized. This is a linear project which occurs in Milford, Richland and Springfield Townships, **Bucks County**.

**E23-387.** Encroachment. **Scheivert Realtors**, 1176 Middletown Road, P. O. Box 287, Gradyville, PA 19039. To place and maintain fill in 0.17 acre (PFO) of wetlands for the purpose of constructing a driveway crossing at the proposed Gary Scheivert Subdivision located off of Kirk Road approximately 3,800 feet northeast of the intersection of Garnet Mine Road and Naamans Creek Road (Route 491) (Wilmington North, DE-PA Quadrangle N: 17.85 inches; W: 1.1 inches) in Bethel Township, **Delaware County**.

**E46-848.** Encroachment. **PA Department of Transportation**, 200 Radnor-Chester Rd., St. Davids, PA 19087-5178. To extend and maintain an existing bridge 13.5 feet both upstream and downstream, to place and maintain R-6 rock scour protection against the bridge abutment footings, and to place and maintain rock scour protection along the north and south banks of Pine Run (TSF). This bridge is located over Pine Run along Limekiln Pike (SR 0152), 200 feet southeast of its intersection with Virginia Drive and Dreshertown Road (SR 2024) (Ambler, PA Quadrangle N: 3.2 inches; W: 6.0 inches) in Upper Dublin Township, **Montgomery County**.

**E15-624.** Encroachment. **Wolfson-Verrichia Group**, 621 E. Germantown Pk., Norristown, PA 19401. To perform the following activities associated with construction of the Exton Center (a.k.a. Main Street at Exton Center): 1. To modify and relocate approximately 1,100 linear feet of unnamed tributary to Indian King Run, tributary to Valley Creek (CWF, MF) by placing approximately 1,045 linear feet of 36-inch RCP stream enclosure to facilitate the construction of a retail facility and associated parking facilities. This activity will impact 0.11 acre of wetland (PFO). 2. To construct, operate and maintain a nonjurisdictional dam across an unnamed tributary to Indian King Run, a tributary to Valley Creek, which will impact approximately 116 linear feet of stream channel. The facility will be temporarily utilized as a sedimentation basin (Basin 3) during construction and then, permanently converted to a stormwater management basin. 3. To place fill within 0.30 acre of wetland (PEM) to facilitate vehicular access and to install and maintain several utility line crossings associated with the construc-

tion of buildings 6 and 7. 4. To construct, operate and maintain an on-stream nonjurisdictional dam, which will replace an existing nonjurisdictional dam across an unnamed tributary of Valley Creek. This work also includes excavation within the stream channel and floodway to increase the size of the reservoir storage area. This activity will impact 310 linear feet of stream channel and approximately 0.24 acre of wetland (PSS). Approximately 0.54 acre of wetland (POW/SS) will be temporarily drained as a result of this activity. The facility will be temporarily utilized as a sedimentation basin (Basin 1) during construction and then, permanently converted to a stormwater management basin. 5. To place fill within 0.42 acre of wetland (PSS) adjacent to Valley Creek, a tributary to the East Branch of the Brandywine Creek (WWF-MF), to accommodate parking facilities associated with a proposed Cinema complex. The proposed site is situated on 133 acres of land where the northeast corner is located approximately 250 linear feet southwest of the intersection of Pottstown Pike (S. R. 0100) and Lincoln Highway (S. R. 0030) (Downingtown, PA Quadrangle N: 4.50 inches; W: 0.70 inch) in West Whiteland Township, **Chester County**. The applicant proposed to construct 1.09 acres of replacement wetlands.

**E23-388.** Encroachment. **Wolfson-Verrichia Group**, 621 E. Germantown Pk., Norristown, PA 19401. To install and maintain a 48-inch RCP outfall structure along Crum Creek (WWF) which will replace an existing 18-inch outfall structure. Work will also include some minor grading within the 100-year floodway of Crum Creek. This work is associated with the site improvements at the proposed Eddystone Commons Commercial Development (former Baldwin Locomotive Plant) located just southeast of the intersection of Chester Pike (S. R. 0013) and Simpson Street (Bridgeport, NJ-PA Quadrangle N: 21.1 inches; W: 12.8 inches) in Eddystone Borough, **Delaware County**.

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

**E35-316.** Encroachment. **Baptist Bible College**, P. O. Box 800, Clarks Summit, PA 18411-0888. To construct and maintain a 6-inch diameter intake and a 6-inch diameter outfall structure within a 5.2 acre lake. The project will utilize the lake as a heat sink for a proposed 1,600 seat auditorium air-conditioning system. The project is located at the Baptist Bible College approximately 3,500 feet east of the intersection of S. R. 0407 and S. R. 0006/11 (Scranton, PA Quadrangle N: 22.1 inches; W: 8.5 inches) in Clarks Summit Borough, **Lackawanna County** (Baltimore District, U. S. Army Corps of Engineers).

**E45-376.** Encroachment. **UGI Utilities**, 100 Kachel Boulevard, Suite 400, P. O. Box 12677, Reading, PA 19612-2677. To construct and maintain 26 utility line stream crossings of Red Run, Davey Run, Deep Run, Wagner Run and Tobyhanna Creek (all HQ-CWF) and various wetlands impacting approximately 1.83 acres with an 8-inch steel natural gas pipeline to serve Tobyhanna Army Depot and a 2-inch P.E. natural gas pipeline for future residential and commercial service. The project will begin at the Blakeslee regulator station along S. R. 0940, approximately 0.6 mile east of S. R. 0115 (Blakeslee, PA Quadrangle N: 17.7 inches; W: 11.3 inches) and continue for 11.7 miles to Tobyhanna Army Depot (Tobyhanna, PA Quadrangle N: 11.0 inches; W: 7.7 inches) in Coolbaugh and Tobyhanna Townships, **Monroe County** (Philadelphia District, U. S. Army Corps of Engineers).



**E45-377.** Encroachment. **Stroud Township**, 1211 North Fifth Street, Stroudsburg, PA 18360. To construct and maintain a pedestrian bridge having a single-span of 48 feet and an underclearance of approximately 2 feet across Flagler Run (HQ-CWF) to provide a crossing for the Stroud Township Greenway Walking Trail. The project is located along Stroudsburg Area School Authority's eastern property, approximately 0.6 mile north of S. R. 0080-Interchange 47 (Stroudsburg, PA Quadrangle N: 21.7 inches; W: 15.0 inches) in Stroud Township, **Monroe County** (Philadelphia District, U. S. Army Corps of Engineers).

**E48-285.** Encroachment. **John and Susan Carl**, 1970 Bridge Lane, Bethlehem, PA 18015. To modify and maintain an existing single-span bridge across Black River by replacing the existing deck and beams with a 12-inch thick precast concrete deck to provide access to three private residences. The proposed superstructure will be attached to the existing stone abutments and the bridge will have a span of 12.5 feet and an underclearance of approximately 4.0 feet. The project is located along Bridge Lane, northwest of the intersection of Friedensville Road and Meadows Road (Hellertown, PA Quadrangle N: 14.3 inches; W: 16.3 inches) in Lower Saucon Township, **Northampton County** (Philadelphia District, U. S. Army Corps of Engineers).

**E58-231.** Encroachment. **Pennsylvania Department of Transportation**, Edward P. Osnick, District Environmental Mgr., P. O. Box 111, Scranton, PA 18501. To construct and maintain a bridge crossing over Choconut Creek Tributary (WWF) with 0.01 acre permanent and 0.04 acre temporary wetland impacts. The crossing will consist of 17.72 feet  $\times$  4.92 feet R.C.C. box culvert and wingwalls, skewed at 62 degrees to road center line. The project is located along S. R. 026, Section 573, Segment 0520, Offset 2749 (Friendsville, PA Quadrangle N: 18.5 inches; W: 0.2 inch) in Choconut Township, **Susquehanna County** (Baltimore District, U. S. Army Corps of Engineers).

**E64-206.** Encroachment. **Pennsylvania Department of Transportation**, Edward P. Osnick, District Environmental Mgr., P. O. Box 111, Scranton, PA 18501. To construct and maintain a bridge crossing over Little Keen Creek (HQ-CWF) consisting of 18.0 feet  $\times$  8.0 feet R. C. precast box culvert and wingwalls. The project will permanently impact 0.01 acre of wetlands and temporary impacts of 0.08 acre. The project is located on S. R. 0296, Section 671, Segment 0240, Offset 1311 over Little Keen Creek (Waymart, PA Quadrangle N: 18.2 inches; W: 5.1 inches) in Clinton Township, **Wayne County** (Philadelphia District, U. S. Army Corps of Engineers).

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

**E18-282.** Encroachment. **Thomas Wilt**, Pine Creek Township Supervisors, P. O. Box 596, Avis, PA 17721. To construct and maintain two parallel 15-inch diameter storm sewer outfall pipes to Pine Creek off of T-567 approximately 1.3 miles north of the intersection of T-567 with SR 44 (Jersey Shore, PA Quadrangle N: 15.9 inches; W: 8.8 inches) in Pine Creek Township, **Clinton County**. The project will not impact on wetlands while impacting approximately 10 feet of waterway. Pine Creek is a High Quality—Trout Stocked Fisheries Stream and is classified as a 1-A Priority Scenic River.

**E59-387.** Encroachment. **Tioga County Human Services Agency**, P. O. Box 766, Wellsboro, PA 16901. To

construct and maintain a 6-foot wide pedestrian bridge that has a maximum underclearance of 7 feet and a 55-foot clear span across an unnamed tributary to Charleston Creek located (Antrim, PA Quadrangle N: 20.7 inches; W: 2.8 inches) in Charleston Township, **Tioga County**. The project does not propose to place any fill in the channel of the unnamed tributary to Charleston Creek, which is classified as a warm water fishery.

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

**E32-407.** Encroachment. **Young Township**, 1412 Park Drive, Clarksburg, PA 15725. To remove the two existing structures and to construct and maintain two C. M. arch pipe culverts having a span of 72 inches and an underclearance of 44 inches (invert depressed 1 foot) in Hooper Run (CWF) located on T-440 (Hancock Road), and T-350 (McGee Road) at their intersections with S. R. 3035 (McIntyre, PA Quadrangle N: 11.8 inches; W: 11.45 inches) in Young Township, **Indiana County**.

**E56-291.** Encroachment. **Pennsylvania Department of Transportation**, Engineering District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648. To remove the existing structure and to construct and maintain a prestressed concrete box beam bridge having a normal span of 43.7 feet and an underclearance of 11.4 feet across Paint Creek (CWF). The bridge is located on S. R. 1033, Section 03S, Segment 0170, Offset 0430 (Windber, PA Quadrangle N: 19.7 inches; W: 10.8 inches) in Windber Borough, **Somerset County**.

**E02-1283.** Encroachment. **Pennsylvania Department of General Services**, Bureau of Architecture and Engineering, 18th and Herr Streets, Harrisburg, PA 17125. To construct and maintain a stream improvement project (DGS No. 184-32) consisting of debris basins, a rectangular concrete channel, a retaining wall and to replace the existing Hollowhaven culvert in the channel of and along the banks of an unnamed tributary to Lick Run (TSF). The total length of the project is approximately 2,425 feet and is located approximately 260 feet west from the intersection of Hollowhaven Drive and Colewood Drive (Glassport, PA Quadrangle N: 17.0 inches; W: 16.25 inches) in Baldwin Borough, **Allegheny County**.

**E26-262.** Encroachment. **Pennsylvania Department of Transportation**, Engineering District 12-0, P. O. Box 459, Uniontown, PA 15401. To remove the existing bridge and to construct and maintain a prestressed concrete box beam bridge having a normal span of 42.0 feet and an underclearance of 3.5 feet over Dunlap Creek (WWF). Also to conduct channel cleaning in Dunlap Creek within 70 feet upstream and 60 feet downstream of the bridge; to construct and maintain an 18-inch diameter CMP outfall in Dunlap Creek; to permanently place and maintain fill within a de minimis area of wetland totaling 0.033 acre (PEM/PFO); and to temporarily place and maintain fill within 0.017 acre of PEM/PFO wetlands. The project is located on S. R. 4004 approximately 200 feet west of its intersection with S. R. 3023 (New Salem, PA Quadrangle N: 2.5 inches; W: 13.0 inches) in German and Menallen Townships, **Fayette County**.

**E03-380.** Encroachment. **West Penn Power dba Allegheny Power**, 800 Cabin Hill Drive, Greensburg, PA 15601-1685. To place and maintain 150,000 cubic yards of compressed tire bales (CTB) in a mid-river dredge pit located in the Allegheny River (WWF) in front of the Armstrong Power Stations circulating water intake structure near River Mile 55. The bales shall be assembled into 10-bale units and connected with galvanized steel

cable. The dredge pit is approximately 850 feet long and 300 feet wide. The last 3 feet of pit will be backfilled with dredge material from the Army Corps Lower Monongahela Lock and Dams project. The purpose of this project is to restore the original river hydraulic to alleviate detrimental impacts to the Armstrong Power (AP) Station's water intake (Templeton, PA Quadrangle N: 9.8 inches; W: 12.3 inches) in Washington Township, **Armstrong County**.

#### 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.*

**D30-051. Dam. Cypress Emerald Resources Corporation** (145 Elm Drive, Waynesburg, PA 15370). To modify, operate and maintain the Emerald Mine Area No. 1 Sedimentation Pond Dam across a tributary to Smith Creek (WWF), for the purpose of erosion and sedimentation control (Waynesburg, PA Quadrangle N: 1.55 inches; W: 9.9 inches) in Franklin Township, **Greene County**.

#### ENVIRONMENTAL ASSESSMENT

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

**EA15-005SE. Environmental Assessment. Lawrence Sager**, 43 High Street, Pottstown, PA 19464. A request for an Environmental Assessment approval for the construction, operation and maintenance of the nonjurisdictional dam across an unnamed tributary to the Pigeon Creek (HO-TSF) and de minimis amount, 0.03 acre, of adjacent wetlands. The proposed dam will provide stormwater management for the Coventry Mews residential subdivision. The project is situated approximately 500 feet northeast of the intersection of Sanatoga Road and Coventry Road (Phoenixville, PA Quadrangle N: 14.7 inches; W: 14.50 inches) in East Coventry Township, **Chester County**.

*Northcentral Regional Office: Soils and Waterways Section, 208 W. Third St., Suite 101, Williamsport, PA 17701, (570) 327-3574.*

**EA41-001NC. Environmental Assessment. U. S. Fish & Wildlife Service**, 315 South Allen Street—Suite 322, State College, PA 16801-4850. To construct cross vanes, J-hook rock vanes and natural material bank revetment on a 1.8 mile reach of Bear Creek (HW-CWF) for the purpose of bank erosion control, sediment reduction and fish habitat improvement. The work area extends from the mouth of Hessler Branch downstream to the mouth of Shingle Run and is located approximately 4 miles east-southeast of the Village of Barbours (Barbours, PA Quadrangle N: 0.8 inch; W: 0.4 inch) in Plunketts Creek Township, **Lycoming County**.

**EA53-001NC. Environmental Assessment. U. S. Fish & Wildlife Service**, 315 South Allen Street, Suite 322, State College, PA 16801-4850. To construct cross vanes, single rock vanes, J-hook rock vanes and natural material bank revetment on two reaches of Kettle Creek (EV) for the purpose of improving streambank stability, streambed stability and fish habitat. The stream reaches are ap-

proximately 2,660 feet and 900 feet in length and are located approximately 5 miles north of the Village of Cross Fork and approximately 750 feet upstream from the S. R. 144 bridge near the Village of Oleona (Short Run, PA Quadrangle N: 2.5 inches; W: 0.5 inch, and Oleona, PA Quadrangle N: 10.0 inches; W: 9.9 inches) in Stewardson Township, **Potter County**.

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

**EA61-002NW/WL6199601. Environmental Assessment. Cornplanter Township**, R. R. 1, Box 98A, Oil City, PA 16301-9717. To request authorization under waiver of permit requirements in § 105.12(a)(11) to remove the superstructure of the abandoned old Rynd Farm Bridge across Cherrytree Run near its confluence with Oil Creek west of S. R. 8 (Oil City, PA Quadrangle N: 19.5 inches; W: 9.9 inches) located in Cornplanter Township, **Venango County**.

#### ACTIONS

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

[National Pollution Discharge Elimination System Program (NPDES)]

#### DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

##### (Part I Permits)

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

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

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

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

**WQM Permit No. 1599410. Sewerage. West Whiteland Township**, P. O. Box 210, 222 North Pottstown Pike, Exton, PA 19341. Approval for the construction of a new sewage pumping station to serve the

proposed Whiteland Woods development located in West Whiteland Township, **Chester County**.

**WQM Permit No. 0998421.** Sewerage. **Buckingham Township**, P. O. Box 413, Buckingham, PA 18912. Approval for the construction and operation of two pump stations to serve the Yerkes Tract Development and expansion of the Furlong WWTP to serve this additional flow located in Buckingham Township, **Bucks County**.

**WQM Permit No. 0999405.** Sewerage. **Buckingham Township**, P. O. Box 413, Buckingham, PA 18912. Approval for the construction and operation of an additional sprayfield to accommodate the increasing sewage demand. The project will add an additional 15.39 acres of sprayfield to their existing system. The project is known as Derstine sprayfield located in Buckingham Township, **Bucks County**.

**WQM Permit No. 4699418.** Sewerage. **Borough of Boyertown**, 100 South Washington Street, Boyertown, PA 19512. Approval for the construction and relocation of a treatment plant outfall from its present location at a tributary of Swamp Creek to a new location at the main branch of Swamp Creek located in Douglass Township, **Montgomery County**.

**WQM Permit No. 4699410.** Sewerage. **Miriam R. Weisbein**, 1670 Cloverly Lane, Rydal, PA 19046. Approval for the construction and operation of the small flow sewage treatment plant to serve the Weisbein Residence located in Abington Township, **Montgomery County**.

**WQM Permit No. 0999411.** Sewerage. **Mark Weigner**, 1035 North Tower Road, Quakertown, PA 18951. Approval for the construction and operation of small flow sewage treatment plant to serve the Weigner Residence located in West Rockhill Township, **Bucks County**.

**NPDES Permit No. PA0040436.** Sewerage. **Chadds Ford Investment Company**, 514 McCue Road, Avondale, PA 19311, is authorized to discharge from a facility located at Bowling Green of Brandywine, Kennett Square, PA located in New Garden Township, **Chester County** into unnamed tributary of East Branch White Clay Creek.

**NPDES Permit No. PA0053376.** Sewerage. **Strawberry Family Restaurant**, 3773 Layfield Road, Pennsburg, PA 18073, is authorized to discharge from a facility located at Upper Hanover Township, **Montgomery County** into unnamed tributary West Branch to Perkiomen Creek.

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

**Permit No. PA 0027316.** Sewerage. **City of Lebanon**, Bureau of Public Works, Municipal Bldg., 400 S. Eighth Street, Lebanon, PA 17042, is authorized to discharge from a facility located in North Cornwall Township, **Lebanon County** to the receiving waters named Quitapahilla Creek.

**Permit No. PA 0085715.** Sewerage, Single Family Residence. **Lloyd S., Jr. and Bertha R. Geib**, 504 Hemlock Lane, Lebanon, PA 17042, is authorized to discharge from a facility located in Cornwall Borough, **Lebanon County** to the receiving waters named Shearer's Creek.

**Permit No. PA 0085502.** Sewerage. **De-Ann Corporation (Manada Creek MHP STP)**, RVG Management

and Development Company, 1000 North Front Street, Suite 240, Wormleysburg, PA 17043, is authorized to discharge from a facility located in East Hanover Township, **Dauphin County** to the receiving waters named Manada Creek.

**Permit No. PA 0088005.** Sewerage. **Robert L. Boyd**, P. O. Box 43, Lurgan, PA 17232, is authorized to discharge from a facility located in Lurgan Township, **Franklin County** to the receiving waters named Conodoguinet Creek.

**Permit No. 6799401.** Sewerage. **Springettsbury Township Board of Supervisors**, 1501 Mount Zion Road, York, PA 17402. This permit approves the construction of sewers and appurtenances and pump station in Springettsbury Township, **York County**.

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

**NPDES Permit No. PA0044245.** Sewerage. **Department of Conservation & Natural Resources**, Bureau of State Parks, P. O. Box 1467, Harrisburg, PA 17120. Renewal granted to Parker Dam State Park existing sewage treatment plant to discharge to Laurel Run. Facility located at Huston Township, **Clearfield County**.

**WQM Permit No. 1899401.** Sewerage. **Bald Eagle Township Authority**, R. R. 2, Box 97B, Mill Hall, PA 17751. Permission granted to construct the Fairvie Meadows collection system and pump station for BETA to operate and maintain. Facility located at Bald Eagle Township, **Clinton County**.

**WQM Permit No. 1999402.** Sewerage. **Robert Nichols, Jr.**, R. R. 1, Box 205B1, Orangeville, PA 17859. Permission granted to construct a single residence sewage treatment plant located at Orange Township, **Columbia County**.

**WQM Permit No. 4999201.** Industrial waste. **Furman Foods Inc.**, R. R. 2, Northumberland, PA 17857. Permission granted to upgrade facility; these improvements are for more stringent effluent limits. This will not increase the capacity of the treatment facility located at Point Township, **Northumberland County**.

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

**NPDES Permit No. PA0033332.** Industrial waste, **Eljer Plumbingware, Inc.**, 1301 Eljer Way, Ford City, PA 16226, is authorized to discharge from a facility located at the Ford City Plant, Borough of Ford City, **Armstrong County** to receiving waters named Allegheny River.

**NPDES Permit No. PA0093886-A1.** Industrial waste, **Southern Alleghenies Disposal Service, Inc.**, 315 Valley Vue Drive, Hollsopple, PA 15935, is authorized to discharge from a facility located at the Southern Alleghenies Landfill, Conemaugh Township, **Somerset County**.

**NPDES Permit No. PAS226103.** Industrial waste, **Whetsell Lumber Company**, R. D. 1, Box 250, Addison, PA 15411, is authorized to discharge from a facility located at the Addison Plant, Addison Borough, **Somerset County** to receiving waters named Youghiogheny River.

**NPDES Permit No. PA0092894.** Sewerage, **Consol PA Coal Company**, Waynesburg Operations, P. O. Box 174, Graysville, PA 15337, is authorized to discharge from a facility located at the Bailey Mine—Main Portal Sewage Treatment Plant, Richhill Township, **Greene County**.

**Permit No. 6587201-A2.** Industrial. **Westinghouse Electric Company LLC**, 4350 Northern Pike, Pittsburgh, PA 15146. Construction of groundwater remediation system located in Derry Township, **Westmoreland County** to serve Specialty Metals Plant.

**Permit No. 0399401.** Sewerage, **Jeffrey and Margaret Isaacson**, R. D. 1, Box 213C, Cowansville, PA 16218. Construction and operation of a single residence sewage treatment plant located in Sugarcreek Township, **Armstrong County** to serve the Isaacson Single Residence STP.

**Permit No. 3099402.** Sewerage. **Consol Pennsylvania Coal Company**, 1800 Washington Road, Pittsburgh, PA 15241. Construction of sewage treatment plant located in Richhill Township, **Greene County** to serve Crabapple Portal.

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

**NPDES Permit No. PA0100536.** Industrial waste. **Chapman State Park**, R. R. 2, Box 1610, Clarendon, PA

16313, is authorized to discharge from a facility located in Pleasant Township, **Warren County** to an unnamed tributary to West Branch Tionesta Creek.

**NPDES Permit No. PA0037133.** Industrial waste. **Fairview Fish Culture Station**, 1225 Shiloh Road, State College, PA 16801-8495, is authorized to discharge from a facility located in Fairview Township, **Erie County** to an unnamed tributary to Trout Run.

**NPDES Permit No. PA0102385.** Sewage. **Springfield Restaurant Group**, 1438 Perry Highway, Mercer, PA 16137-3738, is authorized to discharge from a facility located in Springfield Township, **Mercer County** to Neshannock Creek.

**WQM Permit No. 4299404.** Sewerage, **Dale Doleski SRSTP**, 1290 E. Main St., Bradford, PA 16701. Construction of Dale Doleski SRSTP located in Lafayette Township, **McKean County**.

**WQM Permit No. 2099409.** Sewerage, **Jeffrey D. Ketcham SRSTP**, 941 C. Street, Meadville, PA 16335. Construction of Jeffrey D. Ketcham SRSTP located in Greenwood Township, **Crawford County**.

### INDIVIDUAL PERMITS

#### (PAS)

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10S077	Central Stroud Limited Partnership 2112 N. 15th St., Suite 101 Tampa, FL 33605	Monroe County Stroud Township	Pocono Creek
PAS10S069	Pocono Township P. O. Box 197 Tannersville, PA 18372	Monroe County Pocono Township	Pocono Creek
PAS10U112	Kemmerer Corp. 3220 Valley View Dr. Bath, PA 18014	Northampton County Moore Township	Monocacy Creek
PAS10U114	Follett Corp. 801 Church Lane P. O. Box D Easton, PA 18044	Northampton County Forks Township	Bushkill Creek

### INDIVIDUAL PERMITS

#### (PAR)

#### Approvals to Use NPDES and Other General Permits

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

The approval of coverage for land application of sewage sludge or residential septage under these general permits is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective general permit. The Department of Environmental Protection has reviewed the First Land Application of Sewage Sludge for the following sites and determined that the sites are suitable for land application of sewage sludge.

The EPA Region III Regional Administrator has waived the right to review or object to this permit action under the waiver provision: 40 CFR 123.24.

The application and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted.

The Department of Environmental Protection has acted on the following requests for coverage under the specified General Permit as follows:

*List of  
General Permit Type*

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater From Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Single Residence Sewage Treatment Plant
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge By Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge By Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-9	General Permit for Beneficial Use of Residential Septage By Land Application to Agricultural Land, Forest or a Land Reclamation Site

*General Permit Type—PAG-2*

<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>
Straban Township Adams County	PAR-10-0082	Cooperative Milling Inc. P. O. Box 26234 Richmond, VA 23260	Rock Creek	Adams County CD 57 N. Fifth St. Gettysburg, PA 17325 (717) 334-0636
Oxford Township Adams County	PAR-10-0085	Conewago Valley School District 130 Berlin Road New Oxford, PA 17350	Conewago Creek	Adams County CD 57 N. Fifth St. Gettysburg, PA 17325 (717) 334-0636
South Heidelberg Township Berks County	PAR-10-C229	Galen Hall Phase I Tom Masona/Galen Hall Corp. 815 Lancaster Avenue Reading, PA 19607	Tributary to Cacoosing Creek	Berks County CD P. O. Box 520 1238 County Welfare Rd. Leesport, PA 19533 (610) 372-4657
Maxatawny Township Kutztown Borough Berks County	PAR-10-C285	Wilson Manor & Saucony Manor Neil S. Yoder, President Wilson Manor Inc. 420 College Blvd. Kutztown, PA 19530	Saucony Creek	Berks County CD P. O. Box 520 1238 County Welfare Rd. Leesport, PA 19533 (610) 372-4657
Bethel Township Lebanon County	PAR-10-P097-1	Farmers Pride Inc. P. O. Box 39 West Main Street Fredericksburg, PA 17026	Deep Run	Lebanon County CD 2120 Cornwall Road, Suite 5 Lebanon, PA 17042 (717) 272-3908, Ext. 3
South Lebanon Township Lebanon County	PAR-10-P103	Effluent Water Supply Line AES LLC 829 Cumberland Street Lebanon, PA 17042	Quittapahilla and Tulpehocken Creek	Lebanon County CD 2120 Cornwall Road, Suite 5 Lebanon, PA 17042 (717) 272-3908, Ext. 3
South Londonderry Township Lebanon County	PAR-10-P106-R	Springbrook Farms Inc. 1106 Cocoa Avenue Hershey, PA 17033	Spring Creek	Lebanon County CD 2120 Cornwall Road, Suite 5 Lebanon, PA 17042 (717) 272-3908, Ext. 3

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Swatara Township Lebanon County	PAR-10-P109	Amos W. and Ruth E. Rudolph 304 South Mill Street Jonestown, PA 17038	Tributary to Swatara Creek	Lebanon County CD 2120 Cornwall Road, Suite 5 Lebanon, PA 17042 (717) 272-3908, Ext. 3
Jackson Township Lebanon County	PAR-10-P111	Elk Corporation of America 14643 Dallas Parkway Suite 1000 Dallas, TX 75240	Tulpehocken Creek	Lebanon County CD 2120 Cornwall Road, Suite 5 Lebanon, PA 17042 (717) 272-3908, Ext. 3
Lackawanna County Scott Township	PAR10N095	E. L. Toole Jr. Herff Jones, Inc. 1509 Maple St. Scranton, PA 18505	S. Branch Tunkhannock Creek	Lackawanna CD (570) 281-9495
Northampton County Palmer Township	PAR10U121	Nicholas Pugliese Victoria Place, Inc. 1072 Grand St. Phillipsburg, NJ 08865	Lehigh River (U.N.T.)	Northampton CD (610) 746-1971
Schuylkill County Pine Grove Township	PAR105790	Mill Creek Subdivision Margaret Ward/Robert Boyer 5490 Markwood Rd. Earlyville, VA 22936	Mill Creek to Swatara Creek	Schuylkill CD (570) 622-3742
Butler County Seven Fields Borough	PAR10E115	Benchmark Group Limited P. O. Box 1840 Cranberry Township, PA 16066	Unnamed Tributary to Kaufman Run	Butler Conservation District 122 McCune Dr. Butler, PA 16001-5001 (724) 284-5270
Erie County City of Erie	PAR10K142	Transportation Investment Group 1710 Greengarden Erie, PA 16501	Cascade Creek	Erie Conservation District 12723 Route 19 P. O. Box 801 Waterford, PA 16441 (814) 796-4203

*General Permit Type—PAG-3*

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Allegheny County Braddock Borough	PAR606124	Josh Steel Company 46 Sixth Street Braddock, PA 15104	Monongahela River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Allegheny County Rankin Borough	PAR606125	Josh Steel Company 46 Sixth Street Braddock, PA 15104	Monongahela River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-4*

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Lycoming County Muncy Creek Township	PAG045064	James Edwards 103 Waldron Lane Muncy, PA 17756	UNT to Little Muncy Creek	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664
Northumberland County Lewis Township	PAG045067	Michael Cero P. O. Box 81 Washingtonville, PA 17884	County Line Br.	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664
Columbia County Orange Township	PAG045069	Robert Nichols, Jr. R. R. 1, Box 205B1 Orangeville, PA 17859	UNT to Fishing Creek	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664
Armstrong County Sugarcreek Township	PAG046184	Jeffrey and Margaret Isaacson R. D. 1, Box 213C Cowansville, PA 16218	UNT of Snyders Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Lafayette Township McKean County	PAG048608	Dale Doleski 1290 E. Main Street Bradford, PA 16701	Kinzua Creek	Northwest Region Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Greenwood Township Crawford County	PAG048610	Jeffrey D. Ketcham 941 C. Street Meadville, PA 16335	Unnamed Tributary to Sandy Creek	Northwest Region Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-5*

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Allegheny County Verona Borough	PAG056133	Outboard Haven Marina 228 Arch Street Verona, PA 15147	Allegheny River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-7*

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Schuylkill County Frailey Township	PAG07-2202	Natural Soil Products 200 E. Main St. Good Spring, PA 17981		Northeast Regional Office 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511

**SEWAGE FACILITIES ACT  
PLAN APPROVAL**

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

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

Borough of Middleport, Borough of New Philadelphia, Blythe Township, Schuylkill Township, Schuylkill County.

The Department has completed its review of the Joint Official Sewage Facilities Plan Update Revision (Plan) dated October, 1998 (received by the Department on October 26, 1998) with additional information dated November 18, 1998 (received by the Department on November 19, 1998), January 7, 1999 (received by the Department on January 11, 1999), January 15, 1999 (received by the Department on January 19, 1999), January 26, 1999 (received by the Department on January 27, 1999) and July 8, 1999 (received by the Department on July 9, 1999), as submitted by Alfred Benesch and Company on behalf of the Schuylkill Valley Sewer Authority (SVSA) and its represented municipalities.

During the review of an Official Sewage Facilities Plan Update Revision, the Department must ensure that various, relevant issues are addressed in both an adequate and comprehensive manner. The Department is now at the end of the review period during which these various issues could be addressed.

The major issue which remains to be adequately addressed is:

It appears from the July 8, 1999, correspondence received by the Department that the SVSA and one or more of its member municipalities are no longer committed, by municipal resolution, to the current Plan's implementation. The municipalities and the SVSA wished to explore a single wastewater treatment facility option. While the Department does not object to this exercise, the Department may only act on a formal submission which has been appropriately submitted. Since the current Plan cannot be implemented without all of the Authority's member municipalities' participation, the Department has determined that the current Plan is not implementable.

In addition to the major issue listed previously, the Department determined that a number of other questions/comments must be adequately addressed before the Department may approve any subsequently submitted Plan. These questions/comments are described in detail in the Department's July 22, 1999, correspondence which notified the municipalities of the Department's disapproval of the Plan.

Due to the deficiencies previously listed, the Department hereby disapproves the Plan comprised of the submissions listed in the first paragraph of this notice.

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

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

*Location:* Jenner Township, Somerset County, Edward Conner Single Residence STP. West side of SR 4013 approximately 0.5 mile south of SR 30, west of Jennerstown Borough.

Approval of a revision to the Official Sewage Plan of Jenner Township, Somerset County. The project involves the construction of a small flow treatment facility to serve a proposed dwelling located on Keysertown Road. Treated effluent is to be discharged to Coal Run.

**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. 1156477.** Public water supply. **Springton Water Company**, P. O. Box 348, Lyndell, PA 19354. A permit has been issued to Springton Water Company granting permission to install two water vending machines and a 4,000 gallon storage tank at the Marchwood Shopping Center in Uwchlan Township, **Chester County**. *Type of Facility:* Water Vending Machine. *Consulting Engineer:* Motley Engineering Company, Inc., 1300 New Holland Road, Kenhorst, PA 19607. *Permit to Construct Issued:* August 10, 1999.

*Northeast Regional Office: Sanitarian Regional Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2511.*

**Operations Permit** issued to **Tranquility Falls Property Owner's Association** for Wellhouse No. 3 system (West system), Green Township, **Pike County** on July 14, 1999.

**Operations Permit** issued to **Tranquility Falls Property Owner's Association** for Wellhouse No. 2 system (East system), Green Township, **Pike County** on July 14, 1999.

**Operations Permit** issued to **Riversedge Trailer Park**, located in Lower Mt. Bethel Township, **Northampton County**, on July 9, 1999.

**Operations Permit** issued to **Greenwaltz Water Company**, located in Washington Township, **Northampton County** on August 9, 1999.

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

**Permit No. 2299501.** Public water supply, **United Water Pennsylvania**, Susquehanna Township, **Dauphin County**. *Responsible Official:* Cary Gaw, P.E., Managing Engineer. *Type of Facility:* Installation of a ClorTec On-Site liquid sodium hypochlorite generation unit. *Consulting Engineer:* Cary Gaw, P.E., Managing Engineer. *Permit to Construct Issued:* July 26, 1999.

**Permit No. 2299502.** **United Water Pennsylvania**, Hummelstown Borough, **Dauphin County**. *Responsible Official:* Cary Gaw, P.E., Managing Engineer. *Type of Facility:* Installation of a ClorTec On-Site liquid sodium hypochlorite generation unit. *Consulting Engineer:* Cary Gaw, P.E., Managing Engineer. *Permit to Construct Issued:* July 26, 1999.

**Permit No. 3899502.** **Elizabethtown Borough**, West Cornwall Township, **Lebanon County**. *Responsible Official:* Nick Viscome, Borough Manager, 600 S. Hanover Street, Elizabethtown, PA 17022. *Type of Facility:* Construction of a raw water pump station and transmission main. Water will be pumped from Cornwall Quarry to



Conewago Creek. *Consulting Engineer:* Mikel Geissler, P.E., CET Engineering Services, 1240 N. Mountain Rd., Harrisburg, PA 17112. *Permit to Construct Issued:* August 9, 1999.

**Permit No. 3899503.** Public water supply, **Richland Borough**, Mill Creek Township, **Lebanon County**. *Responsible Official:* Dwight Belleman. *Type of Facility:* Construction and use of Well No. 6 as a source of supply. Water is to be disinfected using existing treatment facilities. *Consulting Engineer:* Jeffrey A. Warmkessel, Motley Engineering Co., Inc., 130 New Holland Rd., Kenhorst, PA 19607. *Application received:* August 2, 1999.

*Regional Office: Northcentral Field Operations, Environmental Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701.*

**Permit No. 1786502-T1.** The Department previously issued an operation permit to **(CCMSRA) Clearfield County Municipal Services and Recreation Authority**. Beccaria, Coalport and Irvona (BCI) Municipal Authority has requested that the permit be transferred into their name to operate two springs, a finished water storage tank, two pump stations, treatment facilities, 70,000 feet of 8-inch transmission line and two master meters.

**Permit No. MA-T1.** The Department previously issued a construction permit to **(CCMSRA) Clearfield County Municipal Services and Recreation Authority**, Beccaria Township, **Clearfield County**. Beccaria, Coalport and Irvona (BCI) Municipal Authority has requested that this permit be transferred into their name. This minor amendment is for construction of a distribution extension and a pump station in the village of Lyleville.

**Permit No. MA-T1.** The Department issued an operation permit to **(CCMSRA) Clearfield County Municipal Services Recreation Authority**, Reade Township, **Cambria County**. Beccaria, Coalport and Irvona (BCI) Municipal Authority has requested that this permit be transferred into their name. This permit was a minor amendment for the Glasgow water system.

**Permit No. 3010-T2.** The Department previously issued an operation permit to **(CCMSRA) Clearfield County Municipal Services Recreation Authority**, Coalport Township, **Clearfield County**. Beccaria, Coalport and Irvona (BCI) Municipal Authority has requested that this permit be transferred into their name. This permit approved the Coalport distribution system and a finished water storage tank.

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

**Permit No. 0297501.** Public water supply. **Pittsburgh Water & Sewer Authority**, 441 Smithfield Street, Pittsburgh, PA 15222. *Type of Facility:* Highland No. 2 Reservoir Cover. *Permit for Operation Issued:* August 10, 1999.

**Permit No. 0486502-A2.** Public water supply. **Baden Borough**, 149 State Street, Baden, PA 15005-1937. *Type of Facility:* Harmony Road Water Storage Tank. *Permit for Construction Issued:* August 6, 1999.

**Permit No. 1197502.** Public water supply. **Carrolltown Borough Municipal Authority**, P. O. Box 37, Carrolltown, PA 15722. *Type of Facility:* Well No. 3 (Hoover Well). *Permit for Operation Issued:* August 13, 1999.

## 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 any final reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed, and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

For further information concerning the final report, contact the Environmental Cleanup Program Manager in the Department's Regional Office under which the notice of receipt of a final report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following final reports:

*Southeast Regional Office: Environmental Cleanup Program Manager; Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-5950.*

**Action Arms Ltd., (Mutual Pharmaceutical Co.),** City of Philadelphia, **Philadelphia County**. J. Curtis Hatfield and Kevin J. Davis, P.E., Pennoni Associates Inc., 3001 Market Street, Philadelphia, PA 19104, have submitted a Final Report concerning remediation of site soil contaminated with lead, heavy metals, petroleum hydrocarbons and polycyclic aromatic hydrocarbons, and groundwater contaminated with pesticides, solvents and petroleum hydrocarbons. The report is intended to document remediation of the site to meet Statewide health, background and site-specific standards.

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

**Bushy Run Research Center (BRRC),** Penn Township, **Westmoreland County**. Carnegie Mellon University, 5000 Forbes Avenue, Pittsburgh, PA 15213 and J. Michael Petrell, L. Robert Kimball & Associates, Inc., 415 Moon Clinton Road, Moon Township, PA 15108, have submitted a Final Report concerning remediation of site soil contaminated with heavy metals, pesticides and PAHs. The report is intended to document remediation of the site to meet the Statewide health standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

### Preamble 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908) and Chapter 250 Administration of Land Recycling Program.**

Provisions of 25 Pa. Code § 250.8 Administration of Land Recycling Program requires the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the Land Recycling and Environmental Remediation Standards Act (act). Plans and reports required by provisions of 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, contact the Environmental Cleanup Program Manager in the Department's Regional Office under which the notice of the plan or 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 acted upon the following plans and reports:

*Southeast Regional Office: Environmental Cleanup Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-5950.*

**Chalfont Plaza Associates, L.P.**, New Britain Township, **Bucks County**. Darryl D. Borrelli, Manko, Gold & Katcher, LLP, Suite 500, 401 City Avenue, Bala Cynwyd, has submitted a Remedial Investigation/Final Report concerning remediation of site soil contaminated with solvents, BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons and groundwater contaminated with solvents. The report demonstrated attainment of the Statewide health and site-specific standards and was approved by the Department on August 17, 1999.

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

**PP&L Northern Division Service Center**, Dunmore Borough, **Lackawanna County**. Penn Environmental & Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440, submitted a Final Report (on behalf of its client, Pennsylvania Power & Light, Inc., 2 North Ninth Street, Allentown, PA 18101) concerning the remediation of site soils found to have been contaminated with petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The report demonstrated attainment of the Statewide health standard and was approved on August 9, 1999.

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

**Corning Consumer Products Company**, Borough of Charleroi, **Washington County**. C. R. Springer, Borden, Inc., 180 East Broadcast Street, 28th Floor, Columbus, OH 43215-3799, J. Cherill, Corning, Inc., HP-ME-03-055, Corning, NY 14831 and Steve E. Johnson, Weston, 1 Weston Way, West Chester, PA 19380, have submitted a Final Report concerning remediation of site soil and groundwater contaminated with PCBs, lead, heavy metals, pesticides, solvents, BTEX, PHCs and PAHs. The Final Report did not demonstrate attainment of the Statewide health standard and was disapproved by the Department on August 11, 1999.

## SOLID AND HAZARDOUS WASTE

### LICENSE TO TRANSPORT HAZARDOUS WASTE

**License issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations for license to transport hazardous waste.**

*Bureau of Land Recycling and Waste Management: Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

**Stericycle, Inc.**, 369 Park East Drive, Woonsocket, RI 02895; License No. **PA-AH 0627**; license issued August 10, 1999.

**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.*

**Environmental Products & Services, Inc.**, P. O. Box 315, Syracuse, NY 13209; License No. **PA-AH 0327**; renewal license issued July 27, 1999.

**First Piedmont Hauling, Inc.**, P. O. Box 1069, Chatham, VA 24531; License No. **PA-AH S212**; renewal license issued July 26, 1999.

**Robbie D. Wood, Inc.**, P. O. Box 125, Dolomite, AL 35061; License No. **PA-AH 0504**; renewal license issued August 3, 1999.

**Amended license issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations for license to transport hazardous waste.**

*Bureau of Land Recycling and Waste Management: Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

**Lionetti Oil Recovery Inc., d/b/a Lorco**, 450 South Front Street, Elizabeth, NJ 07202; License No. **PA-AH 0567**; amended license issued July 26, 1999.

**S & C Transport, Inc.**, 31478 Industrial Road, Suite 100, Livonia, MI 48150; License No. **PA-AH 0446**; amended license issued July 22, 1999.

**Tri County Industries, Inc.**, 5135 Frolich Lane, Hyattsville, MD 20781; License No. **PA-AH 0430**; amended license issued June 30, 1999.

**License expired 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.*

**Defense Distribution Depot Susquehanna Pennsylvania, c/o DDSP-LE**, Building 1-1 2nd Floor, New Cumberland, PA 17070; License No. **PA-AH S245**; license expired on June 30, 1999.

**PREVIOUSLY UNPERMITTED CLASS OF SPECIAL HANDLING WASTE**

**INFECTIOUS OR CHEMOTHERAPEUTIC WASTE**

**Licenses issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Infectious and Chemotherapeutic Waste Law (35 P. S. §§ 6019.1—6019.6) and regulations for license to transport infectious and chemotherapeutic waste.**

*Bureau of Land Recycling and Waste Management: Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

**Bestrans, Inc.**, 107 Delancy Road, Elkton, MD 21921; License No. **PA-HC 0209**; license issued August 12, 1999.

**Renewal licenses issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Infectious and Chemotherapeutic Waste Law (35 P. S. §§ 6019.1—6019.6) and regulations for license to transport infectious and chemotherapeutic waste.**

*Bureau of Land Recycling and Waste Management: Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

**Abington Memorial Hospital**, 100 Old York Road, Abington, PA 19001; License No. **PA-HC 0095**; renewal license issued August 3, 1999.

**Altoona Hospital**, 620 Howard Avenue, Altoona, PA 16601; License No. **PA-HC 0124**; renewal license issued August 13, 1999.

**BFI Waste Systems of New Jersey, Inc.**, 111 Domorah Drive, Montgomeryville, PA 18936; License No. **PA-HC 0093**; renewal license issued July 26, 1999.

**Omega Medical Laboratories, Inc.**, 2001 State Hill Road, Wyomissing, PA 19610-1699; License No. **PA-HC 0042**; renewal license issued July 26, 1999.

**Superior Waste Services of Pennsylvania, Inc.**, P. O. O, Brockway, PA 15284; License No. **PA-HC 0199**; renewal license issued August 6, 1999.

**Infectious and chemotherapeutic waste transporter license voluntarily terminated under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Infectious and Chemotherapeutic Waste Law (35 P. S. §§ 6019.1—6019.6) and regulations for license to transport infectious and chemotherapeutic waste.**

*Bureau of Land Recycling and Waste Management: Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

**White Bros. Trucking Co.**, 864 Julia Street, Elizabeth, NJ 07201; License No. **PA-HC 0133**; license terminated July 22, 1999.

**AIR QUALITY**

**OPERATING PERMITS**

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

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

**TVOP-41-00008: Sun Company, Inc., Sandhill Terminal, Montour Oil Service** (Penn Center, 1801 Market Street, Philadelphia, PA 19103-1699), issued revised Title V Operating Permit on August 6, 1999, for operation of a bulk gasoline terminal located in Loyalsock Township, **Lycoming County**. The revision of the Title V Operating Permit is to extend the Vapory Recovery Unit stack testing date to March 15, 2000. The Title V Operating Permit was issued on June 15, 1998.

**TVOP-49-00019: Sun Company, Inc., Atlantic Refinery & Marketing Corp., Northumberland Terminal** (Penn Center, 1801 Market Street, Philadelphia, PA 19103-1699), issued revised Title V Operating Permit on August 6, 1999, for operation of a bulk gasoline terminal located in Point Township, **Northumberland County**. The revision of the Title V operating permit is to extend the Vapory Recovery Unit stack testing date to March 15, 2000. The Title V Operating Permit was issued on June 15, 1998.

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

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

**41-318-025: Springs Window Fashions Division, Inc.** (Box 500, Montgomery, PA 17752-0500), on August 9, 1999, to require the performance of stack testing on coil coating lines by June 30 of every even calendar year instead of every odd calendar year and the performance of

catalytic reactor catalyst testing by June 30 of every odd calendar year in Clinton Township, **Lycoming County**.

#### PLAN APPROVALS

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

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

**22-03021A: A. P. Green Refractories, Inc.** (105 North Wood Street, Middletown, PA 17057), on August 17, 1999, for construction of a mixer controlled by a fabric collector at the Middletown Plant in Middletown Borough, **Dauphin County**.

### MINING

#### APPROVALS TO CONDUCT COAL AND NONCOAL ACTIVITIES

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 water quality certification. Mining activity permits issued in response to the 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).

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

#### Coal Permits Issued

**03960105. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Permit revised to: (a) increase the total permit coal acreage affected; (b) relocate sedimentation pond P and treatment facility sets TP and TP-1; (c) add diversion ditches TD-11, 12 and 13, and collection ditches CD-33 and 34; (d) add 25 Pa. Code 86 Subchapter F protection for preexisting discharge monitoring point D-6; (e) authorize the mining through and reestablishment of unnamed tributary no. 4 to Huskins Run; and (f) approve Module 19 detailing new premining and postmining land use changes at an existing bituminous surface/auger mine located in Cowanshannock Township, **Armstrong County**, now affecting 501.0 acres. Receiving streams: unnamed tributaries to Huskins Run and Huskins Run. Application received: June 15, 1999. Revision issued: August 5, 1999.

**03940108. Rosebud Mining Company** (R. R. 9, Box 379A, Kittanning, PA 16201-9642). Renewal issued for continued reclamation only of a bituminous surface/auger mine located in South Bend Township, **Armstrong County**, affecting 206.0 acres. Receiving streams: two unnamed tributaries to Crooked Creek. Application received: May 4, 1999. Renewal issued: August 13, 1999.

**63743212. Washington Energy Processing, Inc.** (P. O. Box 528, Seven Church Street, Lawrence, PA 15055-0528). Renewal issued for continued operation and reclamation of a bituminous surface (coal refuse process-

ing) mine located in Robinson Township, **Washington County**, affecting 4.3 acres. Receiving streams: not applicable, plant does not discharge. Application received: May 10, 1999. Renewal issued: August 13, 1999.

**65890104. Purco Coal, Inc.** (22 VanVoorhis Lane, Monongahela, PA 15063). Renewal issued for continued operation and reclamation of a bituminous surface/auger mine located in South Huntingdon Township, **Westmoreland County**, affecting 92.5 acres. Receiving streams: unnamed tributary to Barren Run. Application received: May 21, 1999. Renewal issued: August 19, 1999.

**03850105. Kent Coal Mining Company** (P. O. Box 219, 533 Anthony Run Road, Shelocta, PA 15774). Renewal issued for continued reclamation only of a bituminous surface mine located in Kittanning Township, **Armstrong County**, affecting 647.0 acres. Receiving streams: unnamed tributaries to North Branch Cherry Run. Application received: May 10, 1999. Renewal issued: August 16, 1999.

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

**56930113. Permit Renewal, Croner, Inc.** (629 Main Street, Suite 1, Berlin, PA 15530), for continued restoration of a bituminous strip mine in Brothersvalley Township, **Somerset County**, affecting 52.7 acres, receiving stream unnamed tributaries to Laurel Run and Tubs Run. Application received May 25, 1999; issued August 18, 1999.

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

**54841303C2. Tito Coal** (R. R. 1, Box 67A2, Williamstown, PA 17098), correction to an existing anthracite underground mine operation in Porter Township, **Schuylkill County** affecting 5.7 acres, receiving stream—none. Correction issued August 16, 1999.

**54840101R3. Lensco Corporation** (313 Pottsville Street, Minersville, PA 17954), renewal of an existing anthracite surface mine operation in Tremont Township, **Schuylkill County** affecting 222.0 acres. Receiving stream Stumps Run. Renewal issued August 20, 1999.

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

**33890102. Terry Coal Sales, Inc.** (P. O. Box 58, Distant, PA 16223). Renewal of an existing bituminous strip and tippie refuse disposal operation in Knox Township, **Jefferson County** affecting 90.0 acres. Receiving streams: Three unnamed tributaries to Sandy Lick Creek. This renewal is issued for reclamation only. Application received: November 9, 1998. Permit issued: August 12, 1999.

**37830102. ESSROC Materials, Inc.** (P. O. Box 5250, Poland, OH 44514). Renewal of an existing bituminous strip and auger operation in Little Beaver Township, **Lawrence County** affecting 379.0 acres. This renewal is issued for reclamation only. Receiving streams: Unnamed tributaries to North Fork Little Beaver Creek. Application received: July 13, 1999. Permit issued: August 16, 1999.

**16830113. Colt Resources, Inc.** (R. D. 3, Box 48A, Clarion, PA 16214). Renewal of an existing bituminous strip and tippie refuse disposal operation in Perry Township, **Clarion County** affecting 66.3 acres. This renewal is issued for reclamation only. Receiving streams: Two unnamed tributaries to the Clarion River to the Allegheny River. Application received: November 10, 1998. Permit issued: August 16, 1999.

**16753059. R.E.M. Coal Co., Inc.** (R. D. 3, Box 369, Brookville, PA 15825). Renewal of an existing bituminous strip and tippel refusal disposal operation in Limestone Township, **Clarion County** affecting 962.0 acres. This renewal is issued for reclamation only. Receiving streams: Two unnamed tributaries to Poe Run, Poe Run; Five unnamed tributaries to Glade Run to Piney Creek to Clarion River. Application received: March 18, 1999. Permit issued: August 16, 1999.

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

**17980125. Johnson Brothers Coal Company** (R. R. 1, Box 580, Mahaffey, PA 15757), commencement, operation and restoration of a bituminous surface mine permit in Brady Township, **Clearfield County** affecting 68.9 acres. Receiving streams: unnamed tributary to Little Anderson Creek, Little Anderson Creek. Application received October 29, 1998. Permit issued July 28, 1999.

**17990107. W. Ruskin Dressler** (Box 39, Rockton, PA 15856), commencement, operation and restoration of a bituminous surface mine-auger permit in Brady Township, **Clearfield County** affecting 75 acres. Receiving streams: unnamed tributary to Luthersburg Branch, Luthersburg Branch, unnamed tributary to LaBorde Branch and LaBorde Branch to the West Branch of the Susquehanna River. Application received March 25, 1999. Permit issued August 4, 1999.

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

*Noncoal Permits Issued*

**26920401. Coolspring Mining, Inc.** (P. O. Box 1328, Uniontown, PA 15401). NPDES renewal issued for a large noncoal surface mine located in North Union Township, **Fayette County**, affecting 60.6 acres. Receiving streams: unnamed tributary to Coolspring Run to Shute Run to Cove Run to Redstone Creek to the Monongahela River. Application received: April 23, 1999. NPDES renewal issued: August 5, 1999.

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

**25970307. Frank Tucci** (R. D. 2, Drakes Mills, Cambridge Springs, PA 16403). Commencement, operation and restoration of a sand and gravel operation in Washington Township, **Erie County** affecting 54.2 acres. Receiving streams: Unnamed tributary to Conneauttee Creek. Application received: July 10, 1997. Permit issued: August 9, 1999.

**10940306. Quality Aggregates, Inc.** (200 Neville Road, Pittsburgh, PA 15225). Renewal of NPDES No. PA0212091, Marion Township, **Butler County**. Receiving streams: Unnamed tributaries to Slippery Rock Creek to Slippery Rock Creek and an unnamed tributary to Blacks Creek. Application received: June 16, 1999. Permit issued: August 16, 1999.

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

*Small Noncoal (Industrial Mineral) Permits Issued*

**08990803. Scott A. Dunn** (R. D. 1, Box 250-B, Towanda, PA 18848), commencement, operation and restoration of a small industrial mineral (flagstone) permit in Standing Stone Township, **Bradford County** affecting 3 acres. Receiving stream: Kin Creek. Application received June 2, 1999. Permit issued August 11, 1999.

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

**45990801. Richard S. Ianuale** (P. O. Box 605, Sciota, PA 18354), commencement, operation and restoration of a small quarry operation in Jackson Township, **Monroe County** affecting 1.0 acre, receiving stream—none. Permit issued August 17, 1999.

**Bureau of Deep Mine Safety  
Keystone Coal Mining Corporation  
Request for Variance**

The Bureau of Deep Mine Safety (BDMS) has approved Keystone Coal Mining Corporation's request for a variance from the requirements of section 242(c) of the Pennsylvania Bituminous Coal Mine Act at the Emilie Mine. This notification contains a summary of this request. A complete copy of the variance request may be obtained from Allison Gaida by calling (724) 439-7469 or from the BDMS web site at <http://www.dep.state.pa.us/dep/deputate/minres/dms/dms.htm>.

*Summary of the request:* Keystone Coal Mining Corporation requested a section 702 variance from section 242(c) of the Pennsylvania Bituminous Coal Mine Act to allow for the common ventilation of belt conveyor entry with other entries at the Emilie Mine. The proposal accords protections to persons and property substantially equal to or greater than the requirements of section 242(c).

The basis for the Bureau's approval is summarized in the following statements:

1. Emilie's plan provides early warning fire detection by the use of CO detectors, and audible alarm over the mine communication system.
2. Emilie's plan provides a separate, isolated intake escapeway that will be maintained at a higher ventilation pressure than the belt and common entries.
3. Emilie's plan provides for the belt and common entries to serve as an alternate intake escapeway.
4. There are significant health and safety benefits associated with allowing entries in common with the belt entry. Repair and maintenance work in the belt entry is afforded safer access. Improved visual safety inspections are facilitated by open crosscuts.

This approval is limited to a variance from the requirements in section 242(c) requiring that the belt entry is isolated from other entries. All other terms and requirements of section 242(c) shall remain in effect. This approval applies to all areas developed after May 20, 1998. Continued authorization for operation under the approval is contingent upon compliance with the measures described in the Emilie Mine plan.

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

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

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

**Actions on applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and sections 5 and 402 of The Clean Streams Law (35 P. S. §§ 691.5 and 691.402) and notice of final action for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).** (Note: Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description.)

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

**E46-832.** Encroachment. **Plymouth Township**, 700 Belvoir Road, Norristown, PA 19401. To modify and maintain the existing stormwater management facilities by an enclosure and relocation of approximately 800 feet of a tributary to Saw Mill Run, for the purpose of eliminating flooding to adjacent properties. Work will consist of: 1. Installing 404 linear feet of 71-inch by 47-inch CMPA stream enclosure and associated swale that extends westward from Yale Road. 2. Relocating the remaining portion of the proposed work as an open channel that bypasses the existing detention basin. This site is located approximately 300 feet south of the intersection of Harvard Road and Yale Road (Lansdale, PA USGS Quadrangle N: 0.50 inch; W: 6.0 inches) in Plymouth Township, **Montgomery County**.

**E09-124.** Encroachment. **Yardley Borough**, 56 South Main Street, Yardley, PA 19067. To reissue permit No. E09-124 which gave authorization to construct and maintain a stormwater outfall consisting of a 42-inch RCP, endwall and associated riprap protection along the right bank of the Delaware River (WWF-MF) at a point opposite Letchworth Avenue (Trenton West PA-NJ USGS Quadrangle N: 21.2 inches; W: 10.9 inches) in Yardley Borough, **Bucks County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E23-374.** Encroachment. **Chetty Builders**, P. O. Box 805, Concordville, PA 19331. To perform the following activities associated with the Hidden Valley II Subdivision: 1. To construct and maintain 40 feet of 49-inch by 33-inch CMPA for a driveway crossing at Lots 23 and 24 across an unnamed tributary to Naamans Creek (WWF), and impacting adjacent wetlands. 2. To construct and maintain 95 feet of twin 60-inch reinforced concrete pipe for the Spring Meadow Lane cul-de-sac extension across Naamans Creek (WWF), and impacting adjacent wetlands. 3. To eliminate approximately 870 lf of drainage channel and to divert the flow through the

stormwater management facility, and a pipe under the Spring Meadow Lane cul-de-sac impacting wetlands. The total wetland impact for this project is 0.31 acre of wetlands (PFO and PEM). The Hidden Valley II subdivision is located approximately 1,500 feet northwest of the intersection of Goodley Road and Naamans Creek Road (Route 135) (Marcus Hook, PA-NJ-DE Quadrangle N: 16.6 inches; W: 15.4 inches) in Bethel Township, **Delaware County**. The permittee will provide 0.33 acre of replacement wetlands.

**E09-774.** Encroachment. **Orleans Corporation**, One Greenwood Square, 3333 Street Road, Suite 101, Bensalem, PA 19020. To perform the following activities associated with the construction of the proposed Devonshire Estates Residential Subdivision (a.k.a. Yerkes Tract): 1. To place and maintain fill in 0.38 acre of wetland (PEM) associated with the construction of Roads C, D, L and K. 2. To place and maintain fill in 0.08 acre of wetland (PEM) and 90 linear feet of an unnamed watercourse within the Neshaminy Creek Basin associated with the construction of Road P. This permit also includes an environmental assessment approval for the construction of the nonjurisdiction dams for the following: a. Basin 1B, which will impact 55 linear feet of Robin Run (WWF-MF) and 0.08 acre of adjacent wetland (PFO). b. Basin 2B, which will impact 0.23 acre of adjacent wetland (PEM). c. Basin 3, which will impact 155 linear feet of an unnamed tributary of Neshaminy Creek (WWF-MF) and 0.18 acre of adjacent wetland (PEM). d. Construction of a 25-foot wide by 50-foot long outfall channel from Basin 4 through 0.03 acre of wetland (PFO).

The project is situated on two parcels of land totaling 220 acres which are bisected by Swamp Road (S. R. 2079) and bordered by Old York Road (S. R. 0263) to the west and Forest Grove Road (S. R. 2097) to the north (Buckingham, PA Quadrangle N: 7.5 inches; W: 10.75 inches) in Buckingham Township, **Bucks County**. The applicant proposes to construct 0.98 acre of off-site replacement wetlands to compensate for wetland impacts.

**E51-179.** Encroachment. **City of Philadelphia**, Philadelphia International Airport, Division of Aviation Terminal E, Philadelphia, PA 19153. To construct and maintain commuter Terminal F and associated 38 passenger boarding gates, aircraft apron, taxi lanes and taxiways in the 100-year floodplain of the Delaware River, located north of Terminal E at the Philadelphia International Airport (Philadelphia, PA-NJ Quadrangle N: 15.5 inches; W: 1.3 inches) in the City and **County of Philadelphia**.

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

**E39-363.** Encroachment. **Animals-In-Distress, Inc.**, 10 Fashion Lane, Allentown, PA 18103. To remove the existing structure and to construct and maintain a bridge having a span of 28 feet and an average underclearance of 4.5 feet across Saucon Creek. The project will provide access to the Animals-In-Distress facility and is located on the west side of S. R. 2029 (Limeport Pike) approximately 0.6 mile south of its intersection of S. R. 2044 (Allentown East, PA Quadrangle N: 7.1 inches; W: 9.3 inches) in Upper Saucon Township, **Lehigh County**.

**E45-372.** Encroachment. **Jackson Township**, P. O. Box 213, Reeders, PA 18352. To construct and maintain two 6-inch diameter PVC water intake structures in Trout Lake to be used as dry hydrants for fire protection. The project is located on the south side of S. R. 0715, approximately 0.1 mile east of its intersection with Township

Road T486 (Mt. Pocono, PA Quadrangle N: 0.7 inch; W: 12.4 inches) in Jackson Township, **Monroe County**.

**E54-257.** Encroachment. **South Manheim Township Board of Supervisors**, 3089 Fair Road, Auburn, PA 17922. To remove the existing structure and to construct and maintain a road crossing of Red Creek, consisting of an 18.0-foot × 6.5-foot concrete box culvert with its invert depressed 0.5 foot below streambed elevation. The project is located on T-676 (Woodland Road), approximately 200 feet south of T-657 (Diebert's Valley Road) and 4,000 feet east of S. R. 2009 (Friedensburg, PA Quadrangle N: 20.6 inches; W: 2.4 inches), in South Manheim Township, **Schuylkill County**.

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

**E14-346.** Encroachment. **State College Associates, L. P.**, 20 Erford Road, Suite 212, Lemoyne, PA 17043. To place de minimis fill in wetlands for the construction of a commercial development that consists of a 558,000 square foot retail center with associated parking and roads. The project is located along the north side of North Atherton Street (Business 0322) approximately 0.83 mile east of the SR 0322 interchange (Julian, PA Quadrangle N: 11.5 inches; W: 4.0 inches) in Patton Township, **Centre County**. The amount of wetlands is considered a de minimis impact of 0.04 acre and wetland replacement is not required. This permit was issued under section 105.13(e) "Small Projects."

**E18-267.** Encroachment. **Anthony Rinella III**, 124 East Main Street, Lock Haven, PA 17745. To maintain an access road approximately 10 feet wide by 75 feet long in the floodway of the West Branch Susquehanna River (Farrandsville, PA Quadrangle N: 8.0 inches; W: 1.5 inches) in Colebrook Township, **Clinton County**. This permit was issued under section 105.13(e) "Small Projects."

**E18-276.** Encroachment. **Charles G. Miller**, R. R. 1, P. O. Box 282-C, Mill Hall, PA 17751. To construct and maintain a pavilion type recreation structure approximately 70 feet by 30 feet, open on all sides with nine concrete, cement block with brick veneer pedestals (5 feet long by 1 foot 4 inches wide, extending 2 feet 6 inches above the paving brick slab), 8 inches by 8 inches wood columns with a trussed roof structure in the floodway of Fishing Creek on the west side of the intersection of Bell Spring Road and SR 2004 (Mill Hall, PA Quadrangle N: 11.2 inches; W: 12.8 inches) in Lamar Township, **Clinton County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E41-448.** Encroachment. **Pennsylvania Department of Transportation**, P. O. Box 218, Montoursville, PA 17754-0218. To remove the existing structure and to construct and maintain a single span prestressed concrete box beam bridge with a span of 36 feet and minimum underclearance of 4 feet across Carpenters Run on S. R. 2034, Section 005, approximately 0.2 mile west of T-853 (Muncy, PA Quadrangle N: 21.2 inches; W: 7.5 inches) in Muncy Township, **Lycoming County**.

**E53-325.** Encroachment. **Austin Borough**, Main Street, P. O. Box 297, Austin, PA 16720. To remove the existing structure and to construct and maintain a concrete box culvert depressed 2 feet in the streambed with a span of 26 feet and a roadway width of 36 feet and a maximum underclearance of 6 feet with concrete wingwalls in Freeman Run on Elliott Street approxi-

mately 200 feet west of Route 872 (Austin, PA Quadrangle N: 1.71 inches; W: 12.40 inches) in Austin Borough, **Potter County**. The project will not impact on wetlands, while impacting approximately 60 feet of waterway. Freeman Run is a high quality stream. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E55-158.** Encroachment. **Pennsylvania Department of Transportation**, Engineering District 3-0, 715 Jordan Avenue, Montoursville, PA 17754-0218. To construct and maintain a 30-inch diameter RCCP storm sewer outfall pipe to Penns Creek along SR 204 at Segment 0010, Offset 1034 just north of the Borough of Selinsgrove (Sunbury, PA Quadrangle N: 11.3 inches; W: 16.3 inches) in Penn Township, **Snyder County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

**E02-1258.** Encroachment. **Pennsylvania Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17106-7676. To remove existing structures, to construct and maintain a prestressed concrete adjacent box beam bridge having a span of 84.8 feet and underclearance of 11.9 feet, a seven span steel girder bridge, 1,164 feet long with an underclearance of 95 feet and an eight span steel girder bridge, 1,360 feet long with an underclearance of 95 feet across Peters Creek (TSF), to place and maintain fill in the flood plain for the purpose of constructing a Park-N-Ride lot along the left bank of Peters Creek and to place and maintain fill in 0.46 acre of wetlands (PEM). This work is being done in conjunction with the Mon/Fayette Expressway (S. R. 0043) construction Section 52L, consisting of a four lane limited access divided toll highway. This project also includes the relocation of Payne Hill Road and the relocation of Peters Creek Road (project starts at Glassport, PA Quadrangle N: 7.2 inches; W: 5.5 inches and ends at Glassport, PA Quadrangle N: 9.2 inches; W: 5.2 inches), in Jefferson Hills Borough, **Allegheny County**. The wetland replacements were approved under PA DEP Permit No. E02-1132 for this project.

**E30-189.** Encroachment. **Pennsylvania Department of Transportation**, Engineering District 12-0, P. O. Box 459, Harrisburg, PA 15401. To remove the existing structures and to construct and maintain a prestressed concrete I-beam bridge having a single normal span of 98.7 feet and an underclearance of 12.3 feet across South Fork Tenmile Creek (HQ-WWF). During construction, to construct and maintain a Bailey-type temporary bridge having a normal span of 112.0 feet and an underclearance of 11.0 feet. This bridge is located on S. R. 0018 Section 3M approximately 4,000 feet north of Rogersville (Rogersville, PA Quadrangle N: 0.9 inch; W: 1.5 inches). Also, to construct and maintain a prestressed concrete I-beam bridge having a single normal span of 122.16 feet and an underclearance of 16.6 feet across South Fork Tenmile Creek (HQ-WWF). During construction, to construct and maintain a Bailey-type temporary bridge having a normal span of 116.0 feet and an underclearance of 17.0 feet. This bridge is located on S. R. 0018 Section 04M approximately 1,000 feet south of Rogersville (Rogersville, PA Quadrangle N: 0.6 inch; W: 3.6 inches). The applicant will place and maintain fill in 0.042 acre of a de minimis area of wetlands (PEM) and temporarily place and maintain fill in 0.028 acre of PEM/PSS wetlands in Center Township, **Greene County**.

**E11-271.** Encroachment. **Hastings Area Industrial Development Association**, 180 Bears Road, Hastings, PA 16646. To construct and maintain an 89.2-foot long, 14.0-foot by 8.0-foot box culvert (invert depressed 1 foot) in Brubaker Run (CWF), and to relocate and maintain the channel of Brubaker Run for a length of 18.2 feet upstream and 78.4 feet downstream of the box culvert. The project includes placing and maintaining fill in 0.174 acre of palustrine emergent wetlands for the purpose of constructing an access road (S. R. 6900, Haida Avenue extension). The project is located at a point approximately 500 feet upstream of the Huber Street (S. R. 4010) structure (Hastings, PA Quadrangle N: 9.00 inches; W: 12.40 inches) in Susquehanna Township and Hastings Borough, Cambria County. To compensate for the wetlands loss, the permittee shall use the advanced wetland compensation site that is maintained by the Pennsylvania Department of Transportation at State Game Lands No. 108, Reade Township, **Cambria County**.

*Permits Issued and Actions on 401 Certification*

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

**E10-302.** Encroachment. **Butler County Commissioners**, P. O. Box 1208, Butler, PA 16003-1208. To remove the existing McDeavitt Bridge and to construct and maintain a composite prestressed concrete spread box beam bridge having a clear span of 20.2 meters and an underclearance of 2.9 meters on an 82 degree skew across Buffalo Creek on T-691 (Fenelton Road) approximately 1.5 miles east of S. R. 1019 (Worthington, PA Quadrangle N: 21.3 inches; W: 10.6 inches) located in Clearfield Township, **Butler County**.

**ENVIRONMENTAL ASSESSMENT**

*Northcentral Regional Office: Regional Water Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (570) 327-3574.*

**EA14-001NC.** Environmental Assessment. **Ronald and Rodney Reese**, R. D. 2, Box 613, Port Matilda, PA 16870. To remove an abandoned nonjurisdictional dam that has been breached by a stream, restore and stabilize

the streambank (50 linear feet), and fill in a milkhouse lagoon (0.27 acre) along an unnamed tributary to Bald Eagle Creek (CWF). The project is a Chesapeake Bay Funded project and will involve removal of the embankment material into the void created by the abandoned dam and restabilizing the streambank. The project is located on the north side of SR 3023 (Reese Hollow Road) approximately 2.0 miles from SR 220 (Port Matilda, PA Quadrangle N: 9.35 inches; W: 12.63 inches) in Worth Township, **Centre County** (Baltimore District, U. S. Army Corps of Engineers). Approval of an Environmental Assessment is requested in conjunction with § 105.12(a)(16), Dam Safety and Waterway Management, regarding restoration activities.

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

**EA10-011NW.** Environmental Assessment. **Bio Most Inc.**, 338 Glen Eden Road, Rochester, PA 15074. To remove approximately 20,000 cubic yards of mine refuse/gob which was placed adjacent to Seaton Run (WWF); locally known as Murin Run, and within the floodway of this tributary to Seaton Run and to revegetate the riparian corridor. This project is part of a restoration effort to improve water quality within the Slippery Rock Creek Watershed. This project will include the use of BDWM-GP-8, temporary road crossing, (GP081000607) to provide access across this tributary to Seaton Creek. The project is located approximately 4,000 feet southwest of the intersection of S. R. 0308 and Erico Road (Eau Claire, PA Quadrangle N: 1.2 inches; W: 16.8 inches) located in Venango Township, **Butler County**.

**STORAGE TANKS**

**SITE SPECIFIC INSTALLATION PERMITS**

The following Storage Tank Site Specific Installation Permit under the authority of the Storage Tank and Spill Prevention Act (35 P. S. §§ 6021.304, 504, 1101—1102) and 25 Pa. Code Chapter 245, Subchapter C has been issued by the Bureau of Watershed Conservation, Director, P. O. Box 8555, Harrisburg, PA 17105-8555, (717) 787-5267.

<i>SSIP Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Tank Type and Capacity</i>
98-09-001	Van Waters and Rogers 160 Essex Avenue, East Avenel, NJ 07001	Bucks County Falls Township	13 ASTs from 4,000 to 20,000 gallons totaling 134,000 gallons

**SPECIAL NOTICES**

**Notice of Planning Grant Awards Under Section 901 of the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, Act 101**

**Correction of Planning Grant Award Amount for Adams County**

The Department of Environmental Protection (Department) announces the following grants to counties under the Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101) (53 P. S. §§ 4000.101—4000.1904) and the Small Business and Household Pollution Prevention Program Act of 1996, Act 190, P. L. 1478, Section 208.

The awards listed here are based upon applications received by the Department in 1998 and 1999.

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

This notice is being made to correct the amount of the grant awarded to Adams County in a previous announcement.

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

<i>Applicant</i>	<i>Project Description</i>	<i>Grant Award</i>
Southcentral Region		
Adams County	Phase III work on the design for a municipal waste composting facility	\$150,000

**Public Hearing Notice  
102/NPDES/Stormwater**

The Department of Environmental Protection (Department) Water Management Program will be holding a fact finding hearing on the following Stormwater NPDES permit applications:

Three Tun Developers, Three Tun Development, PAS10-G373

The Vanguard Group, Vanguard 80 Acre Development, PAS10-G376

The hearing is scheduled for October 7, 1999, at 1:30 p.m. at the Chester County Conservation District Office, Conference Room 240, 601 Westtown Road, West Chester, PA 19382-4519, Chester County. The hearing is being held to solicit pertinent comments on these applications. The applications are for stormwater construction activities, with discharges to Valley Creek and Little Valley Creek. A copy of the applications are available for review in the Southeast Regional Office's Record Management Section, (610) 832-6268. Those interested in reviewing the applications should call to schedule a date to review the files. The project sponsors are:

Three Tun Developers, 340 Lancaster Avenue, Frazer, PA 19355

The Vanguard Group, P. O. Box 2600, Mail Stop A12, Valley Forge, PA 19482

Comments received will be considered by the Department in completing its review and prior to taking final action concerning these applications. The hearing will not be a question and answer session.

Individuals intending to make a presentation at the hearing should submit written notice to the Regional Manager, Water Management Program at the previous address. The notice should include the individual's name, address and phone number, whether one is opposed or in favor of the projects and a brief statement about the presentation. Comments should be kept brief and, depending on the number of speakers, may be limited to 10 minutes per speaker. Where groups are represented, a spokesperson is requested to present the group's concerns. Individuals wishing to present written material directly to the Department may do so within 30 days following the hearing.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodations to participate in the proceedings, should

contact Sharon Moore, at (610) 832-6073. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

[Pa.B. Doc. No. 99-1498. Filed for public inspection September 3, 1999, 9:00 a.m.]

**Biosolids Technical Workgroup Cancellation Notice**

Due to a lack of agenda items, the Biosolids Technical Workgroup's September 2, 1999, meeting has been canceled. The workgroup's next scheduled meeting will be held on November 4, 1999, at 9:30 a.m. in the 10th floor conference room of the Rachel Carson State Office Building in Harrisburg.

For further information, contact Jay Africa at (717) 787-8184.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 99-1499. Filed for public inspection September 3, 1999, 9:00 a.m.]

**State Board for Certification of Sewage Enforcement Officers; 1999 Board Meeting Date**

The State Board for Certification of Sewage Enforcement Officers has scheduled the following date for a regular board meeting: Friday, December 3, 1999, at 9:30 a.m. in the Rachel Carson State Office Building.

Individuals interested in attending this meeting may contact Eartha Matthews at (717) 787-6045 for further details.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 99-1500. Filed for public inspection September 3, 1999, 9:00 a.m.]

**State Board for Certification of Sewage Treatment Plant and Waterworks Operators; 1999 Board Meeting Dates**

The State Board for Certification of Sewage Treatment Plant and Waterworks Operators has scheduled the following dates for regular board meetings:

Monday, September 13, 1999, at 9 a.m. in the Rachel Carson State Office Building.

Tuesday, December 21, 1999, at 9 a.m. in the Rachel Carson State Office Building.

Individuals interested in attending these meetings may contact Lynn Rice at (717) 787-5236 for further details.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 99-1501. Filed for public inspection September 3, 1999, 9:00 a.m.]

# DEPARTMENT OF GENERAL SERVICES

## State Surplus Property Division; Agricultural Products

The Department of General Services, State Surplus Property Division is offering agricultural products for sale. The following items were purchased during 1999 and 1998 for the State Correctional Facility at Rockview. The facility is closing their farm and therefore the excess seed needs to be sold.

Type	Make	Qty	Year Purchased
Soybeans	Dyna-Gro 3289RR	200 Bags	1999
Soybeans	Dyna-Gro 3358	198 Bags	1999
Field Corn	Agway Eastland (E303)	40 Bags	1999
Field Corn	Agway Eastland (E340)	50 Bags	1999
Field Corn	Agway Eastland (E495)	40 Bags	1999
Field Corn	Agway Eastland (E540)	25 Bags	1999
Field Corn	Agway Eastland (E280)	5 Bags	1998
Soybean	Chapman	211 Bags	1998

Individuals who are interested in placing a bid on these items should call (717) 787-4085 or write to the Department of General Services, State Surplus Property Division, Room G-48, 2221 Forster Street, Harrisburg, PA 17125. Requests for bid packets will be accepted until the bid opening on September 28, 1999.

GARY E. CROWELL,  
*Secretary*

[Pa.B. Doc. No. 99-1502. Filed for public inspection September 3, 1999, 9:00 a.m.]

### State Surplus Property Division; Computer System for the Blind

The Department of General Services, State Surplus Property Division is looking for a buyer to purchase a computer system designed for the blind. The following items were purchased in 1994 for the Department of Public Welfare which are no longer needed.

- 1 Freedom 486 (D486-Pro) Personal Computer with a Dectalk Board installed
- 1 Freedom Monitor, including earphones, keyboard, mouse, cables
- 1 Cardinal Monitor
- 1 Total Talk Monitor
- 1 Modem, Data Tech 212
- 1 Versapoint Braille Embosser Printer, with acoustic enclosure
- 3 Cases of Braille Printer Paper

System has software installed that includes: Oscar Optical Character Recognition, Braille Translator and Telesensory Speech with books. The entire computer system is rated in good condition.

Individuals who are interested in placing a bid on this system should call (717) 787-4085 or write to the Department of General Services, State Surplus Property Division, Room G-48, 2221 Forster Street, Harrisburg, PA 17125. Requests for bid packets will be accepted until the bid opening on September 28, 1999.

GARY E. CROWELL,  
*Secretary*

[Pa.B. Doc. No. 99-1503. Filed for public inspection September 3, 1999, 9:00 a.m.]

### State Surplus Property Division; Telephone Systems

The Department of General Services, State Surplus Property Division is seeking buyers for two Northern Telecom Private Branch Exchange Telephone Systems. Both systems were in working order since approximately October of 1987 until present. Systems are not Y2K.

Individuals who are interested in more information or would like to receive a bid proposal for these systems, should call (717) 787-4085 or write to the Department of General Services, State Surplus Property Division, Room G-48, 2221 Forster Street, Harrisburg, PA 17125. Requests for bid packets will be accepted until the bid opening on September 28, 1999.

GARY E. CROWELL,  
*Secretary*

[Pa.B. Doc. No. 99-1504. Filed for public inspection September 3, 1999, 9:00 a.m.]

# DEPARTMENT OF HEALTH

## Notice of Requests for Exceptions

Under 28 Pa. Code § 51.33 (relating to exceptions), the Department of Health (Department), gives notice that the following long-term care facilities have requested exceptions to specific requirements of the regulations for long-term care facilities, 28 Pa. Code Part IV, Subpart C.

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.17 (relating to location):

Meadowood  
3205 Skippack Pike  
P. O. Box 670  
Worcester, PA 19490-0670

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 201.18(f) (relating to management):

George L. Harrison  
House Episcopal Hospital  
100 E. Lehigh Avenue  
Philadelphia, PA 19125-1098

Riddle Memorial Hospital—Based/SNF  
1078 West Baltimore Pike  
Media, PA 19063

Transitional Care Center of Gettysburg Hospital  
147 Gettys Street  
Gettysburg, PA 17325-0786

Mercy Fitzgerald Hospital SNF  
1500 Lansdowne Avenue  
Darby, PA 19023

UPMC Horizon  
Transitional Care Center—Greenville  
110 North Main Street  
Greenville, PA 16125-0000

UPMC Horizon  
Transitional Care Center—Shenango  
2200 Memorial Drive  
Farrell, PA 16121

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building):

DuBois Nursing Home  
200 S. Eighth Street  
P. O. Box 307  
DuBois, PA 15801-0307

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 205.9(c) (relating to corridors):

The Health Care Center  
at White Horse Village  
535 Gradyville Road  
Newtown Square, PA 19073

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.36(l) (relating to bathing facilities):

Rebecca Residence  
900 Rebecca Avenue  
Pittsburgh, PA 15221

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.38(b) (relating to toilet facilities):

Beverly Healthcare—Lancaster  
425 North Duke Street  
Lancaster, PA 17602

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.38(c) (relating to toilet facilities):

Lutheran Home at Kane  
R. R. 1, Box 92AA  
Kane, PA 16735

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 211.12(g) and (h) (relating to nursing services):

The Long Home  
200 N. West End Avenue  
Lancaster, PA 17603

Blair Nursing Home, Inc.  
1031 Mercer Road  
Beaver Falls, PA 15010

The request is on file with the Department. Persons may receive a copy of the request for exception by requesting a copy from: Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax: (717) 772-2163, e-mail address: PAEXCEPT@HEALTH.STATE.PA.US.

Those persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail, or facsimile to the division and address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aide service or other accommodation to do so, should contact V/TT: (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 99-1505. Filed for public inspection September 3, 1999, 9:00 a.m.]

### Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program)

#### I. *Maximum Allowable Cost for WIC Food Prescription One and WIC Food Prescription Two*

Under 28 Pa. Code § 1103.4(a)(6), the WIC Program publishes notice of the maximum allowable cost for WIC Food Prescription One and WIC Food Prescription Two. The information contained herein is effective October 1, 1999.

The maximum allowable cost for WIC Food Prescription One is \$51.86 and the maximum allowable cost for WIC Food Prescription Two is \$98.16.

#### II. *Contract Brand of Formula*

Under 28 Pa. Code § 1103.5(c), the WIC Program publishes notice of the name of the contract brand of infant formula. The WIC Program has entered into a contract with Ross Laboratories to be the primary provider of infant formula for the WIC Program. The contract brand of infant formula is Ross Products and the names of the formula are Similac with Iron and Isomil. Other brands and types of formula must be specified on the WIC check to be authorized for purchase with a WIC check. The information contained herein is effective October 1, 1999.

#### III. *1999-2000 WIC Food List*

Under 28 Pa. Code § 1103.5(c), the WIC Program publishes notice of the 1999-2000 WIC Food List which contains the required types of foods, the maximum allowable cost of certain foods and if applicable, names of

allowable brands of foods. Due to a price change in the minimum retail price of milk established by the Pennsylvania Milk Marketing Board, the maximum allowable cost for quart and half-gallons of milk has been increased and will be effective September 1, 1999. All other information is effective October 1, 1999.

The 1999-2000 WIC Food List authorizes the following as allowable foods and prices for the purpose of the WIC Program:

*Cheese*

Regular, reduced fat, low fat or fat free, low cholesterol, low sodium.

If from the dairy case, the cheese must be marked with weight, type and cost. Cheese must cost no more than \$5.99 per pound. Minimum package size 8 ounces.

American (Pasteurized Process)	Cheddar
Cheddarella	Cojack
Colby (Longhorn)	Monterey Jack
Mozzarella	Muenster
Provolone	Swiss

Not Allowed: Individually wrapped; imported; deli service; cheese foods; imitation cheese; cheese products or spreads; string cheese; cheese with added ingredients.

*Milk*

Fluid (pasteurized; quarts costing no more than \$1.10, half gallons costing no more than \$2.20 or gallons costing no more than \$4.40). Any fat level allowed; acidophilus allowed.

- Lactose reduced or lactose free if specified on the WIC check.
- Evaporated (12 ounce cans) if specified on the WIC check.
- Dry (packages) if specified on the WIC check.
- Lactose reduced, lactose free, evaporated and dry milk must be specified on the WIC Check and are not subject to price limitation.

Not allowed: Flavored milk, UHT milk, buttermilk, goat's milk, milk with added calcium or protein, milk in glass bottles, organic milk.

*Eggs*

Any size raw shell eggs costing no more than \$1.65 a dozen.

*Juice*

Canned Single Strength  
(46 ounce can, 100% pure juice):

Apple . . . . .	Seneca, Lucky Leaf or Musselman's
Apple/Grape . . . . .	Lucky Leaf, Musselman's
Orange . . . . .	any brand
Pineapple . . . . .	Dole, Liberty Gold, or any brand stamped "100% Hawaiian" on top
100% Grape, regular or white . . . . .	Seneca, Welch's
V8 (regular, lightly tangy, picante, healthy request) . . . . .	Campbell's
Juicy Juice (any flavor) . . . . .	Libby's

Frozen Concentrated  
(11.5 to 12 ounce can, 100% pure juice):

Apple . . . . .	Seneca, Shurfine, Weis, Musselman's, Old Orchard, Lucky Leaf, Foodland, Food Club
Orange (including calcium fortified) . . . . .	any brand
Pineapple-Orange . . . . .	Dole
Pineapple-Orange-Banana . . . . .	Dole

100% Grape . . . . . Seneca, Welch's with yellow pull tab  
White Grape Juice Blends . . . . . Welch's with yellow pull tab

Shelf Stable Concentrate Cans:  
Juicy Juice (any flavor) . . . . . Libby's  
Juice Makers . . . . . Welch's with yellow trim

Not allowed: Juices with added sugar, alcohol or carbonation; cartons or bottled juices.

*Dry Beans and Peas*

Any kind in 1-pound package

Not allowed: Beans with seasonings

*Cereal*

Adult/Child Cereals:  
Minimum package size 8 ounces.

General Mills:  
Cheerios (regular, multigrain plus)  
Chex (wheat, corn, rice, multi-bran)  
Kix (regular only)  
Total Corn Flakes  
Wheaties (regular flavor)

Kellogg Co.:  
Complete Bran Flakes (oat, wheat)  
Corn Flakes  
Mini Wheaties (strawberry, blueberry, apple cinnamon, raisin)  
Product 19

Nabisco:  
Cream of Wheat (regular, quick, instant)  
Instant Cream of Wheat (original flavor packets)

Quaker Co.:  
Instant Grits (all flavors)  
Instant Quaker Oatmeal (regular flavor individual packets)  
King Vitamin  
Life (regular flavor)

Post:  
Honey Bunches of Oats (Honey Roasted with Almonds)

Store Brand Cereal:  
Best Yet, Food Club, Pathmark, Richfood, Weis Quality:  
Crisp(y) Rice  
Corn Flakes  
Toasted Oats/Tasteeos

Not allowed: Individual serving boxes.

*Peanut Butter*

15 to 18 ounce container costing no more than \$2.75 per container.

Not allowed: Reduced fat peanut butter; peanut butter mixed with jelly, marshmallow or chocolate.

*Infant Formula*

*Contract Brand*

Milk Based: Similac w/Iron                      Soy Based: Isomil  
Other brands and types of formula must be specified on the WIC check.

*Infant Juice*

Any brand 4 ounce container.

Not allowed: Organic varieties, Beechnut Juice Plus or juice with yogurt.

*Infant Cereal*

Any brand in 8 or 16 ounce box.

Not allowed: Organic varieties, variety pack, cereal with fruit, formula or yogurt.

*Tuna and Carrots*

These foods are only for breast-feeding women whose babies do not get formula from WIC.

**Tuna**

(Any brand, chunk light, packed in water, 6 to 6 1/2 ounce cans)

**Fresh Carrots**

(Whole, unpeeled in 1 or 2 pound cello pack)

**Canned Carrots**

(Any brand sliced, 14 to 20 ounce can)

Persons who have questions should call the WIC Program office at (717) 783-1289 or V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Services at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 99-1506. Filed for public inspection September 3, 1999, 9:00 a.m.]

## DEPARTMENT OF LABOR AND INDUSTRY

### Current Prevailing Wage Act Debarments

The contractors referenced as follows have been determined to have intentionally violated the Pennsylvania Prevailing Wage Act (act) (43 P. S. §§ 165-1—165-17). This notice is published for the information and convenience of public bodies subject to the act. Under section 11(e) of the act (43 P. S. § 165-11(e)), this firm or this person, or any firms, corporations or partnerships in which the firm or person has an interest, shall be awarded no contract for 3 years after the date listed.

<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
Alex Roofing Company, Inc. (Fed. ER ID No. 25-1358277) -and- Peter Alex, III, individually	1134 Payne Avenue Erie, PA 16503	August 24, 1999

JOHNNY J. BUTLER,  
*Secretary*

[Pa.B. Doc. No. 99-1507. Filed for public inspection September 3, 1999, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Submission of Proposals for the Competitive Negotiated Procurement of the HealthChoices Southeast Pennsylvania Counties

The purpose of this notice is to notify the bidders for the Competitive Negotiated Procurement for the HealthChoices Mandatory Managed Behavioral Health Services Program in Southeast Pennsylvania Counties (Bucks, Chester, Delaware, Montgomery and Philadelphia) that all proposals must be submitted by Friday, September 24, 1999, on or before 10:30 a.m. to the Department of Public Welfare, Division of Procurement, P. O. Box 2675, Room 106, Health and Welfare Building, Commonwealth and Forster Streets, Harrisburg, PA 17105-2675. Late proposals will not be considered regardless of reason.

FEATHER O. HOUSTOUN,  
*Secretary*

[Pa.B. Doc. No. 99-1508. Filed for public inspection September 3, 1999, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Million Dollar Wheel of Fortune Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314), and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Million Dollar Wheel of Fortune.

2. *Price:* The price of a Pennsylvania Million Dollar Wheel of Fortune instant lottery game ticket is \$5.00.

3. *Play Symbols:* Each Pennsylvania Million Dollar Wheel of Fortune instant lottery game ticket will feature one "Wheel Letters" area and one "Your Letters" area. The play symbols and their captions located in the "Wheel Letters" area are: B (BB), D (DD) F (FF), G (GG), H (HH), J (JJ), K (KK), L (LL), M (MM), N (NN), P (PP), Q (QQ), R (RR), S (SS), T (TT), V (VV), W (WW), X (XX), Y (YY) and Z (ZZ). The play symbols and their captions located in the "Your Letters" area are: B (BB), D (DD) F (FF), G (GG), H (HH), J (JJ), K (KK), L (LL), M (MM), N (NN), P (PP), Q (QQ), R (RR), S (SS), T (TT), V (VV), W (WW), X (XX), Y (YY), Z (ZZ) and a Wheel Symbol (WHEEL).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the "Prize" area are: \$5<sup>00</sup> (FIV DOL), \$6<sup>00</sup> (SIX DOL), \$8<sup>00</sup> (EGT DOL), \$10<sup>00</sup> (TEN DOL), \$12<sup>00</sup> (TWELVE), \$15<sup>00</sup> (FIFTEEN), \$20\$ (TWENTY), \$24\$ (TWY FOR), \$40\$ (FORTY), \$80\$ (EIGHTY), \$400 (FOR HUN), \$2,000 (TWO THO) and MILLION (ONE MIL).

5. *Prizes:* The prizes that can be won in this game are \$5, \$6, \$8, \$10, \$12, \$15, \$20, \$24, \$40, \$80, \$400, \$2,000 and \$1,000,000. The player can win up to 12 times on a ticket.

6. *Million Dollar Wheel of Fortune Bonus Drawing:* The Pennsylvania Lottery will conduct five separate Million Dollar Wheel of Fortune Bonus Drawings for non-winning Pennsylvania Million Dollar Wheel of Fortune instant lottery tickets as provided in Section 11.

7. *Approximate Number of Tickets Printed For the Game:* Approximately 2,400,000 tickets will be printed for the Pennsylvania Million Dollar Wheel of Fortune instant lottery game.

8. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "Your Letters" play symbols matches any of the "Wheel Letters" play symbols and a prize play symbol of MILLION (ONE MIL) appears in the "Prize" area under the matching "Your Letters" play symbol, on a single ticket, shall be entitled to a prize of \$1,000,000.

(b) Holders of tickets upon which any one of the "Your Letters" play symbols matches any of the "Wheel Letters" play symbols and a prize play symbol of \$2,000 (TWO THO) appears in the "Prize" area under the matching "Your Letters" play symbol, on a single ticket, shall be entitled to a prize of \$2,000.

(c) Holders of tickets upon which any one of the "Your Letters" plays symbols is a Wheel Symbol (WHEEL) and a prize play symbol of \$2,000 (TWO THO) appears in the "Prize" area under the Wheel Symbol (WHEEL) play symbol, on a single ticket, shall be entitled to a prize of \$2,000.

(d) Holders of tickets upon which any one of the "Your Letters" play symbols matches any of the "Wheel Letters" play symbols and a prize play symbol of \$400 (FOR HUN) appears in the "Prize" area under the matching "Your Letters" play symbol, on a single ticket, shall be entitled to a prize of \$400.

(e) Holders of tickets upon which any one of the "Your Letters" plays symbols is a Wheel Symbol (WHEEL) and a prize play symbol of \$400 (FOR HUN) appears in the "Prize" area under the Wheel Symbol (WHEEL) play symbol, on a single ticket, shall be entitled to a prize of \$400.

(f) Holders of tickets upon which any one of the "Your Letters" play symbols matches any of the "Wheel Letters" play symbols and a prize play symbol of \$80\$ (EIGHTY) appears in the "Prize" area under the matching "Your Letters" play symbol, on a single ticket, shall be entitled to a prize of \$80.

(g) Holders of tickets upon which any one of the "Your Letters" plays symbols is a Wheel Symbol (WHEEL) and a prize play symbol of \$80\$ (EIGHTY) appears in the "Prize" area under the Wheel Symbol (WHEEL) play symbol, on a single ticket, shall be entitled to a prize of \$80.

(h) Holders of tickets upon which any one of the "Your Letters" play symbols matches any of the "Wheel Letters" play symbols and a prize play symbol of \$40\$ (FORTY) appears in the "Prize" area under the matching "Your Letters" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(i) Holders of tickets upon which any one of the "Your Letters" plays symbols is a Wheel Symbol (WHEEL) and a prize play symbol of \$40\$ (FORTY) appears in the "Prize" area under the Wheel Symbol (WHEEL) play symbol, on a single ticket, shall be entitled to a prize of \$40.

(j) Holders of tickets upon which any one of the "Your Letters" play symbols matches any of the "Wheel Letters" play symbols and a prize play symbol of \$24\$ (TWY FOR) appears in the "Prize" area under the matching "Your Letters" play symbol, on a single ticket, shall be entitled to a prize of \$24.

(k) Holders of tickets upon which any one of the "Your Letters" plays symbols is a Wheel Symbol (WHEEL) and a prize play symbol of \$24\$ (TWY FOR) appears in the "Prize" area under the Wheel Symbol (WHEEL) play symbol, on a single ticket, shall be entitled to a prize of \$24.

(l) Holders of tickets upon which any one of the "Your Letters" play symbols matches any of the "Wheel Letters" play symbols and a prize play symbol of \$20\$ (TWENTY) appears in the "Prize" area under the matching "Your Letters" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(m) Holders of tickets upon which any one of the "Your Letters" plays symbols is a Wheel Symbol (WHEEL) and a prize play symbol of \$20\$ (TWENTY) appears in the "Prize" area under the Wheel Symbol (WHEEL) play symbol, on a single ticket, shall be entitled to a prize of \$20.

(n) Holders of tickets upon which any one of the "Your Letters" play symbols matches any of the "Wheel Letters" play symbols and a prize play symbol of \$15<sup>00</sup> (FIFTEEN) appears in the "Prize" area under the matching "Your Letters" play symbol, on a single ticket, shall be entitled to a prize of \$15.

(o) Holders of tickets upon which any one of the "Your Letters" plays symbols is a Wheel Symbol (WHEEL) and a prize play symbol of \$15<sup>00</sup> (FIFTEEN) appears in the "Prize" area under the Wheel Symbol (WHEEL) play symbol, on a single ticket, shall be entitled to a prize of \$15.

(p) Holders of tickets upon which any one of the "Your Letters" play symbols matches any of the "Wheel Letters" play symbols and a prize play symbol of \$12<sup>00</sup> (TWELVE) appears in the "Prize" area under the matching "Your Letters" play symbol, on a single ticket, shall be entitled to a prize of \$12.

(q) Holders of tickets upon which any one of the "Your Letters" plays symbols is a Wheel Symbol (WHEEL) and a prize play symbol of \$12<sup>00</sup> (TWELVE) appears in the "Prize" area under the Wheel Symbol (WHEEL) play symbol, on a single ticket, shall be entitled to a prize of \$12.

(r) Holders of tickets upon which any one of the "Your Letters" play symbols matches any of the "Wheel Letters" play symbols and a prize play symbol of \$10<sup>00</sup> (TEN DOL) appears in the "Prize" area under the matching "Your Letters" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(s) Holders of tickets upon which any one of the "Your Letters" plays symbols is a Wheel Symbol (WHEEL) and a prize play symbol of \$10<sup>00</sup> (TEN DOL) appears in the "Prize" area under the Wheel Symbol (WHEEL) play symbol, on a single ticket, shall be entitled to a prize of \$10.

(t) Holders of tickets upon which any one of the "Your Letters" play symbols matches any of the "Wheel Letters" play symbols and a prize play symbol of \$8<sup>00</sup> (EGT DOL) appears in the "Prize" area under the matching "Your Letters" play symbol, on a single ticket, shall be entitled to a prize of \$8.

(u) Holders of tickets upon which any one of the "Your Letters" plays symbols is a Wheel Symbol (WHEEL) and a prize play symbol of \$8<sup>00</sup> (EGT DOL) appears in the "Prize" area under the Wheel Symbol (WHEEL) play symbol, on a single ticket, shall be entitled to a prize of \$8.

(v) Holders of tickets upon which any one of the "Your Letters" play symbols matches any of the "Wheel Letters" play symbols and a prize play symbol of \$6<sup>00</sup> (SIX DOL) appears in the "Prize" area under the matching "Your Letters" play symbol, on a single ticket, shall be entitled to a prize of \$6.

(w) Holders of tickets upon which any one of the "Your Letters" plays symbols is a Wheel Symbol (WHEEL) and a prize play symbol of \$6<sup>00</sup> (SIX DOL) appears in the "Prize" area under the Wheel Symbol (WHEEL) play symbol, on a single ticket, shall be entitled to a prize of \$6.

(x) Holders of tickets upon which any one of the "Your Letters" play symbols matches any of the "Wheel Letters" play symbols and a prize play symbol of \$5<sup>00</sup> (FIV DOL) appears in the "Prize" area under the matching "Your Letters" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(y) Holders of tickets upon which any one of the "Your Letters" plays symbols is a Wheel Symbol (WHEEL) and a prize play symbol of \$5<sup>00</sup> (FIV DOL) appears in the "Prize" area under the Wheel Symbol (WHEEL) play symbol, on a single ticket, shall be entitled to a prize of \$5.

9. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>Match Any Of Your Letters To Any Wheel Letter Win With Prize(s) Of:</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 2,400,000 Tickets</i>
\$5 w/Wheel	\$5	1:10	240,000
\$5	\$5	1:10.91	220,000
\$6 w/Wheel	\$6	1:60	40,000
\$6	\$6	1:120	20,000
\$8 w/Wheel	\$8	1:100	24,000
\$8	\$8	1:150	16,000
\$5 x 2	\$10	1:150	16,000
\$10 w/Wheel	\$10	1:150	16,000
\$10	\$10	1:300	8,000
\$6 x 2	\$12	1:300	8,000
\$12 w/Wheel	\$12	1:300	8,000
\$12	\$12	1:600	4,000
\$5 x 3	\$15	1:600	4,000
\$5 + \$10	\$15	1:600	4,000
\$15 w/Wheel	\$15	1:300	8,000
\$15	\$15	1:600	4,000
\$5 x 4	\$20	1:300	8,000
\$5 x 2 + \$10	\$20	1:600	4,000
\$10 x 2	\$20	1:600	4,000
\$15 + \$5	\$20	1:600	4,000
\$12 + \$8	\$20	1:600	4,000
\$20 w/Wheel	\$20	1:200	12,000
\$20	\$20	1:600	4,000
\$6 x 4	\$24	1:600	4,000
\$8 x 3	\$24	1:600	4,000
\$12 x 2	\$24	1:600	4,000
\$24 w/Wheel	\$24	1:600	4,000
\$24	\$24	1:600	4,000
\$5 x 8	\$40	1:2,000	1,200
\$20 x 2	\$40	1:3,000	800
\$10 x 4	\$40	1:3,000	800
\$15 x 2 + \$10	\$40	1:3,000	800
\$5 x 4 + \$20	\$40	1:3,000	800
\$10 x 2 + \$20	\$40	1:3,000	800
\$40 w/Wheel	\$40	1:2,000	1,200
\$40	\$40	1:8,571	280
\$8 x 10	\$80	1:12,000	200
\$20 x 4	\$80	1:60,000	40
\$5 x 8 + \$10 x 4	\$80	1:60,000	40
\$15 x 4 + \$20	\$80	1:60,000	40
\$40 x 2	\$80	1:60,000	40
\$10 x 4 + \$20 x 2	\$80	1:60,000	40
\$80 w/Wheel	\$80	1:15,000	160
\$80	\$80	1:60,000	40

*Match Any Of Your Letters  
To Any Wheel Letter  
Win With Prize(s) Of:*

	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 2,400,000 Tickets</i>
\$40 x 10	\$400	1:24,000	100
\$80 x 5	\$400	1:48,000	50
\$400 w/Wheel	\$400	1:20,000	120
\$400	\$400	1:80,000	30
\$2,000 w/Wheel	\$2,000	1:80,000	30
\$2,000	\$2,000	1:240,000	10
\$1,000,000	\$1,000,000	1:1,200,000	2

Wheel = Automatic win symbol

*10. Million Dollar Wheel of Fortune Bonus Drawing  
Entry Requirements:*

(a) To enter a Million Dollar Wheel of Fortune Bonus Drawing, a player shall use the back of one non-winning Million Dollar Wheel of Fortune ticket.

(b) The player shall watch the syndicated Wheel of Fortune television game show Monday through Friday as follows:

<i>Market</i>	<i>Station</i>	<i>Channel</i>
Philadelphia	WPVI-TV	6
Pittsburgh	KDKA-TV	2
Scranton/Wilkes-Barre	WNEP	16
Harrisburg	WGAL	8
Johnstown	WJAC	6
Erie	WJET	24

(c) In the space provided on the back of the ticket, the player shall enter the date and station that the player watched. The player shall circle the position of the winning contestant on the date watched. Incorrect entries selected will be disqualified.

(d) The results of the Wheel of Fortune television game show will not be made available by any means other than the actual broadcast of the show. The Pennsylvania Lottery is not responsible for pre-empted programs. In the event of a pre-emption, players should check local listings. Rebroadcasts of the Wheel of Fortune television game show on the Game Show Network are not eligible for this promotion.

(e) The back of the non-winning Pennsylvania Million Dollar Wheel of Fortune instant lottery ticket must be completed in a legible manner, including the player's name, complete address, telephone number and signature. Only one name may appear on each ticket.

(f) The player shall place exactly one completed non-winning Pennsylvania Million Dollar Wheel of Fortune instant lottery ticket in an envelope no larger than 4.5 inches x 9.5 inches addressed to Wheel of Fortune Play-at-Home Bonus, PMB 124, 2033 Linglestown Road, Harrisburg, PA 17110.

(g) Envelopes containing more than one completed non-winning Pennsylvania Million Dollar Wheel of Fortune instant lottery ticket shall be disqualified.

(h) Completed non-winning Pennsylvania Million Dollar Wheel of Fortune instant lottery tickets received in an envelope larger than 4.5 inches by 9.5 inches shall be disqualified.

(i) Winning lottery tickets submitted to the Wheel of Fortune Play-at-Home Bonus address will not be paid or honored.

(j) Completed non-winning Pennsylvania Million Dollar Wheel of Fortune instant lottery tickets must be received

by the Pennsylvania Lottery no later than March 31, 2000, to be eligible for the last Wheel of Fortune Bonus Drawing to be held on April 12, 2000.

*11. Wheel of Fortune Bonus Drawings Procedures:*

(a) Frequency.

(1) There will be five Wheel of Fortune Bonus Drawings. The drawing dates and the entry deadlines for each are as follows:

<i>Drawing Date</i>	<i>Entry Deadline</i>
October 13, 1999	September 30, 1999
November 10, 1999	October 31, 1999
December 15, 1999	November 30, 1999
January 12, 2000	December 31, 1999
April 12, 2000	March 31, 2000

(2) One trip to Hollywood, California for an audition for a chance to become a contestant on the Wheel of Fortune Television game show will be awarded in each Wheel of Fortune Bonus Drawing.

(b) Eligibility for Wheel of Fortune Bonus Drawings. To be eligible for a Wheel of Fortune Bonus Drawing, a player must have complied with the requirements of Section 10.

(1) The Lottery will make a reasonable effort to ensure that each entry is entered into one of the Wheel of Fortune Bonus Drawings. The Lottery assumes no responsibility for a lost or misplaced entry not entered into a Wheel of Fortune Bonus Drawing.

(2) Entries are only valid for one Wheel of Fortune Bonus Drawing.

(3) If an entry is rejected during or following a Wheel of Fortune Bonus Drawing, the sole remedy is to select another entry to replace the rejected entry in accordance with Lottery procedure.

(4) Entries remaining after the final drawing or received after March 31, 2000, will be null, void and ineligible for entry into any other contest conducted by the Pennsylvania Lottery.

(c) Manner of Conducting Wheel of Fortune Bonus Drawings.

(1) Entries will be placed into containers and the containers will be sealed. A mechanical device will be used to randomly select one of the containers.

(2) An entry envelope will be drawn from the selected container. The envelope will be opened to determine if the entry is valid.

(3) If the selected entry does not meet the requirements of Section 10, another entry will be selected and so on, until a qualified entry has been chosen.



(4) Determination of winners will be made by the Secretary, whose judgment will be final and binding.

(5) Wheel of Fortune Bonus Drawing winners will be notified of their selection after all validation has been conducted.

(6) Wheel of Fortune Bonus Drawing winners will be required to furnish their Social Security number to the Lottery.

(d) The odds of winning a trip depend upon the number of entries received.

(e) The awarding of a trip prize in the Wheel of Fortune Bonus Drawing to a person who dies before receiving the trip or to a person 17 years of age or younger shall be undertaken according to 61 Pa. Code §§ 811.16 and 811.27 (relating to prizes payable after death of a prize winner; and payment of prizes to persons under 18 years of age).

12. *Trip to Hollywood, California and Audition for the Wheel of Fortune Television Game Show Information and Restrictions:*

(a) Each trip includes two roundtrip airfares, one hotel accommodation for two for 4 days and 3 nights, an audition for a chance to become a contestant on the Wheel of Fortune television game show and \$2,000 in spending money.

(b) If a player is selected as a result of the player's audition to be a contestant on the Wheel of Fortune television game show, the player and a guest will receive a complimentary 3-day and 2-night round trip to California to compete on the Wheel of Fortune television game show.

(c) Trip scheduling is dependent upon the timing of the auditions in Hollywood for the Wheel of Fortune television game show.

(d) Trips must be taken within 1 year of the date of the drawing in which the winning entry was selected.

(e) There is no cash equivalent for the trip prize.

(f) The winner of a trip will be responsible for any income tax due to the Federal government for the value of the prize.

13. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Million Dollar Wheel of Fortune instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

14. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Million Dollar Wheel of Fortune, prize money from winning Pennsylvania Million Dollar Wheel of Fortune instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Million Dollar Wheel of Fortune instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

15. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

16. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Million Dollar Wheel of Fortune or through normal communications methods.

ROBERT A. JUDGE, Sr.,  
Secretary

[Pa.B. Doc. No. 99-1509. Filed for public inspection September 3, 1999, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Retention of Engineering Firms

#### Lycoming County Project Reference No. 08430AG2399

The Department will retain an engineering firm under a multi-phase, specific project agreement to perform preliminary engineering, environmental studies, final design and construction services for S. R. 0015, Section C41 in Cogan House and Lewis Townships, Lycoming County within Engineering District 3-0.

The project consists of studies to relocate a 7.4 km portion of the southbound lanes of S.R. 0015 between trout Run and Steam Valley. This section of the southbound lanes has substandard horizontal and vertical geometry, narrow shoulders and no access control. Also included will be some level of upgrade to the northbound lanes from Trout Run to Buttonwood which will be at a minimum include the elimination of several at grade intersections with Township roads and correcting several substandard curves. The project will also include the construction of a full interchange with S.R. 0184. Estimated construction cost is \$54.0 million. The anticipated agreement duration is four (4) years.

The selected engineering firm will be required to perform a variety of engineering services as indicated below, but not limited to:

a. *Initial Studies:* This phase will consist of preliminary studies to develop relocation alternatives for the southbound lanes which will be carried through into the next phase and to more clearly define the scope of the northbound work. Interchange concepts will also be developed in this phase. Tasks may include, but are not limited to: evaluation of existing roadway features, climbing lane analysis, traffic studies, access control studies, public involvement, development on interchange concepts, development of preliminary southbound alignments, and preliminary estimates.

b. *Refinement of Alternatives and Environmental Clearance Studies:* This phase will carry the alternatives developed and advance them to the level needed for environmental clearance and the selection of the preferred alternative. Tasks may include, but are not limited to: traffic studies for each alternative, alignment studies; hydraulic studies, preliminary maintenance and protection of traffic, development of detailed cost estimates, preliminary structure design, field surveys, public involvement, value engineering coordination, preparation of an Environmental Assessment, hazardous waste evaluations, cultural resource studies, and other environmental studies to support the EA.

c. Development of project plans up to Step 9: This phase will carry the preferred alternative through Step 9. Tasks may include, but are not limited to: line grade and typical section, type, size and location, preliminary traffic control plan, preliminary erosion and sedimentation control plan, pavement design, and preliminary right-of-way plans.

d. Preparation of final roadway and structure plans, including but not limited to: final design, and preparation of plans, specifications and estimates.

e. Consultation during construction.

All engineering services for this project will be performed in accordance with current Department Metric Design Standards.

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 performance of firm with respect to quality of work, administrative and cost controls, ability to meet schedules, and previous experience on roadway widening engineering projects. The specific experience of individuals who constitute the firm shall be considered.

b. Specialized experience and technical competence of firm.

c. Demonstrated familiarity with the project scope.

d. Resumes of key personnel and listing of proposed sub-consultants.

e. Relative size of firm to size of this project.

f. Demonstrated capacity for innovative engineering to resolve complex problems.

g. Location of firm relative to District Office and project size.

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. Paul E. Heise, P.E., District Engineer  
 Engineering District 3-0  
 715 Jordan Avenue  
 Montoursville, PA 17754

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 sixth (6th) day following the date of this Notice.

The District will announce the firms that have been shortlisted at an open public meeting scheduled for October 1, 1999 at 10:00 A.M. at the Engineering District 3-0 office at 715 Jordan Avenue, Montoursville, PA. All candidates that submitted a letter of interest will be notified if this date changes. Specify a contact person in the letter of interest.

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen (15%) percent 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).

Any technical questions concerning the requirements for this project should be directed to: Mr. Gary R. Williams, P.E., District 3-0, at (570) 368-4391.

**Westmoreland County  
 Project Reference No. 08430AG2400**

The Department will retain an engineering firm to provide supplementary construction inspection staff of approximately twelve (12) inspectors, under the Department's Inspector(s)-in-Charge for construction inspection and documentation services on S.R. 0070, Section 19M, the rehabilitation of the existing bridge in Westmoreland County, Engineering District 12-0. The estimated construction cost is \$15 million.

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 ranking will be established directly from the acceptable letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting acceptable letters of interest:

a. Number of available inspectors in each payroll classification.

b. Number of NICET certified inspectors in each payroll classification.

c. Review of inspectors' resumes with emphasis on construction inspection capabilities and specialized experience in the Maintenance and Protection of Traffic, soils, structures, concrete, asphalt paving, and drainage.

d. Past Performance.

e. Ability to provide CDS operator.

The qualifications and experience required of the firm's inspectors will be established by the Department, and the qualifications of the firm's proposed employees will be reviewed and approved by the Department.

It is anticipated that the supplementary construction inspection staff for this assignment will consist of the following number of inspectors who meet the requirements for the following inspection classifications:

<i>Classification</i>	<i>No. of Inspectors</i>
Transportation Construction Ins. Super. (TCIS) (NICET Highway Construction Level 3 or equivalent)	2 (1)
Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent)	7 (6)
Technical Assistant (TA) (NICET Highway Construction Level 1 or equivalent)	3 (0)

The number(s) 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 reimbursement per hour of inspection for each Department Payroll Classification for calendar year of 1999:

<i>Payroll Classification</i>	<i>Maximum Straight Time Reimbursement Per Hour Of Inspection</i>
(TCIS)	\$40.54
(TCI)	\$35.47
(TA)	\$24.39

The maximum reimbursement per hour of inspection includes all costs for providing construction inspection services at the project site during the normal work week.

Maximum reimbursement per hour of inspection for subsequent calendar years, if applicable, will be established at the scope of work meeting.

The firm selected may be required to attend a pre-construction conference with the Department and the construction contractor for this project. Under the supervision and direction of the Department, the selected firm will be required to keep records and document the construction work; 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 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).

Letters of interest for this project must include a letter, signed by the individuals you propose for all TCIS positions, giving their approval to use their name in your letter of interest for this specific 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>
TCIS	3
TCI	9

No resumes are required for the TA Classification.

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. Michael H. Dufalla, P.E., District Engineer  
 Engineering District 12-0  
 N. Gallatin Avenue, Extension  
 Uniontown, PA 15401  
 Attention: Mr. Nick Hutnick

The Letter of Interest submission for this project reference number must be received at the address listed above by 4:30 P.M. prevailing time on the twentieth (20) day following the date of this Notice.

Any technical questions concerning the requirements for this project should be directed to: Mr. Charles Thompson, P.E., District 12-0, at (724) 439-7137 or Mr. Nick Hutnick, District 12-0, at (724) 439-7385.

**Northampton County  
 Project Reference No. 08430AG2401**

The Department will retain an engineering firm, for a multi-phase, specific project Agreement, to conduct environmental studies, prepare preliminary engineering plans, perform final design and provide services during construction (shop drawing reviews and consultation during construction) for the proposed bridge replacement (Messinger Street Bridge) on S.R. 1018, Section 02B over Martin's Creek and Conrail tracks located in the Borough of Bangor, Northampton County. The design of this project is expected to have an overall duration of twenty-seven (27) months with shorter, varying schedules for individual phases. This Agreement will be administered by Engineering District 5-0. The estimated construction cost is \$2.0 million.

The existing structure, built in 1921, is a ten (10) span, 97-meter long, reinforced concrete T-beam structure with two (2) 3.6-meter lanes and two (2) 1.1-meter sidewalks. S.R. 1018 in the project area is a two (2) lane minor collector highway that extends east and west through the Borough of Bangor and Township of Washington. The project study limits will extend 150 meters on each end of the existing structure. The structure is bounded by residential structures to the west and a farmer parachute factory and light industrial/commercial area on the east. Although the bridge itself is not eligible for registration on the National Register, the parachute factory is, and the bridge may constitute a contributing element to the parachute factory. In addition, there is a potential historical district on the west end of the bridge.

The selected engineering firm will be required to provide a variety of engineering services as indicated below, but not limited to:

a. Perform a feasibility study to determine the most appropriate alternative for improvement of this structure. Alternatives to be considered include, but are not limited to: rehabilitating the structure; removing the structure and replacing it with a new structure over Martin's Creek and Conrail tracks; and removing the existing structure and replacing it with a new structure over Martin's Creek and a grade crossing at the Conrail tracks.

b. All studies necessary for the preparation of a Categorical Exclusion Evaluation Level 3 (or Level 4 if there are archeological findings or if the project requires additional right-of-way) and associated documents including: cultural resource surveys; wetlands delineation and evaluation; Section 106 documents; hazardous waste reports; archaeological surveys, etc.

c. Preliminary engineering including, but not limited to: field surveying; hydraulic and hydrologic analysis, type, size, and location drawings; Step 9 submission; roadway design; E & S plans; soils and geotechnical

reconnaissance; maintenance and protection of traffic; right-of-way investigation; and coordination with utility companies. PUC coordination will be required for any alternative selected.

d. Preparation of final roadway and structure plans, including, but not limited to: roadway and structure borings; final design; and preparation of plans, specifications and estimates.

e. Consultation during construction.

All engineering services for this project will be performed in accordance with current Department Metric Design Standards.

The following factors, listed in order of importance, will be considered by the Department during evaluation of the firms submitting acceptable Letters of Interest:

- a. Specialized expertise and technical competence.
- b. Project team composition.
- c. Project team experience.
- d. Ability to expedite this project and maintain schedule and budget.
- e. Past performance.
- f. Location of consultant with respect to the project site and to the District Office.

The District will announce the firms that have been shortlisted at an open public meeting to be held in Engineering District 5-0, 1713 Lehigh Street, Allentown, PA 18103. All candidates that have submitted a Letter of Interest will be notified of the date. Specify a contact person in the letter of interest.

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen (15%) percent 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. Walter E. Bortree, P.E., District Engineer  
Engineering District 5-0  
1713 Lehigh Street  
Allentown, PA 18103  
Attention: Mr. Stephen L. Caruano, 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 sixth (6th) day following the date of this Notice.

Any technical questions concerning the requirements for this project should be directed to: Mr. Stephen L. Caruano, P.E., District 5-0, at (610) 791-6062 or Mr. Kenneth M. McClain, District 5-0, at (610) 791-6037.

**Armstrong County  
Project Reference No. 08430AG2402**

The Department will retain an engineering firm to provide supplementary construction inspection staff of approximately twenty-two (22) inspectors, under the Department's Inspector(s)-in-Charge for construction inspection and documentation services on S.R. 0422, Section

015, Kittanning By-Pass; Armstrong County. This project involves the construction of a new limited access highway between S.R. 0066 and the existing S.R. 0422.

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 ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- a. Review of inspectors' resumes with emphasis on construction inspection capabilities and specialized experience in the Maintenance and Protection of Traffic, soils, structures, earth moving operations and concrete pavement placements.
- b. Understanding of Department's requirements, policies, and specifications.
- c. Past Performance.
- d. Number of available inspectors in each payroll classification.
- e. Number of NICET certified inspectors in each payroll classification.

The qualifications and experience required of the firm's inspectors will be established by the Department, and the qualifications of the firm's proposed employees will be reviewed and approved by the Department.

It is anticipated that the supplementary construction inspection staff for this assignment will consist of the following number of inspectors who meet the requirements for the following inspection classifications:

<i>Classification</i>	<i>No. of Inspectors</i>
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)	4 (3)
Transportation Construction Inspector - Materials (TCI-Materials) (NICET Highway Materials Level 2 or equivalent)	2 (1)
Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent)	13 (9)
Technical Assistant (TA) (NICET Highway Construction Level 1 or equivalent)	2 (0)

The number(s) 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 reimbursement per hour of inspection for each Department Payroll Classification for calendar year of 1999:

<i>Payroll Classification</i>	<i>Maximum Straight Time Reimbursement Per Hour Of Inspection</i>
(TCM-1)	\$46.27
(TCIS)	\$40.54
(TCI-Materials)	\$36.55
(TCI)	\$35.47
(TA)	\$24.39

The maximum reimbursement per hour of inspection includes all costs for providing construction inspection services at the project site during the normal work week.

Maximum reimbursement per hour of inspection for subsequent calendar years, if applicable, will be established at the scope of work meeting.

The firm selected may be required to attend a pre-construction conference with the Department and the construction contractor for this project. Under the supervision and direction of the Department, the selected firm will be required to keep records and document the construction work; 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; provide certified CDS operator, provide Nuclear Densometer Gauge licensed Operator, provide a NECEPT Certified Field Bituminous Technician and perform other duties as may be required.

The firm selected will be required to supply the following equipment at no direct cost to the Department:

- 1 Nuclear Densometer Gauge/License (at point of need)
- 4 Cellular Phones
- Level and Rod
- Planimeter

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).

Letters of interest for this project must include a letter, signed by the individuals you propose for all TCM-1 and/or TCIS positions, giving their approval to use their name in your letter of interest for this specific 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	5
TCI-M	3
TCI	16

No resumes are required for the TA Classification.

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. Richard H. Hogg, P.E., District Engineer  
 Engineering District 10-0  
 Route 286 South, P. O. Box 429  
 Indiana, PA 15701  
 Attention: Ms. Sarah Cunningham, 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 (20) day following the date of this Notice.

Any technical questions concerning the requirements for this project should be directed to: Ms. Sarah N. Cunningham, P.E., District 10-0, at (724) 357-2881.

**Berks County  
 Project Reference No. 08430AG2403**

The Department will retain an engineering firm to provide supplementary construction inspection staff of approximately eleven (11) inspectors, under the Department's Inspector(s)-in-Charge for construction inspection and documentation services on S.R. 0078, Section 07M, in Bethel Township, Berks County, Engineering District 5-0. The estimated construction cost is \$23 million.

The project involves the construction of approximately 22,457 linear feet of separated plain cement concrete pavement, RPS, 14" depth, 48 feet in width and full depth shoulders; also the surfacing of approximately 1,192 linear feet of bituminous wearing course ID-2, SRL-H, 40 feet in width on State Route 645; also the relocation of approximately 1,500 linear feet of a township road; also a single span superstructure replacement, a 4-span concrete box beam deck replacement and the rehabilitation of a twin cell reinforced concrete box culvert; also glare screen upgrading, guide rail upgrading, miscellaneous drainage improvements including wetlands, lighting upgrades, pavement marking within a length of 22,457 linear feet (4.25 miles).

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 ranking will be established directly from the acceptable letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting acceptable letters of interest:

- a. Review of inspectors' resumes with emphasis on construction inspection capabilities and specialized experience in the Maintenance and Protection of Traffic, soils, structures, concrete, asphalt paving, drainage, guiderail, pavement markings, milling, erosion control, signing and lighting. The TCI-M has to be NICET Level II Highway Materials Certified and Nuclear Gauge Certified. A TCI has to be PennDOT CDS Certified.
- b. Understanding of Department's requirements, policies, and specifications.
- c. Past Performance.

d. Number of NICET certified inspectors in each payroll classification.

e. Number of available inspectors in each payroll classification.

The qualifications and experience required of the firm's inspectors will be established by the Department, and the qualifications of the firm's proposed employees will be reviewed and approved by the Department.

It is anticipated that the supplementary construction inspection staff for this assignment will consist of the following number of inspectors who meet the requirements for the following inspection classifications:

<i>Classification</i>	<i>No. of Inspectors</i>
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 - Materials (TCI-Materials) (NICET Highway Materials Level 2 or equivalent)	1 (1)
Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent)	4 (3)
Technical Assistant (TA) (NICET Highway Construction Level 1 or equivalent)	2 (0)

The number(s) 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 reimbursement per hour of inspection for each Department Payroll Classification for calendar year of 1999:

<i>Payroll Classification</i>	<i>Maximum Straight Time Reimbursement Per Hour Of Inspection</i>
(TCM-1)	\$46.27
(TCIS)	\$40.54
(TCI-Materials)	\$36.55
(TCI)	\$35.47
(TA)	\$24.39

The maximum reimbursement per hour of inspection includes all costs for providing construction inspection services at the project site during the normal work week.

Maximum reimbursement per hour of inspection for subsequent calendar years, if applicable, will be established at the scope of work meeting.

The firm selected may be required to attend a pre-construction conference with the Department and the construction contractor for this project. Under the supervision and direction of the Department, the selected firm will be required to keep records and document the construction work; 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 will be required to supply the following equipment at no direct cost to the Department:

- 1 Nuclear Densometer Gauge/License (At point of need when needed)
- 1 Base Radio Station
- 12 Two-Way Radios
- 1 Two-Way Radio Repeater Station
- 1 Camera (type 35mm, film, developing)

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).

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 name in your letter of interest for this specific project. The Technical Assistant(s) do not need to be identified in the letter of interest.

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-M	2
TCI	5

No resumes are required for the TA Classification.

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. Walter E. Bortree, P.E., District Engineer  
 Engineering District 5-0  
 2460 Parkwood Drive  
 Allentown, PA 18103  
 Attention: Mr. Brian H. Graver

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 sixth (6th) day following the date of this Notice.

Any technical questions concerning the requirements for this project should be directed to: Mr. Brian H. Graver, District 5-0, at (610) 791-6022.

**Westmoreland County  
Project Reference No. 08430AG2404**

The Department will retain an engineering firm to provide supplementary construction inspection staff of approximately twelve (12) inspectors, under the Department's Inspector(s)-in-Charge for construction inspection and documentation services on S.R. 0119, Section 12R, the reconstruction of the existing roadway in Westmoreland County, Engineering District 12-0. The estimated construction cost is \$14 million.

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 ranking will be established directly from the acceptable letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting acceptable letters of interest:

- a. Number of available inspectors in each payroll classification.
- b. Number of NICET certified inspectors in each payroll classification.
- c. Review of inspectors' resumes with emphasis on construction inspection capabilities and specialized experience in the Maintenance and Protection of Traffic, soils, structures, concrete, asphalt paving, and drainage.
- d. Past Performance.
- e. Ability to provide CDS operator.

The qualifications and experience required of the firm's inspectors will be established by the Department, and the qualifications of the firm's proposed employees will be reviewed and approved by the Department.

It is anticipated that the supplementary construction inspection staff for this assignment will consist of the following number of inspectors who meet the requirements for the following inspection classifications:

<i>Classification</i>	<i>No. of Inspectors</i>
Transportation Construction Ins. Super. (TCIS) (NICET Highway Construction Level 3 or equivalent)	2 (1)
Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent)	7 (6)
Technical Assistant (TA) (NICET Highway Construction Level 1 or equivalent)	3 (0)

The number(s) 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 reimbursement per hour of inspection for each Department Payroll Classification for calendar year of 1999:

<i>Payroll Classification</i>	<i>Maximum Straight Time Reimbursement Per Hour Of Inspection</i>
(TCIS)	\$40.54
(TCI)	\$35.47
(TA)	\$24.39

The maximum reimbursement per hour of inspection includes all costs for providing construction inspection services at the project site during the normal work week.

Maximum reimbursement per hour of inspection for subsequent calendar years, if applicable, will be established at the scope of work meeting.

The firm selected may be required to attend a pre-construction conference with the Department and the construction contractor for this project. Under the supervision and direction of the Department, the selected firm will be required to keep records and document the construction work; 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 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).

Letters of interest for this project must include a letter, signed by the individuals you propose for all TCIS positions, giving their approval to use their name in your letter of interest for this specific project. The Technical Assistant(s) do not need to be identified in the Letter of Interest.

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>
TCIS	3
TCI	9

No resumes are required for the TA Classification.

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. Michael H. Dufalla, P.E., District Engineer  
 Engineering District 12-0  
 N. Gallatin Avenue, Extension  
 Uniontown, PA 15401  
 Attention: Mr. Nick Hutnick

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. Charles Thompson, P.E., District 12-0, at (724) 439-7137 or Mr. Nick Hutnick, District 12-0, at (724) 439-7385.

**Washington County  
 Project Reference No. 08430AG2405**

The Department will retain an engineering firm to provide supplementary construction inspection staff of approximately twelve (12) inspectors, under the Department's Inspector(s)-in-Charge for construction inspection and documentation services on S.R. 0079, Section C10, the reconstruction of the existing roadway in Washington County, Engineering District 12-0. The estimated construction cost is \$40 million.

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 ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the 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. Number of available inspectors in each payroll classification.
- b. Number of NICET certified inspectors in each payroll classification.
- c. Review of inspectors' resumes with emphasis on construction inspection capabilities and specialized experience in the Maintenance and Protection of Traffic, soils, structures, concrete, asphalt paving, and drainage.
- d. Past Performance.
- e. Ability to provide CDS operator.

The qualifications and experience required of the firm's inspectors will be established by the Department, and the qualifications of the firm's proposed employees will be reviewed and approved by the Department.

It is anticipated that the supplementary construction inspection staff for this assignment will consist of the following number of inspectors who meet the requirements for the following inspection classifications:

<i>Classification</i>	<i>No. of Inspectors</i>
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)	7 (5)

<i>Classification</i>	<i>No. of Inspectors</i>
Technical Assistant (TA) (NICET Highway Construction Level 1 or equivalent)	2 (0)

The number(s) 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 reimbursement per hour of inspection for each Department Payroll Classification for calendar year of 1999:

<i>Payroll Classification</i>	<i>Maximum Straight Time Reimbursement Per Hour Of Inspection</i>
(TCIS)	\$40.54
(TCI)	\$35.47
(TA)	\$24.39

The maximum reimbursement per hour of inspection includes all costs for providing construction inspection services at the project site during the normal work week.

Maximum reimbursement per hour of inspection for subsequent calendar years, if applicable, will be established at the scope of work meeting.

The firm selected may be required to attend a pre-construction conference with the Department and the construction contractor for this project. Under the supervision and direction of the Department, the selected firm will be required to keep records and document the construction work; 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 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).

Letters of interest for this project must include a letter, signed by the individuals you propose for all TCIS positions, giving their approval to use their name in your



letter of interest for this specific project. The Technical Assistant(s) do not need to be identified in the Letter of Interest.

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>
TCIS	4
TCI	9

No resumes are required for the TA Classification.

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. Michael H. Dufalla, P.E., District Engineer  
Engineering District 12-0  
N. Gallatin Avenue, Extension  
Uniontown, PA 15401  
Attention: Mr. Nick Hutnick

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. Charles Thompson, P.E., District 12-0, at (724) 439-7317 or Mr. Nick Hutnick, District 12-0, at (724) 439-7385.

#### **General Requirements and Information**

Firms interested in providing the above work and services are invited to submit a Letter of Interest with the required information for each Project Reference Number for which the applicant wishes to be considered.

The Letter of Interest and required information must be submitted to the person designated in the individual advertisement.

The Letter of Interest and required information must be received by the Deadline indicated in the individual advertisement.

All consultants, both prime consultants and subconsultants, who desire to be included in a Letter of Interest must have an Annual Qualification Package on file with the appropriate District Office, by the deadline stipulated in the individual advertisements.

For Statewide projects, all consultants, both prime consultants and subconsultants, who desire to be included in a Letter of Interest must have an Annual Qualification Package on file with the Central Office, Bureau of Design by the deadline stipulated in the individual advertisements.

By submitting a letter of interest for the projects that requests 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.

Information concerning the Annual Qualification Package can be found in Strike-off Letter No. 433-99-04 or under the Notice to all Consultants published in the February 27, 1999 issue of the *Pennsylvania Bulletin*.

The requirements for Letters of Interest, in addition to the requirements stipulated in the individual advertisement, are as follows:

1. The Letter of Interest must include the project reference number, the firm's legal name, and the firm's federal identification number.
2. Identify the project manager.
3. Identify subconsultants, if any, including DBE/WBE, if required.
4. Identify key project staff.

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 maximum opportunity to participate in any subcontracting or furnishing supplies or services approved under Form 442, Section 1.10(a). The TEA-21 requires that firms owned and controlled by women (WBEs) be included, as a presumptive group, within the definition of Disadvantaged Business Enterprise (DBE). The goal for DBE participation shall be as stated in the individual project advertisement. Responding firms shall make good faith efforts to meet the DBE goal using DBEs (as they are defined prior to the act, WBEs or combinations thereof).

Proposing DBE firms must be certified at the time of submission of the Letter of Interest. If the selected firm fails to meet the established DBE participation goal, it shall be required to demonstrate its good faith efforts to attain the goal.

Responses are encouraged by small firms, Disadvantaged Business Enterprise (DBE) firms, and other firms who have not previously performed work for the Department of Transportation.

The assignment of the agreement/contract for the above advertisement(s) will be made to one of the firms who submitted an acceptable Letter of Interest in response to the project advertisement. The assignment will be made based on the Department's evaluation of the firm's qualification and capabilities. The Department reserves the right to reject all letters submitted, to cancel the solicitations requested under this Notice, and/or to readvertise solicitation for the work and services.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 99-1510. Filed for public inspection September 3, 1999, 9:00 a.m.]

# INDEPENDENT REGULATORY REVIEW COMMISSION

## Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, August 19, 1999, and took the following actions:

### *Regulations Approved:*

State Horse Racing Commission #34-63: Rules of Racing (amends 58 Pa. Code Chapters 163 and 165).

Insurance Department #11-190: Minimum Reserve Standards for Individual and Group Health and Accident Insurance Contracts (amends 31 Pa. Code §§ 84a.1—84a.4 and 84a.6).

State Board of Cosmetology #16A-457: Examination Fees (amends 49 Pa. Code § 7.2).

State Board of Education #6-258: Certification of Professional Personnel (amends Subchapters A, B and C of 49 Pa. Code).

*Regulation Deemed Approved under Section 5(g) of the Regulatory Review Act—Effective August 10, 1999.*

Insurance Department #11-151: Collision Loss Settlements (deletes 31 Pa. Code §§ 65.11—65.14).

*Regulation Deemed Approved under Section 5(g) of the Regulatory Review Act—Effective August 18, 1999.*

Pennsylvania Health Care Cost Containment Council 100-14: Severity Methodology (amends 28 Pa. Code §§ 912.1, 912.3 and 912.31).

August 19, 1999

Honorable M. Diane Koken, Commissioner  
Insurance Department  
1326 Strawberry Square  
Harrisburg, PA 17120

Re: IRRC Regulation #11-151 (#1862)  
Insurance Department  
Collision Loss Settlements

Dear Commissioner Koken:

Since this proposal meets all of the criteria under Section 5b(3), your regulation is approved. A copy of this letter will be forwarded to the Legislative Reference Bureau.

Any questions you or your staff may have, contact Robert E. Nyce, our Executive Director at 783-5506.

John R. McGinley, Jr.,  
Chairperson

August 19, 1999

Marc P. Volavka, Executive Director  
Pennsylvania Health Care Cost Containment Council  
225 Market Street, Suite 400  
Harrisburg, PA 17101

Re: IRRC Regulation #100-14 (#1995)  
Pennsylvania Health Care Cost Containment Council  
Severity Methodology

Dear Mr. Volavka:

Since this proposal meets all of the criteria under Section 5b(3), your regulation is approved. A copy of this letter will be forwarded to the Legislative Reference Bureau.

Any questions you or your staff may have, contact Robert E. Nyce, our Executive Director at 783-5506.

John R. McGinley, Jr.,  
Chairperson

*Commissioners Present:* John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Cocodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held  
August 19, 1999

*State Horse Racing Commission—Rules of Racing; Regulation No. 34-63*

### Order

On September 14, 1998, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Horse Racing Commission (Horse Racing Commission). This rulemaking amends 58 Pa. Code Chapters 163 and 165. The authority for this regulation is found in section 202(a) of the Race Horse Industry Reform Act (4 P. S. §§ 325.101—325.402). The proposed regulation was published in the September 26, 1998 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on July 19, 1999.

The Horse Racing Commission is amending the "coupled entry" rule. This rule restricts an owner or trainer from entering two or more horses in the same race. The amendment removes this restriction on trainers. The restriction on owners remains. The Horse Racing Commission is also amending its regulations governing the Pennsylvania Breeders' Fund Program (Fund). The amendment requires a foal or its dam to spend at least 90 days in the Commonwealth during the year of foaling to qualify the foal for registration as Pennsylvania-bred and to be eligible for Fund awards.

We have reviewed this regulation and find it to be in the public interest. The amendments clarify and update the regulations to bring them into conformance with surrounding jurisdictions. The amendments also impose a reasonable standard for qualifying a foal as Pennsylvania-bred.

*Therefore, It Is Ordered That:*

1. Regulation No. 34-63 from the State Horse Racing Commission, as submitted to the Commission on July 19, 1999, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

*Commissioners Present:* John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Cocodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held  
August 19, 1999

*Insurance Department—Minimum Reserve Standards for Individual and Group Health and Accident Insurance Contracts; Regulation No. 11-190*

**Order**

On September 23, 1998, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Insurance Department (Insurance). This rulemaking amends 31 Pa. Code §§ 84a.1—84a.4 and 84a.6. The authority for this regulation is sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 411 and 412), and sections 301.1 and 311.1 of the Insurance Department Act (40 P. S. §§ 71.1 and 93). The proposed regulation was published in the October 3, 1998 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on July 20, 1999.

This regulation updates, clarifies and modifies minimum standards for insurers in calculating financial reserves for health and accident insurance contracts. It also modifies the minimum contract reserve standards for long-term care insurance.

We have reviewed this regulation and find it to be in the public interest. This regulation is a practical renovation and adjustment to recent changes in Federal law.

*Therefore, It Is Ordered That:*

1. Regulation No. 11-190 from the Insurance Department, as submitted to the Commission on July 20, 1999, is approved; and
2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

*Commissioners Present:* John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Cocodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held  
August 19, 1999

*State Board of Cosmetology—Examination Fees; Regulation No.16A-457*

**Order**

On July 12, 1999, the Independent Regulatory Review Commission (Commission) received this regulation from the State Board of Cosmetology (Board). This rulemaking amends 49 Pa. Code § 7.2. The authority for this regulation is section 812(b) and (e) of The Administrative Code of 1929 (71 P. S. § 279.3a) and sections 13(b) and 16(a) of the Cosmetology Law (63 P. S. §§ 519(b) and 522(a)). Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*. On July 29, 1999, the Commission received a request from the Board to toll consideration of this final-omitted regulation to make a technical correction. On July 29, 1999, the State Board of Cosmetology submitted its revisions to the final-omitted regulation to the Commission.

The following are the proposed revised fees:

<i>Licensure Categories</i>	<i>Current Fees</i>	<i>Proposed Fees</i>
Cosmetologist, Manicurist, Cosmetician and Teacher	\$59 Complete	\$71
	\$31 Written (theory)	\$41
	\$28 Performance	
	Exam	\$30
Manager	\$31	\$41

The Board estimates an average of 8,000 people will take a complete examination in FY 1999-2000, with an

estimated additional cost to the regulated community of \$96,000. The proposed new fees will be effective from September 1, 1999 to August 31, 2000.

We have reviewed the revised final-omitted regulation and find it to be in the public interest. The new fees are necessary because the Board has entered into a contract with a new professional testing organization.

*Therefore, It Is Ordered That:*

1. Regulation No.16A-457 from the State Board of Cosmetology, as revised on July 29, 1999, is approved; and
2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

*Commissioners Present:* John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Cocodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held  
August 19, 1999

*State Board of Education—Certification of Professional Personnel; Regulation No. 6-258*

**Order**

On April 9, 1997, the Independent Regulatory Review Commission received this proposed regulation from the State Board of Education (Board). This rulemaking amends Subchapters A, B and C of 49 Pa. Code. The authority for this regulation is sections 1201—1268, 1109, 1141, 2603-B and 2604-b of the Public School Code (24 P. S. §§ 12-1201—12-1268, 11-1109, 11-1141, 26-2603-B and 26-2604-B). The proposed regulation was published in the April 19, 1997 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on May 17, 1999. At its June 17, 1999 public meeting, the Commission voted to disapprove the final-form regulation. On June 23, 1999, the Board notified the Commission of its intent to revise and resubmit the regulation. On July 27, 1999, the revised final-form regulation was submitted to the Commission.

This regulation is the result of the Board's decennial review of certification rules and procedures. In response to comments from the Standing Committees, the public and the Commission, the Board made several major amendments to the final-form regulation. The Board removed controversial provisions for alternate entry, temporary waivers, and professional development. This regulation will add program and certificate principles, improve the assessment program for certification and collapse two levels of supervisory and administrative certificates into one level.

The Commission cited two issues in the disapproval Order. First, the disapproved final-form regulation stated certificates will be issued to candidates "... who meet Department prescribed standards based on the following principles:" In our disapproval Order we stated that the statutory authority to establish certification requirements rests completely with the Board. In response, the Board deleted the phrase "Department prescribed standards based on the following principles," and replaced it with the phrase "the following standards." The list of principles, which served as guidelines for the Department to

develop standards, is now a list of the Board's standards. The regulation now requires candidates to meet these Board standards to get a certificate, as required by the statute.

The second issue raised in our disapproval Order relates to Educational Specialist Certificates. These certificates cover services "other than classroom teaching," such as school psychologists, dental hygienists and school nurses. The disapproved final regulation would have required an applicant to have completed 3 years of satisfactory teaching on an Educational Specialist I Certificate. However, psychologists, dental hygienists and school nurses don't teach, they serve. This inconsistency was raised in our disapproval Order. The Board has corrected the provision to require 3 years of service on an Education Specialist I Certificate.

We have reviewed the revised final-form regulation and find it to be in the public interest. The Board has responded satisfactorily to the concerns raised in our disapproval Order. The revised final-form regulation meets the criteria of the Regulatory Review Act.

*Therefore, It Is Ordered That:*

1. Regulation No. 6-258 from the State Board of Education, as resubmitted to the Commission on July 27, 1999, is approved;
2. The Commission's bar to final publication of Regulation No. 6-258 issued under section 6(b) of the Regulatory Review Act is hereby rescinded; and
3. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 99-1511. Filed for public inspection September 3, 1999, 9:00 a.m.]

**Notice of Comments Issued**

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the designated standing committees may issue comments within 20 days of the close of the public comment period, and the Commission may issue comments within 10 days of the close of the committee comment period. The Commission comments are based upon the criteria contained in Section 5a(h) and (I) of the Act (75 P. S. § 745.5a(h)(I)).

The Commission has issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulation. The final-form regulations must be submitted by the dates indicated.

<i>Reg No.</i>	<i>Agency/Title</i>	<i>Issued</i>	<i>Final-Form Submission Deadline</i>
16A-673	State Board of Occupational Therapy Education and Licensure Oral Orders (29 Pa.B. 3070 (June 19, 1999))	8/19/99	7/19/01

12-54	Department of Labor and Industry Workers' Compensation Health and Safety  (29 Pa.B. 3161 (June 19, 1999))	8/19/99	<i>Final-Form</i> 7/19/01
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**State Board of Occupational Therapy Education and Licensure**

**Regulation No. 16A-673**

**Oral Orders**

**August 19, 1999**

We have reviewed this proposed regulation from the State Board of Occupational Therapy Education and Licensure (Board) and submit for your consideration the following objections and recommendations. Subsections 5.1(h) and 5.1(i) of the Regulatory Review Act (71 P. S. § 745.5a(h) and (i)) specify the criteria the Commission must employ to determine whether a regulation is in the public interest. In applying these criteria, our Comments address issues that relate to economic impact, need, reasonableness of requirements and clarity. We recommend that these Comments be carefully considered as you prepare the final-form regulation.

**1. Section 42.25(b). Countersignature requirements.—Need, Reasonableness of requirements, Economic impact and Clarity.**

We have three concerns with the countersignature requirements in subsection (b). First, the regulation does not state what the occupational therapist should do if a timely countersignature from the physician or podiatrist is not obtained. Should the occupational therapist continue to follow the oral order? The regulation should state the actions required of the occupational therapist if the physician or podiatrist does not provide a timely countersignature.

Second, there are no alternative means to verify an oral order. The Pennsylvania Medical Society commented that in private settings the site of the occupational therapy may be independent of the physician's or podiatrist's office. They suggested using alternate means to verify an oral order, such as a faxed or mailed copy of the order. Alternatives to countersignatures could allow more timely verification of oral orders. The Board should consider allowing alternative methods to verify oral orders in the regulation.

Finally, the reference to Department of Health regulations is not specific. Subsection (b) requires countersignatures "in accordance with applicable regulations of the Department of Health governing the licensed facility." Oral order requirements appear in several chapters of the Department of Health's regulations and time requirements for countersignatures vary significantly. For example, under 28 Pa. Code § 107.62 (relating to medical staff), a countersignature is required within 24 hours. Under 28 Pa. Code § 211.3 (relating to long term care nursing facilities), a countersignature is required within 7 days. For clarity, the regulation should directly reference the applicable sections of the Department of Health's regulations.

**Department of Labor and Industry Regulation No.  
12-54**

**Worker's Compensation Health and Safety**

**August 19, 1999**

We have reviewed this proposed regulation from the Department of Labor and Industry (Department) and submit for your consideration the following objections and recommendations. Subsections 5.1(h) and 5.1(i) of the Regulatory Review Act (71 P.S. § 745.5a(h) and (i)) specify the criteria the Commission must employ to determine whether a regulation is in the public interest. In applying these criteria, our Comments address issues that relate to consistency with statute, reasonableness, need and clarity. We recommend that these Comments be carefully considered as you prepare the final-form regulation.

**1. General.—Clarity.**

*Adequacy and adequate*

The terms "adequacy" and "adequate" are used throughout the regulation. For example, the first sentence of section 129.102 states that the "required accident and illness prevention services will be annually evaluated for adequacy." Additionally, section 129.113 includes a sentence that states, at the end of the 60-day correction period, "a final rating determination of adequate or inadequate will be assigned." However, the term "adequate" is not defined.

The word "adequate" comes directly from subsection 1001(a) of the Workers' Compensation Act (77 P.S. § 1038.1(a)). The statutory directive is that insurers must provide accident prevention services that are adequate to match the nature of their business or their policyholders' operation. To provide direction to insurers, the Department should identify the criteria, standards or requirements that it will use to determine if the regulated community is complying with the statutory directive.

*Appropriate to policyholders' needs*

Several provisions within the regulation use the phrase "appropriate to the policyholders' needs" or "appropriate to the members' needs" for group self-insurance funds. These phrases are found in subsections 129.102(3)(ii)(D), 129.102(3)(ii)(E), 129.402(a)(6), 129.402(a)(7), 129.457(3) and 129.457(4). The phrases are used to describe industrial hygiene or health services provided by an insurer, individual self-insured employer or service provider. The words "appropriate" and "needs" are ambiguous. In accordance with section 1001(a) of the Act, the types of services available must provide adequate prevention required by the nature of the insurer's business or its policyholders' operations. In other words, accident and illness prevention services should correspond with the exposures, hazards, loss experience and size of the policyholder's or employer's operation. The Department should delete the phrases "appropriate to the policyholders' (or members') needs" from the regulation or revise these phrases to clarify their intent.

**Subchapter A. Preliminary Provisions**

**2. Section 129.2. Definitions.—Consistency with statute; and Clarity.**

*Accident and illness prevention services.*

These services are defined, in part, as "Services, *within the context of the act*, which include" (Emphasis added). The phrase "within the context of the act" is unnecessary. The Department could delete this phrase from the definition.

*Audit.*

The regulation defines an "audit" as "[a]n inspection of accident and illness prevention services or programs. . . ." The word inspection could be assumed to include onsite reviews of prevention services or programs in work areas. However, sections 129.111, 129.410 and 129.461 identify the audit site as the subject's main office or the Department's headquarters. Related sections indicate that audits are reviews of records and written documentation. To clarify its intent, the Department should add the word "documentation" after the word "programs" in the definition.

*Certification and certification renewal.*

These two terms are limited by their definitions to the Department's approval process for a "workplace safety committee." However, section 129.702 uses the term "certification" as an alternative form of an educational degree or as a designation by a professional organization. The latter usage of the term conflicts with the chapter's definition in section 129.2. Provisions for certification of these committees are set forth in sections 129.1007 and 129.1008. These two definitions should either be deleted from the regulation or moved from section 129.2 to Subchapter F as definitions that apply only to sections 129.1001—129.1011.

*Effectiveness measures.*

There are no examples of "various formulas or means" contained in the definition of "Effectiveness measures." As there are many formulas or means that may be relevant to this definition, the Department should reference the formulas and means that are authorized for use in relation to this term.

*Group self-insurance fund initial report of accident and illness prevention services.*

This definition appears to have been inadvertently misplaced in the proposed regulation. It should be placed after "Group self-insurance fund" and before "Hazard identification methods."

*Program evaluation methods.*

The definition of this term refers to methods used to review and critique accident and illness prevention services "to determine *adequacy*" (Emphasis added). The definition does not explain what these methods entail. As noted in Issue #1, there is no indication of what criteria or procedures will be used to evaluate the "adequacy" of these services.

*Recommendations.*

This definition indicates that "recommendations" are "suggestions made to employers to eliminate or reduce the occurrence of occupational accidents and resulting injury or illness." However, the terms "recommendations" and "suggestions" are used interchangeably in various sections of the regulation. If the Department intends for the two terms to be used separately, the term "suggestions" should be defined. Alternatively, it should use the term "recommendations" exclusively, as this is a defined term.

*Training program.*

The proposed regulation defines "training program," in part, as "Learning experiences." This phrase is vague and could be broadly interpreted. The Department should include a more specific description of the learning experiences (for example, seminars, courses, exercises) that qualify as training programs.

*Workplace.*

There is a definition of "work site" included in the definition of "Workplace." The "work site" definition should be listed separately in Section 129.2.

**Subchapter B. Insurer's Accident and Illness Prevention Services;**

**Subchapter C. Individual Self-Insured Employer's Accident and Illness Prevention Programs; and**

**Subchapter D. Group Self-Insurance Fund's Accident and Illness Prevention Programs**

Subchapters B, C and D establish requirements relating to prevention services for insurers and prevention programs for individual self-insured employers and group self-insurance funds respectively. The structure and content of these three subchapters are very similar. The following paragraphs contain issues and questions that may relate to features that appear in all three subchapters. When the questions and issues involve provisions from more than one of the subchapters, the title of the paragraphs will identify the related sections.

**3. Section 129.102. Accident and illness prevention services requirements.—Need; Reasonableness; and Clarity.**

*Need or request.*

Subsections (2) and (3)(i) includes the phrase that requires insurers to provide services "to policyholders who *may need or request them*" (Emphasis added). The statute requires an insurer to have the capacity to furnish accident and illness prevention services required by the nature of its business or its policyholders' operations. The phrase "may need or request them" is confusing, and extends beyond the insurer's statutory obligation. Therefore, it should be deleted from subsections (2) and (3)(i).

*Onsite surveys.*

Subsection (3)(ii)(A) lists "onsite surveys" as a required accident prevention service. Several commentators questioned this requirement and indicated that onsite surveys are not necessary for every policyholder. A commentator suggested that the need for onsite surveys should be linked to the exposures, hazards, loss experiences and size of a policyholder's operation. If the Department intends to require across-the-board, onsite surveys, it should explain the need for them. The Department should also clarify the meaning of "appropriate follow-up" as it is used in this subsection.

*Analyses and evaluations.*

Subsections (3)(ii)(B) and (C) require analyses and evaluations. However, there are no further cites or references to the terms' meanings. The Department should clarify what it requires in these analyses and evaluations, as well as the manner in which they will be conducted.

**4. Section 129.104 and 129.403. Accident and illness prevention services providers qualifications.—Clarity.**

Section (b) states that the Department may require the insurer to provide "proof that "the qualifications . . . have been met." What constitutes "proof" is not specified. The Department should identify what it will require as "proof."

**5. Section 129.105. Reporting requirements—applicants for licensure.—Clarity.**

Subsection (b) includes the phrase: "an inadequate rating determination will also be reported to the Director"

(Emphasis added). The word "also" is superfluous, and should be deleted from Subsection (b) in the final-form regulation.

**6. Sections 129.106, 129.404 and 129.455. Reporting requirements.—Reasonableness; and Clarity.**

These sections indicate that Form AIPS, Form AIPPS, and Form LIBC-230G will be subject to "Bureau verification." The Department should define the term "verification."

Commentators identified other safety reporting requirements, for example, Occupational Safety and Health Administration and Mine Safety and Health Administration reports where similar data is required. Would the Department allow applicants to submit these forms in lieu of compiling similar information on two or more forms?

**7. Section 129.108. Recordkeeping requirements.—Consistency with statute; and Clarity.**

The list of required records in section 129.108 does not conform to the list included in subsection 1038.1(e)(1), (2) and (5) of the Act. We see an inconsistency between the two lists. It should be clear what the Department requires. For consistency, the reporting and recordkeeping provisions in the regulation should include references to information required by the Act.

**8. Sections 129.109, 129.407 and 129.459. Periodic audits of accident and illness prevention services.—Clarity.**

Subsection (a) of each section states, "The Bureau may audit the accident and illness prevention program (or service) . . . at least once every two years." The regulation does not indicate the circumstances when an audit may be necessary or the reasons why the Department may initiate an audit. These subsections should include the criteria the Department will use to decide when it will conduct an audit. At a minimum, the last subsection should direct the Department to describe the reasons for the audit in its written notice to the subject.

**9. Sections 129.110, 129.408 and 129.460. Preaudit exchange of information.—Reasonableness; and Need.**

There are three concerns with these sections. First, subsection (a)(1) requires the submittal of annual AIPS or AIPPS reports for the previous 1 to 3 years. The regulated community has already submitted these reports annually to the Department. We question the need for these "resubmittals."

Second, subsection 129.110(a)(2) requires insurers to submit a list of current "employers/policyholders" that have certified workplace safety committees. Since the Department certifies these committees, requiring insurers to collect this information is unnecessary and duplicative.

Finally, each of these sections uses the phrase "in a timely manner" in relation to the submission of information for the audit. The Department should clarify what constitutes "in a timely manner."

**10. Sections 129.111, 129.409 and 129.461. Site of Audit.—Reasonableness.**

Subsection (b) in each section requires that "all documentation requested or required by the Bureau be provided at the site where the audit will occur." The previous sections require the submittal of information 45 days and 15 days before the date of the audit. It is unclear whether subsection (b) is referring to this information or to supplemental documentation that the Department may

need to examine during the audit at the site. The Department should clarify the intent and purpose of subsection (b).

**11. Sections 129.112, 129.410 and 129.462. Written report of audit.—Reasonableness; and Clarity.**

In subsection (a), there is no mention of the time frame within which the Department will write and notify the insurer, self-insured employer and group self-insurance fund of a rating determination. The Department has stated that it is its practice to notify the insurer, self-insured employer and group self-insurance fund of a rating determination within 60 calendar days. The Department should indicate in subsection (a) that it will do so.

Subsection (c) indicates that the insurer, self-insured employer and group self-insurance fund “shall comply with these recommendations, and provide satisfactory proof of correction to the Bureau.” These sections do not include examples of “satisfactory proof.” The term is vague. The Department should identify what is meant by “satisfactory proof.” Additionally, subsection (c) is a long paragraph with several provisions that appear to be sequential. The Department should consider dividing the elements of the paragraph into a list.

**12. Section 129.113. Reports on progress on correcting deficiencies.—Reasonableness; and Clarity.**

This section seems to refer to two different 60-day periods. First, it states that an insurer will file a plan of correction for any deficiency requiring more than 60 days to correct. If this is a reference to the 60-day period mentioned in subsection 129.112(c), the reference should be clearly indicated. The second “60-day” period in section 129.113 states that “[a]t the end of the 60 calendar day correction period,” a final rating determination will be assigned. The application and sequence of these two 60-day periods should be clarified.

**13. Sections 129.410, 129.411, 129.462 and 129.463. Reports.—Reasonableness; and Clarity.**

The final sentence in all four sections indicates that the Director will “initiate appropriate action” when he notifies the employer or group self-insurance fund administrator of an inadequate rating. The Department should define “appropriate action,” and explain its purpose.

**14. Sections 129.113, 129.411 and 129.463. Reports on progress on correcting deficiencies.—Reasonableness; and Clarity.**

*Periodic progress reports.*

To monitor the correction of deficiencies, the Department requests “periodic progress reports” from the insurer, self-insured employer and group self-insurance fund. However, no timetable for these periodic reports is included in the regulation. The Department should clarify when these reports are due.

*Periodic audits.*

These three sections also state, “The Bureau may conduct periodic audits to confirm information submitted in progress reports.” There is no further information about these periodic audits. The Department should describe the circumstances surrounding the audits and the process involved in conducting the audits.

**15. Sections 129.114, 129.412 and 129.464. Failure to maintain or provide adequate services.—Consistency with statute; Reasonableness; and Clarity.**

There are two concerns with these sections. First, the reference to the Act in the first sentence of these sections

is inaccurate. “Chapter 7D of the Act (77 P. S. §§ 1037.1—1037.8)” refers to the Self-Insurance Guaranty Fund. The Department should either delete this reference, or replace it with one that is germane to these sections.

Second, these sections establish the penalties for failing to maintain adequate prevention services. Penalties include a maximum fine of \$2,000 per day. These sections, however, provide no indication of when and by whom the penalty may be imposed. At certain points in the regulation, the Director or Commissioner is given responsibility for certain actions. The Department should explain who has the authority to impose a penalty. In addition, it should clarify whether a party could be penalized if it faithfully implements a plan of correction under sections 129.113, 129.411 or 129.463.

**16. Sections 129.402 and 129.452. Program requirements.—Clarity.**

*Program coordinator.*

Paragraph (2) in both sections mentions a “program coordinator.” There is no definition of the qualifications or description of duties for this position. The Department should insert a definition for “program coordinator” in section 129.2.

*Emergency action plans.*

Paragraph (9) in section 129.402 requires that individual self-insurers and group self-insurance funds regularly review and update emergency action plans. The Department should define the term “emergency action plans” and clarify the minimum frequency of reviews or updates.

**Subchapter E. Accident and Illness Prevention Services Providers Qualification Standards**

**17. Section 129.702. Accident and illness prevention services providers qualifications.—Clarity.**

*Experience requirements.*

Accident and illness prevention service providers must have at least 2 years of experience. Subsection (e) requires that at least 60% of the provider’s job activities during this 2 year experience is comprised of accident and illness prevention services. The Department’s Statement of Policy on Workers’ Compensation Health and Safety contained a 50% requirement. Why was the requirement increased?

*Apprenticeship.*

Subsection (g) allows up to 5 years to qualify as an accident and illness prevention services provider for those who do not already have Bureau-recognized qualifications. Until qualified, the person must work under the direction of a qualified accident and illness prevention services provider.

It is our understanding that the Department intended this provision to apply to both existing and newly hired employees. However, this provision might apply only to existing employees since the first sentence in subsection (g) states, “A person who is currently employed. . . .” The Department should amend subsection (g) to clarify that anyone without Bureau-recognized qualifications has 5 years to obtain the necessary qualifications.

**Subchapter F. Workplace Safety Committees**

**18. Section 129.1003. Minimum eligibility requirements.—Clarity.**

Subsection (c) requires that committee membership “reasonably represent all of the job activities of the

workplaces it represents." It is unclear what standard meets the "reasonably represent all" criterion. Greater clarity would result if the Department specified what is intended by the phrase "reasonably represent all."

**19. Section 129.1004. Committee formation and membership.—Clarity.**

*Nonregulatory language.*

Subsection (d)(2) requires that member rotation on a workplace safety committee "should be structured so that there is always at least a core group of experienced members serving on the committee at any given time" (Emphasis added). This provision is not a mandate; it is simply a suggestion for how the committee should address member rotation.

The Department could clarify this subsection by stating, "workplace safety committees shall establish procedures that retain a core group of experienced members serving on the committee at any given time."

Another requirement in subsection (d)(2) requires that committee members shall "Serve a continuous term of 1 year." When does a member's term begin? With appointment to the committee, or on the date of the first meeting after appointment? This should be clarified. In addition, since a committee member may resign his or her membership before completion of the 1-year term, the word "Serve" is inappropriate and should be replaced.

*Recordkeeping requirements.*

Subsection (d)(2) also requires records of committee member rotation to be maintained by the applicant employer for 5 years from the date of application submission. Sections 129.1005(c)(5), 129.1006(f) and 129.1010 contain 5-year and 3-year record retention requirements. The Department should implement a consistent time frame for record retention throughout the subchapter.

Subsection (d)(2) also states: "Records of member rotation shall be maintained. . . for 5 years from the date of application submission." The phrase "the date of application submission" is vague. The Department should define when "application submission" takes place (that is, when mailed or received).

**20. Section 129.1005. Committee responsibilities.—Clarity.**

*Definition of "timely."*

Subsection (a)(4) requires "timely" reviews of work-related deaths, injuries and illness and health and safety hazard complaints. The Department should clarify what it means by "timely."

*Definition of "reasonable."*

Subsection (b)(7) requires the workplace safety committee to "Set a reasonable time limit for the applicant-employer to respond in writing to all safety committee recommendations." To improve the clarity of the regulation, the Department should specify the maximum amount of time the applicant-employer has to respond.

**21. Section 129.1010. Recordkeeping requirements.—Clarity.**

This section requires the applicant-employer to keep copies of the "required documents" of the committee for a minimum of 3 years. As discussed in Issue #19, the Department should make the time periods for record retention consistent throughout Subchapter F. In addition, the Department should clarify exactly what records or "required documents" must be kept.

**Subchapter G. Hearings**

**22. Section 129.1301. Purpose.—Clarity.**

This section refers to "appeals of final determinations under this chapter." To improve the clarity of the regulation, the Department should include references to the specific sections within the chapter which address final determinations.

**23. Section 129.1303. Hearing procedure.—Clarity.**

This section does not completely outline the adjudicatory process. A new subsection (f) should be added which provides that subsections (a)—(e) supplement the General Rules of Administrative Practice and Procedure, 1 Pa. Code, Chapters 31—35.

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 99-1512. Filed for public inspection September 3, 1999, 9:00 a.m.]

**Notice of Filing of Final Rulemakings**

The Independent Regulatory Review Commission received, on the dates indicated, the following regulations for review. To obtain the date and time of the meeting, interested parties may contact the office of the Commission at (717) 783-5417. To obtain a copy of the regulation, interested parties should contact the agency promulgating the regulation.

*Final-Form*

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
14-425	Department of Public Welfare Enumeration	8/20/99
11-149	Insurance Department Motor Vehicle Physical Damage Appraisers	8/23/99

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 99-1513. Filed for public inspection September 3, 1999, 9:00 a.m.]

**LIQUOR CONTROL BOARD**

**Expiration of Leases**

The Liquor Control Board seeks the following new site:

Montgomery County, Wine & Spirits Shoppe #4621, Route 202 and Route 73, Center Square, PA 19401.

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,500 to 7,000 net useable square feet of new or existing retail commercial space within a 1 mile radius of the intersection of Route 202 and Route 73.

*Proposals due:* September 24, 1999 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Real Estate Division, 4501 Kelly Drive, Philadelphia, PA 19129-1794  
**Contact:** Robert Jolly, (215) 560-5310



The following Liquor Control Board leases will expire:

Bucks County, Wine & Spirits Shoppe #0917, 506 South Second Street Pike, Southampton, PA 18966-3805.

*Lease Expiration Date:* March 31, 2001

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 7,000 net useable square feet of new or existing retail commercial space on Second Street Pike between County Line Road and Street Road.

*Proposals due:* September 24, 1999 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Real Estate Division, 4501 Kelly Drive, Philadelphia, PA 19129-1794  
**Contact:** Robert Jolly, (215) 560-5310

Chester County, Wine & Spirits Shoppe #1501, 438 West Lincoln Highway, Exton, PA 19341-2506.

*Lease Expiration Date:* August 31, 2001

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,500 net useable square feet of new or existing retail commercial space within a 3 mile radius of the intersection of Route 30 and Route 322.

*Proposals due:* September 24, 1999 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Real Estate Division, 4501 Kelly Drive, Philadelphia, PA 19129-1794  
**Contact:** Robert Jolly, (215) 560-5310

Chester County, Wine & Spirits Shoppe #1508, 410 West First Avenue, Parkesburg, PA 19365-1204.

*Lease Expiration Date:* May 31, 2003

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,500 net useable square feet of new or existing retail commercial space within a 2 mile radius of the intersection of Route 10 and Route 30.

*Proposals due:* September 24, 1999 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Real Estate Division, 4501 Kelly Drive, Philadelphia, PA 19129-1794  
**Contact:** Robert Jolly, (215) 560-5310

Philadelphia County, Wine & Spirits Shoppe #5181, 819 Chestnut Street, Philadelphia, PA 19107-4415.

*Lease Expiration Date:* September 30, 2000

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 6,000 net useable square feet of new or existing retail commercial space on Chestnut Street between 6th Street and 12th Street, City of Philadelphia.

*Proposals due:* September 24, 1999 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Real Estate Division, 4501 Kelly Drive, Philadelphia, PA 19129-1794  
**Contact:** Robert Jolly, (215) 560-5310

Philadelphia County, Wine & Spirits Shoppe #5188, 7333 Elmwood Avenue, Philadelphia, PA 19142-1515.

*Lease Expiration Date:* May 31, 2000

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 4,000 net useable square feet of new or existing retail commercial space on Elmwood Avenue between 70th Street and 74th Street, City of Philadelphia.

*Proposals due:* September 24, 1999 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Real Estate Division, 4501 Kelly Drive, Philadelphia, PA 19129-1794  
**Contact:** Robert Jolly, (215) 560-5310

Philadelphia County, Wine & Spirits Shoppe #9105, 4600 Lancaster Avenue, Philadelphia, PA 19131-5207.

*Lease Expiration Date:* March 31, 2002

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 4,000 net useable square feet of new or existing retail commercial space on Lancaster Pike between 40th Street and 46th Street.

*Proposals due:* September 24, 1999 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Real Estate Division, 4501 Kelly Drive, Philadelphia, PA 19129-1794  
**Contact:** Robert Jolly, (215) 560-5310

JOHN E. JONES, III,  
*Chairperson*

[Pa.B. Doc. No. 99-1514. Filed for public inspection September 3, 1999, 9:00 a.m.]

## OFFICE OF ADMINISTRATION

### Request for Proposals; Group Life Insurance

The Office of Administration is requesting proposals to provide group life insurance coverage to Commonwealth employees. The selected carrier will provide group life insurance coverage in a cost-effective, consistent and efficient manner. The bidder will be expected to assume administrative tasks currently performed by the Commonwealth. Those duties are specified in the RFP and the accompanying documents. The scope of coverage includes the Commonwealth's basic group life insurance program covering approximately 101,000 employees, and four separate plans sponsored by certain Commonwealth agencies to supplement the basic coverage. The Commonwealth's current basic group life insurance program pays a benefit of one times pay (rounded to the nearest \$1,000) to a maximum of \$40,000. The coverage also includes an additional \$10,000 work-related accidental death benefit. Benefits for active employees are reduced at ages 70 and 75. Benefits for disabled employees continue for life, as long as the individual continues to meet the definition of disability. Supplemental life benefits are provided to specified Commonwealth agencies under separate policies which are offset by benefits payable under basic life.

The Office of Administration reserves the right to reject any and all proposals or to negotiate separately with any organization that submits a proposal. The Office of Administration will not be liable for any cost incurred by an organization prior to issuance of a contract. Seven copies of a bidder's proposal must arrive at the following

location on or before 3 p.m., October 1, 1999: T. Frances Grimm, Group Life Insurance Coordinator, Employee Benefits Division, Office of Administration, Commonwealth of Pennsylvania, 402 D, Finance Building, Harrisburg, PA 17120.

Copies of the RFP may be obtained by writing to the previous address or by calling T. Frances Grimm at (717) 705-5693.

THOMAS PAESE,  
Secretary

[Pa.B. Doc. No. 99-1515. Filed for public inspection September 3, 1999, 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. 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 27, 1999, as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent application or both.

**Applications of the following for approval of the beginning of the exercise of the right and privilege of operating as common carriers for transportation of persons as described under each application.**

**A-00116147. Carl J. Anderson, Jr., t/d/b/a Anderson Limousine Service** (Rt. 422, P. O. Box 214, Belsano, Cambria County, PA 15922)—persons in limousine, between points in the counties of Cambria, Indiana and Blair, and from points in said counties, to points in Pennsylvania, and return.

**A-00116151. Catherine E. Hanchett** (54 Dry Run Road, Coudersport, Potter County, PA 16915)—persons, upon call or demand, in the county of Potter and the borough of Port Alleghey, McKean County.

**A-00116149. Joseph D'Ambra** (2399 New Holland Pike, Lancaster, Lancaster County, PA 17601)—persons, in limousine service, between points in the city and county of Philadelphia, and the counties of Lebanon, Lancaster, Dauphin, Berks, Chester, York, Bucks, Delaware and Montgomery.

**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 household goods as described under each application.**

**A-00116153. BDB & Sons Moving, Inc. t/d/b/a Crews 2 Use** (488 Orchard Circle, Exton, Chester County, PA 19341), a corporation of the Commonwealth of Pennsylvania—household goods in use, between points in the county of Chester, and within an airline distance of

10 statute miles of the limits of said county, and from points in the said territory, to points in Pennsylvania. *Attorney:* James D. Campbell, Jr., 3631 North Front Street, Harrisburg, PA 17110-1533.

**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-00116152. Xpres Limousine Service, Inc.** (R.R. 2, Box 470, Hawley, Wayne County, PA 18426), a corporation of the Commonwealth of Pennsylvania—persons in limousine service, between points in the counties of Pike and Wayne, and from points in the said counties, to points in Pennsylvania, and return; which is to be a transfer of the right authorized Christopher Cykosky, under the certificate issued at A-00111288, subject to the same limitations and conditions. *Attorney:* John F. Spall, HCR 6, Box 6025, Hawley, PA 18428.

**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-00105306. F. 3. Barry J. Testa, t/d/b/a Hollywood Limousine Service** (414 Harrison Avenue, Greensburg, Westmoreland County, PA 15601)—Additional Right—persons, in group and party service, using vehicles seating 15 passengers or less, including the driver, between points in the counties of Fayette and Westmoreland, and from points in the said counties to points in Pennsylvania, and return. *Attorney:* John A. Pillar, 1106 Frick Building, Pittsburgh, PA 15219.

**Applications of the following for approval of the right and privilege to partially discontinue/abandon operating as common carriers by motor vehicle for the transportation of passengers in use as described under each application.**

**A-00088889. Folder 2, Am-D. Hegins Valley Lines, Inc.** (Rising Sun Road, P. O. Box 507, Millersburg, Dauphin County, PA 17061), a corporation of the Commonwealth of Pennsylvania—partial discontinuance of service, as a common carrier, by motor vehicle, of the following right at A-00088889, F. 2, Am-B, which reads as follows: to transport persons on schedule, between Dauphin-Schuylkill County Line and the city of Harrisburg, Dauphin County, by the following route: beginning at the Dauphin-Schuylkill County Line where it crosses U.S. Highway Route 209, thence west via U.S. Highway Route 209, to its junction with Pennsylvania Highway Route 225 in the borough of Elizabethville, Dauphin County, thence in a southwesterly direction via Pennsylvania Highway Route 225 to its intersection with Pennsylvania Highway Route 147 in the borough of Halifax, Dauphin County, thence south via Pennsylvania Highway Route 147 to the junction of U.S. Highway Route 322-22, thence south via U.S. Highway Route 322-22 to the city of Harrisburg, Dauphin County, thence over various city streets in said city, and return by the same route to the place of beginning; with the right to pick up and discharge passengers at any point along the route between the Dauphin-Schuylkill County Line and the borough of Dauphin, Dauphin County; subject to the following condition: The service herein authorized should be limited to those persons commuting between home and their place of employment.

**Applications of the following for approval of the right and privilege to partially discontinue/abandon operating as *common carriers* by motor vehicle for the transportation of *household goods* in use as described under each application.**

**A-00099315, Folder 1, Am-I. Boring Transport, Inc.** (3442 West Main Street, Bellville, Mifflin County, PA 17004), a corporation of the Commonwealth of Pennsylvania—partial discontinuance of service, as a common carrier, by motor vehicle, of all of the household goods in use right at A-00099315, F. 1, Am-B, which reads as follows: (1) to transport, as a Class D carrier, property (excluding new and used furniture and pianos), from points in the village of Bellville, Mifflin County, and within 8 miles by the usually traveled highways of the limits of said village, excluding the village of Reedsville, Mifflin County, to points within 100 miles by the usually traveled highways of the limits of the village of Bellville, and vice versa.

Colonial Coach Corp.  
408 Madison Avenue  
Mount Holly NJ 08060

In re: A-00094605C9901  
A-00094605  
Fs. 2, 3, 4

Dear Respondent:

On March 3, 1999, the Bureau of Transportation and Safety instituted a complaint against Colonial Coach Corp., respondent, alleging failure to maintain proper evidence of current insurance in violation of the Public Utility Code. The respondent was duly notified that if acceptable evidence of insurance or an answer was not filed, the Bureau would request that the Secretary of the Commission revoke the certificates of public convenience issued to the respondent at A-00094605, Folders 2, 3 and 4.

The complaint and notice were published in the July 17, 1999 issue of the *Pennsylvania Bulletin*, after the Commission was unsuccessful in serving respondent both by Certified Mail and personal service by an Enforcement Officer. To date, more than twenty (20) days later, neither evidence of insurance nor an answer to the complaint has been filed. Therefore, the allegation in the complaint is deemed to be admitted.

The complaint at A-00094605C9901 is hereby sustained and the right(s) and the certificates of public convenience issued to the respondent at A-00094605, Folders 2, 3, and 4 be and are hereby revoked; and the respondent has no other operating authority. The respondent is hereby notified to cease and desist from providing service previously authorized under the certificates of public convenience.

JAMES J. MCNULTY,  
*Secretary*

Medical Express & General Courier Service Inc.  
4494 Steubenville Pike  
Pittsburgh, PA 15205

In re: A-00104479C9901  
A-00104479

Dear Respondent:

On April 16, 1999, the Bureau of Transportation and Safety instituted a complaint against Medical Express & General Courier Service, Inc., respondent, alleging failure to maintain proper evidence of current insurance in

violation of the Public Utility Code. The respondent was duly notified that if acceptable evidence of insurance or an answer was not filed, the Bureau would request that the Secretary of the Commission revoke the certificate of public convenience issued to the respondent at A-00104479.

The complaint and notice were published in the July 17, 1999 issue of the *Pennsylvania Bulletin*, after the Commission was unsuccessful in serving respondent both by Certified Mail and personal service by an Enforcement Officer. To date, more than twenty (20) days later, neither evidence of insurance nor an answer to the complaint has been filed. Therefore, the allegation in the complaint is deemed to be admitted.

The complaint at A-00104479C9901 is hereby sustained and the right(s) and the certificate of public convenience issued to the respondent at A-00104479 be and are hereby revoked; and the respondent has no other operating authority. The respondent is hereby notified to cease and desist from providing service previously authorized under the certificate of public convenience.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 99-1516. Filed for public inspection September 3, 1999, 9:00 a.m.]

### Telecommunications

**A-310738F0002. Bell Atlantic-Pennsylvania, Inc. and D&E Systems, Inc.** Joint Petition of Bell Atlantic-Pennsylvania, Inc. and D&E Systems, Inc. for approval of an Interconnection Agreement under section 252(e) of the Telecommunications Act of 1996.

Bell Atlantic-Pennsylvania, Inc. and D&E Systems, Inc., by its counsel, filed on August 12, 1999, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of an Interconnection Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Bell Atlantic-Pennsylvania, Inc. and D&E Systems, Inc. Joint Petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 99-1517. Filed for public inspection September 3, 1999, 9:00 a.m.]

### Telecommunications

**A-310725F0002. Bell Atlantic-Pennsylvania, Inc. and Fairpoint Communications Corporation.** Joint Petition of Bell Atlantic-Pennsylvania, Inc. and Fairpoint Communications Corporation for approval of an Interconnection Agreement under section 252(e) of the Telecommunications Act of 1996.

Bell Atlantic-Pennsylvania, Inc. and Fairpoint Communications Corporation, by its counsel, filed on August 12, 1999, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of an Interconnection Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Bell Atlantic-Pennsylvania, Inc. and Fairpoint Communications Corporation Joint Petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 99-1518. Filed for public inspection September 3, 1999, 9:00 a.m.]

### Telecommunications

**A-310766F0002. Bell Atlantic-Pennsylvania, Inc. and State Communications, Inc.** Joint Petition of Bell Atlantic-Pennsylvania, Inc. and State Communications, Inc. for approval of an Interconnection Agreement under section 252(e) of the Telecommunications Act of 1996.

Bell Atlantic-Pennsylvania, Inc. and State Communications, Inc., by its counsel, filed on August 12, 1999, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of an Interconnection Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Bell Atlantic-Pennsylvania, Inc. and State Communications, Inc. Joint Petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 99-1519. Filed for public inspection September 3, 1999, 9:00 a.m.]

### Water Service Without Hearing

**A-210720F2000. Country Wells, Inc.** Application of Country Wells, Inc. for approval of abandonment of water service to the public in East Allen Township, Northampton County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the

Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before September 20, 1999, under 52 Pa. Code (relating to public utilities).

*Applicant:* Country Wells, Inc.

*Through and By Counsel:* Dale R. Dech, President, P. O. Box 157, Northampton, PA 18067.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 99-1520. Filed for public inspection September 3, 1999, 9:00 a.m.]

### Water Service Without Hearing

**A-210057F2001. Maronda Farms, Inc.** Application of Maronda Farms, Inc. for approval of abandonment of water service to the Washington Acres Plan in Washington Township, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before September 20, 1999, under 52 Pa. Code (relating to public utilities).

*Applicant:* Maronda Farms, Inc.

*Through and By Counsel:* Manion McDonough & Lucas PC, 600 Grant Street, Suite 882, Pittsburgh, PA 15219.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 99-1521. Filed for public inspection September 3, 1999, 9:00 a.m.]

### Water Service Without Hearing

**A-212370F0052. Philadelphia Suburban Water Company.** Application of Philadelphia Suburban Water Company for approval to begin to offer, render, furnish and supply water service to the public in an additional portion of Honey Brook Township, Chester County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before September 20, 1999, under 52 Pa. Code (relating to public utilities).

*Applicant:* Philadelphia Suburban Water Company.

*Through and By Counsel:* Mark J. Kropilak, Esquire, Vice President and General Counsel, Philadelphia Suburban Water Company, 762 Lancaster Avenue, Bryn Mawr, PA 19010.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 99-1522. Filed for public inspection September 3, 1999, 9:00 a.m.]

**Water Service  
Without Hearing**

**A-212370F0053. Philadelphia Suburban Water Company.** Application of Philadelphia Suburban Water Company for approval to begin to offer, render, furnish and supply water service to the public in a portion of Brookhaven Borough, Delaware County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before September 20, 1999, under 52 Pa. Code (relating to public utilities).

*Applicant:* Philadelphia Suburban Water Company

*Through and By Counsel:* Mark J. Kropilak, Esquire, Vice President and General Counsel, Philadelphia Suburban Water Company, 762 Lancaster Avenue, Bryn Mawr, PA 19010.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 99-1523. Filed for public inspection September 3, 1999, 9:00 a.m.]

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**Water Service  
Without Hearing**

**A-212370F0054. Philadelphia Suburban Water Company.** Application of Philadelphia Suburban Water Company for approval of (1) the acquisition, by purchase, of certain water supply system assets of East Marlborough Township and (2) the right of PSW to begin to offer, render, furnish or supply water service to the public in an additional portion of East Marlborough Township, Chester County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before September 20, 1999, under 52 Pa. Code (relating to public utilities).

*Applicant:* Philadelphia Suburban Water Company

*Through and By Counsel:* Mark J. Kropilak, Esquire, Vice President and General Counsel, Philadelphia Suburban Water Company, 762 Lancaster Avenue, Bryn Mawr, PA 19010.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 99-1524. Filed for public inspection September 3, 1999, 9:00 a.m.]

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# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

**EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.**

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:

The payment date specified in the contract.

30 days after the later of the receipt of a proper invoice or receipt of goods or services.

The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center

PA Department of Community and Economic Development  
374 Forum Building  
Harrisburg, PA 17120  
800-280-3801 or (717) 783-5700

### Reader's Guide

#### Legal Services & Consultation—26

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services

Location: Harrisburg, Pa.

Duration: 12/1/93-12/30/93

Contact: Procurement Division  
787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:)  
Vendor Services Section  
717-787-2199 or 717-787-4705

#### REQUIRED DATA DESCRIPTIONS

① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.

② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.

③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.

④ Department: State Department or Agency initiating request for advertisement.

⑤ Location: Area where contract performance will be executed.

⑥ Duration: Time estimate for performance and/or execution of contract.

⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

## GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, "Frequently Asked Questions About State Contracts," explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**

Pennsylvania State Treasury  
Room G13 Finance Building  
Harrisburg, PA 17120  
717-787-2990  
1-800-252-4700

BARBARA HAFER,  
State Treasurer

### Commodities

**1137209** Motor vehicles, trailers and cycles—1 each latest model horse trailer, gooseneck, aluminum slantload, six horse capacity. For copy of the bid package fax request to (717) 787-0725.

**Department:** State Police  
**Location:** Harrisburg, PA  
**Duration:** FY 99—00  
**Contact:** General Services, (717) 787-2199/4705

**1080049** Maintenance and repair shop equipment—1 each latest model trailer, single axle with prover and storage tanks. For copy of the bid fax request to (717) 787-0725.

**Department:** Agriculture  
**Location:** Harrisburg, PA  
**Duration:** FY 99—00  
**Contact:** General Services, (717) 787-2199/4705

**1086049** Construction, mining, excavating and highway maintenance equipment—1 each latest model truck, tractor, conventional set back, nonsleeper cab and chassis (lease) twin drive wheels. For copy of the bid package fax request to (717) 787-0725.

**Department:** Agriculture  
**Location:** Harrisburg, PA  
**Duration:** FY 99—00  
**Contact:** General Services, (717) 787-2199/4705

**1121119** Textiles—15,000 yards denim, navy blue per PCID No. 1026. For copy of the bid fax request to (717) 787-0725.

**Department:** Corrections  
**Location:** Correctional Industries, Pittsburgh, PA  
**Duration:** FY 99—00  
**Contact:** General Services, (717) 787-2199/4705

**1076209** Motor vehicles, trailers and cycles—1 each latest model cab and chassis with mobile command post body. For copy of the bid fax request to (717) 787-0725.

**Department:** State Police  
**Location:** Harrisburg, PA  
**Duration:** FY 99—00  
**Contact:** General Services, (717) 787-2199/4705

**1133119** Textiles—64,000 pair soles, men's composition, 14 iron, brown. For copy of the bid package fax request to (717) 787-0725.

**Department:** Corrections  
**Location:** Correctional Industries, Graterford, PA  
**Duration:** FY 99—00  
**Contact:** General Services, (717) 787-2199/4705

**8250430** Materials handling equipment—3 each fork, truck 7,000 lb. propane. For copy of the bid fax request to (717) 787-0725.

**Department:** Transportation  
**Location:** Harrisburg, PA  
**Duration:** FY 99—00  
**Contact:** General Services, (717) 787-2199/4705

**8505000** Engines, turbines and components—200 each rotor, brake, front, Reference Ford No. D5HZ-11028 or Gomite No. GUN/R3064X. For copy of the bid fax request to (717) 787-0725.

**Department:** Transportation  
**Location:** Harrisburg, PA  
**Duration:** FY 99—00  
**Contact:** General Services, (717) 787-2199/4705

**1139219** Refrigerator and AC equipment—Various quantities replacement parts for coal fired J. E. Williamson stokers. For copy of the bid fax request to (717) 787-0725.

**Department:** Public Welfare  
**Location:** Danville State Hospital, Danville, PA  
**Duration:** FY 99—00  
**Contact:** General Services, (717) 787-2199/4705

**7013** Approximately 1,000 cases of sanitary napkins for feminine hygiene. To arrange for a bid package contact Cindy Lyons at (570) 546-3171.

**Department:** Corrections  
**Location:** State Correctional Institution Muncy, Route 405, Muncy, PA 17756  
**Duration:** September 1, 1999—June 30, 2000  
**Contact:** Cindy Lyons, (570) 546-3171

**1128119** Containers, packaging and packing supplies—400,000 each cardboard plates for registration size 12" x 6", outdoor sign board type cardboard. For copy of the bid package fax request to (717) 787-0725.

**Department:** Corrections  
**Location:** Correctional Industries, Pittsburgh, PA  
**Duration:** FY 99—00  
**Contact:** General Services, (717) 787-2199/4705

**1145119** Textiles—15,000 yards Stapcheck XL 54" wide 10.5 oz./sq. yd. 100 yards/roll, color Fawn. Manufactured by Herculite Products or approved equal. For copy of the bid package fax request to (717) 787-0725.

**Department:** Corrections  
**Location:** Correctional Industries, Dallas, PA  
**Duration:** FY 99—00  
**Contact:** General Services, (717) 787-2199/4705

**8118410** Prefab structures and scaffolding—1 each precast R. C. box culvert 10'0" x 5'6" x 60'0" with proprietary membrane waterproofing. For copy of the bid fax request to (717) 787-0725.

**Department:** Transportation  
**Location:** Somerset, PA  
**Duration:** FY 99—00  
**Contact:** General Services, (717) 787-2199/4705

**1147219** Pumps—6 each Bestobell Pops Jr. compact pressure operated pump 1 1/2" x 1 1/2" simplex unit with bronze check valves, 2 each Bestobell pressure operated pumps systems, 2" x 2" simplex unit with bronze check valves; 2 each Bestobell pressure operating pump (pop) installation kits 3 size 2" x 2" or approved equal; 6 each Bestobell pressure operated pump system 3" x 2" simplex unit with stainless steel check valves. For copy of the bid fax request to (717) 787-0725.

**Department:** Public Welfare  
**Location:** Mayview State Hospital, Bridgeville, PA  
**Duration:** FY 99—00  
**Contact:** General Services, (717) 787-2199/4705

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# SERVICES

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## Computer Related Services—08

**IFB No. 99-1-005** The Department of State is issuing an Invitation to Bid to obtain data entry services for campaign finance reports for the Bureau of Commissions, Elections and Legislation.

**Department:** State  
**Location:** 116 Pine Street, Harrisburg, PA  
**Duration:** The contract will cover all campaign finance reports filed for the Year 2000 Election Cycle and may be renewable  
**Contact:** Kathy Bilyeu, (717) 783-7220

**SP260042** Provide annual maintenance of MLINK and ACM Software package for 680 Wine & Spirits Shoppes.

**Department:** Liquor Control Board  
**Location:** Northwest Office Building, Harrisburg, PA 17124-0001  
**Duration:** January 1, 2000 through December 31, 2000  
**Contact:** Gerald J. Grecek, (717) 787-9855

## Construction and Construction Maintenance—09

**015DGS423-1** Project title: Construction of a New Facility. Brief description: New office building for the Pennsylvania Emergency Management Agency. Estimated range: \$500,000 to \$1,000,000. General, HVAC, plumbing and electrical construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$10 per set or provide your express mail account number to the office listed. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, September 29, 1999, at 11 a.m. A prebid conference has been scheduled for Thursday, September 16, 1999, at 9:30 a.m. at the National Guard Armory Building, Indiana, Indiana County, PA. Contact: Mel Jacobson, R.A., (717) 772-3495. Contractors who have secured contract documents are invited and urged to attend this prebid conference.

**Department:** General Services  
**Location:** Western Area Emergency Operations Center  
**Duration:** 180 calendar days from date of initial job conference  
**Contact:** Contract and Bidding Unit, (717) 787-6556

**KU 99-21:** Kutztown University is seeking qualified contractors for the Health Center elevated walkway project at Kutztown University. Bid packages are available for a nonrefundable fee of \$150 from: Glenn Lichtenwalner, Wallace & Watson Associates, P.C., 609 Hamilton Mall, Suite 200, Allentown, PA 18101, (610) 437-4450. Bid packages are available September 7, 1999, through prebid. A prebid meeting is scheduled for Thursday, September 16, 1999, at 10 a.m. in OM-26, Old Main Building, Kutztown University. Bids are to be received on September 30, 1999, no later than 3 p.m. in the Office of Planning Construction, Room 236. Bids are to be opened on September 30, 1999, at 3 p.m. Nondiscrimination and equal opportunity are the policies of the Commonwealth and the State System of Higher Education.

**Department:** State System of Higher Education  
**Location:** Kutztown University, Kutztown, PA 19530  
**Duration:** 120 days after notice to proceed  
**Contact:** Barbara Barish, (610) 683-4602

**90670001** Furnish all labor, materials, equipment, tools and supervision to install a 50' wide by 120' long by 16' high pole building at the Embreeville Center. To receive specifications, submit fax request to Beverly O. Epting, Hamburg Center, Hamburg, PA 19526, (610) 562-6025.

**Department:** Public Welfare  
**Location:** Embreeville Center, Coatesville, PA 19320  
**Duration:** 90 calendar days from effective date of contract  
**Contact:** Beverly O. Epting, (610) 562-6031

**K98079:** Upgrade of campus infrastructure at Edinboro University. The project includes reconstruction and extension of the sanitary and storm sewer systems, replacement of the potable water system, construction of a triplex submersible sewage lift station, electrical work and reconstruction of roads, concrete sidewalks and curbs. Separate prime contracts for water/sewer line replacement, electrical and sidewalks/paving. For information on obtaining a bid package contact Tom Anderson, fax (814) 732-2281.

**Department:** State System of Higher Education  
**Location:** Edinboro University of Pennsylvania, Main Campus and Porreco Center, Edinboro, PA  
**Duration:** 278 calendar days from notice to proceed  
**Contact:** Tom Anderson, Contract Specialist, (814) 732-2704

**Department:** General Services  
**Location:** PAARNG Armory, Lehigh, Carbon County, PA  
**Duration:** 60 calendar days from date of initial job conference  
**Contact:** Contract and Bidding Unit, (717) 787-6556

**FBP-16-0015** Removal of existing structure; excavating, backfilling and compacting; dewatering; rock lining; E and S measures; site drainage; selected material surfacing; bituminous paving; traffic signs; guide rail; landscaping; concrete structures; architectural surface treatment; structural steel beams; and glulam timber bridge superstructure and structure mounted guide rail. Bid documents may be requested on or after September 7, 1999.

**Department:** Conservation and Natural Resources  
**Location:** Near the Village of Oleona, Abbott Township, PA  
**Duration:** Complete all work by October 31, 2000  
**Contact:** Construction Management Section, (717) 787-5055

**FBP-07-0007** Removal of existing structures; excavating, backfilling and compacting; boulders; E and S measures; select material surfacing; water supply line; traffic signing; landscaping; plain and reinforced concrete structures (6 c. m.); structural steel; and glulam timber bridge superstructure and timber railing. Bid documents may be requested on or after September 7, 1999.

**Department:** Conservation and Natural Resources  
**Location:** Poe Paddy State Park, Haines Township, PA  
**Duration:** Complete all work by October 31, 2000  
**Contact:** Construction Management Section, (717) 787-5055

## Engineering Services—14

**08430AG2405** To provide supplementary construction inspection staff of approximately 12 inspectors, under the Department's Inspector-in-Charge, for construction inspection and documentation services on S.R. 0079, Section C10 in Washington County, Engineering District 12-0.

**Department:** Transportation  
**Location:** Engineering District 12-0  
**Duration:** Twenty-four (24) months  
**Contact:** Consultant Agreement Division, (717) 783-9309

**08430AG2404** To provide supplementary construction inspection staff of approximately 12 inspectors, under the Department's Inspector-in-Charge, for construction inspection and documentation services on S.R. 0119, Section 12R in Westmoreland County, Engineering District 12-0.

**Department:** Transportation  
**Location:** Engineering District 12-0  
**Duration:** Eighteen (18) months  
**Contact:** Consultant Agreement Division, (717) 783-9309



**08430AG2403** To provide supplementary construction staff of approximately 11 inspectors, under the Department's Inspector-in-Charge, for construction inspection and documentation services on S. R. 0078, Section 07M in Bethel Township, Berks County, Engineering District 5-0.

**Department:** Transportation  
**Location:** Engineering District 5-0  
**Duration:** Twenty-four (24) months  
**Contact:** Consultant Agreement Division, (717) 783-9309

**08430AG2401** A multiphase, specific project agreement to perform environmental studies, preliminary engineering, final design and services during construction (shop drawing review and construction consultation) for the replacement of the Mesinger Street Bridge on S. R. 1018, Section 02B in the Borough of Bangor, Northampton County, Engineering District 5-0.

**Department:** Transportation  
**Location:** Engineering District 5-0  
**Duration:** Twenty-seven (27) months  
**Contact:** Consultant Agreement Division, (717) 783-9309

**08430AG2399** A multiphase, specific project agreement to perform preliminary engineering, environmental studies, final design and construction services for S. R. 0015, Section C41 in Cogan House and Lewis Townships, Lycoming County.

**Department:** Transportation  
**Location:** Engineering District 3-0  
**Duration:** Forty-eight (48) months  
**Contact:** Consultant Agreement Division, (717) 783-9309

**08430AG2400** To provide supplementary construction staff of approximately 12 inspectors, under the Department's Inspector-in-Charge, for construction inspection and documentation services on S. R. 0070, Section 19M in Westmoreland County, Engineering District 12-0.

**Department:** Transportation  
**Location:** Engineering District 12-0  
**Duration:** Twenty-four (24) months  
**Contact:** Consultant Agreement Division, (717) 783-9309

**08430AG2402** To provide construction inspection and documentation services on S. R. 0422, Section 015, the Kittanning By-Pass, U. S. 422 from S. R. 0066 (PA 66) to the existing S. R. 0422 (U. S. 422), Armstrong County.

**Department:** Transportation  
**Location:** Engineering District 10-0  
**Duration:** Twenty-four (24) months  
**Contact:** Consultant Agreement Division, (717) 783-9309

## Food—19

**Perishable Foods** Estimated need: fresh and fresh prepared fruits and vegetables; shell eggs; fresh breads, pastries, pies and cakes; miscellaneous prepared foods; fresh meats, fresh cheese, dairy, and ice cream products; fresh and frozen poultry and poultry products; fresh and frozen fish and fish products. Bid packets including detailed information can be obtained by contacting Kathy Zeigler at (724) 656-7308.

**Department:** Public Welfare  
**Location:** Youth Development Center New Castle, R. R. 6, Box 21A, New Castle, PA 16101  
**Duration:** October, November, December 1999  
**Contact:** Kathy Zeigler, (724) 656-7308

**CC No. 8970-1900-000** Produce, fresh fruits and vegetables. Monthly quote/award with weekly deliveries. Specifications and quantities are upon the monthly quote. For more information call this agency.

**Department:** Corrections  
**Location:** State Regional Correctional Facility, 801 Butler Pike, Route 258 South, Mercer, PA 16137  
**Duration:** October 1, 1999 to June 30, 2000  
**Contact:** John Pitonyak, (724) 662-1837, ext. 194

**Inquiry No. 9024** Juice, frozen.

**Department:** Public Welfare  
**Location:** Selinsgrove Center, Box 500, Route 522, Selinsgrove, PA 17870  
**Duration:** October—December 1999  
**Contact:** Arletta K. Ney, Purchasing Agent, (570) 372-5070

**Inquiry No. 9023** Fruits and vegetables, frozen.

**Department:** Public Welfare  
**Location:** Selinsgrove Center, Box 500, Route 522, Selinsgrove, PA 17870  
**Duration:** October—December 1999  
**Contact:** Arletta K. Ney, Purchasing Agent, (570) 372-5070

**430000** Perishable foods for October, November and December, 1999 for Western Center, Canonsburg, PA 15317.

**Department:** Public Welfare  
**Location:** Dietary Department, Western Center, 333 Curry Hill Road, Canonsburg, PA 15317  
**Duration:** October 1, 1999 through December 31, 1999  
**Contact:** Ginny Stinespring, Purchasing Agent I, (724) 873-3256

## HVAC—22

**7014** The contractor shall provide for the installation of 1,000 KW standby generator according to specifications contained in bid proposal. To include all labor, equipment and materials necessary to complete the installation. Generator to be provided by Institution. Onsite visit is required. To obtain a bid package contact Cindy Lyons at (570) 546-3171.

**Department:** Corrections  
**Location:** State Correctional Institution Muncy, Route 405, Muncy, PA 17756  
**Duration:** November 1, 1999—June 30, 2000  
**Contact:** Cindy Lyons, (570) 546-3171

**AE-5191** Installation of a new vehicle exhaust system.

**Department:** Transportation  
**Location:** PennDOT Maintenance Building, Montrose, Susquehanna County, PA  
**Duration:** 90 calendar days; proposed bid date—October, 1999  
**Contact:** Linda Young, (717) 772-8374

**AE-5104** Installation of a new gas line and heaters.

**Department:** Transportation  
**Location:** PennDOT Maintenance Building, Milford, Pike County, PA  
**Duration:** 90 calendar days; proposed bid date—October, 1999  
**Contact:** Linda Young, (717) 772-8374

**AE-1081** Installation of a vehicle exhaust system.

**Department:** Transportation  
**Location:** PennDOT Maintenance Building, Media, Delaware County, PA  
**Duration:** 90 calendar days; proposed bid date—October, 1999  
**Contact:** Linda Young, (717) 772-8374

**FM7993** Provide emergency and routine repair work for the following systems: heating, air conditioning, electrical and plumbing. Contractor must respond within 4 hours of receiving a call either directly or by a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his/her firm for 90 days.

**Department:** State Police  
**Location:** Bethlehem Headquarters, Garage and Lab, 2930 Airport Road, Bethlehem, PA 18012  
**Duration:** Upon award through June 30, 2001  
**Contact:** Les Brightbill or Joan Douglass, (717) 783-5484

**AE-5159** Installation of a new vehicle exhaust system.

**Department:** Transportation  
**Location:** PennDOT Maintenance Building, Montoursville, Lycoming County, PA  
**Duration:** 90 calendar days; proposed bid date—October, 1999  
**Contact:** Linda Young, (717) 772-8374

**AE-5269** Installation of a new vehicle exhaust system.

**Department:** Transportation  
**Location:** PennDOT Maintenance Building, West Chester, Chester County, PA  
**Duration:** 90 calendar days; proposed bid date—October, 1999  
**Contact:** Linda Young, (717) 772-8374

**CL-504, Install HVAC, Rhoades** Clarion University is soliciting bids to install a new roof-top HVAC unit in Rhoades Hall on the Venango Campus in Oil City, PA. Prebid conference: 10 a.m., September 9, 1999. Bids are due by 1:30 p.m., September 23, 1999. Bid package available with check payable to Clarion University in the amount of \$15 from contact person. One prime contract for mechanical work to be awarded. To obtain bid package contact Judy McAninch at (814) 226-2240.

**Department:** State System of Higher Education  
**Location:** Clarion University, Oil City, PA  
**Duration:** 60 days from notice to proceed  
**Contact:** Judy McAninch, Contract Specialist, (814) 226-2240

**FM7994** Provide emergency and routine repair work for the following systems: heating, air conditioning, electrical and plumbing. Contractor must respond within 4 hours of receiving a call either directly or by a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his/her firm for 90 days.

**Department:** State Police  
**Location:** Dublin Station, 3218 Rickert Road, Dublin, PA 18944  
**Duration:** Upon award through June 30, 2001  
**Contact:** Les Brightbill or Joan Douglass, (717) 783-5484

**Janitorial Services—23**

**DES015** The Department of Transportation is soliciting bids for janitorial services at the Rockview Driver Exam Site, 820 West College Avenue, Pleasant Gap, PA 16823. Requests for bid packages can be obtained by faxing request for bid package to: Susan Sobotor, (717) 783-7971 or calling (717) 783-3931.

**Department:** Transportation  
**Location:** Rockview Driver Exam Site, 820 West College Avenue, Pleasant Gap, PA 16823  
**Duration:** 5 years  
**Contact:** Susan Sobotor, (717) 783-3931

**1050** To provide Jefferson County with janitorial services. This will encompass the main offices, foyer, shop office, break room and four restrooms. There will be a one-time major cleaning and sanitizing, a monthly cleaning which will include cleaning all windows and waxing and buffing floors, and a routine cleaning. Waste will be disposed of in appropriate receptacles which are provided. This work will be done on days and at times acceptable to the Maintenance Manager as dictated by office schedules.

**Department:** Transportation  
**Location:** District 10-5 Building located on SR2037 off TR36 1 mile east of Punxsutawney, PA 15767  
**Duration:** October 1, 1999 to June 30, 2000  
**Contact:** Janice L. Redding, (814) 938-6300

**Laboratory Services—24**

**90882035-01** Clinical laboratory services: Rebid. Laboratory services to be provided by contractor licensed by the Pennsylvania Department of Health, approved by the Commission of Inspections, accredited by the College of American Pathologists, and certified by Medicare/Medicaid. Site visitation is mandatory prior to submitting bid. Additional information may be obtained by contacting South Mountain Restoration Center. This is a rebid.

**Department:** Public Welfare  
**Location:** South Mountain Restoration Center, 10058 South Mountain Road, South Mountain, PA 17261  
**Duration:** Approximately from December 31, 1999 through June 30, 2005  
**Contact:** Joseph F. Merlina, (717) 749-4030

**Medical Services—29**

**SP 91651002** Vendor to provide an assessment of selected specialized programs and services available in youth development centers (YDCs) and youth forestry camps (YFCs) administered by the Pennsylvania Department of Public Welfare, Office of Children, Youth and Families, Bureau of State Children and Youth Programs. A detailed description of services required may be obtained by contacting the Procurement Office.

**Department:** Public Welfare  
**Location:** Bureau of State Children and Youth Programs, 1401 North Seventh Street, Bertolino Building, P. O. Box 2675, Harrisburg, PA 17105-2675  
**Duration:** Approximate duration of contract: October 1, 1999 through March 31, 2000  
**Contact:** Barry Malone, (717) 705-3917

**SP 91651001** Vendor to provide an assessment of the acute and chronic medical and psychological problems experienced by youth committed to Pennsylvania's youth development center/youth forestry camp (YDC/YFC) system. A detailed description of services required may be obtained by contacting the Procurement Office.

**Department:** Public Welfare  
**Location:** Bureau of State Children and Youth Programs, 1401 North 7th Street, Bertolino Building, P. O. Box 2675, Harrisburg, PA 17105-2675  
**Duration:** Approximate duration of contract: October 1, 1999 through March 31, 2000  
**Contact:** Ed Blandy, Purchasing Agent, (717) 772-4883

**RFA 98-07-18** The Department of Health is issuing a Request for Application (RFA 98-07-18) to fund Community-Based Initiatives on "Living Well with Diabetes." Ten copies of the application should be submitted to the Pennsylvania Department of Health, Division of Contracts, Room 824, Health and Welfare Building, P. O. Box 90, Commonwealth and Forster Streets, Harrisburg, PA 17107. A preproposal conference will be held at the time and date specified in the cover letter.

**Department:** Health  
**Location:** Statewide  
**Duration:** 30 months  
**Contact:** Bonnie Krampe, (717) 787-5876

**99-1000** The contractor shall provide nursing services for inmates at the State Correctional Institution at Camp Hill. Both RNs and LPNs are needed.

**Department:** Corrections  
**Location:** State Correctional Institution at Camp Hill, P. O. Box 8837, Camp Hill, PA 17001-8837  
**Duration:** October 1, 1999 to June 30, 2003  
**Contact:** Delores Stephens, (717) 975-5200

**90882070** To perform leasing of six Flo-Gard 6201 volumetric infusion pumps; service includes furnishing all labor and parts to repair as necessary, and all other unit requirements and conditions. Service inspections will be performed every 6 months during regular business hours of South Mountain Restoration Center, 8:30 a.m.—4:30 p.m., Monday—Friday. Emergency service between service inspections must be available on a 24-hour basis. All service shall be performed by fully qualified personnel of the contractor. Contractor will provide training to all licensed staff at the inception of the contract.

**Department:** Public Welfare  
**Location:** South Mountain Restoration Center, 10058 South Mountain Road, South Mountain, PA 17261  
**Duration:** Four Fiscal Years beginning December 31, 1999—June 30, 2003  
**Contact:** Joseph F. Merlina, (717) 749-4030

**Property Maintenance—33**

**AE-5232** Interior lighting and renovations.

**Department:** Transportation  
**Location:** PennDOT Maintenance Building, Philadelphia, Philadelphia County, PA  
**Duration:** 90 calendar days; proposed bid date, October, 1999  
**Contact:** Linda Young, (717) 772-8374

**Bid No. 7992** Furnish all labor, materials and equipment for removal of snow, salting and cindering from driveway, parking areas and sidewalks at the Total Automation Office, 2629 Market Place, Harrisburg, PA 17110. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Total Automation Office, 2629 Market Place, Harrisburg, PA 17110  
**Duration:** November 1, 1999 to June 30, 2001  
**Contact:** Donna Enders, (717) 783-5484

**AP996100019** 492 sq. yd. carpet tiles per specs attached to bid; 6 sq. yd. Attic Stock per specs attached to bid; 300 ft. 4-inch vinyl cove base, adhesive to cover placement of carpet tiles per specs attached to bid. Installation of carpet per specs attached to bid (installation may not be awarded). Vendor responsible for all measurements.

**Department:** Education  
**Location:** Bureau of Management Services, 333 Market Street, 13th Floor, Harrisburg, PA 17126-0333  
**Duration:** Contract should be completed within 90 days after award.  
**Contact:** Cynthia K. Anderson, (717) 787-8037

**AE-5196** Installation of pass doors.

**Department:** Transportation  
**Location:** PennDOT Roadside Rest Building, I-81 South  
**Duration:** 90 calendar days; proposed bid date—October, 1999  
**Contact:** Linda Young, (717) 772-8374

**AE-5259** Installation of an overhead door.

**Department:** Transportation  
**Location:** PennDOT Maintenance Building, Mercer, Mercer County, PA  
**Duration:** 90 calendar days; proposed bid date—October, 1999  
**Contact:** Linda Young, (717) 772-8374

**TR-0800** Tree removal services, I-83 Northbound in York County. All requests for bid packages must be received by fax at (717) 772-0975 (Attn: Bill Tyson) or call (717) 787-7600, 7:30 a.m.—3:30 p.m., Monday through Friday.

**Department:** Transportation  
**Location:** I-83 Northbound, York County, PA  
**Duration:** January 3, 2000 to June 1, 2000  
**Contact:** William Tyson, (717) 787-7600

**AE-5271** Window replacements.

**Department:** Transportation  
**Location:** PennDOT Maintenance Building, York, York County, PA  
**Duration:** 90 calendar days; proposed bid date—October, 1999  
**Contact:** Linda Young, (717) 772-8374

### Miscellaneous—39

**388108901** The construction of woven wire fences: including vehicle and man gates at specified locations at each project area. Bids could result in multiple contracts.

**Department:** Conservation and Natural Resources  
**Location:** Bureau of Forestry, 158 South Second Avenue, Clarion, PA 16214  
**Duration:** June 30, 2000  
**Contact:** Herb Landes, (814) 226-1901

**SP22990036** Maintenance service for Toshiba DK280 Key Telephone System (ksu), its components and system wiring.

**Department:** Fish and Boat Commission  
**Location:** Pleasant Gap Headquarters Complex, 450 Robinson Lane, Bellefonte, PA 16823  
**Duration:** October 1, 1999 to September 30, 2002  
**Contact:** Tim Klinger, (717) 657-4537

**90976011** Typewriters, word processors, calculators, facsimile machines and other small office equipment maintenance service. These repairs will be on an as needed basis. To obtain a bid package contact Patty Frank at (814) 432-0229.

**Department:** Public Welfare  
**Location:** Polk Center, Polk, PA 16342  
**Duration:** Anticipated start date: November 1, 1999—October 31, 2001  
**Contact:** Patty Frank, Purchasing Agent, (814) 432-0229

**Q-382** Vietnam era boots, nylon web panel and ankle collar, vulcanized top uppers, steel shank, black. Fax requests for bid package to (814) 263-3902.

**Department:** Corrections  
**Location:** Quehanna Boot Camp, H-C Box 32, State Route 1011, Karthaus, PA 16845  
**Duration:** September 1, 1999 through June 30, 2000  
**Contact:** Janine E. Packard, Purchasing Agent I, (814) 263-4125

**SP3881129001** Repair of a 10 mile section of snowmobile trail. Work includes pipe installations, depression filling, drainage ditch digging and seeding/fertilizing/mulching of disturbed areas.

**Department:** Conservation and Natural Resources  
**Location:** Coudy Pike Snowmobile Trail along Route 44 between Boyer Mill and Francis Road  
**Duration:** Contract expires August 15, 2000  
**Contact:** Jim Hyland, (570) 327-3450

**47203** Supplies: 20 each GE portable radios, NPC Radio 200, 438 to 470 mhz, Model No. KRD103117/3; 20 each GE batteries, Model No. BKB191207/1; 25 each GE antennas, Part No. PCNC3D, for Model No. PC402S or approved equal.

**Department:** Corrections  
**Location:** State Correctional Institution at Pittsburgh, 3001 Beaver Avenue, P. O. Box 99901, Pittsburgh, PA 15202  
**Duration:** 45 days  
**Contact:** Carol Schaeffer, Purchasing Agent, (412) 761-1955, ext. 291

**PGC2616** "Working for Wildlife" patches (screech owl). Quantity: 30,000. Patches to be fully embroidered; 4-inches in diameter; round, eight colors. All thread to be first quality 100/2 rayon, colorfast to light and machine washable. Patches to have a twill backing (65% cotton, 35% polyester). Patches to have merrow overlapped, ravel-proof border, rayon threads and to be backed with plastic to prevent shrinkage. Vendor's price to include all packaging, boxing and shipping costs (FOB) to Harrisburg, PA. Delivery to be made prior to December 1, 1999. For questions concerning the patches, contact Carl Graybill, Acting Director, Bureau of Information and Education, Pennsylvania Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 787-6286. For questions concerning bidding or to request a bid package, contact Linda Beaver, Purchasing Agent, Automotive and Procurement, Pennsylvania Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 787-6594.

**Department:** Game Commission  
**Location:** Automotive and Procurement Division, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797  
**Duration:** Contract expires June 30, 2000  
**Contact:** Linda Beaver, (717) 787-6594

[Pa.B. Doc. No. 99-1525. Filed for public inspection September 3, 1999, 9:00 a.m.]

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## DESCRIPTION OF LEGEND

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| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,  
*Secretary*

**Contract Awards**

The following awards have been made by the Department of General Services, Bureau of Purchases:

<b>Requisition or Contract #</b>	<b>PR Award Date or Contract Effective Date</b>	<b>To</b>	<b>In the Amount Of</b>
5625-01	09/01/99	Whiteco Supply Co.	69,150.00
5625-01	09/01/99	Trevdan Building Supply	44,999.00
5625-01	09/01/99	A. G. Mauro Co.	5,150.00
9905-04	08/23/99	3M	20,212.00
9905-04	08/23/99	Stimsonite Corp.	31,180.00
9985-01	08/30/99	United Parcel Service	950,000.00
9985-03	08/30/99	PA Cellular Telephone Corp./ Cellular One	60,000.00
9985-03	08/30/99	Alltel Communications	60,000.00
9985-03	08/30/99	Comcast Metrophone	60,000.00
9985-03	08/30/99	APS Wireless	60,000.00
9985-03	08/30/99	PPK Enterprises	60,000.00

<b>Requisition or Contract #</b>	<b>PR Award Date or Contract Effective Date</b>	<b>To</b>	<b>In the Amount Of</b>
9985-04	08/30/99	Pitney Bowes, Inc.	100,000.00
1037229-01	08/24/99	The BOC Group, Inc. BOC Gases	45,025.20
1352118-01	08/24/99	Advance Equipment Co.	14,488.00
1654388-01	08/24/99	Intrasearch, Inc.	94,920.00
8250240-01	08/24/99	Advanced Tank Systems, Inc.	6,995.00
8250270-01	08/24/99	Highway Equipment and Supply Co.	36,070.00
8504940-01	08/24/99	Rhomar Industries, Inc.	16,716.00
8504970-01	08/24/99	Wharton Hardware and Supply Corp.	24,480.00

GARY E. CROWELL,  
*Secretary*

[Pa.B. Doc. No. 99-1526. Filed for public inspection September 3, 1999, 9:00 a.m.]