



Volume 30 (2000)

Pennsylvania Bulletin
Repository

9-30-2000

September 30, 2000 (Pages 5003-5124)

Pennsylvania Legislative Reference Bureau

Follow this and additional works at: https://digitalcommons.law.villanova.edu/pabulletin_2000

Recommended Citation

Pennsylvania Legislative Reference Bureau, "September 30, 2000 (Pages 5003-5124)" (2000). *Volume 30 (2000)*. 40.

https://digitalcommons.law.villanova.edu/pabulletin_2000/40

This September is brought to you for free and open access by the Pennsylvania Bulletin Repository at Villanova University Charles Widger School of Law Digital Repository. It has been accepted for inclusion in Volume 30 (2000) by an authorized administrator of Villanova University Charles Widger School of Law Digital Repository.

PENNSYLVANIA BULLETIN

Volume 30
Saturday, September 30, 2000 • Harrisburg, Pa.
Number 40
Pages 5003—5124

Agencies in this issue:

Department of Banking
Department of Community and Economic
Development
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
Executive Board
Fish and Boat Commission
Independent Regulatory Review Commission
Insurance Department
Liquor Control Board
Pennsylvania Infrastructure Investment Authority
Pennsylvania Public Utility Commission
Public School Employees' Retirement Board
State Board of Veterinary Medicine
State Employees' Retirement Board
State System of Higher Education

Detailed list of contents appears inside.

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

No. 310, September 2000

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)

Orders for subscriptions and other circulation matters should be sent to:

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

Copyright © 2000 Commonwealth of Pennsylvania
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.

Contents

EXECUTIVE AGENCIES

DEPARTMENT OF BANKING

Notices

Action on applications..... 5027

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Notices

2001 action plan; summary notice..... 5027

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices

Applications, actions and special notices..... 5029

Clean water State revolving fund; Federal FY 2000 and 2001 project priority list 5092

Request for comment and notice of public meeting .. 5072

Water Resources Advisory Committee meeting..... 5074

DEPARTMENT OF GENERAL SERVICES

Notices

Contract awards..... 5123

Design professional selections 5075

State contracts information..... 5115

DEPARTMENT OF HEALTH

Notices

Application of Schein Ernst Eye Associates for exceptions to 28 Pa. Code. § 571.1 5076

DEPARTMENT OF LABOR AND INDUSTRY

Notices

Current Prevailing Wage Act debarments..... 5076

DEPARTMENT OF PUBLIC WELFARE

Notices

Public notice of the Department's intent to eliminate an additional class of disproportionate share payment 5077

2000 group one exception requests Medical Assistance long term care participation review 5077

DEPARTMENT OF REVENUE

Notices

Pennsylvania Cash Winfall instant lottery game 5078

Pennsylvania Keys to the Castle instant lottery game..... 5080

Pennsylvania Pumpkin Patch Cash instant lottery game..... 5082

Revenue-neutral reconciliation rate notice for the tax year beginning January 1, 2001..... 5084

DEPARTMENT OF TRANSPORTATION

Notices

Retention of engineering firms..... 5084

EXECUTIVE BOARD

Statements of Policy

Reorganization of the Office of Administration 5025

FISH AND BOAT COMMISSION

Rules and Regulations

Administration, Commission property, fishing and boating..... 5013

Boating safety education certificates 5016

INDEPENDENT REGULATORY REVIEW COMMISSION

Notices

Notice of comments issued 5087

Notice of filing of final rulemakings 5089

INSURANCE DEPARTMENT

Proposed Rulemaking

Allocation of joint expenses..... 5019

Annual audited insurers' financial report required .. 5023

Miscellaneous provisions 5020

Notices

Application for approval to redomesticate..... 5089

QualMed Plans for Health—direct pay individual rates..... 5089

QualMed Plans for Health—group 5090

Review procedure hearings under the Unfair Insurance Practices Act 5090

Review procedure hearings; cancellation or refusal of insurance 5090, 5091

LIQUOR CONTROL BOARD

Notices

Expiration of leases..... 5091

PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY

Notices

Clean Water State Revolving Fund; Federal FY 2000 and 20001 project priority list 5092

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Notices

Implementation of the Telecommunication Act of 1996; doc.no. M-00960799 5098

KMC Telecom V, Inc.—telecommunications 5112

NorthPoint Communications Group, Inc., NorthPoint Communications, Inc. and Bell Atlantic Corporation, d/b/a Verizon Communications—transfer of control 5113

Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. As Telecommunications, Inc; doc. no. C-00003834; A-310537 5099

Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. Inacom Communications, Inc.; doc. no. C-00003836; A-310244 5100

Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. Laurel Highland Long Distance; doc. no. C-00003837; A-310371 5100

Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. Long Distance Services, Inc.; doc. no. C-00003838; A-310268 5101

Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. North American Intelcom, Inc.; doc. no. C-00003841; A-310060.... 5101

Now Available Online at <http://www.pabulletin.com>

Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. Telec, Inc.; doc. no. C-00003843; A-310446..... 5102

Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. Thrift-T Telecomm. Services; doc. no. C-00003844; A-310380..... 5103

Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. United Wats, Inc.; doc. no. C-00003845; A-310242..... 5103

Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. Vista International Commun., Inc.; doc. no. C-00003846; A-310155..... 5104

Petition by GTE Communications Corporation, f/k/a GTE Card Service 5104

Relief plan for the 570 NPA; P-00961071F0002 5108

Relocation of offices 5110

Service of notice of motor carrier applications..... 5110

PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

Notices

Hearings scheduled 5113

STATE BOARD OF VETERINARY MEDICINE

Rules and Regulations

Corrective amendment to 49 Pa. Code § 31.41 5017

STATE EMPLOYEES' RETIREMENT BOARD

Notices

Hearings scheduled 5113

STATE SYSTEM OF HIGHER EDUCATION

Notices

Invitation to qualify SSHE-FDSS-01-2000; fire detection and sprinkler systems..... 5114

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

Printing Format

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

Fiscal Notes

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

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

Reproduction, Dissemination or Publication of Information

Third parties may not take information from the *Pennsylvania Code* and *Pennsylvania Bulletin* and reproduce, disseminate or publish such information except as provided by 1 Pa. Code § 3.44. 1 Pa. Code § 3.44 reads as follows:

§ 3.44. General permission to reproduce content of Code and Bulletin.

Information published under this part, which information includes, but is not limited to, cross references, tables of cases, notes of decisions, tables of contents, indexes, source notes, authority notes, numerical lists and codification guides, other than the actual text of rules or regulations may be reproduced only with the written consent of the Bureau. The information which appears on the same leaf with the text of a rule or regulation, however, may be incidentally reproduced in connection with the reproduction of the rule or regulation, if the reproduction is for the private use of a subscriber and not for resale. There are no other restrictions on the reproduction of information published under this part, and the Commonwealth hereby consents to a reproduction.

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 2000.

4 Pa. Code (Administration)

Adopted Rules

1	8
120b	4226
120c	4229
120d	4238

Proposed Rulemaking

177	1255
263	3795
401	3179
402	3179
403	3179
405	3179

Statements of Policy

5	1469
9	44, 649, 902, 1556, 1760, 1876, 2380, 3081, 3469, 4011, 4434, 5025
114	4263

7 Pa. Code (Agriculture)

Proposed Rulemaking

3	768, 1255
7	768, 1255
21	3660
110	636
137	4573
137a	4573
137b	4573
138h	638
138i	771, 1255
138j	776, 1255
138k	781, 1255
151	4253

Statements of Policy

3a	2482
----	------

12 Pa. Code (Community and Economic Development)

Adopted Rules

33	3035
----	------

Statements of Policy

123	4434
-----	------

16 Pa. Code (Community Affairs)

Adopted Rules

45	3434
81	3168
83	3168
85	3168
87	3168
91	3168

22 Pa. Code (Education)

Adopted Rules

44	4243
121	3924
507	4897
701	3776

Proposed Rulemaking

14	4628
342	4628
507	1378
711	3463

25 Pa. Code (Environmental Protection)

Adopted Rules

86	4898
89	3439
91	521
93	3036
97	521
101	521
111 (with correction)	111, 232
121 (with correction)	1370, 2995, 3779
123	1370, 4899
129 (with correction)	2995, 3779
139 (with correction)	533, 2995, 3779
145	4899

Proposed Rulemaking

78	3065
88	3053
90	3053
109	4596, 4611
123	399, 1135
145	399, 1135
210	2768
211	2768
215	4503
217	4503
219	4503
220	4503
224	4503
225	4503
226	4503
230	4503
232	4503
240	3661
245	3897
250	3946, 4356
260a	4816
261a	1136
266b	1136
268a	1136
269a	4816
270a	1136
1021	2766

Statements of Policy

23	4935
----	------

Proposed Statements of Policy

23	1766
----	------

28 Pa. Code (Health and Safety)

Proposed Rulemaking

23	4591
25	3945
27	2715
701	3795
715	3795
1101	873

5010

1103	873
1105	873
1107	873
1113	873

31 Pa. Code (Insurance)

Adopted Rules

33	4812
35	1542
67a	4812
84c	2228
86	3658
89	2229
113	310
123	1542
124	1542
154	1453
301	1453

Proposed Rulemaking

3	5019
11	5020
84c (with correction)	23, 312
86	886
89	4623
89a	4623
118	1377
147	5023

37 Pa. Code (Law)

Adopted Rules

93	1252
95 (with correction)	866, 1129
309	763

Proposed Rulemaking

199	1871
-----	------

Statements of Policy

421	3472
-----	------

49 Pa. Code (Professional and Vocational Standards)

Adopted Rules

15	4429
16	2474
21	3040
23 (with correction)	2355, 2475
25	533
31	2357, 2583, 3044, 5017
33	2359, 3046, 4245
35	228, 2586
36	3934
37	2589
40	2592
41	536, 2593
42	2597, 2599
47	3049

Proposed Rulemaking

1	2264
7	3266
9	2481
11	888, 1271, 2376
21	2265, 4730
27	4734
31	2378
35	641
42	4255

51 Pa. Code (Public Officers)

Proposed Rulemaking

17	3467
21	3467

52 Pa. Code (Public Utilities)

Adopted Rules

32	3439
53	3441
54	3445
57 (with correction)	1129, 1254
59	3172, 3451
64	2028
69	634

Proposed Rulemaking

3	3073
59	37
62	893, 897, 2605, 3073
63	539, 1379, 1549, 2376

Proposed Statements of Policy

69	2911
----	------

Statements of Policy

69	1959
Unclassified	1764, 3081, 3808

55 Pa. Code (Public Welfare)

Adopted Rules

101	3779
125	3779
133	3779
140	15
141	3779
145	3779
166	3779
168	1743
175	3779
177	3779
178	3779
181	3779
183	3779
1163	2130
3040	1743
3800	3794

Proposed Rulemaking

4225	2785, 3806
4226	2785, 3806

Statements of Policy

3270	4641
3280	4641
3800	545

58 Pa. Code (Recreation)

Adopted Rules

51	634, 5013
53	870, 5013
61	870, 5013
63	870, 4814
65	870, 872, 4814
91	5016
93	870, 5013
97	870, 5013
111	4814
117	1652
135	4250
139	2366
141 (with correction)	765, 2601, 2907, 4250

143	765, 2475, 4354
147	765, 2477, 2479

Proposed Rulemaking

1	2611
3	2611
5	2611
9	2611
11	2611
13	2611
21	2611
23	2611
25	2611
27	2611
31	2611
33	2611
51	1755, 4619
53	1755
61	1755
63	2373
65	2373, 4818
91	1874
93	1755
97	1755
111	2373, 4819
135	2908
139	1257, 4622
141	1262, 2908, 4253, 4622
143	1267, 2375
147	1268, 1269

61 Pa. Code (Revenue)**Adopted Rules**

31	1654
32	3459
48	1654
55	3935
60	3459, 3935
101	3938
125	3938

Proposed Rulemaking

31	784
33	4932
101	2236, 2371
899	1755, 4932

Statements of Policy

60	233
----------	-----

64 Pa. Code (Securities)**Adopted Rules**

202	18, 4551
203	18, 4551
204	18
205	18, 4551
206	4551
207	18
209	18
211	18
301	4551
302	4551
303	4551
304	4551
305	4551
404	4551
504	18
513	18
602	4551
603	18, 4551

606	18
609	18

Proposed Rulemaking

202	2237
203	2237
205	2237
206	2237
301	2237
302	2237
303	2237
304	2237
305	2237
404	2237
602	2237
603	2237

Statements of Policy

604	4437
-----------	------

67 Pa. Code (Transportation)**Adopted Rules**

175	3794
179	3051
601	3175

101 Pa. Code (General Assembly)**Adopted Rules**

501	3152
521	3152
551	3152

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

29	3563
71	4728
82	2350
83	865, 1357
207	865
211	3564
215	4223

Proposed Rulemaking

71	2900
83	1124, 1126
85	1127
89	1127

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

1	619
5	619
33	2125

210 Pa. Code (Appellate Procedure)**Adopted Rules**

35	3429
63	519
65	3429
67	11

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

Art I	1639
Art IV	1639, 1642, 3919
Art VI	1643
Art VIII	1639, 1645

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

200	519
-----------	-----

1900 1646, 3027
 1910 1646, 3155
 1915 1646
 1920 1646, 3155
 1930 1646, 3155

Proposed Rulemaking

200 619, 620, 2350
 400 620
 1000 621, 2127, 3565
 1500 2127
 1900 1357
 1910 1357, 4348
 1915 2210
 1930 1357, 4348
 Part II 1476
 Part III 4350

234 Pa. Code (Rules of Criminal Procedure)

Adopted Rules

1 1477, 2211
 2 1477
 3 1477
 4 1477
 5 1477, 2211
 6 1477, 1955, 2211
 7 1477
 8 1477
 9 1477
 10 1477
 11 1477
 20 1477, 2211
 30 1477
 50 1477, 1508
 100 (with correction) 1477, 4811
 200 1477
 300 1477, 2211
 350 1477
 1100 1477, 1955, 2211
 1400 1477

1500 622, 1477
 1600 1477
 1700 1477
 2000 1477
 4000 1477, 2211
 6000 1477
 9000 1477

Proposed Rulemaking

1 2573
 9 2575
 20 1360
 100 4543
 200 4543
 1500 2575
 4000 4543
 6000 4543

237 Pa. Code (Juvenile Rules)

Statements of Policy

301 (with correction) 1762, 1960

246 Pa. Code (Minor Court Civil Rules)

Proposed Rulemaking

100 3265

249 Pa. Code (Philadelphia Rules)

Unclassified 13, 198, 201, 1362, 1649,
 1740, 1741, 1957, 2128, 2129, 2472,
 2763, 2900, 3565,

252 Pa. Code (Allegheny County Rules)

Unclassified 2579

255 Pa. Code (Local Court Rules)

Unclassified 14, 201, 202, 225, 226, 307, 624,
 762, 1120, 1251, 1369, 1509, 1511,
 1651, 1741, 1870, 2222, 2351, 2352,
 2353, 2581, 2763, 2764, 2765, 2904, 3027,
 3028, 2039, 3030, 3166, 3430, 3566, 3766,
 3773, 3920, 3922, 4223, 4224, 4225, 4353, 4549, 4896

RULES AND REGULATIONS

Title 58—RECREATION

FISH AND BOAT COMMISSION

[58 PA. CODE CHS. 51, 53, 61, 93 AND 97]

Administration, Commission Property, Fishing and Boating

The Fish and Boat Commission (Commission) by this order amends 58 Pa. Code Chapters 51, 53, 61, 93 and 97 (relating to administrative provisions; Commission property; seasons, sizes and creel limits; registration and numbering; and operator provided equipment). The Commission is publishing these amendments under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The amendments relate to the release of documents and records, restrictions on Commission property, fishing and boating.

A. Effective Date

The amendments will go into effect upon publication of an order adopting the amendments in the *Pennsylvania Bulletin*.

B. Contact Person

For further information on the amendments, contact Laurie E. Shepler, Assistant Counsel, (717) 705-7815, P. O. Box 67000, Harrisburg, PA 17106-7000. This final rulemaking is available electronically through the Commission's Web site (<http://www.fish.state.pa.us>).

C. Statutory Authority

The amendments to § 51.9 are published under the statutory authority of section 3 of the Right to Know Law (65 P. S. § 66.3) and section 506 of The Administrative Code of 1929 (71 P. S. § 186). The amendments to §§ 53.4, 53.10, 53.11, 53.15 and 53.18 are published under the statutory authority of section 741 of the code (relating to control of property). The amendments to § 61.1 are published under the statutory authority of section 2102 of the code (relating to rules and regulations). The amendments to §§ 93.4 and 93.17 are published under the statutory authority of section 5122 of the code (relating to registration, licenses, permits, plates and statistics). The amendments to § 93.110 are published under the statutory authority of section 5325 of the code (relating to rules and regulations). The amendments to § 97.3 are published under the statutory authority of section 5123 of the code (relating to general boating regulations).

D. Purpose and Background

The amendments are designed to update, modify and improve Commission regulations relating to the release of documents and records, Commission property, fishing and boating. The specific purpose of the amendments is described in more detail under the summary of changes. Prior to the Commission's action on proposed rulemaking, the Commission's Boating Advisory Board considered the proposed amendments relating to boating and recommended that the Commission approve the publication of a notice of proposed rulemaking containing the changes.

E. Summary of Changes

(1) *Section 51.9 (relating to the release of documents and records)*. The Commission's staff routinely receive and process requests for release of documents and other

information in Commission files. Sometimes these requests are made under the Right-to-Know Law (act) (65 P. S. §§ 66.1—66.4). The act contains a very specific definition of the term "public record." This definition has been given a liberal interpretation by the courts, but it is clear that many, if not most, documents in the Commission's files do not meet the statutory definition. Moreover, most law enforcement records are specifically excluded in that they would disclose the institution, progress or results of agency investigations. In addition to documents that meet the statutory definition of "public record," the Commission ordinarily has provided access to other documents, including correspondence with entities and individuals outside Commonwealth government, on request.

One of the issues that arises in dealing with requests for access to documents relates to fees for copying them. Under the act, requesters have the right to inspect, examine and copy public records subject to reasonable restrictions, but there is no requirement for agencies to make copies of records and send them to requesters. In order to follow more systematic procedures for the release of documents, the Commission proposed a new regulation at § 51.9.

After the publication of a notice of proposed rulemaking, a question arose as to whether the Commission should charge a fee for providing electronic copies of documents, and if so, how much the Commission should charge. The Commission, on final rulemaking, adopted the new regulation as set forth in Annex A.

(2) *Sections 53.4, 53.15 and 53.18 (relating to limiting access to Commission property; Commission lakes or access areas under special time regulations; and additional restrictions)*. A recent review by Commission staff revealed some overlap in the Commission's property regulations in §§ 53.4, 53.15 and 53.18. Therefore, the Commission consolidated these regulations into one regulation (§ 53.4) and deleted §§ 53.15 and 53.18, as proposed, with the clarification that any restrictions imposed under § 53.4(a) and (c) are effective when posted at the site.

(3) *Sections 53.10 and 53.11 (relating to vehicles; and off-highway vehicles and snowmobiles)*. The act of November 3, 1999 (P. L. 447, No. 41) (Act 41), which became effective on January 1, 2000, amended, among other things, the penalty provision of section 741 of the code (relating to control of property). In light of this amendment, staff revisited the Commission's regulations relating to vehicles on Commission property. Commission staff also received legislative inquiries regarding the legality of the use of registered all terrain vehicles (ATVs) on Commission property. In an effort to clarify the Commission's intent with regard to the use of vehicles on Commission property, the Commission adopted amendments to §§ 53.10 and 53.11 as proposed.

(4) *Section 61.1 (relating to Commonwealth inland waters)*. A recent review of this regulation revealed that a housekeeping correction was warranted. Therefore, the Commission amended this section as proposed.

(5) *Section 93.4 (relating to certificate of registration)*. One of the more common violations of the boating regulations is operating without the required registration certificate onboard. Often this is simply an oversight as the boater has left the certificate in the car, at the cottage or at home on the kitchen table. Commission policy is that citations usually are not issued when it is reasonable that

the certificate is most likely available, just not on-board. An officer, however, must still be shown proof that the registration is valid. Current procedure requires that the owner produce an original certificate within a certain number of days for inspection by the officer. This sometimes causes inconvenience for both the officer and the violator as they arrange for verification.

The regulations provide a mail-in procedure for persons who are caught fishing without displaying a license. This procedure has been very successful and has resulted in greater efficiency and use of officer time. The Commission, therefore, has implemented a similar procedure for boat registration certificates by adding a new subsection to § 93.4 as proposed.

(6) *Sections 93.17 and 93.110 (relating to registration of abandoned boats; and boats that are junked, destroyed, lost, stolen or abandoned).* Although these regulations, as currently written, allow the Commonwealth, its agencies and political subdivisions to register or acquire title to any boat abandoned on areas under their ownership, the regulations do not extend to the Federal government and do not allow these entities to avail themselves of the salvor process. Therefore, the Commission proposed amendments to these sections. Prior to the publication of the notice of proposed rulemaking, the Office of Attorney General asked a question about how the U. S. Government handles property abandoned on Federal lands and waters. The Commission learned that the U. S. Fish and Wildlife Service and presumably other Federal agencies have regulations on this subject. In order to eliminate any confusion about the interplay between Federal and state regulatory authorities, the Commission adopted the amendments to read as set forth in Annex A.

(7) *Section 97.3 (relating to sound producing devices).* As currently written, the requirement for sound producing devices contained in this section is different and, in some ways, inconsistent with the Federal Inland Navigation Rules. The purpose of sound producing devices is to allow motorboats to make the sound signals required by the Federal Navigation Rules. Boaters in this Commonwealth seldom use sound signals on small inland lakes and rivers. According to the Federal Inland Navigation Rules, the technical specifications for whistles and bells are only applicable to boats greater than 12 meters in length. Less than 400 of the 350,000 boats registered in the Commonwealth are 12 meters in length or greater. The current requirement in subsection (b)(1) is not complete, and the term "bell" is not defined in the Commission's regulations.

The current regulations go further than the Federal regulations by requiring unpowered vessels such as canoes and kayaks to carry a mechanical means of making a sound signal. The Commission has received many complaints from unpowered boat owners (particularly boat livery operators) that this requirement places an inappropriate burden on paddlers and on businesses renting small, unpowered boats. There is little, if any, evidence that this requirement resolves a safety issue or that sound producing devices serve any real purpose on unpowered boats. Finally, the definitions in subsection (a) serve no purpose for regulating sound producing devices or providing useful information to the boating public. Accordingly, the Commission amended § 97.3 to remove those provisions that are inconsistent with the Federal rules, to add a general statement about the applicability of the Federal rules in the Commonwealth and to add a provision concerning sound device requirements for unpowered boats as proposed.

F. Paperwork

The amendments will not increase paperwork and will create no new paperwork requirements.

G. Fiscal Impact

The amendments will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The amendments to § 51.9 will impose modest costs on the private sector and the general public in that those who request copies of public records and other documents in the Commission's files will be charged 25¢ per letter or legal size page for such copies, \$1 per page or the actual cost of reproduction (whichever is greater) for oversize copies (in excess of legal size), \$1 per document plus \$2 per diskette for documents one megabyte or less in size that are copied to an electronic media, \$3 per document plus \$10 or the cost of the media on which the document is stored (whichever is greater) for documents of more than one megabyte in size that are copied to an electronic media, \$2 for handling, plus the actual cost of postage or shipping. The other amendments will impose no new costs on the private sector or the general public.

H. Public Involvement

A notice of proposed rulemaking was published at 30 Pa.B. 1755 (April 1, 2000). With the exception of the amendments to § 97.3, the Commission did not receive any public comments regarding the proposals. The Commission received one comment after the public comment period from the Upper Delaware Council, generally supporting the changes to § 97.3.

Findings

The Commission finds that:

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

(2) A public comment period was provided and the comments received were considered.

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

Order

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

(A) The regulations of the Commission, 58 Pa. Code Chapters 51, 53, 61, 93 and 97, are amended by amending §§ 53.10, 53.11, 61.1, 93.4 and 97.3 and deleting §§ 53.15 and 53.18 to read as set forth at 30 Pa.B. 1755 (April 1, 2000) and by amending §§ 53.4, 93.17 and 93.110 and by adding § 51.9 to read as set forth at Annex A, with ellipses referring to the existing text of the regulations.

(B) The Executive Director will submit this order, 30 Pa.B. 1755 and Annex A to the Office of Attorney General for approval as to legality as required by law.

(C) The Executive Director shall certify this order, 30 Pa.B. 1755 and Annex A and deposit the same with the Legislative Reference Bureau as required by law.

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

PETER A. COLANGELO,
Executive Director

Fiscal Note: Fiscal Note 48A-105 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart A. GENERAL PROVISIONS

CHAPTER 51. ADMINISTRATIVE PROVISIONS

§ 51.9. Release of documents and records.

(a) Consistent with the act of June 21, 1957 (P. L. 390, No. 212), known as Right-to-Know Law (65 P. S. §§ 66.1—66.4.) and section 324 of the code (relating to Commission records), the Commission will make public records contained in its files available to citizens of this Commonwealth for inspection and examination at reasonable times and will allow requesters to make extracts and copies of the records subject to reasonable restrictions to safeguard the records and reasonable procedures on the time and place for making copies and extracts.

(b) Requests for release of public records contained in Commission files shall be made in writing and submitted to: Executive Director, Pennsylvania Fish and Boat Commission, Post Office Box 67000, Harrisburg, Pennsylvania 17106-7000.

(c) If a photocopier or reproduction device under the control of the Commission is used to copy information released under this section, the requester will be charged 25¢ per letter or legal size page for the copies. If the Commission copies oversize pages (in excess of legal size), the charge shall be \$1 per page or the actual cost of reproduction, whichever is greater. If the Commission copies documents to electronic media (such as, computer diskette), the requester will be charged \$1 per document copied (if 1 megabyte or less in size) plus \$2 per diskette. For electronic documents of more than 1 megabyte in size, the requester will be charged \$3 per document plus \$10 or the cost of the media on which the document is stored, whichever is greater. If the Commission mails copies of documents copied under this section to the requester, the requester will be charged \$2 for handling, plus the actual cost of postage or shipping. All charges shall be payable in advance by check or money order made payable to "Pennsylvania Fish and Boat Commission." The Commission may waive copy charges and mailing charges for good cause or in the public interest. When the total copying, handling and mailing charges for a request are \$10 or less, collection ordinarily will be waived.

CHAPTER 53. FISH AND BOAT COMMISSION PROPERTY

§ 53.4. Limiting access to Commission property and other restrictions.

(a) Commission-owned or -controlled property, including Commission lakes and access areas, may be closed to the public during hours as the Executive Director may direct. The Executive Director will publish a notice in the *Pennsylvania Bulletin* and will cause the hours to be posted at the site. Time restrictions imposed under this subsection will be effective when posted at the site. It is unlawful for any person to enter or remain upon Commission property during the times it is closed to public use, without the express written consent of the Executive Director or a designee.

(b) The Executive Director or a designee may issue an order barring any person from entering or remaining upon a named Commission property when the Executive

Director finds that the presence of the person on Commission property constitutes a substantial disruption of Commission operations or a reasonable threat to the health and safety of Commission personnel or other persons who are engaged in other lawful uses of the property. Orders issued under this subsection may be appealed to the Commission under 1 Pa. Code § 35.20 (relating to appeals from the actions of the staff).

(c) The Executive Director may impose additional restrictions on the use of Commission property, including prohibitions on use or possession of beer and alcoholic beverages and restrictions on fires at times and for periods as the Director deems appropriate for the protection and management of Commission-owned or -controlled property. The Executive Director will publish a notice in the *Pennsylvania Bulletin* and will cause the additional restrictions to be posted at the site. Additional restrictions imposed under this subsection will be effective when posted at the site. It is unlawful to violate restrictions imposed by the Executive Director on behalf of the Commission under this subsection.

Subpart C. BOATING

CHAPTER 93. REGISTRATION AND NUMBERING

§ 93.17. Registration of abandoned boats.

* * * * *

(b) *Boats abandoned on private property.* Subject to the following, a landowner, his lessee or his agent may register a boat that has been abandoned on his land or the waters immediately adjacent to his land for at least 3 months.

* * * * *

(6) Upon receipt of the required materials and the payment of fees required by law, the Commission will register the boat in the name of the applicant.

(c) *Boats abandoned on public property or waters.* A person finding a boat abandoned on public property or waters—that is, property or waters under the ownership or control of the Commonwealth, its agencies and political subdivisions—shall notify the Commission of the description and location of the boat as well as the date on which it was found. A person may notify the Commission by completing form PFBC-R3, "Notice of Abandoned Boat Found on Commonwealth Waters" and mailing the form to the Commission. A person finding a boat abandoned on lands or waters under the jurisdiction or control of the United States Government should contact the Federal agency with jurisdiction over the lands and waters and follow applicable Federal regulations.

(1) The Commission may take possession of a boat abandoned on public property or waters or may authorize a salvor to take possession provided the salvor complies with these provisions, is a vehicle salvage dealer as defined in 75 Pa.C.S. § 1337 (relating to use of "Miscellaneous Motor Vehicle Business" registration plates), and holds a current, valid certificate of authorization issued by the Department of Transportation under 75 Pa.C.S. § 7302 (relating to certification of authorization).

* * * * *

(8) The Commonwealth, its agencies and political subdivisions may register any boat abandoned on areas under their ownership or control by proceeding in the manner set forth in subsection (b) or may follow the procedure set forth in this subsection. The Federal government may register any boat abandoned on areas under its ownership or control by proceeding in the manner set

forth in subsection (b), may follow the procedure set forth in this subsection or may follow applicable Federal laws or regulations.

§ 93.110. Boats that are junked, destroyed, lost, stolen or abandoned.

* * * * *

(b) *Acquiring title to boats abandoned on private property.*

* * * * *

(8) Upon receipt of the material required by this subsection and the payment of any fees required by law, the Commission will issue a certificate of title to the boat to the applicant. Issuance of a certificate of title divests any other person of any interest in the boat.

(c) *Acquiring title to boats abandoned on public property or waters.*

(1) A person finding a boat abandoned on public property or waters—that is, property or waters under the ownership or control of the Commonwealth, its agencies or political subdivisions—shall notify the Commission of the description and location of the found boat as well as the date on which it was found.

(2) The Commission may take possession of a boat abandoned on public property or waters or may authorize a salvor to take possession if the salvor complies with this section, is a vehicle salvage dealer as defined in 75 Pa.C.S. § 1337 (relating to use of miscellaneous motor vehicle business registration plates) and holds a current, valid certificate of authorization issued by the Department of Transportation under 75 Pa.C.S. § 7302 (relating to certification of authorization).

* * * * *

(9) The Commonwealth, its agencies and political subdivisions may acquire title to any boat abandoned on areas under their ownership or control by proceeding in the manner set forth in subsection (b) or may follow the procedure set forth in this subsection. The Federal government may acquire title to any boat abandoned on areas under its ownership or control by proceeding in the manner set forth in subsection (b), may follow the procedure set forth in this subsection or may follow applicable Federal laws or regulations.

[Pa.B. Doc. No. 00-1661. Filed for public inspection September 29, 2000, 9:00 a.m.]

**FISH AND BOAT COMMISSION
[58 PA. CODE CH. 91]
Boating Safety Education Certificates**

The Fish and Boat Commission (Commission) by this order amends Chapter 91 (relating to general provisions). The Commission is publishing this amendment under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The amendments relate to Boating Safety Education Certificates.

A. Effective Date

The amendment will go into effect upon publication of an order adopting the amendments in the *Pennsylvania Bulletin*.

B. Contact Person

For further information on the amendment, contact Laurie E. Shepler, Assistant Counsel (717) 657-4546, P. O. Box 67000, Harrisburg, PA 17106-7000. This final rule-making is available electronically through the Commission's website (<http://www.fish.state.pa.us>).

C. Statutory Authority

The amendment is published under the statutory authority of section 5123 of the code (relating to general boating regulations).

D. Purpose and Background

The amendment is designed to update, modify and improve Commission regulations relating to boating. The specific purpose of the amendment is described in more detail under the summary of changes. The Commission's Boating Advisory Board (Board) considered the amendment and recommended final adoption by the Commission.

E. Summary of Changes

Beginning January 1, 2000, all operators of personal watercraft (PWC) are required to have a Boating Safety Education Certificate in their possession while operating a PWC. In that regard, the Commission believed that there may have been some confusion concerning the interpretation of the existing definition of a "Boating Safety Education Certificate" in § 91.6 (relating to certificates). Specifically, there was concern that the then current regulation did not clearly identify what is required of PWC operators depending on their state of residence. The Commission, therefore, has amended this section. The amendments do not change the intent of the prior regulation. The new language merely clarifies that a resident of this Commonwealth, when required to carry a Boating Safety Education Certificate, must have one issued by the Commission, another state or Canadian province. The language further clarifies that for nonresidents, the certificate may be issued by a governmental agency or an organization that has been designated by the Executive Director. These organizations must have had prior approval of the National Association of State Boating Law Administrators.

During the review of the proposed amendment, it was suggested that it would be desirable to clarify several provisions. Subsection (c) relates to the requirement that Boating Safety Education Certificates be carried onboard and presented to an officer. As currently worded, it applies only to PWCs. The Board pointed out that current regulations in § 91.4 (relating to age of operator) require youth (ages 12-15) to have a Boating Safety Education Certificate in possession and that pending legislation may extend the requirement for mandatory boating education. Accordingly, on final rulemaking, the Commission reworded subsection (c) to make it unlawful to operate any boat or watercraft (not just PWCs) without a Boating Safety Education Certificate onboard when the operator of the boat or watercraft is required by law or regulation to possess one.

In addition, it was suggested that this regulation should contain some mention of temporary boating safety certificates. Although temporary certificates are mentioned in the regulation on PWCs in § 109.3 (relating to personal watercraft), there is no general provision relating to temporary certificates. Persons who complete boating safety education courses routinely are issued temporary certificates that are good for 90 days. Therefore, on

final rulemaking, the Commission added subsection (d) to provide for temporary boating safety education certificates.

F. Paperwork

The amendments will not increase paperwork and will create no new paperwork requirements.

G. Fiscal Impact

The amendments will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The amendments will impose no new costs on the private sector or the general public.

H. Public Involvement

A notice of proposed rulemaking was published at 30 Pa.B. 1874 (April 8, 2000). The Commission did not receive any public comments regarding the proposal.

Findings

The Commission finds that:

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

(2) A public comment period was provided and no comments were received.

(3) The adoption of the amendment of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

Order

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

(A) The regulations of the Commission, 58 Pa. Code Chapter 91, are amended by amending § 91.6 to read as set forth at Annex A.

(B) The Executive Director will submit this order and Annex A to the Office of Attorney General for approval as to legality as required by law.

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

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

PETER A. COLANGELO,
Executive Director

Fiscal Note: Fiscal Note 48A-106 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart C. BOATING

CHAPTER 91. GENERAL PROVISIONS

§ 91.6. Boating Safety Education Certificates.

(a) *Definition.*

(1) For residents of this Commonwealth, a Boating Safety Education Certificate is one issued to an individual by the Commission, another state or Canadian province. Upon proper application, the Commission may issue a Boating Safety Education Certificate to a resident of this

Commonwealth who successfully completes a course offered by an organization designated by the Executive Director.

(2) For nonresidents, a Boating Safety Education Certificate is one issued to an individual who successfully completes a course offered by the Commission, another state, a Canadian province or an organization designated by the Executive Director.

(b) *Designation.* The Executive Director may designate, by notice, organizations that offer boating safety education courses that are acceptable for residents, nonresidents, or both.

(c) *Certificate possession.* When the operator of a boat or watercraft is required by law or regulation to possess a Boating Safety Education Certificate, it is unlawful to operate the boat or watercraft on the waters of this Commonwealth without carrying onboard the Boating Safety Education Certificate issued to the operator. A Boating Safety Education Certificate shall be carried so that it can be presented to an officer authorized to enforce this subpart.

(d) *Temporary certificate.* The Executive Director or a designee may authorize the issuance of temporary Boating Safety Education Certificates to persons who successfully complete boating safety education courses approved by the Commission. Temporary Boating Safety Education Certificates expire when the permanent certification is issued or 90 days after issuance, whichever occurs first.

[Pa.B. Doc. No. 00-1662. Filed for public inspection September 29, 2000, 9:00 a.m.]

**Title 49—PROFESSIONAL
AND VOCATIONAL
STANDARDS**

STATE BOARD OF VETERINARY MEDICINE

[49 PA. CODE CH. 31]

Corrective Amendment to 49 Pa. Code § 31.41

The State Board of Veterinary Medicine has discovered a discrepancy between the agency text of 49 Pa. Code § 31.41, as deposited with the Legislative Reference Bureau and published at 29 Pa.B. 1392 (March 13, 1999), and the official text as published in the May 1999 *Pennsylvania Court Reporter* (Master Transmittal Sheet No. 294), and as currently appearing in the *Pennsylvania Code*. An amendment to the cost of a temporary permit was not codified.

Therefore, under 45 Pa.C.S. § 901: The State Board of Veterinary Medicine has deposited with the Legislative Reference Bureau a corrective amendment to 49 Pa. Code § 31.41. The corrective amendment to 49 Pa. Code § 31.41 is effective as of May 1, 1999, the date the defective official text was announced in the *Pennsylvania Bulletin*.

The correct version of 49 Pa. Code § 31.41 appears in Annex A.

BRIAN V. HARPSTER, V.M.D.,
Chairperson

Annex A
TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS
PART I. DEPARTMENT OF STATE
Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS
CHAPTER 31. STATE BOARD OF VETERINARY MEDICINE

FEES

§ 31.41. Schedule of fees.

An applicant for a license, certificate or service shall submit a payment at the time of the request under the following fee schedule:

Veterinarians:

Application to original, reactivated, reissued or reciprocal license	\$35
North American Veterinary Licensing Examination.....	\$325
Application for continuing education program approval.....	\$35

Verification of licensure	\$15
Certification of scores or hours	\$25
Temporary permit	\$35
Biennial renewal	\$105
Late renewal fee per month or part of month....	\$5

Animal health technicians:

Application for certification.....	\$35
Veterinary Technical National Examination (VTNE) (Effective January 1996)	\$125
Application for continuing education program approval.....	\$35
Verification of certification	\$15
Certification of scores or hours	\$25
Biennial renewal	\$30
Late renewal fee per month or part of month....	\$5

[Pa.B. Doc. No. 00-1663. Filed for public inspection September 29, 2000, 9:00 a.m.]

PROPOSED RULEMAKING

INSURANCE DEPARTMENT

[31 PA. CODE CH. 3]

Allocation of Joint Expenses

The Insurance Department (Department) proposes to delete Chapter 3 (relating to allocation of joint expenses) to read as set forth in Annex A, under the authority of sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 411 and 412); the act of May 9, 1949 (P. L. 1025, No. 298) (act) (40 P. S. §§ 1261—1264); and section 320 of The Insurance Company Law of 1921 (40 P. S. § 443). The regulations apply to property and casualty insurers, the State Workmen's Insurance Fund and title insurers. The regulations prescribe accounting rules for allocation of joint expenses in financial statements.

Purpose

The purpose of this rulemaking is to delete Chapter 3 to eliminate obsolete, unnecessary regulations. The regulations were initially adopted October 21, 1949, and last amended July 7, 1970, under the authority of the act. Specifically, sections 1 and 2 of the act (40 P. S. §§ 1261 and 1262) require property and casualty insurers, the State Workmen's Insurance Fund and title insurers to maintain uniform classifications of accounts and records as may be prescribed by the Insurance Commissioner (Commissioner) and, in addition, to file reports in a form determined by the Commissioner. The regulations were adopted to prescribe uniform accounting rules for the allocation of joint expenses in financial reports filed with the Commissioner. Joint expenses are expenses shared among members of a group of entities.

Section 320(a) of The Insurance Company Law of 1921 requires insurers to file annual financial statements and, as amended by the act of December 18, 1992 (P. L. 792, No. 176) states, in pertinent part:

(a)(1) Every stock and mutual insurance company, association, and exchange, doing business in this Commonwealth, shall annually, on or before the first day of March, file in the office of the Insurance Commissioner and with the National Association of Insurance Commissioners a statement which shall exhibit its financial condition on the thirty-first day of December of the previous year . . . The Insurance Commissioner shall require each insurance company, association and exchange to report its financial condition on the statement convention blanks, in such form as adopted by the National Association of Insurance Commissioners . . . and may make such changes, from time to time, in the form of the same as shall seem best adapted to elicit from them a true exhibit of their financial condition.

(2) Unless otherwise provided by law, regulation or order of the Insurance Commissioner, each insurance company, association and exchange shall adhere to the annual or quarterly statement instructions and the accounting practices and procedures manuals prescribed by the National Association of Insurance Commissioners . . .

Under the authority of the act and section 320 of The Insurance Company Law of 1921, the Insurance Commissioner has determined that the annual statement instructions and the accounting practices and procedures manual

(manual) prescribed by the National Association of Insurance Commissioners (NAIC)¹, sufficiently address the allocation of joint expenses. Specifically, Statement of Statutory Accounting Principles No. 70 in the manual establishes statutory accounting principles for the apportionment of shared expenses and refers to the applicable annual statement instructions. The regulations in no manner enhance the NAIC instructions and manual. In addition, §§ 3.4(a) and 3.6 (relating to records required; and other applicable instructions) refer to requirements in Chapter 9 that have been deleted effective August 8, 1998. Therefore, the regulations are outdated and are no longer needed.

Affected Parties

The deletion of the regulations affects property and casualty insurers, the State Workmen's Insurance Fund and title insurers.

Fiscal Impact

There is no fiscal impact as a result of the deletion of the regulations.

Paperwork

The deletion of the regulations would impose no additional paperwork requirements on the Department or insurers.

Effectiveness/Sunset Date

The rulemaking will become effective upon final publication in the *Pennsylvania Bulletin*. Because the rulemaking proposes to delete the regulations, no sunset date has been assigned.

Contact Person

Questions or comments regarding the proposed rulemaking may be addressed in writing to Peter J. Salvatore, Regulatory Coordinator, Pennsylvania Insurance Department, 1326 Strawberry Square, Harrisburg, PA 17120, within 30 days following the publication of this notice in the *Pennsylvania Bulletin*. Questions and comments may also be e-mailed to psalvato@ins.state.pa.us or faxed to (717) 772-1969.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 21, 2000, the Department submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Banking and Insurance Committee and the House Committee on Insurance. In addition to submitting this proposed rulemaking, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the agency in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, if IRRC has objections to any portion of the proposed amendments, it will notify the Department within 10 days of the close of the Committees' review period. The notification shall specify the regulatory review criteria that have not been met by that portion. The Regulatory

¹ In 1998, the NAIC revised its model regulation to make it consistent with the NAIC's codified manual that will be effective January 1, 2001. Insurers subject to these regulations have been advised by Insurance Department Notices Nos. 1998-04 and 2000-02 that they will be required to adhere to the manual in preparing financial statements to be filed with the Department.

Review Act specifies detailed procedures for review, prior to final publication of the regulations by the Department, the General Assembly and the Governor of objections raised.

M. DIANE KOKEN,
Insurance Commissioner

Fiscal Note: 11-201. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 31. INSURANCE

PART I. GENERAL PROVISIONS

Subpart A. UNIFORM CLASSIFICATION OF EXPENSES

CHAPTER 3. ALLOCATION OF JOINT EXPENSES

§ 3.1. [Definitions] (Reserved).

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

Overhead on salaries—When used as a basis of allocation, the term indicates that the allocation of expenses shall follow the percentages of the applicable salaries allocation.

Premiums—When used as a basis of allocation, the term indicates that the allocation of expenses shall follow the percentages of applicable premiums.

Special studies—When used as a basis of allocation, the term indicates that expenses shall be analyzed and bases of allocation applied as dictated by that analysis.]

§ 3.2. [Basis of allocation] (Reserved).

[Joint expenses, as described in § 1.1 (Reserved), shall be allocated to companies as follows:

<i>Expenses To Be Allocated To Companies</i>	<i>Bases Of Allocation To Companies</i>
Advertising	Premiums
Boards, bureaus, and associations	Special studies
Surveys and underwriting reports	Special studies
Audit of assureds' records	Special studies
Salaries	See §§ 9.1 and 9.2 (Reserved)
Employe relations and welfare	Overhead on salaries
Pensions	Overhead on salaries
Traveling and entertaining	Special studies
Rent and rent items	Overhead on salaries
Equipment	Overhead on salaries
Printing and stationery	Overhead on salaries
Postage, telephone and telegraph, exchange and express	Overhead on salaries
Legal and auditing	Special studies
Payroll taxes	Overhead on salaries
Miscellaneous	Special studies]

§ 3.3. [Other bases permitted or prescribed] (Reserved).

[For those operating expense classifications permitting the basis overhead on salaries or premiums,

any other basis of allocation may be adopted which yields more accurate results. The bases overhead on salaries and premiums shall not be used if clearly inappropriate.]

§ 3.4. [Records required] (Reserved).

[(a) The methods followed in allocating joint expenses shall be described, kept, and supported as prescribed in § 9.48 (relating to detail of allocation bases form).

(b) The effects of the application to each operating expenses classification of all bases of allocation shall be shown on records kept in clear and legible form. The records shall be readily available for examination.]

§ 3.5. [Interim allocations of joint expenses] (Reserved).

[It shall be permissible to apportion expenses between companies during the year on the basis of methods and procedures other than those prescribed in this chapter if allocations of corrected amounts, calculated in accordance with this subpart, are made in time for entry in the annual statement.]

§ 3.6. [Other applicable instructions] (Reserved).

[In making any allocations of joint expenses, companies shall observe the provisions of §§ 9.11—9.20 (relating to general instructions regarding allocation bases).]

[Pa.B. Doc. No. 00-1664. Filed for public inspection September 29, 2000, 9:00 a.m.]

**[31 PA. CODE CH. 11]
Miscellaneous Provisions**

The Insurance Department (Department) proposes to amend Chapter 11 (relating to miscellaneous provisions) to read as set forth in Annex A. The rulemaking is proposed under the authority of sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 411 and 412); the act of May 9, 1949 (P. L. 1025, No. 298) (act) (40 P. S. §§ 1261—1264); and section 320 of The Insurance Company Law of 1921 (40 P. S. § 443). Except as otherwise provided, Chapter 11 applies to property and casualty insurance companies, associations, exchanges; and employes mutual liability associations and organizations, including the State Workmen's Insurance Fund and excluding title insurance. The regulations clarify charges made by the Department in filing or certifying records; and prescribe accounting rules for reporting electronic data processing equipment, allocating commission on sliding scale or guaranteed profit reinsurance contracts, and classifying and allocating salvage and subrogation recovery expenses.

Purpose

The purpose of this rulemaking is to update Chapter 11 by eliminating obsolete and unnecessary provisions and by clarifying existing regulations. Section 11.1 (relating to applicability) states that, except as otherwise provided, the chapter applies to stock or mutual insurance companies, associations, exchanges, employes mutual liability associations and organizations writing property or casu-

alty insurance coverages, including The State Workmen's Insurance Fund and excluding title insurance. Sections 11.2 and 11.4 (relating to charges made in filing or certifying records; and reporting of computer or data processing equipment) were last amended December 1, 1990, and apply to all types of insurers subject to fees and charges by the Department or required to file financial statements with the Department. See 48 Pa.B. 5920 (December 1, 1990). Sections 11.5—11.7 (relating to "sliding scale" or "guaranteed profit contracts"; example of "sliding scale" and "guaranteed profit" contract; and salvage and subrogation recovery expenses) prescribe uniform accounting rules applicable to property and casualty insurance business. This rulemaking will update and clarify the scope of the accounting rules in the regulations.

Explanation of Regulatory Requirements

Sections 1 and 2 of the act (40 P. S. §§ 1261 and 1262) require property and casualty insurers, the State Workmen's Insurance Fund and title insurers to maintain uniform classifications of accounts and records as may be prescribed by the Insurance Commissioner (Commissioner) and, in addition, to file reports in a form determined by the Commissioner. Further, section 320(a) of The Insurance Company Law of 1921, as amended by the act of December 18, 1992 (P. L. 792, No. 176) states, in pertinent part:

(a) (1) Every stock and mutual insurance company, association, and exchange, doing business in this Commonwealth, shall annually, on or before the first day of March, file in the office of the Insurance Commissioner and with the National Association of Insurance Commissioners a statement which shall exhibit its financial condition on the thirty-first day of December of the previous year . . . The Insurance Commissioner shall require each insurance company, association and exchange to report its financial condition on the statement convention blanks, in such form as adopted by the National Association of Insurance Commissioners . . . and may make such changes, from time to time, in the form of the same as shall seem best adapted to elicit from them a true exhibit of their financial condition.

(2) Unless otherwise provided by law, regulation or order of the Insurance Commissioner, each insurance company, association and exchange shall adhere to the annual or quarterly statement instructions and the accounting practices and procedures manuals prescribed by the National Association of Insurance Commissioners. . .

Under the authority of the act and section 320 of The Insurance Company Law of 1921, the Commissioner has determined that the annual statement instructions and the accounting practices and procedures manual (manual), prescribed by the National Association of Insurance Commissioners (NAIC)¹, sufficiently address the reporting of electronic data processing equipment and software and commission on reinsurance contracts for all insurers subject to the act and section 320 of The Insurance Company Law of 1921. Specifically, Statements of Statutory Accounting Principles Nos. 16, 61 and 62 in the NAIC manual establish statutory accounting principles for electronic data processing equipment and software and commission on reinsurance contracts. Sections

11.4—11.6 in no manner enhance the NAIC instructions and manual. Therefore, §§ 11.4—11.6 are outdated and are no longer needed.

The Commissioner has further determined that the accounting rules in § 11.7 continue to be needed to supplement the NAIC instructions and manual. Section 11.7 provides specific guidance on the types of expenses that shall be treated as salvage expense and on proper billing procedures when insurers use outside agencies to perform salvage activities. The NAIC instructions and manual do not include the accounting rules in § 11.7, and the Commissioner believes these rules are needed to provide adequate instructions for reporting salvage and subrogation recovery expenses. Therefore, § 11.7 is being retained in the regulations.

Finally, because §§ 11.4—11.6 are being deleted and the accounting rules in § 11.7 apply only to property and casualty insurance, § 11.1 is being deleted and provisions relating to the authority and scope of § 11.7 are being included as new subsections (a) and (b) in § 11.7. This proposed amendment will clarify the scope of the subsections in Chapter 11.

External Comments

The Department requested comments from The Insurance Federation of Pennsylvania, Inc., and the Pennsylvania Association of Mutual Insurance Companies in the development of this rulemaking. Insurers subject to these regulations were advised by Insurance Department Notice No. 1998-04 that they will be required to adhere to the manual in preparing financial statements to be filed with the Department. The Department received no objections to the amendments in this rulemaking.

Fiscal Impact

The proposed rulemaking has no fiscal impact.

Paperwork

The proposed rulemaking would impose no additional paperwork requirements on the Department or affected insurers.

Persons Regulated

The proposed rulemaking affects stock and mutual insurance companies, associations, and exchanges required to file financial statements with the Commissioner.

Contact Person

Questions or comments regarding the proposed rulemaking may be addressed in writing to Peter J. Salvatore, Regulatory Coordinator, Pennsylvania Insurance Department, 1326 Strawberry Square, Harrisburg, Pennsylvania 17120, within 30 days following the publication of this notice in the *Pennsylvania Bulletin*. Questions and comments may also be e-mailed to psalvato@ins.state.pa.us or faxed to (717) 772-1969.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 21, 2000, the Department submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Banking and Insurance Committee and the House Committee on Insurance. In addition to submitting this proposed rulemaking, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the agency in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

¹ In 1998, the NAIC revised its model regulation to make it consistent with the NAIC's codified manual that will be effective January 1, 2001. Insurers subject to these regulations have been advised by Insurance Department Notices Nos. 1998-04 and 2000-02 that they will be required to adhere to the manual in preparing financial statements to be filed with the Department.

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

M. DIANE KOKEN,
Insurance Commissioner

Fiscal Note: 11-202. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 31. INSURANCE

PART I. GENERAL PROVISIONS

Subpart A. UNIFORM CLASSIFICATION OF EXPENSES

CHAPTER 11. MISCELLANEOUS PROVISIONS

§ 11.1. [Applicability] (Reserved).

[(a) Except as otherwise provided, this chapter shall apply to all stock or mutual insurance companies, associations, exchanges, employes mutual liability associations and organizations, including The State Workmen's Insurance Fund, which are subject to the Casualty and Surety Rate Regulatory Act (40 P. S. §§ 1181—1199) or The Fire, Marine and Inland Marine Rate Regulatory Act (40 P. S. §§ 1221—1238) or section 654, article VI(d) (Workmen's Compensation Insurance) of The Insurance Company Law of 1921 (40 P. S. § 814).

(b) This chapter does not apply to insurers authorized to write title insurance.]

§ 11.4. [Reporting of computer or data processing equipment] (Reserved).

[Electronic computer or data processing machines or systems acquired at a cost of \$10,000 or more for use in connection with the business of the insurers may be reported as an admitted asset if its cost will be depreciated over a period not exceeding 10 years.]

§ 11.5. ["Sliding scale" or "guaranteed profit" contracts] (Reserved).

[If a commission on reinsurance is on a "sliding scale" or "guaranteed profit" basis the reinsurance commission shall be allocated to "Commission and Brokerage—Reinsurance Assumed" or "Commission and Brokerage—Reinsurance Ceded."]

§ 11.6. [Example of "sliding scale" and "guaranteed profit" contract] (Reserved).

[(a) "Sliding scale" contract.

(1) Most "sliding scale" contracts provide for a flat commission ranging from about 30% to 37.5% paid on a written basis. Additional profit commissions are paid at a later date on an earned basis as specified by a formula embodied in the contract. These profit commissions are paid as the result of savings in the loss ratio. A common provision is that a 0.5% profit commission shall be paid for each

1.0% saving in the loss ratio. Sometimes a portion of the scale may provide for a full 1.0% profit commission for each 1.0% saving in the loss ratio.

(2) For example, a contract may provide for a flat commission of 35%, with a one-half for one profit commission to be paid the ceding company for any saving in the loss ratio under 55%, until the profit commission reaches 10%, or a total commission of 45%.

(3) Some contracts provide for a possible "return commission." In the example in paragraph (2), if the loss ratio exceeds the breaking point of 55%, the ceding company may have to pay a return commission to the reinsurer on a one-half to one basis until return commissions, such as 5.0%, have been returned, thus reducing the ultimate net commission from 35% to 30%. If the loss ratio runs under 35% or exceeds 65%, such saving or loss shall ordinarily be carried forward to the computation for the following year.

(b) "Guaranteed profit" contract.

(1) The most common form of surplus aid is the "guaranteed profit" contract. The principal characteristic of such a contract is that it transfers unearned premium reserve from the ceding company to the reinsurer and results in an immediate increase in the surplus of the ceding company by the amount of the tentative commissions received, but because all such tentative commissions are subject to return to the reinsurer does not actually relieve the ceding company of risk. The ceding company still remains exposed to the same risk as before. It is in the position of paying 2.0% to 5.0% of the ceded premiums to induce a reinsurer to sign a contract which has no ultimate effect, other than to reduce its surplus by 2.0% to 5.0% of these premiums.

(2) "Guaranteed profit" contracts are often written in a form similar to a quota share or portfolio reinsurance contract, or a combination of both. The tentative commission is ordinarily 45% or 50%. The fee of the reinsurer is generally 2.0%, 3.0% or 5.0% of the amount ceded. Most quota-share type contracts are subject to monthly reporting and settlements. The contract usually provides for each 1.0% decrease in the loss ratio, and return commissions on the basis of 1.0% for each 1.0% increase in the loss ratio. Illustration is provided by the following example:

Commission	45%
Fee for reinsurer	3%
Loss ratio "breaking point"	52%
Total original premium	100%

(3) In a situation similar to the example in paragraph (2), the ceding company pays to the reinsurer the gross reinsurance premiums less 45% commissions, or a net of 55%. As losses are determined they are paid by the reinsurer until the ceding company has received back from the reinsurer losses recovered in an aggregate amount equal to 52% of the original premiums ceded (55% less 3.0%). Any additional losses are immediately charged back to the ceding company as return commissions on a one for one basis. On the other hand, any saving under 52% is returned to the ceding company in the form of additional commissions. The ultimate effect on the ceding company is the loss of 3.0% of its ceded

premiums. The ceding company actually carries its own full risk throughout the entire period with respect to its gross business.]

§ 11.7. Salvage and subrogation recovery expenses.

(a) This section prescribes accounting practices for the classification and allocation of salvage and subrogation recovery expenses in financial statements filed with the Insurance Commissioner under sections 1 and 2 of the act of May 9, 1949 (P. L. 1025, No. 298)(40 P. S. §§ 1261—1264) and section 320 of The Insurance Company Law of 1921 (40 P. S. § 443).

(b) This section applies to all stock or mutual insurance companies, associations, exchanges, employes mutual liability associations and organizations, including The State Workmen's Insurance Fund, which are subject to the Casualty and Surety Rate Regulatory Act (40 P. S. §§ 1181—1199); The Fire, Marine and Inland Marine Rate Regulatory Act (40 P. S. §§ 1221—1238); or section 654 (Workmen's Compensation Insurance) of The Insurance Company Law of 1921 (40 P. S. § 814). This section does not apply to insurers authorized to write title insurance.

- [(a)] (c) * * *
- [(b)] (d) * * *
- [(c)] (e) * * *
- [(d)] (f) * * *
- [(e)] (g) * * *

[Pa.B. Doc. No. 00-1665. Filed for public inspection September 29, 2000, 9:00 a.m.]

[31 PA. CODE CH. 147]

Annual Audited Insurers' Financial Report Required

The Insurance Department (Department) proposes to amend Chapter 147 (relating to annual audited insurers' financial report required) to read as set forth in Annex A. The rulemaking is proposed under the authority of sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 411 and 412) relating to the general rulemaking authority of the Department; section 320 of The Insurance Company Law of 1921 (40 P. S. § 443) relating to the authority of the Commissioner to require insurers to file statements concerning their affairs and financial condition; and section 1605(a)(3)(ii) of The Insurance Company Law of 1921 (40 P. S. § 991.1605(a)(3)(ii)); sections 205 and 206 of The Pennsylvania Fair Plan Act (40 P. S. §§ 1600.205 and 1600.206); 40 Pa.C.S. §§ 6125, 6331 and 6701; sections 11 and 14 of the Health Maintenance Organization Act (40 P. S. §§ 1561 and 1564); section 630 of the act of May 17, 1921 (P. L. 682, No. 284) (40 P. S. § 764a); sections 7 and 25 of the Continuing Care Provider Registration and Disclosure Act (40 P. S. §§ 3207 and 3225); and section 602 of the Fraternal Benefit Societies Code (40 P. S. § 1142.602) which, respectively, relate to the specific regulatory and rulemaking authority of the Department regarding financial reporting by surplus lines insurers, the Pennsylvania Fair Plan, hospital plan corporations, health services plan corporations, health maintenance organizations, preferred

provider organizations; continuing care providers and fraternal benefit societies. The regulations require insurers to have annual audits of their year-end financial statements conducted by independent certified public accountants.

Purpose

The purpose of this rulemaking is to update Chapter 147, commonly referred to as the CPA Audit Rule, to reflect current statutory accounting practices and procedures adopted by the National Association of Insurance Commissioners (NAIC). The regulations prescribe requirements for annual audits of financial statements filed by insurers with the Department. The regulations were adopted in 1979 and last amended November 11, 1995. The regulations are based on a model regulation adopted by the NAIC and are included in the NAIC's state accreditation standards for regulation of the financial solvency of the insurance industry. The Commonwealth is currently accredited by the NAIC for compliance with the financial regulation standards. In 1998, the NAIC revised the model regulation to make it consistent with the NAIC's codified *Accounting Practices and Procedures Manual* (manual) that will be effective January 1, 2001. Insurers subject to these regulations have been advised by Insurance Department Notice Nos. 1998-04 and 2000-02 that they will be required to adhere to the manual in preparing financial statements to be filed with the Department. This rulemaking will update the regulations to be consistent with the manual and the 1998 revisions to the NAIC model regulation.

Explanation of Regulatory Requirements

This rulemaking proposes to amend § 147.4 (relating to contents of annual audited financial report) to address technical issues involving disclosures required in audit reports to be filed under the requirements of the manual.

Section 147.4(2) currently requires the notes to financial statements in annual audited financial reports to include notes required by generally accepted accounting principles (GAAP). Because the Statements of Statutory Accounting Principles (SSAPs) contained in the manual now address all types of required disclosures, the reference to GAAP is no longer needed and has been replaced with a reference to the manual. Section 147.4(2)(i) has been further amended to clarify that the notes shall include a reconciliation of any differences between the audited financial statement and the annual financial statement that the insurer has filed with the Department. In addition, the reference to section 320 of The Insurance Company Law of 1921 has been expanded to refer to other laws and regulations that may apply to financial statements filed by the various types of insurers under the scope of the regulations. Finally, § 147.4(2)(ii) has been deleted because a summary of the ownership and relationships of the insurer and all affiliated companies is required under SSAP No. 1 (relating to disclosure of accounting policies, risks and uncertainties, and other disclosures) in the manual. These amendments will eliminate potentially confusing inconsistencies between the regulations and the manual.

External Comments

The Department received comments from a group of "Insurance Trade Associations in Support of NAIC Codification" encouraging the Department to adopt the 1998 technical changes to the NAIC model regulation. The group includes the Alliance of American Insurers, American Association of Health Plans, American Council of Life Insurance, American Insurance Association, Blue Cross/

Blue Shield Association, Health Insurance Association of America, National Association of Independent Insurers, National Association of Mutual Insurance Companies and Reinsurance Association of America. The Department also requested comments from The Insurance Federation of Pennsylvania, Inc., the Pennsylvania Association of Mutual Insurance Companies, and the Pennsylvania Fraternal Congress in the development of this rulemaking. The Department received no objections to the amendments in this rulemaking.

Fiscal Impact

The proposed rulemaking has no fiscal impact.

Paperwork

The proposed rulemaking would impose no additional paperwork requirements on the Department or affected insurers.

Persons Regulated

This proposed rulemaking applies to insurance companies, other insurer entities and continuing care providers licensed to transact business in this Commonwealth and the independent certified public accountants retained by those insurers to conduct annual audits.

Contact Person

Questions or comments regarding the proposed rulemaking may be addressed in writing to Peter J. Salvatore, Regulatory Coordinator, Pennsylvania Insurance Department, 1326 Strawberry Square, Harrisburg, PA 17120, within 30 days following the publication of this notice in the *Pennsylvania Bulletin*. Questions and comments may also be e-mailed to psalvato@ins.state.pa.us or faxed to (717) 772-1969.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 21, 2000, the Department submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Banking and Insurance Committee and the House Committee on Insurance. In addition to submitting this proposed rulemaking, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the agency in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, if IRRC has objections to any portion of the proposed amendments, it will notify the Department within 10 days of the close of the Committees' review period. The notification shall specify the regulatory review criteria that have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the regulations by the Department,

the General Assembly and the Governor of objections raised.

M. DIANE KOKEN,
Insurance Commissioner

Fiscal Note: 11-203. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 31. INSURANCE

PART VIII. MISCELLANEOUS PROVISIONS

CHAPTER 147. ANNUAL AUDITED INSURERS' FINANCIAL REPORT REQUIRED

§ 147.4. Contents of annual audited financial report.

* * * * *

(b) The annual audited financial report shall, at a minimum, include the following:

* * * * *

(2) Notes to financial statements. These notes shall be those required by the appropriate National Association of Insurance Commissioners Annual Statement Instructions and **[other notes required by generally accepted accounting principles and shall also include the following:**

(i) A] Accounting Practices and Procedures Manual. The notes shall include a reconciliation of differences, if any, between the audited statutory financial statements and the annual statements filed with the Department under section 320 of The Insurance Company Law of 1921 (40 P. S. § 443) and other applicable laws and regulations, with a written description of the nature of these differences, particularly with respect to surplus or stockholder equity and the results of operations. The insurer shall file an amendment to its annual statement with the Department, the National Association of Insurance Commissioners and other states in which the insurer is licensed, to reflect differences between the audited statutory financial statement and the annual statement filed with the Department within 60 days of the filing date of the audited financial report. The Commissioner may require amendments to financial statements to be filed with the Department and the National Association of Insurance Commissioners on diskettes or other electronic information storage devices acceptable to the Commissioner.

[(ii) A summary of ownership and relationships of the insurer and affiliated companies.]

* * * * *

[Pa.B. Doc. No. 00-1666. Filed for public inspection September 29, 2000, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Office of Administration

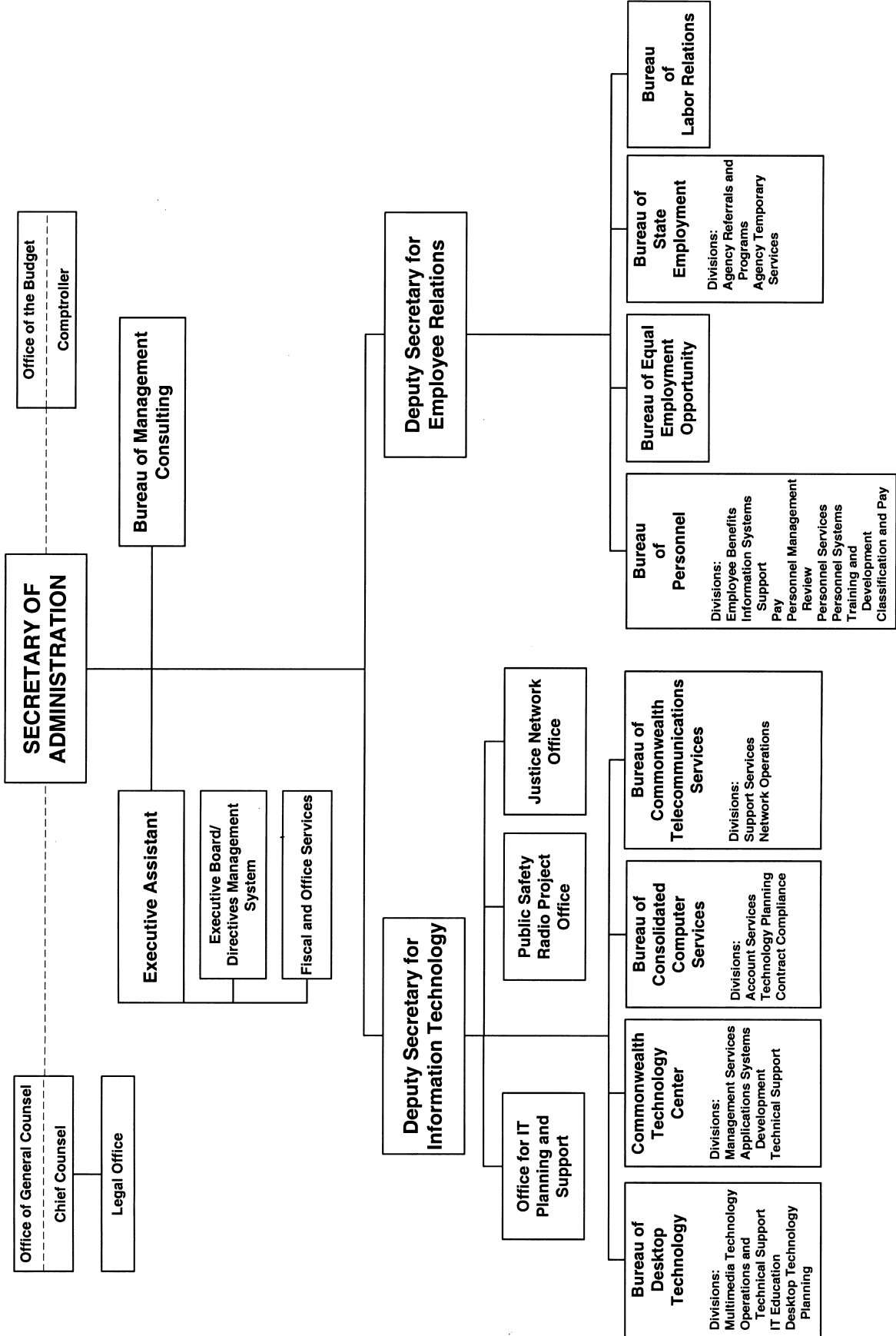
The Executive Board approved a reorganization of the Office of Administration effective September 12, 2000.

The following organization chart at 30 Pa.B. 5026 (September 30, 2000) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

[Pa.B. Doc. No. 00-1667. Filed for public inspection September 29, 2000, 9:00 a.m.]

GOVERNOR'S OFFICE OF ADMINISTRATION



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 September 19, 2000.

BANKING INSTITUTIONS

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-13-00	S & T Bank Indiana Indiana County	Lot # 4, Towne Center Drive Leechburg Allegheny Township Westmoreland County	Approved
9-13-00	Fulton Bank Lancaster Lancaster County	Windsor Commons Shopping Center Cape Horn & Lombard Rds. Windsor Township York County	Filed

Articles of Amendment

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
8-14-00	HomeTowne Heritage Bank Intercourse Lancaster County	Amendment to Article 6 provides for a decrease in the par value of Common Stock from \$5 per share to \$1 per share; and the par value of Preferred Stock from \$0.50 per share to \$0.10 per share.	Approved and Effective

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

New Charter Applications

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
8-21-00	People-For-People Community Development State Credit Union Philadelphia Philadelphia County	714 N. Broad St. Philadelphia Philadelphia County	Commenced Operations

DAVID E. ZUERN,
Secretary

[Pa.B. Doc. No. 00-1668. Filed for public inspection September 29, 2000, 9:00 a.m.]

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

2001 Action Plan; Summary Notice

The Department of Community and Economic Development (DCED) proposes to adopt the Commonwealth's Action Plan for Federal Fiscal Year (FFY) 2001 and the Program Year that starts on January 1, 2001. The 2001 Action Plan is an update of the Commonwealth's Consolidated Plan for FFY 2000-2004. The Action Plan discussed

herein is the first annual update of the Consolidated Plan for FFY 2000-2004 submitted by the Commonwealth.

The 2001 Action Plan (Plan) updates documents previously submitted to the United States Department of Housing and Urban Development (HUD). These documents include the non-housing community development plan and any changes that DCED may have implemented concerning the three programs administered by the Department. The programs administered by DCED are the Community Development Block Grant (CDBG), the Home Investment Partnerships (HOME), and the Emergency Shelter Grant (ESG) programs. The Department of Health administers the Housing Opportunities for Persons with AIDS (HOPWA) program.

This summary is designed to provide an opportunity to citizens, local governmental officials and interested organizations of the Commonwealth to comment about the Action Plan. Written comments should be submitted to Aldona Kartorie, Center for Community Building, Department of Community and Economic Development, Room 509 Forum Building, Harrisburg, PA 17120. Written comments must be received by October 18, 2000 in order to be included as testimony or by November 1, 2000, to be included in the Action Plan.

The public hearing has been scheduled as follows:

October 19, 2000
 Ramada Plaza Hotel On-The-Square
 Washington Room, 1st Floor
 20 Public Square
 Wilkes-Barre, Pennsylvania 18701
 1 p.m. to 4 p.m.

• *Note:* The public meeting may be shortened if there is minimal response.

Anyone who wants to speak must call to schedule a time to give oral testimony at the hearing. The hearing will be shortened if there is no one to testify or if there is minimal response. Please contact Aldona Kartorie at (717) 720-7409 to schedule your oral testimony no later than October 17, 2000.

Anyone who has a disability and wishes to attend the public meeting should contact Aldona Kartorie, Room 509 Forum Building, Harrisburg, PA 17120, (717) 720-7409, to discuss how the Department of Community and Economic Development can accommodate his/her needs. Text telephone calls can be placed through the Pennsylvania Relay System at (800) 654-5984. Calls will be relayed to the Department's number listed above.

Purpose

The Commonwealth's 2001 Action Plan is the first update to the Five Year Consolidated Plan for FFY 2000-2004. This Action Plan will describe how the programs will be administered in 2001. HUD must approve this Plan in order for the Commonwealth and organizations within the State to receive funding under most HUD housing and community development programs. Applicants for funding from Federal Housing programs must obtain certification that their Proposed use of HUD assistance will be consistent with the applicable Plan for the area. The Consolidated Plan creates a unified strategy for housing and community development programs as well as the necessary linkages for building successful neighborhoods and communities.

The Plan will have a major impact on the types, location and number of affordable housing units generated and preserved in the Commonwealth as well as the infrastructure and public facilities, services and other economic and community development initiatives that Pennsylvania communities will undertake.

Content

The Consolidated Plan for FFY 2000-2001 was recently amended. In the Program Description, Section 1 (C) 1, it stated that the Commonwealth may use up to 1% of its Fiscal Year 2000 CDBG administrative funds to provide technical assistance. That statement was amended to read that the State proposes to use up to 1% of its CDBG administrative funds from prior years grants also, to provide technical assistance.

The 1% of administrative funds, in addition to training, as amended in the Plan, will also be used to provide

technical assistance grants. The overall purpose of the program is to provide grants to general units of local government and to for-profit and to nonprofit entities that can demonstrate capacity to fulfill a technical assistance need for the Community Development Block Grant Program. The Department has developed a set of guidelines to govern the use of these funds. The guidelines are available by contacting the DCED, Center for Community Building, Room 502 Forum Building, Harrisburg, PA 17120 or can be found on the internet at www.dced.state.pa.us by clicking on "Improving Your Community" and clicking on "Housing and Infrastructure."

Finally, the Plan is further amended to remove the Small Communities Planning Grant Assistance Program. The Department's Center for Local Government Services has received a State allocation in the amount of \$3,600,000 to provide planning assistance grants and technical assistance for eligible applicants.

Public Review

The Consolidated Plan is available for public comment now through November 1, 2000 at the locations listed below:

1. County Offices

2. DCED Regional Offices:

Southeast Regional Office, 908 State Office Building, Broad and Spring Garden Streets, Philadelphia, PA 19130, (215) 560-2256.

Northeast Regional Office, 201 Samters Building, 101 Penn Avenue, Scranton, PA 18503, (717) 963-4571.

Northcentral and Southcentral Regional Offices, 576 Forum Building, Harrisburg, PA 17120, (717) 787-7247.

Southwest Regional Office, 413 State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222, (412) 565-5002.

Northwest Regional Office, 212 Lovell Place Apartments, Erie, PA 16503, (814) 871-4241.

3. Pennsylvania's 27 District Libraries:

B. F. Jones Memorial Library, Aliquippa
 Allentown Public Library, Allentown
 Centre County Library, Bellefonte
 Bethlehem Area Public Library, Bethlehem
 Conococheague District Library, Chambersburg
 Clarion District Library, Clarion
 Bucks County Free Library, Doylestown
 Easton Area Public Library, Easton
 Erie County Library, Erie
 Dauphin County Library, Harrisburg
 Cambria County Library, Johnstown
 Lancaster County Library, Lancaster
 Delaware County Library, Brookhaven
 Monessen Public Library, Monessen
 New Castle Public Library, New Castle
 Montgomery County-Norristown Public Library,
 Norristown

Free Library of Philadelphia, Philadelphia
 Carnegie Library of Pittsburgh, Pittsburgh
 Pottsville Free Public Library, Pottsville
 Reading Public Library, Reading
 Scranton Public Library, Scranton
 Warren Public Library, Warren
 Citizen's Library, Washington
 Chester County Library, Exton
 Osterhout Free Library, Wilkes-Barre
 James V. Brown Library, Williamsport
 Martin Memorial Library, York

4. Audio Cassette copies of the Consolidated Plan can be obtained by contacting the Tri-County Branch of the Pennsylvania Association of the Blind: Patricia Summers, Coordinator, Harrisburg Area Radio reading Services, 1800 North Second Street, Harrisburg, PA 17102, (717) 238-2531.

5. On the Internet at www.dced.pa.us click on "Improving Your Community," click on "Housing and Infrastructure."

The Plan will be made available again at these same locations following HUD approval.

SAMUEL A. MCCULLOUGH,
Secretary

[Pa.B. Doc. No. 00-1669. Filed for public inspection September 29, 2000, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

[National Pollution Discharge Elimination System Program (NPDES)]

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

(Part I Permits)

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

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

Persons wishing to comment on the proposed permit are invited to submit a statement to the office noted above the application within 30 days from the date of the 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 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 and other information are on file and may be inspected and arrangements made for copying at the office indicated above the application.

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

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

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

PA 0054453. Industrial waste, **Otter Recycling Center**, 570 Otter Street, Bristol, PA 19007.

This application is for renewal of an NPDES permit to discharge stormwater from Otter Recycling Center in Bristol Township, **Bucks County**. This is an existing discharge to Mill Creek.

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

The proposed effluent limits for Outfall 001, are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	monitor/report	monitor/report
Total Suspended Solids	monitor/report	monitor/report
Total Phosphorus	monitor/report	monitor/report

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH	monitor/report	monitor/report
Chemical Oxygen Demand	monitor/report	monitor/report
Oil to Grease	monitor/report	monitor/report
Total Kjeldahl Nitrogen	monitor/report	monitor/report
Iron (Dissolved)	monitor/report	monitor/report

Other Conditions:

Prohibition of non-stormwater discharges.

The EPA waiver is in effect.

PA 0045021. Industrial waste, **MSC PreFinish Metals, Inc.**, 120 Enterprise Avenue, Morrisville, PA 19067-3797.

This application is for renewal of an NPDES permit to discharge treated process wastewater and stormwater from MSC PreFinish Metals, Inc. facility in Falls Township, **Bucks County**. This is an existing discharge to Biles Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 0.0334 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25		50
Total Suspended Solids	30	60	75
Total Dissolved Solids	2,500	5,000	6,250
Oil and Grease	15		30
Temperature (°F)			110°
pH	within limits of 6.0—9.0 standard units at all times		
Total Chromium	0.104 (lbs/day)	0.259 (lbs/day)	0.935
Total Cyanide	0.072 (lbs/day)	0.177 (lbs/day)	0.65
Total Zinc	0.16	0.32	0.40
Total Copper	0.023	0.046	0.057
Aluminum	0.171 (lbs/day)	0.414 (lbs/day)	2.98
Total Iron	0.332 (lbs/day)	0.653 (lbs/day)	3.0
Hex Chromium	0.02	0.04	0.05
Dissolved Iron	0.72	1.43	1.79
Free Cyanide	0.012	0.024	0.03
Tetrachloroethylene	monitor/report	monitor/report	monitor/report

Monitoring of above parameters required only during Industrial Wastewater discharges.

The proposed effluent limits for Monitoring Point MP101 (Industrial Wastewater treatment plant, before commingled with NCCW), based on an average flow of 0.02 mgd are as follows:

<i>Parameter</i>	<i>Instantaneous Minimum</i>	<i>Instantaneous Maximum</i>
PH (STD Units)	7.5	10.0

The proposed effluent limits for Outfalls 003 and 004 (stormwater) are as follows:

<i>Parameter</i>	<i>Maximum Daily (mg/l)</i>
CBOD ₅	monitor/report
COD	monitor/report
Oil and Grease	monitor/report
pH	monitor/report
Total Suspended Solids	monitor/report
Total Kjeldahl Nitrogen	monitor/report
Total Phosphorus	monitor/report
Dissolved Iron	monitor/report

Other Conditions:

EPA waiver is not in effect.

Conditions for future permit modification.

PA 0034100. Sewage, **Malvern Courts, Inc.**, 85 Bacton Hill Road, Frazer, PA 19355.

This application is for renewal of an NPDES permit to discharge treated sewage from a sewage treatment plant serving Malvern Courts development of mobile homes in East Whiteland Township, **Chester County**. This is an existing discharge to Valley Creek.

The receiving stream is classified for the following uses: exceptional value waters, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on an average flow of 23,000 are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅ (5-1 to 10-31)	15	30
(11-1 to 4-30)	25	50
Suspended Solids	30	60
Ammonia (as N) (5-1 to 10-31)	2	4
(11-1 to 4-30)	6	12
Total Residual Chlorine (years 1 and 2)	0.24	0.55
Total Residual Chlorine (years 3, 4, and 5)	Non-detect	Non-detect
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 6.0 mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	

Other Conditions:

The EPA waiver is in effect.

PA 0013463. Industrial waste, **U. S. Steel Group, a Unit of USS Corporation—Fairless Works**, Fairless Hills, PA 19030.

This application is for renewal of an NPDES permit to discharge treated process wastewater, cooling water and stormwater from U.S.S. Fairless Works in Falls Township, **Bucks County**. This is an existing discharge to Delaware River Estuary Zone 2.

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

The proposed effluent limits for Outfall 002, NCCW and SWRO, are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Annual (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Temperature			110°F
Oil and Grease	15		30
pH	within limits of 6.0—9.0 standard units at all times		
CBOD ₅ *		monitor/report	monitor/report
COD*		monitor/report	monitor/report
Oil and Grease*		monitor/report	monitor/report
Total Suspended Solids*		monitor/report	monitor/report
Total Lead*		monitor/report	monitor/report
Total Chromium*		monitor/report	monitor/report
Total Copper*		monitor/report	monitor/report
Total Cadmium*		monitor/report	monitor/report
Iron (Dissolved)*		monitor/report	monitor/report

*These parameters shall be monitored during storm event while no NCCW discharges.

The proposed effluent limits for outfall 003, consist of treated process wastewater, cooling wastewater and treated sewage are as follows:

Tidal conditions at outfall 003 make monitoring impossible. Therefore contributions to outfall 003 are monitored at monitoring points as follows:

<i>Monitoring Point</i>	<i>Description of Wastewater</i>
MP103	– Treated Process Wastewater from terminal treatment plant
MP203	– Treated Sewage Wastewater
MP303	– Cooling water and SWRO
MP404	– Treated Process Wastewater from finishing mill treatment plant

The proposed effluent limits for Monitoring Point MP103, treated process wastewater from terminal treatment plant based on an average flow of 6.7 MGD are as follows:

<i>Parameter</i>	<i>Mass Units (lb/days)</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>
BOD ₅			M/R	M/R	
Total Suspended Solids	2639	6228	M/R	M/R	118
Total Dissolved Solids			1000	2000	2500
Oil and Grease	928	2362	M/R	M/R	41.5
CBOD ₂₀	2500				

<i>Parameter</i>	<i>Mass Units (lb/days)</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>
BOD ₅ (% Removal)	88.5				
Phenols, Total			M/R	M/R	
pH			within limits of 6.0—9.0 STD Units all times		
Color (Pt-Co)					monitor/report
Total Residual Chlorine*			0.5		1.2

*This limit is applicable only when chlorine is used in the process for algae control.

The proposed effluent limits for monitoring point MP203 (treated sewage), based on an average flow of 0.194 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
BOD ₅	30	60
Suspended Solids	30	60
CBOD ₂₀ (lbs/day)	67	
BOD ₅ (% Removal)	88.5	
Total Residual Chlorine	0.5	1.2
Fecal Coliform	200 colonies/100 ml as a geometric average	
pH	within limits of 6.0—9.0 standard units at all times	

The proposed effluent limits for monitoring point MP303 (cooling water), based on an average flow of 0.046 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids	30	60	75
Oil and Grease	15		30
Temperature			110°F
pH	within limits of 6.0—9.0 standard units at all times		
Fecal Coliform	monitor/report	monitor/report	

The proposed effluent limits for monitoring point MP403, treated process wastewater from finishing mill treatment plant, based on an average flow of 2.34 mgd are as follows:

<i>Parameter</i>	<i>Mass Units (lb/days)</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 Lead	10.3	29.0	M/R	M/R	1.56
Total Zinc	13.3	34.7	M/R	M/R	1.78
Total Chromium	M/R	M/R	0.348	0.680	0.87
Total Nickel	M/R	M/R	0.535	1.18	1.34
Naphthalene		1.541	M/R	M/R	0.10
Hex Chromium	0.25	0.58	M/R	M/R	0.038
Total Cadmium	M/R	M/R	0.054	0.137	
Total Copper	M/R	M/R	0.403	0.774	1.0
Total Cyanide	M/R	M/R	0.1	0.185	1.0
Total Silver	M/R	M/R	0.04	0.07	0.1
Total Toxic Organics (TTO)***		M/R		2.13	
Tetra Chloroethylene		2.31		M/R	0.12

The proposed effluent limits for outfalls 005, 007, and 009 (stormwater) are as follows:

<i>Parameter</i>	<i>Average Annual (mg/l)</i>	<i>Maximum Daily (mg/l)</i>
CBOD ₅	monitor/report	monitor/report
Total Suspended Solids	monitor/report	monitor/report
Oil and Grease	monitor/report	monitor/report
pH	monitor/report	monitor/report
Iron (Dissolved) (005, 009 only)	monitor/report	monitor/report
Total Zinc (007 only)	monitor/report	monitor/report

The proposed effluent limits for Outfalls 010 and 011 (Intake Screen backwash water) are as follow:

The materials (Solids and other debris) physically or mechanically removed by USS in backwash operation shall not be returned to surface waters. The disposal of this material shall prevent any discharge of removed substances to the surface waters.

Other Conditions:

The EPA Waiver is not in effect.

CBOD₂₀ Allowances.

88.5 percent reduction of BOD₅ per DRBC requirements.

Thermal Requirements.

TTO definition.

Approved Chemical Additives.

Special Test Methods for certain pollutants.

PA 0026701. Sewage, **The Municipal Authority of the Borough of Morrisville**, 35 Union Street, Morrisville, PA 19067.

This application is for renewal of an NPDES permit to discharge treated sewage and stormwater from Morrisville Borough Wastewater treatment plant in Morrisville Borough, **Bucks County**. This is an existing discharge to the Delaware River—Estuary Zone 2.

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

The proposed effluent limits for Outfall 001, based on an average flow of 7.1 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
BOD ₅	27.8	41.7	55.6
BOD ₅ % Removal	≥88.5		
Total Suspended Solids	30	45	60
TSS % Removal	≥85		
Ammonia (as N)	35		70
CBOD ₂₀ (lbs/day)	2,418		
Phosphorus (as P)	monitor/report		monitor/report
Total Residual Chlorine	0.5		1.2
Fecal Coliform	200 colonies/100 ml as a geometric average		
Dissolved Oxygen	minimum of 2.0 mg/l at all times		
pH	within limits of 6.0—9.0 standard units at all times		
Total Antimony	monitor/report		
Total Cadmium	monitor/report		
Total Copper	monitor/report		
Hex Chromium	monitor/report		
Total Mercury	monitor/report		
Total Silver	monitor/report		
Total Thallium	monitor/report		
Total Zinc	monitor/report		
Bis (2-Ethylhexyl) Phthalate	monitor/report		
Trichloroethylene	monitor/report		
Chloroform	monitor/report		
Tetrachloroethylene	monitor/report		
1,2, Dichloroethane	monitor/report		
1,1, Dichloroethylene	monitor/report		

Other Conditions:

The EPA waiver is not in effect.

Conditions for future permit modification.

BOD₂₀ load allocation per DRBC requirements.

Effective disinfection.

85% reduction of TSS per DRBC requirements.

88.5% reduction of BOD₅ per DRBC requirements.

Special Test Methods for certain pollutants.

Future pretreatment requirements.

Completion of required permit renewal WET tests.

WET testing per DRBC requirements.

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

PA 0060216. Sewerage, **John T. Howe, Inc.**, P. O. Box 125, Lake Ariel, PA 18436.

This proposed action is for renewal of an NPDES permit to discharge treated sewage and stormwater runoff into Uban Creek in Sterling Township, **Wayne County**.

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

The proposed effluent limits for Outfall 001 based on a design flow of .0485 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅		
(5-1 to 10-31)	20.0	40.0
(11-1 to 4-30)	25.0	50.0
Total Suspended Solids	30.0	60.0
NH ₃ -N		
(5-1 to 10-31)	3.0	6.0
(11-1 to 4-30)	9.0	18.0
Phosphorous as "P"	1.0	2.0
Dissolved Oxygen	a minimum of 6.0 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 to 9.0 standard units at all times	

Outfall 002—Stormwater Runoff

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Oil and Grease	15.0	30.0
pH	6.0 to 9.0 at all times	

The EPA waiver is in effect.

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

PA 0083844. SIC Code 4941, Industrial waste, **East Petersburg Borough**, 6040 East Main Street, East Petersburg, PA 17520.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to the Little Conestoga Creek in Watershed 7-J (Conestoga River), in East Petersburg Borough, **Lancaster County**.

The receiving stream is classified for trout stocking fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was the Holtwood Dam 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 0.022 mgd are:

<i>Parameter</i>	<i>Average Monthly (mos/kg)</i>	<i>Maximum Daily (mos/kg)</i>	<i>Instantaneous Maximum (mos/kg)</i>
Osmotic Pressure	XXX	1,200	1,500
pH		6—9	

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

The EPA waiver is not in effect.

PA 0024708. SIC Code 4952, Sewage, **Municipal Authority of the Township of Union**, P. O. Box 5625, Belleville, PA 17004-9701.

This application is for renewal of an NPDES permit for an existing discharge of treated sewage to Kishacoquillas Creek in Watershed 12-A (Kishacoquillas—Jacks Creeks), in Union Township, **Mifflin County**.

The receiving stream is classified for cold water fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was the United Water Company intake located on the Susquehanna River in Harrisburg. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a 5-year projected flow of 0.253 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	29	43.5	58
Total Suspended Solids	39	58.5	78
NH ₃ -N			
(5-1 to 10-31)	14	XXX	28
(11-1 to 4-30)	monitor and report	XXX	XXX
Total Phosphorus	monitor and report	XXX	XXX
Total Residual Chlorine	0.7	XXX	2.3
Dissolved Oxygen	minimum of 5.0 at all times		

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH		from 6.0 to 9.0 inclusive	
Fecal Coliform (5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		9,300/100 ml as a geometric average	

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

The EPA waiver is not in effect.

PA 0081001. SIC Code 4952, Sewage, **Saint Thomas Township Municipal Authority**, 6442 Lincoln Way West, Saint Thomas, PA 17252.

This application is for renewal of an NPDES permit for existing discharge of treated sewage to Back Creek, in Saint Thomas Township, **Franklin County**.

The receiving stream is classified for trout stocking fisheries, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Hagerstown located in Hagerstown, MD. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.400 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N (5-1 to 10-31)	6		12
(11-1 to 4-30)	18		36
Total Residual Chlorine	1.0		2.0
Total Phosphorus		monitor and report	
Dissolved Oxygen		minimum of 5.0 at all times	
pH		from 6.0 to 9.0 inclusive	
Fecal Coliform (5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		21,500/100 ml as a geometric average	

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 0087190. SIC Code 4952, Sewage, **St. Thomas Township Municipal Authority**, 642 Lincoln Way West, St. Thomas, PA 17252.

This application is for issuance of an NPDES permit for a new discharge of treated sewage to Wilson Run in watershed 13-C (Conococheague—Antietam Creeks), in St. Thomas Township, **Franklin County**.

The receiving stream is classified for trout stocking fishes (TSF), recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Hagerstown located in Hagerstown, MD. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.06 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N (5-1 to 10-31)	5.5	XXX	11
(11-1 to 4-30)	16.5	XXX	33
Total Phosphorus		monitor and report	
Total Residual Chlorine	0.5	XXX	1.6
Dissolved Oxygen		minimum of 5.0 at all times	
pH		from 6.0 to 9.0 inclusive	
Fecal Coliform (5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		6,000/100 ml as a geometric average	

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

The EPA waiver is in effect.

Northcentral Region: Environmental Program Manager, Water Management Program, 208 West Third Street—Suite 101, Williamsport, PA 17701-6448, (570) 327-3666.

PA 0228290. SIC 4952, **Leonard Boras**, 119 1/2 Peony Avenue, Pittsburgh, PA 15229.

This proposed action is for a new NPDES permit for the discharge of treated sewage to an unnamed tributary to Clover Run in Bell Township, **Clearfield County**.

The receiving stream is classified for the following uses: high quality-cold water fishery, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is the Punxsutawney Reservoir, located 2.7 river miles downstream.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0004 mgd are:

<i>Discharge Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	10	20
TSS	20	40
Total Chlorine Residual	monitor/report	monitor/report
Fecal Coliform	200 colonies/100 ml as a geometric average	
pH	6.0—9.0 at all times	
Other Conditions:	none	

The EPA waiver is in effect.

PA 0209261. SIC 4952, **Liberty Township**, R. D. 1, Box 193, Danville, PA 17821.

This proposed action is for renewal of an NPDES permit for discharge of treated sewage to an unnamed tributary to Mauses Creek in Liberty Township, **Montour County**.

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

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the downstream potable water supply (PWS) considered during the evaluation is the Danville Borough.

The proposed effluent limits for Outfall 001 based on a design flow of 0.013 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	6	9	12
(11-1 to 4-30)	18	27	36
Total Chlorine Residual	1.0		2.3
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		2,000/100 ml as a geometric average	
pH		6.0—9.0 SU at all times	

The EPA waiver is in effect.

PA 0111317. Sewerage, SIC 4952, **Lawrence F. Smithbauer**, P. O. Box 618, Boalsburg, PA 16827.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater to an unnamed tributary of Spring Creek in Harris Township, **Centre County**.

The receiving stream is classified for the following uses: high quality cold water fishes, aquatic life, water supply and recreation. For the purposes of evaluating effluent requirements for TDS, NO₂NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is PA American Water Company located at Milton.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0004 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	10		20
TSS	20		40
Total Cl ₂ Residual			Report
Fecal Coliform			
(5-1 to 9-30)		200 col/100 ml as a geometric mean	
(10-1 to 4-30)		200 col/100 ml as a geometric mean	
pH		6.0 to 9.0 at all times	

The EPA waiver is in effect.

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

PA 0000469. Industrial Waste, SIC 8731, 8734, 3353, 3728, **Aluminum Company of America**, 100 Technical Drive, Alcoa Center, PA 15069-0001.

This application is for renewal of an NPDES permit to discharge treated process water, sewage, untreated cooling water and storm water from Alcoa in Upper Burrell Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, Unnamed Tributary to Pine Run, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is West Leechburg Water Authority, located at Kiskiminetas River, 12.48 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.0273 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	monitor and report				
Temperature (°F)					
January 1-31				58	
February 1-29				56	
March 1-31				55	
April 1-15				59	
April 16-30				65	
May 1-15				69	
May 16-31				80	
June 1-15				86	
June 16-30				90	
July 1-31				90	
August 1-31				90	
September 1-15				86	
September 16-30				80	
October 1-15				74	
October 16-31				68	
November 1-15				65	
November 16-30				59	
December 1-31				59	
pH	not less than 6.0 nor greater than 9.0				

Outfall 002: existing discharge to an unnamed tributary to Pine Run.

<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>Daily Average</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	monitor and report				
Temperature (°F)					
January 1-31				50	
February 1-29				49	
March 1-31				56	
April 1-15				61	
April 16-30				67	
May 1-15				70	
May 16-31				82	
June 1-15				87	
June 16-30				91	
July 1-31				91	
August 1-31				90	
September 1-15				87	
September 16-30				81	
October 1-15				75	
October 16-31				70	
November 1-15				65	
November 16-30				61	
December 1-31				54	
pH	not less than 6.0 nor greater than 9.0				

Outfall 003: existing discharge to an unnamed tributary to Pine Run.

<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>Daily Average</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	monitor and report				
Temperature (°F)					
January 1-31				57	
February 1-29				53	
March 1-31				56	
April 1-15				58	
April 16-30				62	
May 1-15				66	
May 16-31				76	
June 1-15				83	
June 16-30				87	
July 1-31				89	
August 1-31				88	
September 1-15				85	
September 16-30				79	
October 1-15				75	
October 16-31				75	
November 1-15				65	
November 16-30				65	
December 1-31				61	
pH	not less than 6.0 nor greater than 9.0				

Outfall 004: existing discharge, design flow of 0.043 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Daily Average</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	0.043				
CBOD ₅			25		50
Suspended Solids			30		60
Ammonia Nitrogen					
(5-1 to 10-31)			2.0		4.0
(11-1 to 4-30)			4.0		8.0
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 to 35th month)			monitor and report		
(36th month to expiration)			0.063		0.15
Dissolved Oxygen			not less than 5.0 mg/l		
pH			not less than 6.0 nor greater than 9.0		

Other Conditions: The above effluent limits are also imposed at Outfall 010 which may be used as the maintenance outfall. Discharge via Outfall 010 may occur once every 5 to 7 years.

Outfall 005: existing discharge to an unnamed tributary to Pine Run.

<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>Daily Average</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	monitor and report				
TSS			19.5	41.0	
Oil and Grease			12.0	20.0	
Chromium (VI)			ND	ND	
Copper			0.1	0.2	
Lead			0.022	0.044	
Nickel			0.6	1.2	
Zinc			0.17	0.34	
Aluminum			0.5	1.0	
Chloroform			0.011	0.022	
pH			not less than 6.0 nor greater than 9.0		

*ND—Not detectable using EPA Test Method 218.4 or equivalent as approved by the Department.

Outfall 006: existing discharge to an unnamed tributary to Pine Run.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Daily Average	Instantaneous Maximum
Flow (mgd)	monitor and report				
Temperature (°F)					
January 1-31			59		
February 1-29			49		
March 1-31			55		
April 1-15			59		
April 16-30			65		
May 1-15			69		
May 16-31			80		
June 1-15			86		
June 16-30			90		
July 1-31			90		
August 1-31			90		
September 1-15			86		
September 16-30			80		
October 1-15			75		
October 16-31			70		
November 1-15			64		
November 16-30			61		
December 1-31			53		
pH	not less than 6.0 nor greater than 9.0				

Outfall 007: existing discharge to an unnamed tributary to Pine Run.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Daily Average	Instantaneous Maximum
	This outfall exists, however, it does not discharge wastewater anymore.				

Outfall 008: existing discharge to an unnamed tributary to Pine Run.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Daily Average	Instantaneous Maximum
Flow (mgd)	monitor and report				
Temperature (°F)					
January 1-31			51		
February 1-29			49		
March 1-31			55		
April 1-15			60		
April 16-30			66		
May 1-15			69		
May 16-31			81		
June 1-15			87		
June 16-30			91		
July 1-31			91		
August 1-31			90		
September 1-15			87		
September 16-30			81		
October 1-15			75		
October 16-31			69		
November 1-15			61		
November 16-30			59		
December 1-31			56		
pH	not less than 6.0 nor greater than 9.0				

Outfall 009: existing discharge to an unnamed tributary to Pine Run.

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

NOTICES

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Daily Average	Instantaneous Maximum
Temperature (°F)					
January 1-31				63	
February 1-29				61	
March 1-31				63	
April 1-15				66	
April 16-30				66	
May 1-15				67	
May 16-31				77	
June 1-15				84	
June 16-30				88	
July 1-31				89	
August 1-31				89	
September 1-15				85	
September 16-30				79	
October 1-15				78	
October 16-31				75	
November 1-15				72	
November 16-30				72	
December 1-31				66	
pH	not less than 6.0 nor greater than 9.0				

Outfalls 001S, 002S, 003S, 006S, 008S, 009S, 010S, 013S, 014S, 015S, 016S, 017S, and 018S: stormwater discharge to an unnamed tributary to Pine Run.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Daily Average	Instantaneous Maximum
These outfalls shall discharge uncontaminated stormwater runoff only.					

Outfalls 004S, 007S, 011S: stormwater discharge to an unnamed tributary to Pine Run.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Daily Average	Instantaneous Maximum
Aluminum				monitor and report	
Zinc				monitor and report	
Total Suspended Solids*				monitor and report	

*Applies only to Outfall 007S.

The EPA waiver is in effect.

PA 0091740. Industrial Waste, SIC 4911, **Allegheny Energy Supply Company LLC**, 800 Cabin Hill Drive, Greensburg, PA 15601-1689.

This application is for amendment of an NPDES permit to discharge treated leachate from the Springdale Ash Disposal Site (closed) in Frazer Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, Riddle Run, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is Oakmont Borough M.A., located at 721 Allegheny Avenue, Oakmont, PA 15139, 4.5 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.059 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	monitor and report				
Suspended Solids			30		75
Aluminum			0.50		1.3
Iron			1.6		4.0
Iron, Dissolved			0.33		0.83
Manganese			1.1		2.8
Arsenic			0.057		0.143
Boron			20		40

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Selenium			0.0057		0.014
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

PA 0097501. Sewage, **Amcel Corporation**, Amcel Center, R. D. 7, Box 1005, Mt. Pleasant, PA 15666.

This application is for renewal of an NPDES permit to discharge treated sewage from Amcel Corporation Sewage Treatment Plant in East Huntingdon Township, **Westmoreland County**.

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

Outfall 002: existing discharge, design flow of 0.03 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25			50
Suspended Solids	30			60
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	monitor and report			
(1st month—36th month)	1.4			
(37th month—expiration)	3.3			
pH	not less than 6.0 nor greater than 9.0			

Other Conditions: Outfalls 003—006 discharge uncontaminated stormwater runoff from areas around the treatment facility.

The EPA waiver is in effect.

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

PA 0037893. Sewage. **Borough of East Brady**, P. O. Box 461, 103 Verner Street, East Brady, PA 16028-5531.

This application is for renewal of an NPDES Permit to discharge treated sewage to the Allegheny River in East Brady Borough, **Clarion County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the WPWC-Kittanning District on the Allegheny River located at Kittanning, approximately 22 miles below point of discharge.

The proposed effluent limits for Outfall No. 001 based on a design flow of 0.15 mgd are:

Parameter	Average Monthly (mg/l)	Weekly Average (mg/l)	Instantaneous Maximum (mg/l)
CBOD ₅	25	40	50
TSS	30	45	60
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	100,000/100 ml as a geometric average		
Total Residual Chlorine	0.5		0.8
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

PA 0024953. Sewage. **Keystone Shortway 76, Inc.**, 21251 Rt. 322, Strattanville, PA 16258-9718.

This application is for renewal of an NPDES Permit to discharge treated sewage to an unnamed tributary Douglass Run in Clarion Township, **Clarion County**. This is an existing discharge.

The receiving water is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Clarion Potable Water Supply on the Clarion River located at Clarion, approximately 9 miles below point of discharge.

The proposed effluent limits for Outfall No. 001 based on a design flow of 0.018 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
TSS	30	60
Ammonia-Nitrogen (5-1 to 10-31)	9.5	19.0
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric average 2,000/100 ml as a geometric average	
Total Residual Chlorine	1.5	2.25
pH	6.0—9.0 at all times	

The EPA waiver is in effect.

PA 0026271. Sewage. **Meadville Area Sewer Authority**, 984 Water Street, Meadville, PA 16335.

This application is for renewal of an NPDES Permit to discharge treated sewage to French Creek in the City of Meadville, **Crawford County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is General Authority of Franklin on French Creek located at Franklin, approximately 23 miles below point of discharge.

The proposed effluent limits for Outfall No. 001 based on a design flow of 7.3 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
TSS	30	60
Ammonia-Nitrogen (5-1 to 10-31)	9.5	19
Copper	.025	.05
Phosphorus	2.0	4.0
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric average 73,000/100 ml as a geometric average	
Dissolved Oxygen	minimum of 3 mg/l at all times	
pH	6.0—9.0 at all times	

The EPA waiver is not in effect.

PA 0221767. Industrial Waste, SIC 5541. **Keystone Shortway 76 Inc.**, 21251 Route 322, Strattanville, PA 16258.

This application is for renewal of an NPDES Permit, to discharge stormwater to an unnamed tributary to Douglas Run in Clarion Township, **Clarion County**. This is an existing discharge.

The receiving water is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Western Pennsylvania Water Company on the Clarion River located at Clarion Borough, approximately 10 miles below point of discharge.

The proposed discharge limits for Outfall No. 001 based on a design flow of 1.2 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	monitor and report		
Total Suspended Solids	monitor and report		
Oil and Grease	15		30
pH		6.0 to 9.0 at all times	

The EPA waiver is in effect.

PA 0034193. Sewage, **Lake View Country Club**, 8351 Route 89, North East, PA 16428.

This application is for renewal of an NPDES permit to discharge treated sanitary sewage to an unnamed tributary to Sixteen Mile Creek in North East Township, **Erie County**. This is an existing discharge.

The receiving water is classified for cold water fishery, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, there are no potable water supplies (PWS) at or near the point of discharge, nor until Sixteen Mile Creek reaches Lake Erie.

The proposed effluent limits for Outfall 001 based on an average design flow of 0.010 mgd are:

Parameter	Effluent Concentration (mg/l)	
	Average Monthly (mg/l)	Instantaneous Maximum (mg/l)
CBOD ₅	25	50
Total Suspended Solids	30	60
NH ₃ -N		
(5-1 to 10-31)	6	12
(11-1 to 4-30)	18	36
Dissolved Oxygen	minimum of 3.0 mg/l at all times	
Total Residual Chlorine	1.4	3.3
Fecal Coliform		
(5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	17,000/100 ml as a geometric average	
pH	6.0 to 9.0 standard units at all times	

The EPA waiver is in effect.

PA 0001988, Amendment No. 2. Industrial Waste, SIC 2865, 2869, and 2891. **Indspec Chemical Corp.**, 133 Main Street, P. O. Box 307, Petrolia, PA 16050.

This application is for amendment of an NPDES Permit, to discharge filter backwash wastewater to South Branch Bear Creek in Petrolia Borough, **Butler County**. This is a new discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is PA American Water Company on the Allegheny River located at East Brady, approximately 18 miles below point of discharge.

The proposed discharge limits for Outfall No. 226 based on a design flow of 0.002 mgd are:

Parameter	Average Monthly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
Flow	XX		
Total Suspended Solids	30		60
Total Iron	2.0	4.0	5.0
Aluminum	4.0	8.0	10
Manganese	1.0	2.0	2.5
Total Residual Chlorine	0.5		1.2
pH	6.0 to 9.0 at all times		

The EPA waiver is in effect.

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 writer 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 *Pennsyl-*

vania 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 specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Services at (800) 654-5984.

Industrial waste and sewerage applications under The Clean Streams Law (35 P. S. §§ 691.1—691.100).

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

WQM Permit No. 4600425. Sewerage. **Armand Ruocco**, 480 Main Street, Collegeville, PA 19426. Applicant is requesting approval for the construction and operation of sewage treatment plant to serve Lot #2 Rose Meadows located in Upper Frederick Township, **Montgomery County**.

WQM Permit No. 4600426. Sewage. **Armand Ruocco**, 480 Main Street, Collegeville, PA 19426. Applicant is requesting approval for the construction and

operation of sewage treatment plant to serve Lot #3 Rose Meadows located in Upper Frederick Township, **Montgomery County**.

WQM Permit No. 4600427. Sewerage. **Lower Frederick Township**, P. O. Box 253, Zieglerville, PA 19482. Applicant is requesting approval for the construction and operation of a sewage treatment plant to install 100,000 gpd to serve Lower Frederick Township STP located in Lower Frederick Township, **Montgomery County**.

WQM Permit No. 1500427. Sewerage. **New Garden Township Sewer Authority**, 8934 Gap Newport Pike, Landenberg, PA 19350. Applicant is requesting approval for the construction and operation to install a pumping station and approximately 7,200 linear feet of force main to serve New Garden Township, Sewer Authority located in New Garden Township, **Chester County**.

WQM Permit No. 1500203. Industrial Waste. **Sunoco Inc. (R&M)**, 1801 Market Street, Ten Penn Center, Philadelphia, PA 19103. Applicant is requesting approval for the construction and operation of a groundwater remediation system located in West Brandywine Township, **Chester County**.

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

A. 0700404. Sewerage, submitted by the **Board of Supervisors of the Township of Logan**, 800 39th Street, Altoona, PA 16601-1799 in Antis Township, **Blair County** to renovate the Greenwood Area Sewage Treatment Plant was received in the Southcentral Region on September 6, 2000.

A. 2896404 00-1. Sewerage, submitted by the **Borough of Chambersburg**, 100 South Second Street, Chambersburg, PA 17201-0909 in Chambersburg Borough, **Franklin County** to make improvements on a sewage treatment plant was received in the Southcentral Region on September 8, 2000.

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

A. 1169402-A4. Sewerage, **Windber Area Authority**, 1700 Stockholm Avenue, Windber, PA 15963. Application for the replacement and operation of the interceptor sewers to serve the Ingleside STP located in Windber Borough, **Somerset County**. The Pennsylvania Infrastructure Investment Authority (Pennvest) which administers Pennsylvania's State Revolving Fund has been identified as a possible funding source. The Department's review of the sewage facilities plan revision has not identified any significant environmental impacts resulting from this proposal.

A. 2690201. Industrial Waste, **Pennsylvania American Water Company**, P. O. Box 1290, 300 Galley Road, McMurray, PA 15317. Application for the modification and operation of the Brownsville Water Treatment Plant located in Brownsville Boro, **Fayette County**.

A. 5686402-A2. Sewerage, **Shade-Central City Joint Authority**, 429 Sunshine Avenue, Central City, PA 15926. Application for the modification and operation of the sewage treatment plant, pump station and sewers and appurtenances to serve the Shade-Central City STP located in Shade Township, **Somerset County**. The Pennsylvania Infrastructure Investment Authority (Pennvest)

which administers Pennsylvania's State Revolving Fund has been identified as a possible funding source. The Department's review of the sewage facilities plan revision has not identified any significant environmental impacts resulting from this proposal.

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

WQM Permit No. 6100413. Sewerage. **Youngsville Borough**, 40 Railroad Street, Youngsville, PA 16371. This project is for renovations to an existing sewage treatment facility including: new grit chamber, replace comminutor, new lift station, new treatment unit to add 300,000 gpd capacity, new UV disinfection, new air blowers, and miscellaneous repairs to the sewage treatment facility in Youngsville Borough, **Warren County**.

WQM Permit No. 2500416. Sewerage, **Ward and Carol L. Sanders**, 10827 Ivoray Road, Albion, PA 16401. This project is for the construction of a Single Residence Sewage Treatment Plant in Franklin Township, **Erie County**.

WQM Permit No. 4300412. Sewerage, **Lauri Bowen**, 13 Wasser Bridge Road, Greenville, PA 16125. This project is for the construction of a Single Residence Sewage Treatment Plant in Hempfield Township, **Mercer County**.

WQM Permit No. 2500417. Sewerage, **Michael J. Bray**, 5018 Amhurst Drive, Erie, PA 16506. This project is for the construction of a Single Residence Sewage Treatment Plant in Girard Township, **Erie County**.

WQM Permit No. 3700404. Sewerage, **Paula A. Kubik and Jonathan C. McMillen**, 214 Maple Grove Rd., West Middlesex, PA 16159. This project is for the construction of a Single Residence Sewage Treatment Plant in Washington Township, **Lawrence County**.

WQM Permit No. 2500418. Sewerage, **Mark T. Hopson**, 8658 Haft Road, Erie, PA 16510. This project is for the construction of a Single Residence Sewage Treatment Plant in Greene Township, **Erie County**.

WQM Permit No. 4300413. Sewerage, **Wayne Dick**, 310 Sieg Hill Rd., West Middlesex, PA 16159. This project is for the construction of a Single Residence Sewage Treatment Plant in Shenango Township, **Mercer County**.

WQM Permit No. 3700405. Sewerage, **John G. Lorimer**, R. R. 1, Box 481, New Wilmington, PA 16142. This project is for the construction of a Single Residence Sewage Treatment Plant in Wilmington Township, **Lawrence County**.

WQM Permit No. 6200412. Sewerage, **Rebecca L. Gafner**, 6 Bradley Street, Warren, PA 16365. This project is for the construction of a Single Residence Sewage Treatment Plant in Pine Grove Township, **Warren County**.

INDIVIDUAL PERMITS

(PAS)

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

and sedimentation control measures and facilities which restrict the rate and quantity of sediment discharged.

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

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

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

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

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

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

NPDES Permit PAS10-G161-R. Stormwater. **Pulte Home**, 1210 Northbrook Drive, Suite 150, Trevoise, PA 19053, has applied to discharge stormwater from a construction activity located in Schuylkill Township, **Chester County**, to Pickering Creek (HQ-TSF).

NPDES Permit PAS10-G436. Stormwater. **South Coventry Township**, 1002 Ridge Road, Pottstown, PA 19465, has applied to discharge stormwater from a construction activity located in South Coventry Township, **Chester County**, to French Creek and Schuylkill River (HQ-TSF).

NPDES Permit PAS10-G437. Stormwater. **Robert Sweeney**, 123 Culbertson Run Road, Downingtown, PA 19335, has applied to discharge stormwater from a construction activity located in West Calm Township, **Chester County**, to Tributary to West Branch Brandywine Creek (HQ-TSF-MF).

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

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

NPDES Permit PAS10Q211. Stormwater. **ACIDA & AEDC**, Steven K. Bamford, P. O. Box 1400, 718 Hamilton St., Allentown, PA 18105 has applied to discharge

stormwater from a construction activity located in North Whitehall Township, **Lehigh County** to Little Lehigh Creek, HQ-CWF.

Pike County Conservation District, District Manager, HC 6, Box 6770, Hawley, PA 18428, (570) 226-8220.

NPDES Permit PAS10V032. Stormwater. **Pike County Industrial Corporation**, P. O. Box A, Milford, PA 18337 has applied to discharge stormwater from a construction activity located in Blooming Grove to Little Mud Pond Swamp and Unnamed Tributary to Shohola Creek, HQW/CWF.

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

Bedford County Conservation District, District Manager, Bedford County CD, 702 West Pitt Street, Suite 4, Bedford, PA 15009, (814) 623-6706.

NPDES Permit PAS-10-0419. Stormwater. **Southern Cove Joint Municipal Authority**, P. O. Box 223, Woodbury, PA 16695 has applied to discharge stormwater from a construction activity located in Woodbury Borough and Woodbury Township, **Bedford County**, to Yellow Creek. (HQ-CWF).

Lancaster County Conservation District, District Manager, Lancaster County CD, 1383 Arcadia Road, Rm. 6, Lancaster, PA 17601, (717) 299-5361.

NPDES Permit PAS-10-O-080. Stormwater. **Musser's, Inc.** 35 Friendly Drive, Quarryville, PA 17566 has applied to discharge stormwater from a construction activity located in East Drumore Township, **Lancaster County**, to UNT to Conowingo Creek (HQ).

Berks County Conservation District, District Manager, Berks County CD, P. O. Box 520, 1238 County Welfare Road, Leesport, PA 19533, (610) 372-4657.

NPDES Permit PAS-10-C043. Stormwater. **Longswamp Township Board of Supervisors**, 1112 State Street, P. O. Box 37, Mertztown, PA 19539 has applied to discharge stormwater from a construction activity located in Longswamp Township, **Berks County**, to Little Lehigh Creek. (HQ, CWF)

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

NPDES Permit PAS10K023. Stormwater. **Henry E. Moesta**, 146 Shannon Drive, New Castle, PA 16105, has applied to discharge stormwater from a construction activity located in North East Township, **Erie County**, to 12-Mile Creek (HQ-CWF; MF).

SAFE DRINKING WATER

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

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

Permit No. 3600508. Public water supply. **Pleasant View Retirement Community**, Penn Township, **Lancaster County**. *Responsible Official:* Dan Snyder, Pleasant View Retirement Community. *Type of Facility:* Project is for the construction of a new booster pump station. The new pump house will include both domestic pumps and a relocated fire pump. *Consulting Engineer:* David A. Madary, 33 South Broad St., Lititz, PA 17543. *Application received:* August 11, 2000.

Permit No. 3600509. Public water supply. **Urban Outfitters, Inc.**, 755 Brackbill Rd., Gap, PA 17527. Salisbury, **Lancaster County**. *Responsible Official:* Ken McKinney, Director of Distribution. *Type of Facility:* Installation of a nitrate treatment and disinfection system. Project will include an existing softening system to be placed under permit. *Consulting Engineer:* Thomas J. Whitehill, P.E., 763 Conowingo Rd., Quarryville, PA 17566. *Application received:* August 16, 2000.

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

6500502. Torrance State Hospital, P. O. Box 111, Torrance, PA 15779-0111. Improvements to the chemical feed system at the filtration plant in Torrance, **Westmoreland County**.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the background standard, Statewide health standard, the site-specific standard, or who intend to remediate a site as a special industrial area, must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known suspected contaminants at the site, the proposed remediation measures for the site, and a description of the intended future use of the site. A person who demonstrates attainment of one, or a combination of the cleanup standards, or who receives approval of a special industrial area remediation identified under the Act, will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating 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, please contact the Environmental Cleanup Program Manager in the Department Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

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

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

Former Unitog Rental Services Facility, Bristol Borough, **Bucks County**. Tina Stack, ARCADIS Geraghty & Miller, Inc., 3000 Cabot Blvd., Suite 3004, Langhorne, PA 19047, has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with solvents. 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 Bucks County Courier Times* on July 27, 2000.

Dahle Residence, Lower Merion Township, **Montgomery County**. Carl G. Borkland, Environmental Manager, Sunoco, Inc., (R&M), Ten Penn Center, 20th Floor, 1801 Market Street, Philadelphia, PA 19103-1699, has submitted a Notice of Intent to Remediate site soil contaminated with BTEX and petroleum hydrocarbons. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reported to have been published in *The Main Line Times* on July 27, 2000.

Tinicum Industrial Park, Tinicum Township, **Delaware County**. Dean O. Reed, Viacom, Inc., 11 Stanwix St., Pittsburgh, PA 15222, has submitted an amended Notice of Intent to Remediate site soil and groundwater contaminated with PCBs, lead, heavy metals, pesticides, solvents, BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The applicant proposes to remediate the site to meet Statewide health and site-specific standards. A summary of the amended Notice of Intent to Remediate was reported to have been published in *The Delaware County Times* on July 31, 2000.

New Jersey Transit, Morrisville Yard, Falls Township, **Bucks County**. Michael Gonshor, P.G., Roux Associates, Inc., 1222 Forest Parkway, Suite 190, West Deptford, NJ 08066, has submitted a Notice of Intent to Remediate site soil contaminated with PCBs lead, heavy metals, solvents, BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reported to have been published in *The Bucks County Courtier Times* on August 3, 2000.

Realen Homes, Middletown Township, **Bucks County**. Joseph W. Standen, Jr., Leggette, Brashears & Graham, Inc., 426 Brandywine Parkway, West Chester, PA 19380, 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 Bucks County Courier Times* on August 15, 2000.

James Spring and Wire Company, East Whiteland Township, **Chester County**. Christopher Orzechowski, RT Environmental Services, Inc., 215 W. Church Road, King of Prussia, PA 19406, has submitted a Notice of Intent to Remediate site groundwater contaminated with heavy metals and solvents. The applicant proposes to remediate the site to meet Statewide health and site-specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in *The Philadelphia Inquirer* on August 24, 2000.

Cognis Corp., Ball Field Property, Lower Gwynedd Township, **Montgomery County**. Janet A. Welp, HydroScience, Inc., 607 Washington Street, Reading, PA 19601, has submitted a revised Notice of Intent to Remediate site soil contaminated with heavy metals, solvents, BTEX and polycyclic aromatic hydrocarbons. The applicant proposes to remediate the site to meet site-specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in *The Times Herald* on August 28, 2000.

Riverfront North Site, Bristol Borough, **Bucks County**. Michael A. Christie, P.G., Penn Environmental & Remediation, Inc., 2755 Berger Road, Hatfield, PA 19440, has submitted a revised Notice of Intent to Remediate site soil contaminated with lead, heavy metals, solvents, BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The applicant proposes to remediate the site to meet Statewide health and site-specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in *The Bucks County Courier Times* on September 5, 2000.

Scholler, Inc., City of Philadelphia, **Philadelphia County**. James Busanus, P.G., RT Environmental Services, Inc., 215 W. Church Road, King of Prussia, PA 19406, has submitted a revised Notice of Intent to Remediate site groundwater contaminated with BTEX and polycyclic aromatic hydrocarbons. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reported to have been published in *The Philadelphia Inquirer* on September 6, 2000.

Former MGP, PECO Energy Company, Springfield Township, **Montgomery County**. Allan Fernandes, P.G., Environmental Affairs Dept., PECO Energy Co., 2301 Market Street, S21-2, P. O. Box 8699, Philadelphia, PA 19101-8699, has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with lead, heavy metals, BTEX and polycyclic aromatic hydrocarbons. The applicant proposes to remediate the site to meet Statewide health and site-specific standards. A Summary of the Notice of Intent to Remediate was reported to have been published in *The Springfield Sun* on September 7, 2000.

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

Former R. R. Donnelly & Sons Distribution Facility, Dunmore and Throop Boroughs, **Lackawanna County**. Jason Unkefer, Project Manager Bradburne, Briller & Johnson LLC, 162 North Franklin Street, Fourth Floor Chicago, IL 60606 has submitted a Notice of Intent to Remediate (on behalf of his client, InSite-Keystone LLC, 1603 Sixteenth Street, Oak Brook, IL 60521) concerning the remediation of site groundwater found or suspected to have been contaminated with

metals and semi-volatile organic compounds. The applicant proposes to remediate the site to meet the site-specific standard. A summary of the notice was reportedly published in the *Scranton Times Tribute* on September 1, 2000.

PPL Former Stanton Steam Electric Station, Exeter Township, **Luzerne County**. Jim Villaume, Environmental Supervisor, PPL Generation LLC, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101 has submitted a Notice of Intent to Remediate concerning the remediation of site soils found or suspected to have been contaminated with PCBs (polychlorinated biphenyls), metals, solvents, and BTEX (benzene, toluene, ethylbenzene, and xylene) compounds. PPL has indicated that the site will be remediated to meet the Statewide human health and/or the site-specific standard.

Southcentral Regional Office: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4705.

Fulton Bank Adamstown Branch, Adamstown Borough, **Lancaster County**. RETTEW Associates, Inc., 3020 Columbia Avenue, Lancaster, PA 17603 and Fulton Bank, P. O. Box 4887, Lancaster, PA 17604-4887 have submitted a Notice of Intent to Remediate site soils and groundwater contaminated with BTEX and PHCs. The applicants propose to remediate the site to meet the Statewide health standard requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Lancaster Sunday News* on August 13, 2000.

Berks County Intermediate Unit Alsace School Facility, Alsace Township, **Berks County**. Hafer Environmental Services, Inc., P. O. Box 4418, Reading, PA 19606 and Berks County Intermediate Unit, P. O. Box 16050, Reading, PA 19612-6050 have submitted a Notice of Intent to Remediate site soils and groundwater contaminated with BTEX, PHCs and PAHs. The applicants propose to remediate the site to meet the Statewide health standard requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Reading Eagle/Times* on August 28, 2000.

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

Fogg Property (1265 Eckert Road) and **Satterfield Property** (1266 Cascade Road), Borough of Monaca, **Beaver County**. Richard B. Fogg and Ruth Ann Fogg, 579 Jefferson Street, Rochester, PA 15074, Beatrice Satterfield, 1266 Cascade Road, Monaca, PA 15061, Newell Rubbermaid, 6833 Stalter Drive, Suite 101, Rockford, IL 61108, and Kenneth J. Bird, C.I.H., Cummings/Riter Consultants, 339 Haymaker Road, Suite 201, Monroeville, PA 15146 has submitted a Notice of Intent to Remediate soil contaminated with lead and heavy metals. 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 *Beaver Valley Times* on January 17, 2000.

SOLID AND HAZARDOUS WASTE

HAZARDOUS WASTE, TREATMENT, STORAGE AND DISPOSAL FACILITIES

Proposed action on an application for a permit under the Solid Waste Management Act (35 P. S.

§§ 6018.101—6018.1003) and regulations to operate a hazardous waste storage facility.

Persons wishing to comment on the proposed action are invited to submit a statement to the Regional Office indicated as the office responsible, within 45 days from the date of this public notice. Comments received within this 45-day period will be considered in the formulation of the final determination regarding this application. Responses should include the name, address and telephone number of the writer; and concise statement to inform the Regional Office of the exact basis of any comment and the relevant facts upon which it is based. A public hearing may be held if the Regional Office considers the public response significant.

Following the 45-day comment period and/or public hearing, the Department 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.

Intent to Issue Permit:

Regional Office: Regional Manager, Waste Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

PAD000606285. Hercules, Inc.—Jefferson Plant. Operation of a hazardous waste storage facility located in Jefferson Borough, **Allegheny County**. The application for a permit to operate the hazardous waste facility was considered for issuance by the Regional Office on September 30, 2000.

AIR QUALITY

Notice of Plan Approval and Operating Permit Applications

Nonmajor Sources and Modifications

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

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

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

Persons wishing to receive a copy of the proposed Plan Approval or Operating Permit must indicate their interest to the Department Regional Office within 30 days of the date of this notice, and must file protests or comments on a proposed Plan Approval or Operating Permit within 30 days of the Department providing a copy of the proposed document to that person or within 30 days of its publica-

tion in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Any comments or protests filed with the Department Regional Offices must include a concise statement of the objections to the issuance of the plan approval or operating permit and relevant facts, which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior to the date of the hearing.

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

OPERATING PERMITS

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

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

35-313-007B: Tredegar Film Products (P. O. Box 499, Carbondale, PA 18407) for operation of a Film Product Lines 3 and 4 and associated air cleaning devices in Carbondale, **Lackawanna County**.

48-304-016C: Victaulic Co. of America (P. O. Box 31, Easton, PA 18044-0031) for operation of the foundry operations and associated air cleaning devices in Forks Township, **Northampton County**.

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

06-0526: NAFCO, Inc. (P. O. Box 704, Leesport, PA 19533) for modification of the Teflon crumb manufacturing controlled by a refrigerated condenser in Ontelaunee Township, **Berks County**. This will permit the permittee to by-pass the control equipment during the manufacturing of products when using water as the mixing agent. The Title V Operating Permit contains all appropriate requirements for this facility.

22-03020: Hempt Bros., Inc. (P. O. Box 278, Camp Hill, PA 17001-0278) for a Natural Minor Operating Permit for two stone crushing plants and one concrete plant at its Steelton Quarry in both Swatara Township and Steelton Borough, **Dauphin County**.

Notice of Intent to Issue Title V Operating Permits

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

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

Interested persons may submit written comments, suggestions or objections concerning the proposed Title V

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

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

Southeast Regional Office: Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.

09-00006: U. S. Steel, Fairless Works (Pennsylvania Avenue, Fairless Hills, PA 19030) in Falls Township, **Bucks County**. This facility has two hydrochloric acid pickling tanks, which fall under NESHAP (Subpart CCC). Other major sources of pollutants at this facility include 30 batch annealing furnaces, a continuous annealing furnace, a galvanizing line furnace, a galvanneal furnace, and three cold rolling standards.

(Correction to Notice in September 23, 2000 edition—Change of Facility Name)

23-00040: Laurel Pipe Line Co., L. P. (3398 Garnet Mine Road, Boothwyn, PA 19061-0917) in Bethel Township, **Delaware County**. The facility's major emission points include one oil/water separator, one gasoline air stripper, 11 floating-roof storage tanks, eight fixed-roof storage tanks, and associated sumps, pumps, flanges and a back-up generator.

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

48-00057: Encor Coatings, Inc. (Route 248, P. O. Box 26, Bath, PA 18014) for a material preparation and coating facility in Upper Nazareth Township, **Northampton County**.

PLAN APPROVALS

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

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

01-05029: Reliant Energy Hunterstown, LLC (1001 Broad Street, P. O. Box 1050, Johnston, PA 15907-1050) for construction of a combined cycle electric utility facility controlled by low-NO_x combustion and a SCR system in Straban Township, **Adams 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 NO_x Emissions Budget Program.

06-03085A: Power Packaging, Inc. (1055 Cross Roads Blvd., Reading, PA 19605) for a boiler in Muhlenberg Township, **Berks County**. This source is

subject to 40 CFR Part 60, Subpart Dc—Standards of Performance for New Stationary Sources.

06-05035C: ICI Paints North America (301 Bern Street, Reading, PA 19601-1252) for modification of the latex manufacturing operation in Reading, **Berks County**.

07-05001D: Appleton Papers, Inc. (100 Paper Mill Road, Roaring Spring, PA 16673) for installation a backup incinerator for the High Volume Low Concentration (HVLC) system and a TRS scrubber on the LVHC system, at the Spring Mill in Roaring Spring Borough, **Blair County**. This project is subject to 40 CFR 63, Subpart S—National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry.

36-310-013E: Compass Quarries, Inc. d/b/a Independence Construction Materials (47 McIlvaine Road, Paradise, PA 17562) for modification of an existing Stone Crushing Plant at the Paradise Quarry, located in Paradise Township, **Lancaster County**. This source is subject to 40 CFR, Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

38-05003C: Pennsylvania Lime, Inc. (P. O. Box 160, Annville, PA 17003) for installation of a storage bin and screw conveyor controlled by a fabric filter at the Millard Lime Plant in North Londonderry Township, **Lebanon County**.

67-03058A: Turbon International, Inc. (1160 Fahs Street, York, PA 17404) for installation of four toner lines controlled by four Mikro-Pulsaire fabric filter dust collectors in West Manchester Township, **York County**.

67-03091: AMZ Manufacturing Corp. (2206 Pennsylvania Avenue, York, PA 17404-1790) for construction of an electroless nickel/tin plating line controlled by a dry mesh pad mist eliminator in York City, **York County**.

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

59-309-001D: OSRAM SYLVANIA Products, Inc. (One Jackson Street, Wellsboro, PA 16901) for installation of an air cleaning device, a fabric collector, on a bulk raw material handling system (proportioner area) in Wellsboro Borough, **Tioga County**. There will be no resultant increase in the emission of particulate matter or any other air contaminant from the respective facility.

19-304-003B: S&B Foundry Co. (3825 New Berwick Highway, Bloomsburg, PA 17815) for construction of two electric iron induction furnaces and ancillary equipment and associated air cleaning device (a fabric collector) in South Centre Township, **Columbia County**.

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

56-282A: Rollock, Inc. (156 Rollock Road, Stoystown, PA 15563) for installation of baghouse at Rollock in Stoystown Borough, **Somerset County**.

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

24-318-001A: OSRAM Sylvania Products, Inc. (835 Washington Road, St. Marys, PA 15857) for installation of a baghouse (6500 acfm) on an existing amorphous silica coating line in St. Marys, **Elk County**.

37-290A: Barletto Corp. (526 South Jefferson Street, New Castle, PA 16101), for installation of a baghouse

(60,000 cfm) on an existing metal cutting process in New Castle, **Lawrence County**.

Philadelphia Department of Public Health, Air Management Services, 321 University Ave., Philadelphia, PA 19104, (215) 685-7584.

00068: Sun Co., Inc. (Margaret and Bermuda Streets, Philadelphia, PA 19145) for replacement of its crude acetone column and associated equipment in the City of Philadelphia, **Philadelphia County**. Net allowable emission increases after the proposed replacement are eight tons of nitrogen oxides, seven tons of volatile organic compounds, 14 tons of sulfur dioxide, four tons of particulate matter and two tons of carbon monoxide.

00102: Sun Co. Inc. (3144 Passyunk Avenue, Philadelphia, PA 19145) for modification of its FCCU Regenerator and the #22 Boilerhouse in the City of Philadelphia, **Philadelphia County**. The annual allowable emissions from the FCCU shall not exceed 482 tons of nitrogen oxides, 74 tons of volatile organic compounds, 1,355 tons of sulfur dioxide, 95 tons of particulate matter and 227 tons of carbon monoxide. The annual allowable emissions from the #22 boilerhouse shall not exceed 80 tons of nitrogen oxides, two tons of volatile organic compounds, 51 tons of sulfur dioxide, 10 tons of particulate matter and 111 tons of carbon monoxide.

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 such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of the application is available for inspection at the District mining office indicated above each application. Where a 401 water quality certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for such certification.

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

Where any of the mining activities listed below, 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

19000201. Mid-Valley Coal Sales, Inc. (5 Woodland Drive, Mt. Carmel, PA 17851), commencement, operation and restoration of a coal refuse reprocessing and refuse disposal operation in Conyngham Township, **Columbia County** affecting 343.0 acres, receiving stream—North Branch Shamokin Creek. Application received September 6, 2000.

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

6433-10000103-E-2. Seneca Landfill, Inc. (P. O. Box 1080, Mars, PA 16046). Application for a stream encroachment to construct a haul road and erosion and sedimentation controls within 100 feet but no closer than 25 feet to an unnamed tributary to Connoquenessing Creek in Jackson and Lancaster Townships, **Butler County**. Receiving streams: unnamed tributary to Connoquenessing Creek. Application received September 11, 2000.

43793003. Rusnak Coal Company (R. D. 1, Box 44, Grove City, PA 16127). Revision to an existing bituminous surface strip and auger operation in Wolf Creek Township, **Mercer County** affecting 125.0 acres. Receiving streams: Unnamed tributary to Black Run. Revision to include a post mining landuse change from cropland to developed water resources on lands of Marie K. Rusnak. Application received September 13, 2000.

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

65000201. Reichard Contracting, Inc. (212 Olean Trail, New Bethlehem, PA 16242). Application received for commencement, operation and reclamation of a coal refuse reprocessing site located in Sewickley Township, **Westmoreland County**, affecting 41.0 acres. Receiving streams: unnamed tributaries to Sewickley Creek, Sewickley Creek to the Youghiogheny River. Application received: September 7, 2000.

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

Noncoal Applications Received

26980601. Commercial Stone Co., Inc. (2200 Springfield Pike, Connellsville, PA 15425-9503). Application received to revise permit to add 93.1 acres for underground mining at an existing large noncoal surface mine (limestone quarry) located in Bullskin Township, **Fayette County**, affecting 466 acres. Receiving streams: unnamed tributaries of Polecat Hollow Run, into Breakneck Run, then into Mounts Creek, then into the Youghiogheny River. Application received: September 8, 2000.

65980401. New Enterprise Stone and Lime Co., Inc. (P. O. Box 77, Church Street, New Enterprise, PA 16664). Application received to revise the large noncoal surface mining permit to incorporate an alternative method of handling storm and ground water intercepted at the site to eliminate point source discharges at a limestone quarry located in Donegal Township, **Westmoreland County**, affecting 76.7 acres. Receiving streams: two unnamed tributaries to Indian Creek, and Indian Creek. Application received: September 12, 2000.

Bureau of Deep Mine Safety

The Bureau of Deep Mine Safety has received a request for variance from the Consolidation Coal Company. The following notification contains a summary of this request. A complete copy of the variance request may be obtained from Allison Gaida by calling (724) 439-7469 or from the BDMS web site at <http://www.dep.state.pa.us/dep/deputate/minres/dms/dms.htm>.

The Department is publishing a summary of the request in order to solicit comments from affected parties on the proposed variance request. Comments may be used by the Bureau to assist in its investigation of the variance request. Comments will be accepted for 30 days following the publication of this notice. All comments should be addressed to: Richard E. Stickler, Director, Bureau of Deep Mine Safety, Fayette County Health Center, 100 New Salem Road, Room 167, Uniontown, PA 15401.

Section 702 of the Bituminous Coal Mine Act (52 P. S. §§ 701 and 702), provides a mechanism for operators to obtain variances from specific requirements of the act to accommodate the adoption of new machinery, equipment, tools, supplies, methods or processes.

Section 224(b) states that whenever any working place in a mine approaches within 50 feet of abandoned workings certified by an engineer or within 20 feet of any abandoned workings which cannot be inspected, or within 200 feet of any other abandoned workings, boreholes shall be drilled sufficiently close to each other to ensure that the advancing face will not hole through into the abandoned workings.

Summary of the request: Consolidation Coal Company requests a variance to use a Conoco Drill to drill boreholes in advance of mining at the Dilworth Mine.

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

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

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

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, E15-617 and E46-840. Encroachment. **Columbia Transmission Communications Corp.**, Chesapeake Fiber Optic Network, 12801 Fair Lakes Parkway, Fairfax, VA 22033. To amend permit numbers E09-795, E15-617 and E46-840 to include utility line crossings associated with the rerouted segments of a fiber optic communication system in **Bucks, Chester and Montgomery Counties**. Reroutes were necessary to avoid impacts to the bog turtle, a threatened and endangered species. Amended activities and their respective locations are described on the following table.

This project is a segment of the Chesapeake Network Fiber Optic Project, which has been partially installed along existing Columbia Gas Pipeline right-of-way. In Pennsylvania, this project extends through Lancaster, Chester, Montgomery, Bucks, Lehigh and Northampton Counties.

Columbia Transcom Permit Application Wetland/Stream Crossings in PADEP Southeast Region

Resources ID Number	Latitude (N)			Longitude (W)			USGS Quad Sheet	Inches North/West ^a	Crossing Type	Stream Name	County	Township	WQ6 ^b
	deg	min	sec	deg	min	sec							
PA-37A	39	57	16	75	45	33.3	Coatesville, PA	14.25/1.25	Perennial Stream/Wetland	Unnamed Tributary to West Brandywine Creek	Chester	West Bradford Township	WWF, MF

<i>Resources ID Number</i>	<i>Latitude (N) deg min sec</i>			<i>Longitude (W) deg min sec</i>			<i>USGS Quad Sheet</i>	<i>Inches North/ West^a</i>	<i>Crossing Type</i>	<i>Stream Name</i>	<i>County</i>	<i>Township</i>	<i>WQ6^b</i>
PA-378	39	57	15.8	75	45	28.4	Coatesville, PA	14.25/1.00	Intermittent Stream/Wetland	Unnamed Tributary to West Brandywine Creek	Chester	West Bradford Township	WWF, MF
PA-47A	40	3	8.9	75	42	3.6	Downingtown, PA	9.50/10.50	Intermittent Stream	Unnamed Tributary to East Branch Brandywine Creek	Chester	Uwchlan Township	HQ-TSF, MF
PA-48A	40	3	35.6	75	41	57.5	Downingtown, PA	10.75/10.50	Wetland	Unnamed Tributary to Shamona Creek	Chester	Upper Uwchlan Township	HQ-TSF, MF
PA-50A	40	5	34.8	75	41	17.9	Downingtown, PA	16.75/8.75	Wetland	Unnamed Tributary to Pickering Creek	Chester	Upper Uwchlan Township	HQ-TSF
PA-50B	40	5	38.1	75	41	13.6	Downingtown, PA	17.00/8.50	Perennial Stream/Wetland	Unnamed Tributary to Pickering Creek	Chester	Upper Uwchlan Township	HQ-TSF
PA-55A	40	8	29.2	75	38	15.4	Pottstown, PA	3.00/1.75	Perennial Stream	Unnamed Tributary to Birch Run	Chester	West Vincent Township	EV
PA-55B	40	8	32.4	75	38	5.2	Pottstown, PA	3.26/1.75	Intermittent Stream	Unnamed Tributary to Birch Run	Chester	West Vincent Township	EV
PA-56A	40	9	9.8	75	37	15.1	Phoenixville, PA	5.00/16.75	Perennial Stream	Unnamed Tributary to French Creek	Chester	East Vincent Township	HQ-TSF, MF
PA-71A	40	16	19.7	75	32	33	Sassmansville, PA	4.00/5.86	Perennial Stream	Unnamed Tributary to Swamp Creek	Montgomery	Limerick Township	TSF
PA-71B	40	16	31.4	75	32	24.3	Sassmansville, PA	4.50/5.50	Intermittent Stream	Unnamed Tributary to Swamp Creek	Montgomery	Limerick Township	TSF
PA-71C	40	15	32.5	75	32	26.2	Sassmansville, PA	4.50/6.75	Perennial Stream	Unnamed Tributary to Swamp Creek	Montgomery	Limerick Township	TSF
PA-71	40	16	36.3	75	32	26.5	Sassmansville, PA	4.75/6.75	Perennial Stream/Wetland	Unnamed Tributary to Swamp Creek	Montgomery	New Hanover Township	TSF

Resources ID Number	Latitude (N) deg min sec	Longitude (W) deg min sec	USGS Quad Sheet	Inches North/ West ^a	Crossing Type	Stream Name	County	Township	WQ6 ^b
PA-72	40 16 48.9	75 31 63.8	Sassmansville, PA	5.25/4.25	Perennial Stream/Wetland	Unnamed Tributary to Swamp Creek	Montgomery	Upper Frederick	TSF
PA-87A	40 26 23.6	75 24 42.2	Milford Square, PA	11.75/5.00	Wetland	Unnamed Tributary to Licking Creek	Bucks	Milford Township	HQ-TSF

^aInches up/over measured from bottom right-hand corner

^bChapter 93 Water Quality Standards

WWF Warm Water Fisheries

MF Migratory Fisheries

TSF Trout Stocking Fisheries

HQ High Quality

EV Exceptional Value

E15-649. Encroachment. **J. Matthew Thompson**, 981 S. Bolmar Street, West Chester, PA 19382-4905. To relocate and enclose approximately 135 linear feet of unnamed tributary to Plum Run (WWF) for the purpose of constructing a single family dwelling. Work will consist of: 1. To install and maintain 126 linear feet of 24-inch CMP stream enclosure and associated swale, 2. To place fill in 0.05 acre of wetland associated with the proposed activity (de minimis impact). The site is located approximately 250 feet west of the intersection of General Sterling Road and Square Cheney Drive (West Chester, PA USGS Quadrangle N: 8.5 inches; W: 16.25 inches) in East Bradford Township, **Chester County**.

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

E21-314. Encroachment. **PA Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17106. To rehabilitate two bridges (1) widening the deck of Bridge EB-121 across the Yellow Breeches Creek (CWF) by 12.0 feet and extending its abutments and piers by 12.0 feet on the south side and 27.0 feet on the north side (2) widening the deck and abutments of Bridge EB-200 by about 12.5 feet over an unnamed tributary to the Yellow Breeches Creek (CWF) and to temporarily impact about 0.038 de minimis acre of wetlands and to permanently impact about 0.0143 acre de minimis acre of wetlands as part of a 9.02 mile improvement project of the PA Turnpike located at Milepost 239.45 between Interchange 17 and 18 (Lemoyne, PA Quadrangle N: 13.2 inches; W: 6.0 inches and N: 13.2 inches; W: 6.5 inches) in Lower Allen and Fairview Townships, **Cumberland and York County** respectively.

E28-280. Encroachment. **Guilford Township**, 115 Spring Valley Road, Chambersburg, PA 17201. To construct and maintain a steel bridge with concrete abutments and placed fill for the pedestrian access ramps to the structure having a 40-foot clear span and a 7.7-foot underclearance across an unnamed tributary to Conococheague Creek (locally known as English Valley Run (WWF)). Grading and filling for two baseball fields to be located on the north side of SR 30 and two elevated

walkways constructed within the Lincoln arch-culvert, a pavilion, vehicle parking lot and a 10-foot wide macadem walking path all constructed and located within the 100-year flood plain. The proposed Norlo Community Park will be located between Main Street (SR 1008) and Lincoln Terrace (T-508) (Scotland, PA Quadrangle N: 7.0 inches; W: 10.6 inches) in Guilford Township, **Franklin County**.

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

E02-1316. Encroachment. **Richland Properties, Inc.**, 7805 McKnight Road, Pittsburgh, PA 15237. To place and maintain fill in 0.6 acre of wetlands in the West Branch of Deer Creek watershed, for the purpose of developing 174 single family residential area and 120 single family quad area as part of the Grandview Estates development plan. The project is located on the north side of Route 910 approximately 1 mile east of its intersection with Route 8 (Valencia, PA Quadrangle N: 0.7 inch; W: 6.7 inches) in Richland and West Deer Townships, **Allegheny County**. To meet the wetland replacement requirements the applicant has proposed to construct 0.6 acre of replacement wetlands (type unspecified).

E02-1321. Encroachment. **Route 8 Self Storage**, 5301 Pioneer Road, Gibsonia, PA 15044. To place and maintain fill in a de minimis wetland (PEM) in the Crouse Run water shed for the purpose of improving parking at an existing self storage facility. The project is located on the west side of North Pioneer Drive approximately 600 feet north of its intersection with West Hardies Road (Glenshaw, PA Quadrangle N: 20.9 inches; W: 10.4 inches) in Hampton Township, **Allegheny County**.

E32-418. Encroachment. **Indiana Borough Council**, 80 North Eighth Street, Indiana, PA 15701. To construct and maintain a 3.2 million gallon wastewater storage tank and flow control facility along Stoney Run (CWF) for the purpose of regulating sanitary sewer flow to the downstream wastewater treatment facilities during periods of high flow. The project is located off of S. R. 3835 (Indiana, PA Quadrangle N: 16.35 inches; W: 5.55 inches) in White Township, **Indiana County**.

E26-271. Encroachment. **Georges Township Supervisors**, R. D. 5, Box 170-G, Uniontown, PA 15401. To remove the existing structure and to construct and maintain a 11.8-foot by 7.6-foot steel elliptical pipe culvert (invert depressed 1 foot) in an unnamed tributary to Mountain Creek (CWF) located on T-331 (Clark Road) at a point approximately 200 feet south of the intersection of T-331 and T-918 (Smithfield, PA Quadrangle N: 3.15 inches; W: 3.00 inches) in Georges Township, **Fayette County**.

E56-297. Encroachment. **Diana J. Basinger**, 2982 Jersey Hollow Road, Confluence, PA 15424. To remove the existing structure and to construct and maintain a bridge having a clear span of 13 feet and an underclearance of 4 feet in an unnamed tributary to Laurel Hill Creek (HQ-CWF) located on a private road at a point off of SR 3003 (Jersey Hollow Road) approximately 3,500 feet north of its intersection with SR 28. Also to remove a 17 feet long by 10 feet wide gravel bar at the structures location (Confluence, PA Quadrangle N: 13.4 inches; W: 12.15 inches) in Lower Turkeyfoot Township, **Somerset County**.

ENVIRONMENTAL ASSESSMENT

The following Environmental Assessment and request for Water Quality Certification is being processed under section 105.12(a)(16) and 105.15(b), restoration activities undertaken and conducted under a restoration plan approved by the Department.

Central Office: Bureau of Waterways Engineering, 400 Market Street, 3rd Floor; P. O. Box 8554, Harrisburg, PA 17105-8555, (717) 787-8568.

D21-152EA. Environmental Assessment. **Dickinson Township** (219 Mountain View Road, Mount Holly Springs, PA 17065). To breach and remove the Barnitz Mill Dam across Yellow Breeches Creek (HQ-CWF) for the purpose of restoring the stream to a free flowing condition. The dam is located approximately 500 feet southwest of the intersection of the Pine Road (S. R. 3006) and T471 (Mount Holly Springs, PA Quadrangle N: 22.4 inches; W: 13.5 inches).

D24-022EA. Environmental Assessment. **Fox Township** (429 Ridgway Road, P. O. Box 33, Saint Marys, PA 15857). To breach and remove the Laurel Run Reservoir Dam across Laurel Run (CWF) for the purpose of restoring the stream to a free flowing condition. The dam is located approximately 2,000 feet upstream of the Route 255 bridge crossing Laurel Run (Saint Marys, PA Quadrangle N: 1.4 inches; W: 7.2 inches).

WATER ALLOCATIONS

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

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

Permit No. WA 05-512E. Water Allocation. **Bedford Borough Water Authority, Bedford County.** *Responsible Official:* Raymond A. Carlson, Chairperson, 244 West Penn Street, Bedford, PA 15522. The Authority is requesting the right to exceed the existing allocated amounts from the Smith and Todd Reservoirs during

periods when they are full and/or near full capacity. *Consulting Engineer:* Stuart W. Sibold, P.E., The EADS Group, 1126 Eighth Avenue, Altoona, PA 16602. *Application received:* July 24, 2000.

Permit No. WA05-547C. Water Allocation. **Saxton Borough Municipal Authority, Bedford.** *Responsible Official:* Judy Burkett, Borough Secretary. The Authority is requesting the right to withdraw an average of 300,000 gallons per day from the Putts Hollow Reservoir/Miller Run. *Consulting Engineer:* Mark Glenn, P.E., Gwin, Dobson & Foreman, Inc., 3121 Fairway Dr., Altoona, PA 16602-4475. *Application received:* August 1, 2000.

ACTIONS

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

[National Pollution Discharge Elimination System Program (NPDES)]

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

(Part I Permits)

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

Any person 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 provide a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

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

Permits Issued

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

NPDES Permit PA-0020176. Sewerage. **Slatington Borough Authority**, 125 South Walnut Street, Slatington, PA 18080-2099 is authorized to discharge from a facility located in Slatington Borough, **Lehigh County**, to the Lehigh River.

NPDES Permit PA-0060950. Sewerage. **Lackawanna Trail School District**, P. O. Box 85, Factoryville, PA 18419-0085 is authorized to discharge from a facility

located in Clinton Township, **Wyoming County**, to an unnamed tributary to South Branch Tunkhannock Creek.

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

Permit No. PA0088226. Sewerage. **South Woodbury Township**, R. D. 1, Box 246, New Enterprise, PA 16664 is authorized to discharge from a facility located in South Woodbury Township, **Bedford County** to the receiving waters named Yellow Creek (Watershed 11-D—Raystown Branch Juniata River).

Permit No. PA0041581 Amendment No. 1. Sewerage. **Liverpool Municipal Authority**, P. O. Box 357, Liverpool, PA 17045 is authorized to discharge from a facility located in Liverpool Township, **Perry County** to the receiving waters named Susquehanna River.

Permit No. PA0082627. Sewerage. **CBM Ministries, Inc.**, Camp Joy-El, 3741 Joy-El Drive, Greencastle, PA 17225-9001 is authorized to discharge from a facility located in St. Thomas Township, **Franklin County** to the receiving waters named Back Creek (Watershed 13-C).

Permit No. PA0083691. Sewerage. **West Earl Township** (Nolt Spring Water Treatment Plant), 157 West Metzler Road, Brownstown, PA 17508 is authorized to discharge from a facility located in West Earl Township, **Lancaster County** to the receiving waters named Conestoga River (Watershed 7-J).

Permit No. PA0082465. Sewerage. **Camp Penn**, Central PA Conference United Methodist Church, 8005 Old Forge Road, P. O. Box 511, Waynesboro, PA 17268 is authorized to discharge from a facility located in Quincy Township, **Franklin County** to the receiving waters named Trucker Run (Watershed 13-C).

Permit No. PA0029866. Sewerage. **Cumberland Valley School District** (Green Ridge Elementary), 6746 Carlisle Pike, Mechanicsburg, PA 17055 is authorized to discharge from a facility located in Silver Springs Township, **Cumberland County** to the receiving waters named Conodoguinet Creek (Watershed 7-B).

Permit No. 3600201. Concentrated Animal Feeding Operation. Robert Barley, Star Rock Farms LLC, 37 Chestnut Grove Road, Conestoga, PA 17516. This permit approves the construction and operation of a 1942.5 Animal Equivalent Unit (AEU) CAFO manure storage facility in Manor Township, **Lancaster County**.

Permit No. 0100404. Sewage. **Gettysburg Municipal Authority**, 601 East Middle Street, Gettysburg, PA 17325. This permit approves the construction of Route 15 Pump Station in Straban Township, **Adams County**.

Permit No. 0100405. Sewage. **Jonathon Howe**, 2961 Lake Meade Road, East Berlin, PA 17316. This permit approves the construction of sewage treatment facilities and outfall in Liberty Township, **Adams County**.

Permit No. 0500407. Sewage. **South Woodbury Township**, R. D. 1, Box 246, New Enterprise, PA 16664. This permit approves the construction of Sewage Treatment Facilities in South Woodbury Township, **Bedford County**.

Permit No. 5000402. Sewage. **Liverpool Municipal Authority**, P. O. Box 357, Liverpool, PA 17045. This permit approves the construction of Sewage Treatment Facilities in Liverpool Borough, **Perry County**.

Northcentral Regional Office: Department of Environmental Protection, 208 West Third Street, Suite 101, Grit Building, Williamsport, PA 17701.

WQM Permit No. 4100401. Sewerage. **Old Lycoming Township Authority**, Fox Hollow WW Trmt. Plt, 1951 Green Ave., Williamsport, PA 17701. Approval granted to construct and maintain sewer line and pump station to serve Old Lycoming Township, **Lycoming County**.

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

NPDES Permit No. PAS606102. Industrial Waste. **Route 19 Auto Salvage, Inc.**, R. D. 1, Box 102, Canonsburg, PA 15317 is authorized to discharge from a facility located at the Auto Salvage Yard, North Strabane Township, **Washington County** to receiving waters named Unnamed Tributary to Chartiers Creek.

NPDES Permit No. PA0029840. Sewage. **Armstrong County Commissioners**, 402 Market Street, Kittanning, PA 16201 is authorized to discharge from a facility located at Armsdale Sewage Treatment Plant, Rayburn Township, **Armstrong County** to receiving waters named Cowanshannock Creek.

NPDES Permit No. PA0038504. Sewage. **Village of Searights—Limited Partnership**, P. O. Box 600, Uniontown, PA 15401 is authorized to discharge from a facility located at Village of Searights Sewage Treatment Plant, Menallen Township, **Fayette County** to receiving waters named Unnamed Tributary of Saltlick Run.

NPDES Permit No. PA0098396. Sewage. **Oak Estates, Inc.**, 600 Laurelview Drive, Mt. Pleasant, PA 15666 is authorized to discharge from a facility located at Laurelview Manor MHP STP, Bullsken Township, **Fayette County** to receiving waters named Unnamed Tributary of Jacobs Creek.

NPDES Permit No. PA0098850. Sewage. **Exxon Company, USA**, 1031 Middlesex Road, Gibsonia, PA 15044 is authorized to discharge from a facility located at Bakerstown Facility, Richland Township, **Allegheny County** to receiving waters named Breakneck Creek.

NPDES Permit No. PA0218570. Sewage. **Central Mainline Sewer Authority**, P. O. Box 56, Lilly, PA 15938 is authorized to discharge from a facility located at Central Mainline Sewer Authority Wastewater Treatment Plant, Portage Township, **Cambria County** to receiving waters named Little Conemaugh River.

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

NPDES Permit No. PA0101273. Industrial Waste. **BHB Industries**, 133 Railroad Street, Cambridge Springs, PA 16403 is authorized to discharge from a facility located in the Borough of Cambridge Springs, **Crawford County** to French Creek.

NPDES Permit No. PA0033901. Sewage. **Willow Bend Mobile Home Park**, 1309-100 Bend Road, Mercer, PA 16137 is authorized to discharge from a facility located in Lackawannock Township, **Mercer County** to an unnamed tributary to Little Neshannock Creek.

WQM Permit No. 2500411. Sewerage. **Albert G. and Camilla A. Stadtmueller SRSTP**, 8002 Driftwood Drive, Erie, PA 16511. Construction of Albert G. and Camilla A. Stadtmueller SRSTP located in Washington Township, **Erie County**.

INDIVIDUAL PERMITS

(PAS)

The following NPDES Individual Permits for Discharges of Stormwater from Construction Activities have been issued.

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

<i>NPDES Permit No.</i>	<i>Applicant's Name and Address</i>	<i>County Municipality</i>	<i>Receiving Stream or Body of Water</i>
PAS10-G394	Michael Sasso 225 Valley Park Road Phoenixville, PA 19460	Schuylkill Township Chester County	Unnamed Tributary Pickering Creek (HQ)
PAS10-G425	Dewey Homes, LLP 73 Chestnut Street Paoli, PA 19031	Uwchlan Township Chester County	Shamona Creek (HQ, TSF, MF)

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's Name and Address</i>	<i>County Municipality</i>	<i>Receiving Stream or Body of Water</i>
PAS10Q087-R	Donald Frederick 1611 Pond Road Allentown, PA 18104	Lehigh County Allentown City	Little Lehigh Creek HQ-CWF
PAS10Q055-R	The Residuary Trust of Andrew Yastishok 6500 Chapsmans Road Allentown, PA 18106-9264	Lehigh County Upper Macungie Township	Little Lehigh Creek HQ-CWF
PAS10Q195	Chanco Development Corp. 1465 State Highway-31 Annandale, NJ 08801	Lehigh County Weisenberg Township	Lyon Creek HQ-CWF, MF
PAS10Q199	Cressman Transportation, Inc. 4815 A Crackersport Allentown, PA 18104	Lehigh County Lower Macungie Township	Cedar Creek HQ-CWF
PAS10Q205	Central Transport International, Inc. 12225 Stephens Road Warren, MI 48089-2010	Lehigh County Upper Macungie Township	Little Lehigh Creek HQ-CWF
PAS10Q193	K & M Associates, Inc. 496 Lone Lane Allentown, PA 18104	Lehigh County Lower Macungie Township	Little Creek HQ-CWF
PAS10U130	Dale Nauman 2311 Easton Avenue Bethlehem, PA	Northampton County Bushkill Township	East Branch of Bushkill Creek HQ-CWF

Southcentral Regional Office: Section Chief, Water Management Program, Soils and Waterways Section, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4707.

PAS-10-0418. Individual NPDES. **South Woodbury Township**, 125 North Road, New Enterprise, PA 16664. To Implement an Erosion and Sedimentation Control Plan for the construction of a sanitary sewer collection and treatment system on 30 acres in South Woodbury Township, **Bedford County**. The project is located from Loysburg to New Enterprise and then to Waterside (New Enterprise, PA Quadrangle N: 6.6 inches; W: 0.2 inch). Drainage will be to Yellow Creek. (HQ-CWF)

PAS-10-2804. Individual NPDES. **Fulton Industrial Development Assoc.**, 112 North Third Street, McConnellsburg, PA 17233. To Implement an Erosion and Sedimentation Control Plan for the construction of South Central Business Park on 120 acres in Ayr Township, **Fulton County**. The project is located approximately 0.5 mile south of McConnellsburg along Cito Road (McConnellsburg, PA Quadrangle N: 8.2 inches; W: 16.8 inches). Drainage will be to Big Cove Creek. (CWF)

PAS-10-H-091. Individual NPDES. **South Middleton Township**, 520 Park Drive, Boiling Springs, PA 17007. To Implement an Erosion and Sedimentation Control Plan for the construction of a public park called Spring Meadow Park on 91.16 acres in South Middleton Township, **Cumberland County**. The project is located about 1 mile west of Boiling Springs at the south side of PA 174 (Carlisle, PA Quadrangle N: 4.0 inches; W: 2.5 inches). Drainage will be to Yellow Breeches Creek. (HQ-CWF)

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

<i>NPDES Permit No.</i>	<i>Applicant's Name and Address</i>	<i>County Municipality</i>	<i>Receiving Stream or Body of Water</i>
PAS10E045R	Concordia Lutheran Ministries 134 Marwood Road Cabot, PA 16023 and UHL Construction 4912 Vernon Drive Allison Park, PA 15101	Butler County Winfield Township	Unnamed Tributary to Buffalo Creek (HQ-TSF)

INDIVIDUAL PERMITS

(PAR)

Notice of Intent (NOI): for Coverage under NPDES and/or Other General Permits

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

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

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

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
PAG-10	General Permit for Discharge Resulting From Hydrostatic Testing of Tanks and Pipelines
PAG-11	(TO BE ANNOUNCED)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)

General Permit Type—PAG-2

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant's Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Bethel Township Delaware County	PAR10-J190	James Lewis Group, Inc. 1301 Lancaster Avenue Berwyn, PA 19312	Green Creek (CWF/MF)	Department of Environmental Protection Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant's Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
New Hanover Township Montgomery County	PAR10-T620	Paul W. Moyer and Sons, Inc. 2412 Swamp Pike, Gilbertsville, PA 19525	Swamp Creek and Minister Creek (SF, TS)	Department of Environmental Protection Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Limerick Township Montgomery County	PAR10-T644	Heritage Building Group 3326 Old York Road Suite A-100 Furlong, PA 18925	Schuylkill River (WF, M)	Department of Environmental Protection Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Lackawanna County City of Scranton	PAR10N087	Executive Golf & Country Club Robert Osborne P. O. Box 442 Lake Winola, PA 18625	Stafford Meadow Creek	Lackawanna CD (570) 281-9495
Lehigh County Lynn Township	PAR10Q146	Olde Homestead Golf Club, Inc. Carl D. Snyder P. O. Box 222 6598 Route 309 New Tripoli, PA 18066	Ontelaunee Creek CWF	Lehigh CD (610) 391-9583
Juniata Township Berks County	PAR-10-C331	Highmeadow Farms Edwin Glasgow, President Highmeadow Farms LP 413 Johnson Street Suite 210 Jenkintown, PA 19046	Leaf Creek	Berks County CD P. O. Box 520 1238 County Welfare Road Leesport, PA 19533 (610) 372-4657
Robesonia Borough Berks County	PAR-10-C335	Magnatech Land Dev. Terence Wilson, Director KTB Real Estate Partnership 796 Fritztown Road Sinking Spring, PA 19608	Furnace Creek	Berks County CD P. O. Box 520 1238 County Welfare Road Leesport, PA 19533 (610) 372-4657
Upper Allen Township Cumberland County	PAR-10-H234	Mechanicsburg Middle School Mechanicsburg Area School Dist. 500 South Broad Street Mechanicsburg, PA 17055	UNT to Trindle Spring Run	Cumberland County CD 43 Brookwood Avenue Suite 4 Carlisle, PA 17013 (717) 240-7812
Upper Allen Township Cumberland County	PAR-10-H235	Friendship Park Upper Allen Township 100 Gettysburg Pike Mechanicsburg, PA 17055	UNT to Yellow Breeches Creek	Cumberland County CD 43 Brookwood Avenue Suite 4 Carlisle, PA 17013 (717) 240-7812
Letterkenny Township Franklin County	PAR-10-M214	United States Army Letterkenny Army Depot 1 Overcash Avenue Bldg. 618 Chambersburg, PA 17241	Muddy Run	Franklin County CD 550 Cleveland Avenue Chambersburg, PA 17201 (717) 264-8074
Warwick Township Lancaster County	PAR-10-O-449	George Desmond 1085 Manheim Pike Lancaster, PA 17601	UNT Little Conestoga Creek TSF	Lancaster County CD 1383 Arcadia Road Rm. 6 Lancaster, PA 17601 (717) 299-5361

NOTICES

5059

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant's Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Columbia Borough Lancaster County	PAR-10-O-452	DDP Enterprises, Inc. 3850 Continental Drive Columbia, PA 17512	Shawnee Run WWF	Lancaster County CD 1383 Arcadia Road Rm. 6 Lancaster, PA 17601 (717) 299-5361
West Donegal Township Lancaster County	PAR-10-O-453	Elizabethtown Borough 600 South Hanover Street Elizabethtown, PA 17022	Conoy Creek WWF	Lancaster County CD 1383 Arcadia Road Rm. 6 Lancaster, PA 17601 (717) 299-5361
Potter County Coudersport Boro and Eulalia Township	PAR105505	Charles Cole Memorial Hospital R. R. 1 Coudersport, PA 16915	Mill Creek	Potter County CD 107 Market St. Coudersport, PA 16915 (814) 274-8411
Allegheny County West Deer Township Indiana Township	PAR10A409-1	Rock Airport of Pittsburgh LLC 49 Airport Drive Tarentum, PA 15084	Little Deer Creek TSF	Allegheny County CD (412) 241-7646
Allegheny County Richland Township West Deer Township	PAR10A429	Richland Prop., Inc. Ross Prof. Bldg. 7805 McKnight Road Pittsburgh, PA 15237	Deer Creek WWF	Allegheny County CD (412) 241-7646
Allegheny County Penn Hills	PAR10A432	Municipality of Penn Hills 12245 Frankstown Rd. Pittsburgh, PA 15235	Plum Creek WWF	Allegheny County CD (412) 241-7646
Allegheny County South Fayette Township	PAR10A443	Wood Ridge Land Co., LP 20 Stanwix Street Pittsburgh, PA 15222	Millers Run WWF	Allegheny County CD (412) 241-7646
Allegheny County Plum Borough	PAR10A446	Grasinger Homes 8035 Saltsburg Road Pittsburgh, PA 15239	Plum Creek WWF	Allegheny County CD (412) 241-7646
Allegheny County Moon Township	PAR10A449	William R. and Abigail J. Minton 296 Brodhead Road Coraopolis, PA 15108	Flaugherty Run WWF	Allegheny County CD (412) 241-7646
Allegheny County Robinson Township	PAR10A450	Wayne Burkes Elizabeth Harper 133 August Drive Coraopolis, PA 15108	Moon Run WWF	Allegheny County CD (412) 241-7646
Allegheny County Moon Township Robinson Township North Fayette Township	PAR10A452	Robinson Peripheral Developers 1130 Terminal Tower 50 Public Square Cleveland, OH 44113	Montour Run TSF	Allegheny County CD (412) 241-7646
Allegheny County Plum Borough	PAR10A452	Pioneer Mid-Atlantic Inc. 400 Industrial Blvd. New Kensington, PA 15068	Pucketa Creek TSF	Allegheny County CD (412) 241-7646
Allegheny County Leet Township	PAR10A457	NVR, Inc. T/A Ryan Homes 300 Bilmar Dr. Pittsburgh, PA 15205	UNT Big Sewickley Creek TSF	Allegheny County CD (412) 241-7646
Allegheny County Mount Lebanon Borough	PAR10A462	WIL-DAL Associates 466 Castle Shannon Blvd. Pittsburgh, PA 15234	UNT Painters Run WWF	Allegheny County CD (412) 241-7646
Allegheny County Moon Township	PAR10A464	Springhurst Associates, LP One Bigelow Square Suite 630 Pittsburgh, PA 15219	Flaugherty Run WWF	Allegheny County CD (412) 241-7646

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant's 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 Robinson Township	PAR10A466	Groveton Housing Partnership LP 100 Wood Street Bldg. Pittsburgh, PA 15222	Montour Run TSF	Allegheny County CD (412) 241-7646
Allegheny County Bethel Park Borough South Park Township	PAR10A468	Brian Homes, Inc. 3027 South Park Rd. Bethel Park, PA 15102	Sleepy Hollow Run TSF	Allegheny County CD (412) 241-7646
Beaver County Economy Borough New Sewickley Township	PAR100274	Economy Borough Mun. Auth. 2860 Conway Wallrose Rd. Baden, PA 15005	Big Sewickley Creek TSF	Beaver County CD (724) 774-7090
Cambria County Gallitzin Township	PAR101063	Jenny L. Sheetz 512 Logan Blvd. Altoona, PA 16602	UNT Clearfield Creek CWF	Cambria County CD (814) 472-2120
Cambria County Ebensburg Borough	PAR101066	Ebensburg Borough 300 West High St. Ebensburg, PA 15931	UNT Howells Run CWF	Cambria County CD (814) 472-2120
Cambria County Richland Township	PAR101067	Bedford Condominiums LLC P. O. Box 924 Johnstown, PA 15907	Sams Run WWF	Cambria County CD (814) 472-2120
Fayette County Dunbar Township	PAR10L063	Dunbar Township Mun. Auth. P. O. Box 815 Connellsville, PA 15425	Youghiogheny River WWF Opossum Run WWF	Fayette County CD (724) 438-4497
Indiana County Young Township	PAR103152	Bureau of Abandoned Mine Reclamation P. O. Box 149 Ebensburg, PA 15931	Aultmans Run TSF	Indiana County CD (724) 463-8547
Washington County California Borough	PAR10W109-1	Redevelopment Authority of the County of Washington 603 Courthouse Square 100 W. Beau St. Washington, PA 15301	Pike Run WWF	Washington County CD (724) 228-6774
Washington County Union Township	PAR10W161	Victor Dosse 420 Venetia Rd. Venetia, PA 15367	Trib. Peters Creek TSF	Washington County CD (724) 228-6774
Washington County Peters Township	PAR10W163	Paragon Homes, Inc. 5949 Steubenville Pike McKees Rocks, PA 15136	Brush Run WWF	Washington County CD (724) 228-6774
Washington County Peters Township	PAR10W164	J. R. Properties, II 6000 Waterdam Plaza Dr. Suite 240 McMurray, PA 15317	Chartiers Creek WWF	Washington County CD (724) 228-6774
Washington County Cecil Township	PAR10W166	Sluciak Contracting Inc. 47 Grudevich Rd. Canonsburg, PA 15317	UNT Chartiers Creek WWF	Washington County CD (724) 228-6774
Washington County Smith County	PAR10W167	Burgettstown Area School District 100 Bavington Road Burgettstown, PA 15021	Burgetts Fork WWF Raccoon Creek WWF	Washington County CD (724) 228-6774
Washington County	PAR10W168	Racetrack Road Associates, LP 360 Southpointe Blvd. Canonsburg, PA 15317	UNT Chartiers Creek WWF	Washington County CD (724) 228-6774

NOTICES

5061

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant's Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Erie County Summit Township	PAR10K157-1	CN Development Company LLC 8251 Hamot Road Erie, PA 16509	Unnamed Tributary to Walnut Creek (CWF, MF)	Erie Conservation District 12723 Route 19 P. O. Box 801 Waterford, PA 16441 (814) 796-4203
Erie County Fairview Township	PAR10K171	Andrew N. and Scott D. Allen P. O. Box 928 Erie, PA 16512	Walnut Creek (CWF, MF)	Erie Conservation District 12723 Route 19 P. O. Box 801 Waterford, PA 16441 (814) 796-4203
Mercer County Coolspring and Jackson Townships	PAR104354	Coolspring-Jackson-Lake Latonka Joint Authority 420 Latonka Drive Mercer, PA 16137	Coolspring Creek (WWF, TSF)	Mercer Conservation District 747 Greenville Road Mercer, PA 16137 (724) 662-2242
<i>General Permit Type—PAG-3</i>				
<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant's Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Bucks County Falls Township	PAR800101	United States Postal Services 950 West Trenton Avenue Morrisville, PA 19067-9998	Rock Run	DEP Southeast Region Water Management 555 North Lane Conshohocken, PA 19428 (610) 832-6126
Delaware County City of Chester	PAR800102	United States Postal Service 400 Edgemont Avenue Chester, PA 19013-9998	Chester Creek	DEP Southeast Region Water Management 555 North Lane Conshohocken, PA 19428 (610) 832-6126
Luzerne County Hazle Township	PAR122211	Bestfoods Baking Co., Inc. P. O. Box 535 Totowa, NJ 07511-0535	Tomhicken Creek	Northeast Office 2 Public Sq. Wilkes-Barre, PA 18711-0790 (570) 826-2511
Adams County Gettysburg Borough	PAR213503	Dal-Tile Corporation 211 North Fourth Street Gettysburg, PA 17325	Steven Run to Rock Creek	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Adams County Bendersville Borough	PAR213502	Dal-Tile Corporation 211 North Front Street Gettysburg, PA 17325	Opossum Creek	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Adams County Straban Township	PAR213501	Dal-Tile Corporation 211 North Front Street Gettysburg, PA 17325	UNT to Swift Run	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
York County York Township	PAR233538	Thomas Baughman New Concepts Manufacturing, Inc. 2315 South Queen Street York, PA 17402	Tyler Run	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant's Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Berks County Sinking Spring Borough	PAR203512	Hofmann Industries, Inc. 3145 Shillington Road Sinking Spring, PA 19608-0147	Cacoosing Creek	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
York County York City	PAR133503	Danskin, Inc. 305 State Street York, PA 17403	Poor House Run	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Centre County Rush Township	PAR604826	Jim Verost Used Cars & Trucks P. O. Box 392 Philipsburg, PA 16866	Moshannon Creek	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664
Tioga County Ward Township	PAR504806	Pine Hill Landfill & Reclamation P. O. Box 62 Blossburg, PA 16912	Fall Brook	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664
Lycoming County Muncy Township	PAR154801	LaFarge Road Marking 373 Village Road Pennsdale, PA 17756	Carpenter's Run	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664
Westmoreland County Derry Township	PAR206105	Tech Spec. Inc. P. O. Box 69 Y Street Derry, PA 15627	McGee Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Westmoreland County Southwest Greensburg Township	PAR206141	Hempfield Industries Ltd. 1075 S. Main Street Greensburg, PA 15601	Jack's Run Channel	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Washington County Union Township	PAR606162	CT Auto Recyclers R. D. 1, Box 205-C Finleyville, PA 15332	Peters Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Washington County City of Washington	PAR806148	US Postal Service 300 S. Main Street Wilkes-Barre, PA 18701	Catfish Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant's 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 Penn Hills Township	PAR806149	US Postal Service 300 S. Main Street Wilkes-Barre, PA 18701	Duff's Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Allegheny County Green Tree Borough	PAR806150	US Postal Service 300 S. Main Street Wilkes-Barre, PA 18701	Whiskey Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Clay Township Butler County	PAR608333	Renick's Used Auto Parts 849 West Sunbury Road West Sunbury, PA 16061	Unnamed Feeder to Stony Run	DEP Northwest Region Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
City of New Castle Lawrence County	PAR808341	Uniited States Postal Service—New Castle Vehicle Maintenance Facility 300 S. Main Street Wilkes-Barre, PA 18701-9991	Unnamed Tributary to Big Run	DEP Northwest Region Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-4

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant's Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Blair County Logan Township	PAG043532	Kenneth Krater, Jr. R. D. 1, Box 360 Altoona, PA 16601	Homer Gap Run	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Clearfield County Bradford Township	PAG044823	Steve and Tracy Gross R. D. 1, Box 155 Woodland, PA 16881	Unnamed tributary to Susquehanna River	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664
Clearfield County Bradford Township	PAG044808	Robert and Joyce D. Goodrow R. D. 31, Box 485 Woodland, PA 16881	Unnamed tributary to Millstone Run	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664
Washington Township Erie County	PAG048687	Albert G. and Camilla A. Stadtmueller 8002 Driftwood Drive Erie, PA 16511	Little Conneauttee Creek	DEP 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's Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Berks County Windsor Township	PAG053537	Francis L. Werley/Berley's BP Route 61, P. O. Box 206 Hamburg, PA 19526	Schuylkill River	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
York County Springettsbury Township	PAG053536	ExxonMobil Refining & Supply Co. Heritage Mobil Service Station 16-D5H 109 Haines Road York, PA 17402	Stormsewer to Mill Creek	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Carey's Country Store—Fac. #12-00725 P. O. Box 38, State Route 120 Sinnemahoning, PA 15861	PAG054811	Ms. Mary Keller c/o Keller Oil Company, Inc. P. O. Box 147 724 Washington Rd. St. Marys, PA 15857	Sinnemahoning Creek	Northcentral Regional Office Environmental Cleanup 208 W. Third St. Ste. 101 Williamsport, PA 17701-6448 (570) 321-6550
Union Township Lawrence County	PAG058329	Guttman Oil Company 200 Speers Road New Stanton, PA 15012	Unnamed Tributary to Shenango River Crossroads Food Mart #45 1901 State Street New Castle, PA 16101	DEP Northwest Region Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-7

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant's Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
	PAG079906	City of Warren Ohio 2323 Main Avenue SW Warren, OH 44481-9603		Bureau of Water Quality Protection RCSOB 400 Market Street Harrisburg, PA 17105 (717) 787-8184

General Permit Type—PAG-8

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant's Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Delaware Township Juniata County	PAG-08-3548	Thompsontown Municipal Authority STP P. O. Box 154 Thompsontown, PA 17094	N/A	DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

**SEWAGE FACILITIES ACT
PLAN APPROVAL**

**Plan approval granted 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.*

Tamaqua Borough Act 537 Sewage Facilities Plan Revision (Owl Creek Road)

*Project is located: Tamaqua Borough, Schuylkill
County.*

Project Description: The Plan Revision addresses sewage facilities needs of the Owl Creek Road area of Tamaqua Borough from Route 309 east to the Schuylkill County-Carbon County border through the year 2015 and states that public collection and treatment facilities are required to meet the projected needs of the planning area. Major recommendations of the Plan Revision include extending public sanitary sewers along Owl Creek Road

to eliminate existing failing onlot septic systems and wildcat sewers and construction of a pumping station at the base of Owl Creek Road to convey sewerage from Owl Creek Road to the Tamaqua Wastewater Treatment Plant. The planning area of Owl Creek Road consists of approximately 90 homes and generates a wastewater flow of 22,500 gpd based on 250 gpd per equivalent dwelling unit. The Department's review of the Sewage Facilities Update Revision has not identified any significant environmental impacts resulting from this proposal. The Borough intends to pursue financing for the sewage facilities project through the Pennsylvania Infrastructure Investment Authority. User fees as outlined in the Plan Revision are estimated at approximately \$220 per year.

SAFE DRINKING WATER

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

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

Permit No. 3699507. Public water supply. **Groffdale MHP**, Upper Leacock Township, **Lancaster County**. *Responsible Official:* Rick Herr. *Type of Facility:* The application is for the installation of softeners for reduction of radium in the source water. *Permit to Construct Issued:* December 7, 1999.

Permit No. 3199501. Public water supply. **The Grier School**, Warriors Mark Township, **Huntgindon County**. *Responsible Official:* Douglas Grier, Director, P. O. Box 308, Route 453, Tyrone, PA 16686. *Type of Facility:* Installation of Liquid chlorination system for Well No. 1. *Consulting Engineer:* Danila L. Mattern, P.E., Consulting Engineer, 1076 East Bishop St., Bellefonte, PA 16823. *Permit to Operate Issued:* September 8, 2000.

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

Permit No. Minor Amendment. The Department issued an operation permit amendment to **Borough of Troy**, 110 Elmira Street, Troy, PA 16947, **Troy Borough, Bradford County**. This permit amendment authorizes operation of Well #2 with the new submersible pump that was installed recently.

Permit No. 1800501. The Department issued an Innovative Operational Permit to **Rote Mutual Water Company, Inc.**, P. O. Box 213, Mill Hall, PA 17751, Lamar Township, **Clinton County**. Borough of Troy, 110 Elmira Street, Troy, PA 16947, **Troy Borough, Bradford County**. This permit approves operation of a pressure cartridge filtration system with associated controls, orthophosphate and caustic soda feeds and miscellaneous transmission main changes.

Permit No. Minor Amendment. The Department issued an operation permit amendment to **Clearfield Municipal Authority**, 107 East Market Street, Clearfield, PA 16830, **Clearfield Borough, Clearfield County**. This permit amendment authorizes operation of the 20-inch diameter PVC transmission line from the reservoir to the Montgomery Run Water Treatment Plant.

Permit No. Minor Amendment. The Department issued a construction permit to **PA-American Water Company**, 800 West Hersheypark Drive, Hershey, PA 17033, White Deer Township, **Union County**. This permit authorizes the construction of a 500,000 gallon storage tank, transmission line and three new high service pumps.

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

Permit No. 0399501. Public Water Supply. **Dayton Borough**, P. O. Box 396, Dayton, PA 16222. *Type of Facility:* Third greensand filter, finished water storage tank, new pump in Well #1. *Permit issued for Operation:* September 12, 2000.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 2

The following final reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of final reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the Act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or non-residential exposure factors, a description of the remediation performed, and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

For further information concerning the final report, please contact the Environmental Cleanup Program Manager in the Department Regional Office under which the notice of receipt of a final report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following final reports:

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

PPL Distribution Pole #57904N46777 (Grandview Drive), Dunmore Borough, **Lackawanna County**. PPL Utilities, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101 has submitted a Final Report concerning the remediation of site soils found to have been contaminated with PCBs (polychlorinated biphenyls). The report was submitted to document remediation of the site to meet the Statewide health standard.

PPL Distribution Pole #56660N47766 (corner of Sanders and Pittston), City of Scranton, **Lackawanna County**. PPL Utilities, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101 has submitted a Final Report concerning the remediation of site soils found to have been contaminated with PCBs (polychlorinated biphenyls). The report was submitted to document remediation of the site to meet the Statewide health standard.

Namer Residence, Ross Township, **Monroe County**. Drew Gould, Gould Environmental, Inc., 701 N. Pennsylvania Avenue, Morrisville, PA 19067 submitted a Final Report (on behalf of his client, Margaret Sansone, N. Delaware Drive, Bangor, PA 18013) concerning the remediation of site soils and/or groundwater found or suspected to have been contaminated with kerosene. The report documented attainment of the Statewide health standard and was approved on September 13, 2000.

United Services Property Release, Moosic Borough, **Lackawanna County**. Thomas J. Biel, P.G., Senior Geologist, Environmental Products and Services, Inc., P. O. Box 369, Liverpool, NY 13088 submitted a Final Report concerning the remediation of site soils found or suspected to have been contaminated with a cleaning solvent compound. The report was submitted within 90 days of the release, and documented attainment of the Statewide health standard. The Final Report was approved on September 18, 2000.

Southcentral Regional Office: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4705.

Former Mifflin County Subaru Motors, Armagh Township, **Mifflin County**. GeoServices, Ltd., 1525 Cedar Cliff Drive, Camp Hill, PA 17011, Dick Corporation, P. O. Box 10896, Pittsburgh, PA 15236, and Juniata Valley Bank, P. O. Box 66, Mifflintown, PA 17059 have submitted a revised combined Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with BTEX, PHCs, PAHs and lead. The report is intended to document remediation of the site to a combination of the Statewide health and site-specific standards.

East Penn Manufacturing Junk Battery Storage Area, Richmond Township, **Berks County**. Earth Tech, 2 Market Plaza Way, Mechanicsburg, PA 17055 has submitted a revised combined Remedial Investigation and Final Report concerning remediation of site soils contaminated with lead and heavy metals. The report is intended to document remediation of the site to the site-specific standard.

Marty's Transmission Shop, Monroe Township, **Cumberland County**. BL Companies LLC, 2407 Park Drive, 1st Floor, Harrisburg, PA and Keystone Financial Bank NA, 1415 Ritner Highway, Carlisle, PA 17013 have submitted a combined Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with BTEX, PHCs, VOCs, PAHs, and heavy metals. The final report demonstrated attainment of a combination of the Statewide health and site-specific standards, and was approved by the Department on September 11, 2000.

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

New Eagle Borough Municipal Sewer Authority, New Eagle Borough, **Washington County**. New Eagle Borough Municipal Sewer Authority, 157 Main Street, New Eagle, PA 15067 and Joseph Senita, Chester Engineers, Inc., 600 Clubhouse Drive, Moon Township, PA 15108 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with lead. The report is intended to document remediation of the site to meet the Site Specific 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 Remediations Standards Act (35 P. S. §§ 6026.101—6026.908) and Chapter 250 Administration of Land Recycling Program.

Provisions of 25 Pa. Code § 250.8 Administration of Land Recycling Program requires the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the Land Recycling and Environmental Remediation Standards Act (Act). Plans and reports required by provisions of the Act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report, and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of reuse of the property, and in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. A cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed, and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, please contact the Environmental Cleanup Program Manager in the Department Regional Office under which the notice of the plan and report appears. If information concerning a plan or report is required in an alternative form, contact the community relations coordinator at the appropriate regional office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has acted upon the following plans and reports:

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

PPL Distribution Pole #34127S48059 (105 W. Maple St., Valley View, PA), Hegins Township, **Schuylkill County**. PPL Generation LLC, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101 submitted a Final Report concerning the remediation of site soils found or suspected to have been contaminated with PCBs (polychlorinated biphenyls). The final report demonstrated attainment of the Statewide health standard, and was approved on September 12, 2000.

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

New Eagle Borough Municipal Sewer Authority, New Eagle Borough, **Washington County**. New Eagle Borough Municipal Sewer Authority, 157 Main Street, New Eagle, PA 15067 and Joseph Senita, Chester Engineers, Inc., 600 Clubhouse Drive, Moon Township, PA 15108 has submitted a final report concerning remediation of site soil and groundwater contaminated with lead. The final report demonstrated attainment of the Site Specific Standard and was approved by the Department on August 24, 2000.

Spee-d Food Mart, Borough of Forest Hills, **Allegheny County**. Super Value, 11095 Viking Drive, Eden Prairie, MN 55344-7223, and Ronald W. Jenkins, Delta Environmental Consultants, Inc., 4068 Mt. Royal Boulevard, Suite 225, Allison Park, PA 15101 has submitted a final report concerning remediation of site soil and groundwater contaminated with BTEX. The final report demonstrated attainment of the Statewide health standard and was approved by the Department on August 31, 2000.

SOLID AND HAZARDOUS WASTE

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

Permit No. 101614. Eldredge Wastewater Management, Inc., Eldredge Septage Processing Facility, West Goshen Township, **Chester County**. This facility has ceased operations and has clean closed the facility. The permittee has requested that the subject permit be revoked and the associated bond released. The bond release process will commence thirty days after publication of this notice. The permit was revoked by the Southeast Regional Office on September 11, 2000.

Southcentral Regional Office: Regional Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4706.

Permit No. 603099. William Martin Farm, Gettysburg Municipal Authority (P. O. Box 3307, 601 East Middle Street, Gettysburg, PA 17325). This permit has been revoked at the request of the permittee for a site in Straban Township, **Adams County**. Permit revoked in the Regional Office September 6, 2000.

AIR QUALITY

OPERATING PERMITS

General Plan Approval and Operating Permit usage authorized under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

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

GP3-3-07-03014: New Enterprise Stone & Lime Co., Inc. (PO Box 77, New Enterprise, PA 16664) on September 11, 2000, for construction/operation of a portable limestone processing plant in Taylor Township, **Blair County**.

GP3-22-03015: Handwerk Materials, Division of Haines & Kibblehouse, Inc. (P. O. Box 196, Skippack, PA 19494) on September 11, 2000, for relocation and operation of a Hazmag Portable crusher in Lower Swatara Township, **Dauphin County**.

Operating Permits issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

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

32-00040: Reliant Energy Mid-Atlantic Power Holdings, LLC (1001 Broad Street, P. O. Box 1050, Johnstown, PA 15907-1050) issued a Title V Operating Permit on September 19, 2000, for operation of Seward Power Plant in East Whitefield Township, **Indiana County**.

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

42-00177: Bradford Forest, Inc. (444 High Street, Bradford, PA 16701) issued a Natural Minor Operating Permit on September 11, 2000, for a hardwood mill in Bradford, **McKean 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.

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

40-320-012: International Paper Co. (3 Maplewood Drive, Hazleton, PA 18201) on September 11, 2000, for construction of three flexographic presses utilizing water based inks in Hazle Township, **Luzerne County**.

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

38-03027: RE-TECH, Division of TEREK (300 North Fourth Street, Lebanon, PA 17406) on September 11, 2000, for installation of a JBI spray booth and associated equipment in Lebanon City, **Lebanon County**.

67-05016B: R. H. Sheppard Co., Inc. (P. O. Box 877, Hanover, PA 17331-0877) on September 14, 2000, for construction of a core-making operation controlled by a packaged bed gas scrubber and a bin vent filter at Plant 7 in Hanover Borough, **York County**.

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

65-307-054B: Teledyne, Inc. (100 River Road Brackenridge, PA 15014) September 18, 2000, for operation of AEF Oxygen Lance and AOD Vessel at Teledyne Allvac in Derry Township, **Westmoreland County**.

65-910A: McKnight Cylinder Co. (168 Pattern Shop Road, R. D. 1, Box 338, Ruffsdale, PA 15679) on September 18, 2000, for Cylinder Reconditioner in South Huntingdon, **Westmoreland County**.

65-307-054B: Teledyne, Inc. (100 River Road, Brackenridge, PA 15014) on September 18, 2000, for EAF Oxygen Lance and AOD Vessel at Teledyne Allvac in Derry Township, **Westmoreland County**.

MINING

APPROVALS TO CONDUCT COAL AND NONCOAL ACTIVITIES

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 water quality certification. Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

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

Coal Applications Issued:

56743138. Permit Renewal for reclamation only. **Cooney Brothers Coal Company** (P. O. Box 246, Cresson, PA 16630), for continued restoration of a bituminous surface and auger mine in Ogle and Adams Townships, **Somerset and Cambria Counties**, affecting 739.51 acres, receiving stream unnamed tributary to Babcock Creek; to Babcock Creek; and to Paint Creek, application received February 24, 2000, permit issued September 15, 2000.

11803038. Permit Renewal for reclamation only. **Cooney Brothers Coal Company** (P. O. Box 246, Cresson, PA 16630), for continued restoration of a bituminous surface and auger mine in Adams and Ogle Townships, **Cambria and Somerset Counties**, affecting 1498.2 acres, receiving stream to Paint Creek; to unnamed tributary to Babcock Creek; and to Babcock Creek, application received February 24, 2000, permit issued September 15, 2000.

11900101. Permit Renewal, **Cooney Brothers Coal Company** (P. O. Box 246, Cresson, PA 16630), for continued operation of a bituminous surface-auger mine in Adams and Summerhill Townships, **Cambria County**, affecting 180.0 acres, receiving stream an unnamed tributary to the South Fork of the Little Conemaugh River, application received July 13, 2000, issued September 15, 2000.

11990101. R.J.C. Kohl, Inc. (P. O. Box 299, Nicktown, PA 15762), commencement, operation and restoration of a bituminous surface-auger mine in Barr Township, **Cambria County**, affecting 80.0 acres, receiving stream unnamed tributaries to/and Hoppel Run and West Branch Susquehanna River, application received February 26, 1999, permit issued September 15, 2000.

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

03950111. Cookport Coal Co., Inc. (425 Market Street, Kittanning, PA 16201). Renewal issued for continued reclamation only of a bituminous surface mine located in Redbank Township, **Armstrong County**, affecting 46.3 acres. Receiving streams: unnamed tributary to Pine Run to Pine Run to Mahoning Creek to Allegheny River. Application received: July 26, 2000. Reclamation only renewal issued: September 12, 2000.

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

24940101. Tamburlin Brothers Coal Co., Inc. (P. O. Box 1419, Clearfield, PA 16830) Renewal of an existing bituminous strip, auger and clay removal operation in Horton Township, **Elk County** affecting 133.0 acres. Receiving streams: Unnamed tributary to Mead Run. Application received: April 24, 2000. Permit issued: September 11, 2000.

61950102. Ben Hal Mining Company (389 Irishtown Road, Grove City, PA 16127) Renewal of an existing bituminous strip, auger and limestone removal operation in Irwin Township, **Venango County** affecting 73.5 acres. This renewal is issued for reclamation only. Receiving streams: Two unnamed tributaries to Scrubgrass Creek, one unnamed tributary to North Branch Slippery Rock Creek. Application received: July 28, 2000. Permit issued: September 11, 2000.

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

54763209R3. Gilberton Coal Company (P. O. Box 423, Gilberton, PA 17934), renewal of an existing coal refuse reprocessing operation in Butler Township and Ashland Borough, **Schuylkill County** affecting 109.0 acres, receiving stream—none. Renewal issued September 15, 2000.

54803204R3. Gilberton Coal Company (P. O. Box 423, Gilberton, PA 17934), renewal of an existing coal refuse reprocessing operation in Butler and Conyngham Townships, **Schuylkill and Columbia Counties** affecting 24.6 acres, receiving stream—none. Renewal issued September 15, 2000.

40990101. Hazleton Shaft Corporation (P. O. Box 435, Hazleton, PA 18201), commencement, operation and restoration of an anthracite surface mine operation in the City of Hazleton and Hazle Township, **Luzerne County** affecting 481.0 acres, receiving stream—none. Permit issued September 15, 2000.

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

Small Noncoal (Industrial Minerals) Permits Issued

42002802. Brian Sees (Box B, Mt. Jewett, PA 16740) Commencement, operation and restoration of a small noncoal topsoil and sandstone operation in Mt. Jewett Borough, **McKean County** affecting 15.0 acres. Receiving streams: None. Application received: July 21, 2000. Permit Issued: September 7, 2000.

25002804. Bill Danylko & Son Excavating, Inc. (10330 Osborne Road, McKean, PA 16426) Commencement, operation and restoration of a small noncoal sand and gravel operation in Washington Township, **Erie County** affecting 4.5 acres. Receiving streams: None. Application received May 8, 2000. Permit Issued: September 7, 2000.

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

Noncoal (Industrial Minerals) Permits Issued

03920301. Continental Clay Company (260 Oak Avenue, Kittanning, PA 16201). NPDES renewal issued for continued discharges at a large noncoal surface mine located in Rayburn Township, **Armstrong County**, affecting 334.5 acres. Receiving streams: unnamed tributaries to Allegheny River. NPDES renewal application received: July 26, 2000. NPDES renewal issued: September 12, 2000.

Knox District Office, P. O. Box 669, Knox, PA 16232. Noncoal Permits Issued

37990304. G. L. McKnight, Inc. (P. O. Box 773, Slippery Rock, PA 16057-8316) Commencement, operation and restoration of a large noncoal sand and gravel operation in Plain Grove Township, **Lawrence County** affecting 45.0 acres. Receiving streams: Jamison Run. Application received: November 19, 1999. Permit issued: September 7, 2000.

302608-37990304-E-1. G. L. McKnight, Inc. (P. O. Box 773, Slippery Rock, PA 16057-8316) Application for a stream encroachment to conduct mining activities within 100 feet but no closer than 50 feet to the east bank of Jamison Run in Plain Grove Township, **Jefferson County**. Receiving streams: Jamison Run. Application received: November 19, 1999. Permit Issued: September 7, 2000.

302608-37990304-E-2. G. L. McKnight, Inc. (P. O. Box 773, Slippery Rock, PA 16057-8316) Application for a stream encroachment to mine within 100 feet and construct and maintain a haul road crossing over Jamison Run in Plain Grove Township, **Jefferson County**. Receiving streams: Jamison Run. Application received: November 19, 1999. Permit Issued: September 7, 2000.

ACTIONS TAKEN UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT ENCROACHMENTS

The Department of Environmental Protection has taken the following actions on previously received permit applications, request 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)).

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

Actions on applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and sections 5 and 402 of The Clean Streams Law (35 P. S. §§ 691.5 and 691.402) and notice of final action for certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)), (*Note: Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description.*)

Permits Issued and Actions on 401 Certifications:

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

E15-639. Encroachment Permit. **Potrero Gardens**, 1201 17th Street, San Francisco, CA 94107. To construct and maintain the following water obstructions and encroachments associated with the proposed Anderson Farm Residential Subdivision:

1. To construct a twin span 9-foot 8-inch by 2-foot 7-inch arch bridge and endwalls associated with the construction of Anderson Farm Road. The crossing will impact 51 linear feet of unnamed tributary of Pickering Creek (HQ-TSF) and 0.03 acre of adjacent wetland (PEM).

2. To construct a single span 5.21-foot by 16-foot arch bridge and endwalls associated with the construction of Schofield Road. The crossing will impact 59 linear feet of an unnamed tributary of Pickering Creek and 0.10 acre of adjacent wetland (PFO).

This project proposes impact to a total of 0.13 acre of wetland and 110 feet of watercourse and is located immediately east of the intersection of Valley Park Road (S. R. 1036) and Clothier Springs Road (T433) (Malvern, PA Quadrangle N: 19.6 inches; W: 0.1 inch) in Schuylkill Township, **Chester County**. The permittee is required to provide 0.25 acre of replacement wetlands.

E15-648. Encroachment Permit. **Pennsylvania Department of Transportation**, District 6-0, 7000 Geerdes Boulevard, King of Prussia, PA 19406-1525. To install and maintain an ancillary conduit along several major regional roadways through **Chester, Delaware and Montgomery Counties** associated with the Intelligent Transportation System (ITS). The main stem will extend along U. S. Route 202, Section 400, starting at a point 200 feet south of King Road (Malvern, PA Quadrangle N: 3.5 inches; W: 12.00 inches) and ending at a point just east of Ford Street (Norrstown, PA Quadrangle N: 18.00 inches; W: 14.5 inches).

The scope of work will also include various branches as follows:

Branch No. 1 will extend approximately 3 miles along the SEPTA Route 100 Rail Line, between the Route 202 overpass to just past the Montgomery Avenue overpass.

Branch No. 2 will extend approximately 7.6 miles westbound along U. S. Route 422 from the Route 202 Interchange.

Branch No. 3 will extend approximately 5.2 miles eastbound on I-76 from milepost 382.2 to milepost 333.4.

Branch No. 4 will extend 5.2 miles along I-476 from milepost 13.9 to milepost 19.1 and connect to the I-76 branch.

Branch No. 5 will extend 1.2 miles along Route 23 between the U. S. Route 422 Interchange and Allendale Road intersection and will connect with the District 6-0 Headquarters.

Proposed conduit within portions of Chester County, E15-648, will be installed along roadway right-of-ways over existing structures which cross: Trout Creek (WWF); Valley Creek (CWF, MF); Valley Creek (EV); Little Valley Creek (EV); and unnamed tributaries to aforementioned watercourses located in Tredyffrin, East Whiteland and West Whiteland Townships.

This permit was issued under section 105.13(e) "small projects."

E23-400. Encroachment Permit. **Pennsylvania Department of Transportation**, District 6-0, 7000 Geerdes Boulevard, King of Prussia, PA 19406-1525. To install and maintain an ancillary conduit along several major regional roadways through **Chester, Delaware and Montgomery Counties** associated with the Intelligent Transportation System (ITS). The main stem will extend along U. S. Route 202, Section 400, starting at a point 200 feet south of King Road (Malvern, PA Quadrangle N: 3.5 inches; W: 12.00 inches) and ending at a point just east of Ford Street (Norristown, PA Quadrangle N: 18.00 inches; W: 14.5 inches).

The scope of work will also include various branches as follows:

Branch No. 1 will extend approximately 3 miles along the SEPTA Route 100 Rail Line, between the Route 202 overpass to just past the Montgomery Avenue overpass.

Branch No. 2 will extend approximately 7.6 miles westbound along U. S. Route 422 from the Route 202 Interchange.

Branch No. 3 will extend approximately 5.2 miles eastbound on I-76 from milepost 382.2 to milepost 333.4.

Branch No. 4 will extend 5.2 miles along I-476 from milepost 13.9 to milepost 19.1 and connect to the I-76 branch.

Branch No. 5 will extend 1.2 miles along Route 23 between the U. S. Route 422 Interchange and Allendale Road intersection and will connect with the District 6-0 Headquarters.

Proposed conduit within portions of Delaware County, E23-400, will be installed along roadway right-of-ways over existing structures which cross: Meadowbrook (CWF, MF); Ithan Creek (CWF, MF); Browns Run (CWF, MF); and Hardings Run (CWF, MF) located in Radnor and Haverford Townships.

This permit was issued under section 105.13(e) "small projects."

E46-871. Encroachment Permit. **Pennsylvania Department of Transportation**, District 6-0, 7000 Geerdes Boulevard, King of Prussia, PA 19406-1525. To install and maintain an ancillary conduit along several major regional roadways through **Chester, Delaware and Montgomery Counties** associated with the Intelligent Transportation System (ITS). The main stem will extend along U. S. Route 202, Section 400, starting at a point 200 feet south of King Road (Malvern, PA Quadrangle N: 3.5 inches; W: 12.00 inches) and ending at a point just east of Ford Street (Norristown, PA Quadrangle N: 18.00 inches; W: 14.5 inches).

The scope of work will also include various branches as follows:

Branch No. 1 will extend approximately 3 miles along the SEPTA Route 100 Rail Line, between the Route 202 overpass to just past the Montgomery Avenue overpass.

Branch No. 2 will extend approximately 7.6 miles westbound along U. S. Route 422 from the Route 202 Interchange.

Branch No. 3 will extend approximately 5.2 miles eastbound on I-76 from milepost 382.2 to milepost 333.4.

Branch No. 4 will extend 5.2 miles along I-476 from milepost 13.9 to milepost 19.1 and connect to the I-76 branch.

Branch No. 5 will extend 1.2 miles along Route 23 between the U. S. Route 422 Interchange and Allendale Road intersection and will connect with the District 6-0 Headquarters.

Proposed conduit within portions of Montgomery County, E46-871, will be installed along roadway right-of-ways over existing structures which cross: Crow Creek (WWF); Doe Run (TSF); Gulph Creek (WWF); Perkiomen Creek (TSF); Plymouth Creek (WWF); Sawmill Run (WWF); Schuylkill River (WWF, MF); Trout Creek (WWF), and unnamed tributaries to aforementioned watercourses in Upper Merion Township, West Norriton Township, Lower Providence Township, Lower Merion Township, Plymouth Township, West Conshohocken Borough, and Upper Providence Township.

This permit was issued under section 105.13(e) "small projects."

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

E39-352. Encroachment. **Lower Macungie Township**, 3400 Brookside Road, Macungie, PA 18062. To construct and maintain three stormwater outfalls; within the floodway along the left bank of Little Lehigh Creek, as follows: a 66-inch-diameter RCP (Endwall H5); a 36-inch-diameter RCP (Endwall A30); and a 27-inch-diameter RCP (Endwall C12). The project is associated with the Rolling Meadows Estates Development and is located south of the intersection of S. R. 2012 (Lower Macungie Road) and S. R. 3001 (Spring Creek Road) (Allentown West, PA Quadrangle N: 7.7 inches; W: 9.5 inches), in Lower Macungie Township, **Lehigh County**.

E48-283. Encroachment. **John and Marion Pearce**, 1034 North 27th Street, Allentown, PA 18104. To remove a malfunctioning septic system from wetlands and to place fill in a de minimis area of wetlands equal to 0.05 acre for the purpose of constructing a small flow treatment facility sewage disposal system to serve a single family dwelling and to construct and maintain approximately 290 L. F. of 4-inch diameter PVC sewer line in wetlands. The project is located along Township Road T703 (Jacoby Creek Road), approximately 0.3 mile northeast of its intersection with Township Road T803 (Portland, PA-NJ Quadrangle N: 6.4 inches; W: 15.4 inches) in Upper Mount Bethel Township, **Northampton County**.

E48-291. Encroachment. **City Line Building and Development, Inc.**, 2045 City Line Road, Bethlehem, PA 18017. To construct and maintain a private bridge having a single span of approximately 70 feet and underclearance of approximately 4.4 feet across Saucon Creek. The project is located 300 feet south of Township Road T371 (Old Mill Road) and 0.4 mile east of T564 (Bingen Road) (Hellertown, PA Quadrangle N: 20.8 inches; W: 14.7 inches) in Lower Saucon Township, **Northampton County**.

E58-234. Encroachment. **Pennsylvania Department of Transportation, District 4-0**, P. O. Box 111, Scranton, PA 18501. To remove the existing structure and to construct and maintain a 2-span, prestressed spread box beam bridge having a total span of 44.24 meters (145.14 feet) and an underclearance of approximately 3.87 meters (12.70 feet) across the east branch of Wyalusing Creek. The project is located along S. R. 0267, approximately 0.5 kilometers (1640 feet) west of the intersection of S. R. 0267 and S. R. 0706 (Lawton, PA Quadrangle N: 6.9 inches; W: 9.7 inches) in Rush Township, **Susquehanna County**.

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

E21-310. Encroachment. **Shippensburg Borough**, 60 W. Burd Street, Shippensburg, PA 17257. To construct and maintain a footbridge across Middle Spring Creek and to fill in 0.50 acre of wetland in order to construct ball fields for the Shippensburg Little League Association and associated improvements within the 100-year floodplain of an unnamed tributary to Middle Spring Creek located about 1,100 feet southeast of the Fayette and Garfield Streets intersection (Shippensburg, PA Quadrangle N: 8.15 inches; W: 2.7 inches) in Shippensburg Borough and Shippensburg Township, **Cumberland County** and Southampton Township, **Franklin County**. The applicant is required to provide 0.75 acre of replacement wetland. This permit also includes 401 Water Quality Certification.

E31-155. Encroachment. **Charles Lentz**, 73 Main St., New Providence, PA 17560. To remove an existing unauthorized bridge and to construct and maintain a single span steel stringer bridge having a clear span of 29.83 feet and an underclearance of 6.5 feet across Smith Run (TSF) for the purpose of providing access to private property located along the west side of Smith Valley Road (SR 3029) about 3 miles from Mapleton Depot (Mount Union, PA Quadrangle N: 2.6 inches; W: 13.5 inches) in Union Township, **Huntingdon County**. This permit also includes 401 Water Quality Certification.

E36-691. Encroachment. **Farmers First Bank**, P. O. Box 1000, Lititz, PA 17543. To construct and maintain a paved parking area of 26 spaces within the 100-year floodway of Lititz Run (WWF) for expansion onto the existing Farmers First Bank parking lot located on the east side of North Cedar Street (Lititz, PA N: 5.9 inches; W: 7.4 inches) in Lititz Borough, **Lancaster County**. The permit authorizes continued maintenance of the previously constructed existing parking lot.

E67-650. Encroachment. **Fawn Township**, 245 Alum Rock Road, New Park, PA 17352. To remove an existing structure and to construct and maintain 114-inch by 77-inch corrugated metal pipe arch 3.5 feet long in an unnamed tributary to Bald Eagle Creek (TSF) on Bald Eagle Road north of Deer Road for road improvements (Airville, PA Quadrangle N: 3.8 inches; W: 7.85 inches) in Fawn Township, **York County**. This permit was issued under section 105.13(e) "small projects." This permit also includes 401 Water Quality Certification.

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

EA 17-002 NC. Encroachment. **Clearfield County Conservation District**, 650 Leonard St., Clearfield, PA 16830. A restoration waiver has been granted to the

Clearfield County Conservation District to construct a passive treatment system to reduce abandoned mine drainage impacts on Hubler Run, a tributary to Alder Run in the West Branch Susquehanna River Drainage. The project will require building a collection trench and passive wetland treatment cells in a 3.27+ acre emergent wetland, converting 0.8 acre of jurisdictional wetland into treatment facility. The affected wetland is adjacent to Hubler Run, which is classified as a cold-water fishery. The affected wetland and Hubler Run are degraded by acid mine drainage. The project is located about 3,000 ft. south of the village of Palestine (Frenchville, PA Quadrangle N: 3.0 inches and W: 14.75 inches) in Graham Township, **Clearfield County**. No wetland replacement is proposed because the project objective is water quality restoration.

E55-164. Encroachment. **Gary Nolder**, P. O. Box 611, Shamokin Dam, PA 17876. To modify and maintain an existing residential structure, parking area, and sign all in the 100-year floodway of Middle Creek. The modification work to the structure will consist of constructing two additions. A 50-foot by 22-foot addition shall be constructed on concrete piers above the recorded 100-year frequency flood elevation. Another 12-foot by 16-foot addition shall be constructed to the existing structure without obstructions above the recorded 100-year frequency flood elevations. Modifications to the parking area shall be limited to regrading and paving that shall not exceed existing contours and elevations. Modification work shall also include the construction of a sign that shall provide a minimum underclearance of 8 feet. The project is located along the northern right-of-way of S. R. 0522 approximately 200 feet west of S. R. 0104 and S. R. 0522 intersection (Middleburg, PA Quadrangle N: 7.1 inches; W: 6.2 inches) in Middleburg Borough, **Snyder County**. This permit was issued under section 105.13(e) "small projects."

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

E32-420. Encroachment. **Reliant Energy Mid-Atlantic Power Holdings, LLC**, 1001 Broad Street, P. O. Box 1050, Johnstown, PA 15907. To place and maintain fill in abandoned ash ponds along the Conemaugh River (WWF) for the purpose of creating available construction site for potential future expansion of the Seward Power Plant. This permit also authorizes the placement and maintenance of rock riprap along the right bank of the Conemaugh River (WWF) for a distance of 750 feet for stabilization and erosion prevention. The project is located off of Power Plant Road, approximately 2 miles from its intersection with Route 711 (New Florence, PA Quadrangle N: 5.5 inches; W: 4.5 inches) in East Wheatfield Township, **Indiana County**. This permit was issued under section 105.13(e) "small projects." This permit also includes 401 Water Quality Certification.

E65-759. Encroachment. **Pennsylvania Department of Transportation**, P. O. Box 459, Uniontown, PA 15401. To remove the existing structure and to construct and maintain a 3.0-foot concrete pipe culvert in an unnamed tributary to Laurel Run (CWF) for the purpose of improving transportation safety and roadway standards. The project is located on S. R. 2006, Segment 0020, Offset 0000 (Mammoth, PA Quadrangle N: 5.2 inches; W: 13.9 inches) in Mount Pleasant Township, **Westmoreland County**. This permit was issued under section 105.13(e) "small projects." This permit also includes 401 Water Quality Certification.

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

E25-616. Encroachment. **PA Department of Transportation**, District 1-0, 255 Elm Street, Oil City, PA 16301-1499. To remove the existing bridge and to construct and maintain a prestressed concrete spread box beam bridge having a clear, normal span of 71 feet and an average underclearance of 5.67 feet across Conneauttee Creek on S. R. 3008, Section B01, Segment 0230, Offset 1426 approximately 1 mile west of S. R. 99 (Edinboro North, PA Quadrangle N: 5.0 inches; W: 2.6 inches) in Washington Township, **Erie County**. This permit was issued under section 105.13(e) "small projects." This permit also includes 401 Water Quality Certification.

E43-278. Encroachment. **#2: Northeast Industrial Manufacturing, Inc.**, 640 Keystone Road, Greenville, PA 16125. To fill a 0.09 acre wetland located on Lot 15C within the existing Greenville-Reynolds Development Corporation's Reynolds East Business Park northwest of the intersection of S. R. 4012 (Kidds Mill Road) and Keystone Road for construction of a manufacturing building (Sharpsville, PA Quadrangle N: 20.1 inches; W: 0.7 inch) in Delaware and Hempfield Townships, **Mercer County**. This project includes construction of 0.10 acre of replacement wetland on Lot 15C.

ENVIRONMENTAL ASSESSMENT

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

Environmental Assessment No. EA03-002SW. Allegheny Energy Supply Company, LLC, 800 Cabin Hill Drive, Greensburg, PA 15601-1689. To place and maintain approximately 130,000 cubic yards of non-erodible fill in an existing approximately 850 foot long by 300 foot wide dredge hold located adjacent to Armstrong Power Station's water supply intake at approximately river mile 54.7 in the Allegheny River (Templeton, PA Quadrangle N: 9.8 inches; W: 12.3 inches). The source of the fill material is the U. S. Army Corps of Engineers Lower Monongahela Lock and Dam Project.

STORAGE TANKS

The following Storage Tank Site Specific Installation Permits under the authority of the Storage Tank and Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101—6021.1102) and 25 Pa. Code Chapter 245, Subchapter C have been issued by the Bureau of Watershed Conservation, Director, P. O. Box 8555, Harrisburg, PA 17105-8555, (717) 787-5267.

<i>SSIP Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Tank Type and Capacity</i>
00-61-001	Patricia L. Flowers Calumet Lubricants Co., L.P. 2 Main Street Rouseville, PA 16344	Venango County Rouseville Boro	2 ASTs storing Slop Oil 35,110 gallons each
00-46-002	Meghan M. Hessenauer Merck & Company Inc. Sumneytown Pike, P. O. Box 4 West Point, PA 19486-0004	Montgomery County Upper Gwynedd Township	2 ASTs storing Fuel Oil No. 2 Diesel 700,000 gallons each

[Pa.B. Doc. No. 00-1670. Filed for public inspection September 29, 2000, 9:00 a.m.]

Request for Comment and Notice of Public Meeting

Proposed Total Maximum Daily Load (TMDL) for Levittown Lake, Bucks County, PA

The Department of Environmental Protection (Department) is holding a public meeting on Wednesday, November 15, 2000, from 3 p.m. to 5 p.m. at the Southeast Regional Office, 555 North Lane, Suite 6010, Conshohocken, PA 19428. The Department will discuss and accept comments on a proposed TMDL, established in accordance with the requirements of section 303(d) of the Clean Water Act. The Department listed Levittown Lake in 1996 and 1998 under section 303(d) of the Clean Water Act as impaired due to an excessive level of PCB found in fish tissue, resulting in the issuance of a consumption advisory. The proposed plan provides a calculation of the lake's capacity to absorb PCB without violating the water quality criterion of 0.00004 micrograms per liter. The calculated maximum amount of PCB that Levittown Lake can safely absorb under design conditions is 0.0108591 grams. The Department expects natural attenuation to, in time, reduce the concentration of PCB to an acceptable level.

The data and all supporting information used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and an information sheet, contact Allen Whitehead by phone at (610) 832-6057, by mail at 555 North Lane, Suite 6010, Conshohocken, PA, 19428, or e-mail at whitehead.allen@dep.state.pa.us.

The TMDL can be viewed and printed on the DEP Website, <http://www.dep.state.pa.us>, by typing the acronym TMDL in the direct link field, and clicking GO.

The Department will accept written comments post-marked by November 29, 2000 at the above address. Persons who plan to make a presentation at the public meeting should notify the Department no later than 4 p.m. on Monday, November 13, 2000. The Department will consider all comments in developing the final TMDL, which will be submitted to the Environmental Protection Agency (EPA) for approval.

Proposed Total Maximum Daily Load (TMDL) for PCB and Chlordane for the Schuylkill River

The Department of Environmental Protection (Department) is holding a public meeting on November 15, 2000 beginning at 10 a.m. and ending no later than 12 p.m. at

the Southeast Regional Office, Lee Park, Suite 6010, Conshohocken, PA to discuss and accept comments on a proposed TMDL, established in accordance with the requirements of section 303(d) of the Clean Water Act. The Schuylkill River, from Felix Dam in Berks County to Fairmount Dam in Philadelphia was listed in 1996 and 1998 under section 303(d) of the Clean Water Act as impaired because excessive levels of PCB and chlordane were found in fish tissue, resulting in fish consumption advisories. The proposed plan provides calculations of the river's total capacity to absorb PCB and chlordane without violating the water quality criteria of 0.00004 micrograms per liter for PCB and 0.0005 micrograms per liter for chlordane. The maximum amount of PCB that can be safely absorbed by the Schuylkill River under design conditions is 0.00030313 lbs/day. The maximum amount of chlordane that can be safely be absorbed by the Schuylkill River under design conditions is 0.00378917 lbs/day. Remediation activities, including the excavation of stream sediments, along with bans on use and natural attenuation, are expected to reduce concentrations of PCB and chlordane to acceptable levels.

The data and all supporting information used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and an information sheet, contact Laurel Ateyeh at (610) 832-6075 or by writing to her at Department of Environmental Protection, 555 North Lane, Lee Park, Suite 6010, Conshohocken, PA 19428 or e-mail her at ateyeh.laurel@dep.state.pa.us.

The TMDL can be viewed and printed on the DEP Website, <http://www.dep.state.pa.us>, by typing the acronym TMDL in the direct link field, and clicking GO.

Written comments will be accepted at the above address and must be postmarked by November 29, 2000. Persons who plan to make a presentation at the public meeting should notify the Department no later than 4 p.m. on November 13, 2000. The Department will consider all comments in developing the final TMDL, which will be submitted to the Environmental Protection Agency (EPA) for approval.

Proposed Total Maximum Daily Load (TMDL) for West Branch Brandywine Creek, Chester County Business Route 30 in Coatesville to Confluence of Buck Run

The Department of Environmental Protection (Department) is holding a public meeting on November 15, 2000 beginning at 12:30 p.m. and ending no later than 2:30 p.m. at the Southeast Regional Office, Lee Park, Suite 6010, Conshohocken, PA to discuss and accept comments on a proposed TMDL, established in accordance with the requirements of section 303(d) of the Clean Water Act. This TMDL applies to PCB and chlordane in the main stem of West Branch Brandywine Creek, from Business Route 30 in Coatesville to the confluence of Buck Run. This segment was included on the 1996 and 1998 section 303(d) lists in State Water Plan Watershed 3-H. Anglers were first advised to limit consumption of American eel downstream from Coatesville on December 12, 1979 due to a PCB concentration of 2.37 ppm, even though that value did not exceed the 5 ppm FDA action level in effect at the time. A "Do Not Eat" advisory was issued June 26, 1986 as part of a Statewide release due to PCB at 2.6 ppm (above the revised 2.0 ppm Action Level) and chlordane of 1.0 ppm. This advice remained unchanged until application of the Great Lakes protocol for the 1998 advisory. As a result, eels are to be eaten no more than one meal every 2 months due to PCB. The most recent

chlordane data show concentrations below the Action Level (0.217 ppm in 1994 and an estimate 0.110 ppm in 1995). The proposed plan provides calculations of the stream's total capacity to absorb PCB without violating the water quality criterion of 0.00004 ug/l (micrograms per liter) for PCB and 0.0005 ug/l for chlordane. The maximum amount of PCB that can be safely absorbed by West Branch Brandywine Creek under design conditions is 0.0000231 lbs/day and chlordane is 0.0002887 lbs/day. The levels of PCBs and chlordane are expected to decline over time to acceptable levels due to bans on use, through natural attenuation, which includes flushing of sediments during periods of high stream flow and covering of contaminated sediments with newer, less contaminated materials. Natural attenuation involves less habitat disturbance/destruction than active removal, such as mechanical or vacuum dredging.

The data and all supporting information used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and an information sheet, contact William Goman at (610) 832-6074 or by writing to him at Department of Environmental Protection, 555 North Lane, Lee Park, Suite 6010, Conshohocken, PA 19428 or e-mail him at goman.william@dep.state.pa.us

The TMDL can be viewed and printed on the DEP Website, <http://www.dep.state.pa.us>, by typing the acronym TMDL in the direct link field, and clicking GO.

Written comments will be accepted at the above address and must be postmarked by November 29, 2000. Persons who plan to make a presentation at the public meeting should notify the Department no later than 4:00 p.m. on Monday November 13, 2000. The Department will consider all comments in developing the final TMDL, which will be submitted to the Environmental Protection Agency (EPA) for approval.

Proposed Total Maximum Daily Load (TMDL) for a segment of the Shenango River

The Department of Environmental Protection (Department) is holding a public meeting on October 27, 2000 beginning at 1:30 p.m. and ending no later than 4 p.m. at the Northwest Regional Office, 230 Chestnut St., Meadville, PA to discuss and accept comments on a proposed TMDL, established in accordance with the requirements of section 303(d) of the Clean Water Act. The Shenango River from the Shenango Lake dam (River Mile 33.1) to the mouth (River Mile 0.0) was listed in 1996 under section 303(d) of the Clean Water Act as impaired because excessive levels of PCBs and chlordane were found in fish tissue, resulting in a fish consumption advisory. The proposed plan provides calculations of the stream's loading capacity for PCBs and chlordane. The loading capacity is the greatest amount of loading that a water body can receive without violating water quality standards. The water quality criterion is 0.00004 micrograms per liter for PCBs and 0.0005 micrograms per liter for chlordane. The maximum amount of PCBs and chlordane that can enter the water column without violating the water quality criteria is 0.000099469 lbs/day and 0.001243365 lbs/day respectively. Remediation activities, which may include the excavation of stream sediments, along with bans on use and natural attenuation, are expected to reduce concentrations of PCBs and chlordane to acceptable levels.

The data and all supporting information used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and an

information sheet, contact Donald Luttmann at (814) 332-6685 or by writing to him at Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335 or e-mail him at luttmann.donald@dep.state.pa.us.

The TMDL can be viewed and printed on the DEP Website, <http://www.dep.state.pa.us>, by typing the acronym TMDL in the direct link field, and clicking GO.

Written comments will be accepted at the above address and must be postmarked by November 29, 2000. Persons who plan to make a presentation at the public meeting should notify the Department no later than 4 p.m. on October 23, 2000. The Department will consider all comments in developing the final TMDL, which will be submitted to the Environmental Protection Agency (EPA) for approval.

Proposed Total Maximum Daily Load (TMDL) for Ohio River, Monongahela River, Beaver River and Chartiers & Little Chartiers Creek

The Department of Environmental Protection (Department) is holding a public meeting on November 14, 2000 beginning at 9 a.m. and ending no later than 12 p.m. at 400 Waterfront Drive, Pittsburgh, PA 15222 (Waterfront Rooms A & B) to discuss and accept comments on a proposed TMDL, established in accordance with the requirements of section 303(d) of the Clean Water Act.

Segments of Ohio River, Monongahela River, Beaver River and Chartiers/Little Chartiers Creek, have been listed in 1996 and 1998 under section 303(d) of the Clean

Water Act as impaired because excessive levels of PCB were found in fish tissue, resulting in a fish consumption ban. The proposed plan provides calculations of the stream's total capacity to absorb PCB without violating the water quality criterion of 0.00004 micrograms per liter. The maximum amount of PCB that can be safely absorbed (lbs/day) by each stream under design conditions is listed in the attached Table 1. Remediation activities, including the excavation of stream sediments, along with bans on use and natural attenuation, are expected to reduce concentrations of PCB to acceptable levels.

The data and all supporting information used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and an information sheet, contact Mrs. Bharati Vajjhala at (412) 442-4202 or by writing to her at 400 Waterfront Drive, Pittsburgh, PA 15222 or e-mail her at Vajjhala.Bharati@dep.state.pa.us.

The TMDL can be viewed and printed on the DEP Website, <http://www.dep.state.pa.us>, by typing the acronym TMDL in the direct link field, and clicking GO.

Written comments will be accepted at the above address and must be postmarked by November 29, 2000. Persons who plan to make a presentation at the public meeting should notify the Department no later than 4 p.m. on November 6, 2000. The Department will consider all comments in developing the final TMDL, which will be submitted to the Environmental Protection Agency (EPA) for approval.

Summary of TMDLs for the Ohio River Watershed

<i>Segment Name</i>	<i>PCB TMDL (lbs/day)</i>	<i>Chlordane TMDL (lbs/day)</i>	<i>Recommended* % Reduction For PCB</i>	<i>Recommended* % Reduction For Chlordane</i>
Monongahela River—Maxwell L & D to L & D 4	0.000361	0.00451	99.8	97.7
Monongahela River—L & D 2 to Mouth	0.000508	0.00635	99.9	98.2
Beaver River—New Brighton Dam to Mouth	0.000469	0.00586	9.84	92.9
Chartiers Creek—Canonsburg to Mouth	0.0000369	0.000461	99.95	98.3
Little Chartiers Creek—Canonsburg Lake to Mouth	0.00000573	0.0000716	99.95	98.3
Subtotal—For Tributaries to Ohio River	0.001383	0.01723	—	—
Ohio River—Pittsburgh to Ohio/PA State Line	0.00442	0.05525	99.91	97.3
Marginal Difference** (Ohio River minus Subtotal)	0.00304	0.03799	—	—

* Denotes the percent reduction necessary to achieve the calculated TMDL goals.

** It is evident that the PCB/Chlordane load into the Ohio River is due to the tributaries draining into it.

[Pa.B. Doc. No. 00-1671. Filed for public inspection September 29, 2000, 9:00 a.m.]

Water Resources Advisory Committee Meeting

The Water Resources Advisory Committee will hold a meeting on Tuesday, October 10, 2000 at 9:30 a.m. in the Delaware Room, 16th Floor Rachel Carson State Office

Building, Harrisburg. The purpose of this meeting is to continue review of the Water Quality Antidegradation Implementation Guidance. For more information, contact Carol Young at (717) 783-2952 or Young.Carol@dep.state.pa.us.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Sharon Myers at (717) 787-4686 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 00-1672. Filed for public inspection September 29, 2000, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

Design Professional Selections

The Selections Committee for the Department of General Services will meet to consider selections of Design Professionals for the following projects:

Project No. DGS 700-41—Construction and Rehabilitation of the Pennsylvania Farm Show Complex, Harrisburg, Dauphin County, PA. Construction Cost: \$55,200,000. The scope of work includes, but is not limited to, construction of a New Exposition Hall, central heating and refrigeration plant, parking facility, improvements and rehabilitation of the existing facilities and flood protection. The Department of General Services will select and contract for full time Construction Manager (CM) services. The Professional shall work with the CM who will establish schedule, bid packages and cost control. *Note:* The fee to be paid to the design professional and the terms of the contract will be negotiated.

Project No. DGS 1103-63 Phase 1A—Building Systems Upgrade, Upgrade and Deferred Maintenance for Buildings and Building Systems, University of Pittsburgh, Pittsburgh, Allegheny County, PA. Construction Cost of the entire project: \$10,000,000. The scope of work for the entire project includes, but is not limited to, renovations, upgrade/replacement of HVAC, electrical, fire protection, water, waste, telecommunications, data, security, controls, fume hoods and other building systems. Phase 1A, with a construction allocation of \$4,583,000, includes schematic design and cost estimating of the entire project, as well as completion of design and construction implementation for that portion that fits the Phase 1A construction budget. The Professional team for this project must have considerable expertise in the renovation and systems upgrade of research laboratory facilities for large teaching and research Universities. The Department will assign a Construction Manager to provide limited preconstruction services including scheduling and cost estimating for the project.

Project No. DGS 1103-65 Phase 1—Building Systems Upgrade, Renovation of the Cathedral of Learning, University of Pittsburgh, Pittsburgh, Allegheny County, PA. Construction Cost of the entire project: \$16,667,000. The scope of work for the entire project includes, but is not limited to, renovations, upgrade/replacement of HVAC, electrical, fire protection, telecommunications, data, security, controls and elevators. Phase 1, with a construction allocation of \$4,167,000, includes schematic design and cost estimating of the entire project, as well as completion

of design and construction implementation for that portion that fits the Phase 1 construction budget, with priority given to the Basement through Third Floor. The Professional Team for this project must have considerable expertise in the renovation/upgrade of historic structures for large teaching institutions. The Department will assign a Construction Manager to provide limited preconstruction services including scheduling and cost estimating for the project.

Requirements and Information

Note—Project Program

A Project Program, prepared by the Using Agency, is available for the following projects: DGS 700-41, DGS 1103-63 Phase 1A and DGS 1103-65 Phase 1. Project Programs are available on the Internet by clicking on the project number in the advertisement which can be accessed through the Public Works section on the Department of General Services' Home Page at www.dgs.state.pa.us. Copies of Project Programs may be obtained upon request to the Selections Committee, Department of General Services, Room 104, 18th & Herr Streets, Harrisburg, PA 17125 telephone (717) 783-8468, or via e-mail by addressing a request to: pbianchi@state.pa.us.

Instructions for Filing Application

Professionals will not be considered by the Committee until all of the following requirements are met.

(a) Signed Form 150-ASP must be filed with the Department of General Services. The signature on Form 150-ASP must be an original signature. Consultants listed on the requesting professional firm's application, Form 150-ASP shall be deemed to be designated Key Consultants. Form 150-ASP, Application For Specific Project, may be obtained upon request to the Selections Committee, Department of General Services, Room 104, 18th & Herr Streets, Harrisburg, PA 17125, (717) 783-8468. The Form 150-ASP can be downloaded from the Professional Selections Web Site of the Department of General Services' Internet Home Page at <http://www.dgs.state.pa.us>. In addition, the Form 150-ASP can be obtained via e-mail by addressing a request to: pbianchi@state.pa.us.

(b) The requesting professional firm shall obtain from each consultant listed in Question 9, page 4 of the requesting professional firm's application (Form 150-ASP) a signed letter of certification on the consultant's letterhead, attesting to the firm's consent to participate in the requesting professional firm's application (Form 150-ASP) for the specific project. Signed letters of certification from consultants are required and constitute a part of the requesting professional firm's application (Form 150-ASP) for the specific project. The signature on the letter of certification must be an original signature.

(c) The requesting professional firm must submit six copies of Form 150-ASP, Application For Specific Project, for each project herein advertised in which the firm is interested and qualified to perform. At least one of the six copies submitted must contain all original signatures. For architectural projects and, when appropriate, for engineering projects, the Professional shall supply photographs showing a maximum of two different views of each of the three relevant projects described in Question 12, Pages 7 through 9 of the application (Form 150-ASP). The requesting professional firm or joint venture firm must be the Professional of Record for the projects described in Question 12, Pages 7 through 9 of the application (Form

150-ASP). It is not acceptable to list work performed by Key Consultants. The identification and appropriate supportive information concerning each photograph shall include the name, project title, location, and the name of the Professional of Record. Color photo copies are acceptable, however, renderings and brochures will not be accepted in lieu of photographs. The photographs shall be attached to each copy of the application, (Form 150-ASP). The pages of each copy of Form 150-ASP must be stapled with photographs and consultant's letters of certification followed by the resume(s) of Key Personnel (listed in Question 10 and/or 11 on Pages 5 and/or 6) included as the last section of the application. *Do not bind the application (Form 150-ASP) in any way to any other documentation. Do not bind the application (Form 150-ASP) in a binder of any type.*

(d) A complete project submission, which consists of documents described in paragraphs (a), (b) and (c) above, must be received on or before the close of business (5:00 p.m.) Friday, October 20, 2000, and addressed to the Selections Committee, Department of General Services, Room 104, 18th & Herr Streets, Harrisburg, Pennsylvania 17125. *Fax applications are not acceptable.*

Project submissions must be made on the Form 150-ASP. Applications submitted on any other form are unacceptable and will not be considered by the Committee.

(e) The Selections Committee may at its discretion establish interviews with any or all of the Professionals who have requested consideration for appointment as designer for the above projects. If an interview is required, the Professional will be notified by the Committee as to the date, time and location.

(f) Additional information, in writing, may be requested by the Committee as required.

Additional Services—Indoor Air Quality Assessment Program and Hazardous Materials

The Professional firm selected to design a project will be expected to perform and administer, when required by the Department as Additional Services, an Indoor Air Quality Assessment Program during Building or Renovation Commissioning and the sampling, testing, inspection and monitoring for removal of any asbestos, other hazardous waste or contaminants encountered during project design or construction, unless otherwise stated in the Scope.

The Selections Committee encourages responses from small firms, minority firms, women-owned firms and firms who have not previously performed state work, and will consider joint ventures, which will enable them to participate in this program.

All applications submitted are subject to review by the Selections Committee. The Selections Committee disclaims any liability whatsoever as to its review of the applications submitted and in formulating its recommendations for selection. All recommendations for selection made by the Committee shall be final under Act 57 of May 15, 1998.

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 00-1673. Filed for public inspection September 29, 2000, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of Schein Ernst Eye Associates for Exception to 28 Pa. Code § 571.1

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Schein Ernst Eye Associates has requested an exception to the requirements of 28 Pa. Code § 571.1 which requires compliance with minimum standard outlined in the "Guidelines For Design and Construction of Hospitals and Healthcare Facilities". Schein Ernst Eye Associates requests exceptions to the following guideline sections: 9.5.F2 operating room size, 9.5.F3 post anesthesia recovery room, 9.5.F5(e) soiled utility room, 9.5.F5(f) anesthesia work room, and 9.5.F5(g) medical gas storage.

The request is on file with the Department. Persons may receive a copy of the request for exception by requesting a copy from: Department of Health, Division of Acute and Ambulatory Care, Room 532 Health and Welfare Building, Harrisburg, PA 17120, Telephone: (717) 783-8980, Fax: (717) 772-2163, E-Mail Address: JINKS@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 at the address listed above.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aide service or other accommodation to do so, should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6514 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 {TT}.

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 00-1674. Filed for public inspection September 29, 2000, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Current Prevailing Wage Act Debarments

The contractors referenced below 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 person, or any firms, corporations or partnerships in which such 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>
ANR Construction Corporation (Fed. ER Tax ID No. 23-2692566) and Ashraf H. Ramelah	1642 Union Boulevard, Suite H Allentown, PA 18103 and/or c/o Dreslin & Company, Inc. Suite 150 190 West Germantown Pike Norristown, PA 19401	August 29, 2000

JOHNNY J. BUTLER,
Secretary

[Pa.B. Doc. No. 00-1675. Filed for public inspection September 29, 2000, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Public Notice of the Department's Intent to Eliminate an Additional Class of Disproportionate Share Payment

The purpose of this notice is to provide public notice of the Department of Public Welfare's (Department) proposed changes to the additional class of disproportionate share payments established in January 1999.

In January 1999, the Department established an additional class of disproportionate share payments in addition to the classes of payment already made under the Medical Assistance (MA) Program, for certain qualifying hospitals which the Department determined provide a high volume of services related to MA births.

The Department has reevaluated the need for such a class of disproportionate share payments and has determined that it is no longer necessary. Therefore, the Department proposes to eliminate this class of payments.

Fiscal Impact

For Fiscal Year 2000-2001, the proposed elimination of this class of disproportionate share payments will result in a savings of 7.6 million in total funds (3.5 million in State General funds and 4.1 million in Federal funds).

Contact Person

A copy of this notice is available for review at local County Assistance Offices. Interested persons are invited to submit written comments within 30 days of this publication. These comments should be sent to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Deputy Secretary's Office, Attention: Suzanne Love, Room 515 Health and Welfare Building, Harrisburg, PA 17120.

Contact Person

Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD Users) or (800) 654-5988 (Voice Users). Persons requiring an alternate format should contact Thomas Vracarich at (717) 783-2209.

FEATHER O. HOUSTOUN,
Secretary

Fiscal Note: 14-NOT-258. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 00-1676. Filed for public inspection September 29, 2000, 9:00 a.m.]

2000 Group One Exception Requests Medical Assistance Long Term Care Participation Review

The Department of Public Welfare (Department), by statement of policy effective December 18, 1996, adopted an interim policy announcing that, as a general matter, it intended to exercise its discretion to refuse to enter into new Medical Assistance (MA) provider agreements and to terminate any provider of MA nursing facility services that sought to increase the number of MA certified nursing facility beds through expansion, unless the Department granted an exception on a case-by-case basis to permit that provider to enroll or expand. A statement of policy that sets forth the guidelines the Department will use when making its case-by-case exception request decisions was published in the *Pennsylvania Bulletin* on January 10, 1998 (28 Pa.B. 138), and is codified at 55 Pa. Code § 1187.21a.

By this notice, published under 55 Pa. Code § 1187.21a(e)(4), the Department announces the 2000 Group One Exception Requests covering the submission period of January 1, 2000, through June 30, 2000.

Expansion Projects

<i>Number</i>	<i>Facility</i>	<i>Address</i>	<i>County</i>	<i>Beds</i>
JJ00003	Luther Acres Manor	600 East Main Street Lititz, PA 17543	Lancaster	6
JJ00009	Milford Valley/Belle Reve	HC 77 Box 379 Milford, PA 18337	Pike	40
JJ00010	St. Anne Home	685 Angela Drive Greensburg, PA 15601	Westmoreland	14

New Facility Projects

<i>Number</i>	<i>Facility</i>	<i>Address</i>	<i>County</i>	<i>Beds</i>
JJ00001	Presbyterian Health Center	400 E. Marshall St. West Chester, PA 19380	Chester	84

<i>Number</i>	<i>Facility</i>	<i>Address</i>	<i>County</i>	<i>Beds</i>
JJ00002	Garden Spot Village	New Holland, PA	Lancaster	41
JJ00004	Monroe Manor	Monroe County	Monroe	150
JJ00005	Overlook Estates	Monroe County	Monroe	150
JJ00006	Maple Winds Convalescence Center	4112 Spring Hill Rd. Portage, PA 15946	Cambria	78
JJ00007	Wellness Concepts, Inc./ Roxborough Memorial	5800 Ridge Avenue Philadelphia, PA 19128	Philadelphia	30
JJ00008	Eastwood Nursing and Rehabilitation Center	2125 Fairview Avenue Easton, PA 18042	Northampton	97

Copies of the above listed exception requests are available for review by the public during regular business hours. To schedule an appointment to review a request, call (717) 705-3705.

The Department will accept written comments related to the requests for a 30-day period following the date of this publication. Written comments may be submitted to: Department of Public Welfare, Bureau of LTC Programs, Attention: Policy Section, P. O. Box 2675, Harrisburg, Pennsylvania 17105.

Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (Voice users). Persons who require another alternative format should contact Thomas Vracarich at (717) 783-2209.

FEATHER O. HOUSTOUN,
Secretary

Fiscal Note: 14-NOT-257. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 00-1677. Filed for public inspection September 29, 2000, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Cash Winfall 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 Cash Winfall.

2. *Price:* The price of a Pennsylvania Cash Winfall instant lottery game ticket is \$5.00.

3. *Play Symbols:* Each Pennsylvania Cash Winfall instant lottery game ticket will contain one play area featuring a "Lucky Numbers" area and a "Your Numbers" area. The play symbols and their captions located in the "Lucky Numbers" area and "Your Numbers" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENTY), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR) and 24 (TWYFOR).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the 15 "Prize" areas are: \$2.⁰⁰ (TWO DOL), \$5.⁰⁰ (FIV DOL), \$7.⁰⁰ (SVN DOL), \$10.⁰⁰ (TEN DOL), \$15\$ (FIFTN), \$20\$ (TWENTY), \$25\$ (TWY FIV), \$40\$ (FORTY), \$100 (ONE HUN), \$200 (TWO HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$5,000 (FIV THO), \$25,000 (TWYFIVTHO) and \$250,000 (TWOHUNFTYTHO).

5. *Prizes:* The prizes that can be won in this game are \$2, \$5, \$7, \$10, \$15, \$20, \$25, \$40, \$100, \$200, \$500,

\$1,000, \$5,000, \$25,000 and \$250,000. The player can win up to eleven times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 2,400,000 tickets will be printed for the Pennsylvania Cash Winfall instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Lucky Numbers" play symbols and a prize play symbol of \$250,000 (TWOHUNFTYTHO) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$250,000.

(b) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Lucky Numbers" play symbols and a prize play symbol of \$25,000 (TWYFIVTHO) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$25,000.

(c) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Lucky Numbers" play symbols and a prize play symbol of \$5,000 (FIV THO) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(d) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Lucky Numbers" play symbols and a prize play symbol of \$1,000 (ONE THO) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Lucky Numbers" play symbols and a prize play symbol of \$500 (FIV HUN) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(f) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Lucky Numbers" play symbols and a prize play symbol of \$200 (TWO HUN) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(g) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Lucky Numbers" play symbols and a prize play symbol of \$100 (ONE HUN) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(h) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Lucky Numbers" play symbols and a prize play symbol of \$40\$ (FORTY) appears in the "Prize" area under the matching "Your Numbers" 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 Numbers" play symbols matches any of the "Lucky Numbers" play symbols and a prize play symbol of \$25\$ (TWY FIV) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(j) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Lucky Numbers" play symbols and a prize play symbol of \$20\$ (TWENTY) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(k) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Lucky Num-

bers" play symbols and a prize play symbol of \$15\$ (FIFTN) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$15.

(l) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Lucky Numbers" play symbols and a prize play symbol of \$10⁰⁰ (TEN DOL) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(m) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Lucky Numbers" play symbols and a prize play symbol of \$7⁰⁰ (SVN DOL) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$7.

(n) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Lucky Numbers" play symbols and a prize play symbol of \$5⁰⁰ (FIV DOL) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(o) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Lucky Numbers" play symbols and a prize play symbol of \$2⁰⁰ (TWO DOL) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$2.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

Match Any Of Your Numbers To Any Of The Lucky Numbers With Prize(s) Of:

<i>Match Any Of Your Numbers To Any Of The Lucky Numbers With Prize(s) Of:</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 2,400,000 Tickets</i>
\$5	\$5	1:7.23	332,000
\$5 + \$2	\$7	1:150	16,000
\$7	\$7	1:600	4,000
\$5 x 2	\$10	1:60	40,000
\$2 x 5	\$10	1:21.43	112,000
\$10	\$10	1:66.67	36,000
\$10 + \$5	\$15	1:200	12,000
\$5 x 3	\$15	1:200	12,000
\$2 x 5 + \$5	\$15	1:150	16,000
\$15	\$15	1:300	8,000
\$15 + \$5	\$20	1:300	8,000
\$10 x 2	\$20	1:600	4,000
\$10 + \$5 x 2	\$20	1:300	8,000
\$5 x 4	\$20	1:300	8,000
\$2 x 10	\$20	1:300	8,000
\$20	\$20	1:600	4,000
\$20 + \$5	\$25	1:600	4,000
\$15 + \$10	\$25	1:600	4,000
\$15 + \$5 x 2	\$25	1:300	8,000
\$10 x 2 + \$5	\$25	1:300	8,000
\$5 x 5	\$25	1:200	12,000
\$25	\$25	1:600	4,000
\$25 + \$10 + \$5	\$40	1:480	5,000
\$20 x 2	\$40	1:480	5,000
\$20 + \$10 + \$5 x 2	\$40	1:600	4,000
\$15 x 2 + \$10	\$40	1:600	4,000
\$10 x 4	\$40	1:1,200	2,000

Match Any Of Your Numbers To Any Of The Lucky Numbers With Prize(s) Of:

<i>Prize(s) Of:</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 2,400,000 Tickets</i>
\$5 x 8	\$40	1:1,200	2,000
\$40	\$40	1:1,500	1,600
\$40 x 2 + \$20	\$100	1:8,000	300
\$40 + \$20 x 2 + \$5 x 4	\$100	1:2,000	1,200
\$25 x 3 + \$20 + \$5	\$100	1:6,000	400
\$20 x 3 + \$5 x 8	\$100	1:6,000	400
\$100	\$100	1:12,000	200
\$100 x 2	\$200	1:120,000	20
\$40 x 5	\$200	1:120,000	20
\$25 x 8	\$200	1:120,000	20
\$200	\$200	1:120,000	20
\$500	\$500	1:120,000	20
\$1,000	\$1,000	1:400,000	6
\$5,000	\$5,000	1:600,000	4
\$25,000	\$25,000	1:1,200,000	2
\$250,000	\$250,000	1:1,200,000	2

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Cash Winfall instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of one year from the announced close of Pennsylvania Cash Winfall, prize money from winning Pennsylvania Cash Winfall instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within one year of the announced close of the Pennsylvania Cash Winfall instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. Such announcement will be disseminated through media used to advertise or promote Pennsylvania Cash Winfall or through normal communications methods.

ROBERT A. JUDGE, Sr.,
Secretary

[Pa.B. Doc. No. 00-1678. Filed for public inspection September 29, 2000, 9:00 a.m.]

Pennsylvania Keys to the Castle 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 Keys to the Castle.

2. *Price:* The price of a Pennsylvania Keys to the Castle instant lottery game ticket is \$1.00.

3. *Play Symbols:* Each Pennsylvania Keys to the Castle instant lottery game ticket will contain one play area featuring a “Key Symbols” area and a “Your Symbols” area. The play symbols and their captions located in the “Key Symbols” area and the “Your Symbols” area are: Hood Symbol (HOOD), Fleur Symbol (FLEUR), Sword Symbol (SWORD), Armor Symbol (ARMOR), Dragon Symbol (DRAGON), Crown Symbol (CROWN), Lance Symbol (LANCE) and a Gauntlet Symbol (GAUNT).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the four “Prize” areas are: \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$4⁰⁰ (FOR DOL), \$6⁰⁰ (SIX DOL), \$8⁰⁰ (EGT DOL), \$12\$ (TWLV), \$16\$ (SIXTN), \$100 (ONE HUN), \$200 (TWO HUN) and \$4,000 (FOR THO).

5. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$4, \$6, \$8, \$12, \$16, \$100, \$200 and \$4,000. The player can win up to four times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 12,000,000 tickets will be printed for the Pennsylvania Keys to the Castle instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the “Your Symbols” play symbols matches either of the “Key Symbols” play symbols and a prize play symbol of \$4,000 (FOR THO) appears in the “Prize” area under the matching “Your Symbols” play symbol, on a single ticket, shall be entitled to a prize of \$4,000.

(b) Holders of tickets upon which any one of the “Your Symbols” play symbols matches either of the “Key Symbols” play symbols and a prize play symbol of \$200 (TWO

HUN) appears in the "Prize" area under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(c) Holders of tickets upon which any one of the "Your Symbols" play symbols matches either of the "Key Symbols" play symbols and a prize play symbol of \$100 (ONE HUN) appears in the "Prize" area under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(d) Holders of tickets upon which any one of the "Your Symbols" play symbols matches either of the "Key Symbols" play symbols and a prize play symbol of \$16\$ (SIXTN) appears in the "Prize" area under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$16.

(e) Holders of tickets upon which any one of the "Your Symbols" play symbols matches either of the "Key Symbols" play symbols and a prize play symbol of \$12\$ (TWLV) appears in the "Prize" area under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$12.

(f) Holders of tickets upon which any one of the "Your Symbols" play symbols matches either of the "Key Symbols" play symbols and a prize play symbol of \$8⁰⁰ (EGT DOL) appears in the "Prize" area under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$8.

(g) Holders of tickets upon which any one of the "Your Symbols" play symbols matches either of the "Key Symbols" play symbols and a prize play symbol of \$6⁰⁰ (SIX DOL) appears in the "Prize" area under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$6.

(h) Holders of tickets upon which any one of the "Your Symbols" play symbols matches either of the "Key Symbols" play symbols and a prize play symbol of \$4⁰⁰ (FOR DOL) appears in the "Prize" area under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(i) Holders of tickets upon which any one of the "Your Symbols" play symbols matches either of the "Key Symbols" play symbols and a prize play symbol of \$2⁰⁰ (TWO DOL) appears in the "Prize" area under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(j) Holders of tickets upon which any one of the "Your Symbols" play symbols matches either of the "Key Symbols" play symbols and a prize play symbol of \$1⁰⁰ (ONE DOL) appears in the "Prize" area under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

When Any Of Your Symbols Matches Either Of The Key Symbols, Win With Prize(s) Of:

<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 12,000,000 Tickets</i>
\$1	1:7.14	1,680,000
\$1 x 2	1:30	400,000
\$2	1:75	160,000
\$1 x 4	1:60	200,000
\$2 x 2	1:150	80,000
\$2 + \$1 x 2	1:120	100,000
\$4	1:600	20,000
\$4 + \$2	1:500	24,000
\$4 + \$1 x 2	1:500	24,000
\$2 x 3	1:500	24,000
\$6	1:1,500	8,000
\$2 x 4	1:300	40,000
\$4 x 2	1:500	24,000
\$6 + \$1 x 2	1:600	20,000
\$8	1:750	16,000
\$6 x 2	1:1,000	12,000
\$4 x 3	1:1,000	12,000
\$8 + \$2 x 2	1:1,000	12,000
\$12	1:3,000	4,000
\$4 x 4	1:3,000	4,000
\$8 x 2	1:3,000	4,000
\$4 + \$6 x 2	1:1,500	8,000
\$16	1:3,000	4,000
\$6 x 4	1:3,000	4,000
\$8 x 2 + \$4 x 2	1:3,000	4,000
\$12 x 2	1:3,000	4,000
\$8 x 3	1:3,000	4,000
\$16 + \$4 x 2	1:3,000	4,000
\$100	1:12,000	1,000
\$200	1:24,000	500
\$100 x 4	1:120,000	100
\$4,000	1:1,000,000	12

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Keys to the Castle instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Keys to the Castle, prize money from winning Pennsylvania Keys to the Castle 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 Keys to the Castle instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Keys to the Castle or through normal communications methods.

ROBERT A. JUDGE, Sr.,
Secretary

[Pa.B. Doc. No. 00-1679. Filed for public inspection September 29, 2000, 9:00 a.m.]

Pennsylvania Pumpkin Patch Cash 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 Pumpkin Patch Cash.

2. *Price:* The price of a Pennsylvania Pumpkin Patch Cash instant lottery game ticket is \$2.00.

3. *Play Symbols:* Each Pennsylvania Pumpkin Patch Cash instant lottery game ticket will contain one play area featuring two "Patch Number" areas and a "Your Numbers" area. The play symbols and their captions located in the two "Patch Number" areas and the "Your Numbers" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN) and 19 (NINTN).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the "Your Numbers" area are: \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$3⁰⁰ (THR DOL), \$4⁰⁰ (FOR DOL), \$8⁰⁰ (EGT DOL), \$10⁰⁰ (TEN DOL), \$13\$ (THRTN), \$20\$ (TWENTY), \$31\$ (TRY ONE), \$40\$ (FORTY), \$300 (THR HUN) and \$31,000 (THRONETHO).

5. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$3, \$4, \$8, \$10, \$13, \$20, \$31, \$40, \$300 and \$31,000. The player can win up to eight times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 2,400,000 tickets will be printed for the Pennsylvania Pumpkin Patch Cash instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Patch Number" play symbols and a prize play symbol of \$31,000 (THRONETHO) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$31,000.

(b) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Patch Number" play symbols and a prize play symbol of \$300 (THR HUN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$300.

(c) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Patch Number" play symbols and a prize play symbol of \$40\$ (FORTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(d) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Patch Number" play symbols and a prize play symbol of \$31\$ (TRY ONE) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$31.

(e) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Patch Number" play symbols and a prize play symbol of \$20\$ (TWENTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(f) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Patch Number" play symbols and a prize play symbol of \$13\$ (THRTN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$13.

(g) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Patch Number" play symbols and a prize play symbol of \$10⁰⁰ (TEN DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(h) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Patch Number" play symbols and a prize play symbol of \$8⁰⁰ (EGT DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$8.

(i) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Patch Number" play symbols and a prize play symbol of \$4⁰⁰ (FOR DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(j) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Patch Number" play symbols and a prize play symbol of \$3⁰⁰ (THR DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$3.

(k) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Patch Number" play symbols and a prize play symbol of \$2^{.00} (TWO DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(l) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Patch

Number" play symbols and a prize play symbol of \$1^{.00} (ONE DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

*When Any Of
Your #'s Matches
Either Patch Number,
Win Prize Shown
Under Matching
Number(s):*

	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 2,400,000 Tickets</i>
\$1 x 2	\$2	1:10	240,000
\$2	\$2	1:12.50	192,000
\$1 x 3	\$3	1:71.43	33,600
\$2 + \$1	\$3	1:150	16,000
\$3	\$3	1:300	8,000
\$3 + \$1	\$4	1:250	9,600
\$2 x 2	\$4	1:500	4,800
\$4	\$4	1:750	3,200
\$1 x 8	\$8	1:150	16,000
\$4 x 2	\$8	1:375	6,400
\$4 + \$3 + \$1	\$8	1:500	4,800
\$3 x 2 + \$2	\$8	1:500	4,800
\$8	\$8	1:1,500	1,600
\$2 x 5	\$10	1:300	8,000
\$3 x 3 + \$1	\$10	1:750	3,200
\$4 x 2 + \$2	\$10	1:750	3,200
\$10	\$10	1:1,500	1,600
\$2 x 6 + \$1	\$13	1:150	16,000
\$3 x 4 + \$1	\$13	1:375	6,400
\$4 x 2 + \$3 + \$2	\$13	1:375	6,400
\$13	\$13	1:750	3,200
\$3 x 6 + \$2	\$20	1:1,500	1,600
\$4 x 4 + \$2 x 2	\$20	1:1,500	1,600
\$8 x 2 + \$4	\$20	1:1,500	1,600
\$10 x 2	\$20	1:1,500	1,600
\$20	\$20	1:1,500	1,600
\$4 x 7 + \$3	\$31	1:400	6,000
\$8 x 3 + \$4 + \$3	\$31	1:600	4,000
\$10 x 3 + \$1	\$31	1:960	2,500
\$13 x 2 + \$4 + \$1	\$31	1:960	2,500
\$31	\$31	1:2,400	1,000
\$8 x 5	\$40	1:2,727	880
\$8 x 4 + \$4 x 2	\$40	1:2,727	880
\$13 x 2 + \$10 + \$4	\$40	1:2,400	1,000
\$20 x 2	\$40	1:5,455	440
\$31 + \$8 + \$1	\$40	1:6,000	400
\$40	\$40	1:6,000	400
\$40 x 7 + \$20	\$300	1:20,000	120
\$300	\$300	1:12,000	200
\$31,000	\$31,000	1:600,000	4

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Pumpkin Patch Cash instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of one year from the announced close of Pennsylvania Pumpkin Patch Cash, prize money from winning Pennsylvania Pumpkin Patch Cash instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within one year of the

announced close of the Pennsylvania Pumpkin Patch Cash instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law.* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game.* The Secretary may announce a termination date, after which no further tickets from this game may be sold. Such announcement will be disseminated through media used to advertise or promote Pennsylvania Pumpkin Patch Cash or through normal communications methods.

ROBERT A. JUDGE, Sr.,
Secretary

[Pa.B. Doc. No. 00-1680. Filed for public inspection September 29, 2000, 9:00 a.m.]

Revenue-Neutral Reconciliation Rate Notice For the Tax Year Beginning January 1, 2001

Title 66 Pa.C.S. § 2810(a) provides "It is the intention of the General Assembly that the restructuring of the electric industry be accomplished in a manner that allows Pennsylvania to enjoy the benefits of competition, promotes the competitiveness of Pennsylvania's electric utilities and maintains revenue neutrality to the Commonwealth. This section is not intended to cause a shift in proportional tax obligations among customer classes or individual electric distribution companies. It is the intention of the General Assembly to establish this revenue replacement at a level necessary to recoup losses that may result from the restructuring of the electric industry and the transition thereto."

Title 66 Pa.C.S. § 2810(c) requires the Secretary of Revenue to publish the rate of the revenue-neutral reconciliation (RNR) tax in the form of a notice in the *Pennsylvania Bulletin* by December 1, 1998, and each October 1 thereafter until and including October 1, 2002. The tax rate established in section 2810(c) shall be imposed upon gross receipts as provided in 66 Pa.C.S. § 2810(b) for the period beginning the next January 1. In the event the RNR tax rate is negative, a credit is provided under 66 Pa.C.S. § 2810(c)(5). This credit is available only to a taxpayer upon which tax is imposed under 66 Pa.C.S. § 2810(b).

The result of the revenue-neutral reconciliation calculation provided in 66 Pa.C.S. § 2810 for the tax year beginning January 1, 2001, is -0.001. Therefore, a credit equal to the negative tax rate multiplied by the taxable gross receipts for the tax period beginning January 1, 2001, shall be allowed against the taxpayer's liability for a tax for that year imposed under section 1101(b) and (f) of the Tax Reform Code of 1971 (TRC) (72 P. S. § 8101(b) and (f)) and 66 Pa.C.S. § 2810(i), (j) and (k). A taxpayer's combined tax rate for the tax year beginning January 1, 2001, is effectively 0.043, rather than 0.044.

The utility gross receipts tax rate, however, remains 0.050 for all gross receipts taxable under section 1101(a) of the TRC (72 P. S. § 8101(a)).

ROBERT A. JUDGE, Sr.,
Secretary

[Pa.B. Doc. No. 00-1681. Filed for public inspection September 29, 2000, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Retention of Engineering Firms

Montgomery County

Project Reference No. 08430AG2616

The Department will retain an engineering firm for an Open-End Contract to provide supplementary construction inspection staff under the Department's Inspector(s)-in-Charge to perform construction inspection services on various projects in Engineering District 6-0, that is Montgomery County. The Contract will include roadway and bridge construction projects, and material plant inspection. The Contract will be for a period of sixty (60) months, with a maximum cost of \$1 Million dollars.

Department policy requires firms providing construction inspection services to have a Federal Acquisition Regulation (FAR) field overhead rate established. The Department's current policy (SOL-430-91-34) requires a firm to submit their proposed field and office cost allocation approach, before the beginning of the fiscal year where the separate overhead rates would apply. This approach must comply with the provisions set forth in Part 31 of the Federal Acquisition Regulations (48 CFR Chapter 1) which governs the determination of the eligibility of costs making up the firm's Direct and Indirect Costs.

The Department will establish an order of ranking of a minimum of three (3) firms for the purpose of negotiating an Engineering Agreement based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The final ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the final ranking.

The 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, Department and District 6-0 experience, and supervisory experience.
- b. Any specialized construction inspection experience in asphalt paving, structures, concrete, drainage, painting, maintenance and protection of traffic, traffic signal installation, and installation of traffic signal systems.
- c. Understanding of Department's requirements, policies, and specifications.
- d. Ability to provide "CDS" operators or other personnel capable of inputting data into a personal computer (TCIS and TCI classifications).
- e. Number of NICET and NECEPT certified inspectors in each payroll classification

f. Ability to provide CPM Scheduling (TCM-1 Classification).

g. Past Performance.

A minimum of four (4) individuals, as part of the inspection staff, must have NECEPT Bituminous Field Technician Certification.

The 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 (TCI) (NICET Highway Construction Level 2 or equivalent)	6 (4)
Technical Assistant—1 (TA-1) (NICET Highway Construction Level 1 or equivalent)	3 (0)
Technical Assistant (TA) (NICET Highway Construction Level 1 or equivalent)	1 (0)
NACE Intermediate Coating Inspector	1 (0)**
NACE Basic Coating Inspector	1 (0)**

**These two (2) specialized classifications will be used for bridge painting inspection. Under these classifications, the selected firm must provide lead abatement training for these employees prior to any job assignment. In addition, the firm must establish, implement, and maintain an effective employee medical surveillance in accordance with 29 CFR 1926 throughout the duration of this inspection.

These two (2) specialized classifications will have the following requirements:

1. NACE Intermediate Coating Inspector Training/or Equivalent.

The inspector for the above NACE Intermediate Coating Inspector Training category will have completed at least 80% of the required credits for this NACE category or equivalent training; also, will have a minimum of five (5) years coating inspection experience on heavy industrial or highway projects; also, will have a minimum of one (1) year experience of coatings inspection on a lead removal project where air monitoring, blood monitoring, containment and disposal of lead debris were performed; also, will be knowledgeable in OSHA 1926.62 (Lead) regulations, applicable OSHA regulations governing proper respirator usage (29 CFR 1910.134) and lead exposure (29 CFR 1910.1025) and will also be capable of "climbing" on high bridge members to perform coatings inspection; will be capable of supervising/training lower coatings inspectors (both consultant and state) if neces-

sary. Will also complete EPA accredited training for lead removal (Title X, Sections 402 and 404).

2. NACE Basic Coating Inspector Training/or equivalent.

The inspector for the NACE Basic Coating Inspector will have completed at least 80% of the required credits for this category or equivalent training; also, will have a minimum of three (3) years coating inspection experience on heavy industrial or highway projects; also, will have minimum of six (6) months experience on lead removal projects; also, will be knowledgeable in OSHA 1926.62 (Lead Regulations) applicable OSHA regulations governing proper respirator usage (29 CFR 1910.134) and lead exposure (29 CFR 1910.1025), and will be capable of "climbing" on high bridge members to perform coatings inspection; will also be capable of working with state inspectors; will also complete EPA accredited training for lead removal (Title X, Sections 402 and 404).

The 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 hourly payroll rate for each Department Payroll Classification for calendar year 2000 shall be as shown:

<i>Payroll Classification</i>	<i>Maximum Straight Time Hourly Payroll Rate (Year 2000)</i>
(TCM-1)	\$23.22
(TCIS)	\$20.34
(TCI)	\$17.05
(TA-1)	\$13.80
(TA)	\$11.72
NACE Intermediate Coating Inspector	\$28.25
NACE Basic Coating Inspector	\$23.50

If applicable, the maximum straight time hourly payroll rate for subsequent calendar years will be established at the scope of work meeting.

The maximum hourly payroll rate is the maximum hourly rate paid to an employee in a specific Department Payroll classification. The Department reserves the right to negotiate hourly payroll rates of compensation of individuals based on knowledge, experience and education up to the payroll classification maximum hourly payroll rate.

The firm selected may be required to attend a pre-construction conference with the Department and the construction contractor for this project. Under the supervision and direction of the Department, the selected firm will be required to keep records and document the construction work; prepare current and final estimates for payment to the construction contractor; assist the Department in obtaining compliance with the labor standards, safety and accident prevention, and equal opportunity provisions of the contract item; and perform other duties as may be required. Firms applying must have qualified personnel capable of climbing structures during painting, rehabilitation, or construction.

The firm selected may be required to supply the following equipment to the Department:

Quantity	Item
(10)	Cellular Phones (for Engineer's employees only)
(4)	Paint Test Medical Kits per project as may be required.
(8)	One digital camera per project. Each camera to have the following specifications: 1024x768 minimum resolution; storage on a 3 1/2" floppy disk; picture date stamped, and storage in JPEG format.

The Department will directly reimburse the selected engineering firm for the above equipment, for use by the consultant inspection staff at their actual cost not to exceed the maximum direct reimbursement shown below. The engineering firm is required to include their billing rates for each type of equipment in the letter of interest.

- Cell Phone Usage* As per invoice
- Paint Inspection As per invoice
- Medical Tests As per invoice
- Camera (Digital) As per invoice

If the equipment is self-owned, reimbursement will be based on actual cost of ownership not to exceed the maximum allowable. If equipment is from an outside supplier, the engineer must secure a minimum of three written quotes. The Department reserves the right to request additional quotes.

*Cost of phone and activation fees are not eligible for direct reimbursement

The Department will reimburse for actual miles driven on the project as directed by the Department, and a maximum of \$32.50/day for either mileage to and from the work site or lodging. An inspector will not be reimbursed for a combination of the two during the same day. Mileage will be reimbursed for the most direct route from the inspector's residence or the Consultant's office, whichever is less, to the project site and return at the lesser of the maximum mileage rate established by the Commonwealth or the firm's current policy. The first 15 miles each day of an inspector's commute from and to his/her residence or the consultant's office to the work location is considered normal commuting travel and will not be eligible for mileage reimbursement. Lodging will be reimbursed at a maximum rate of \$32.50/day, in lieu of mileage, but receipts for all costs must be provided to the Department with the Engineer's invoice. Lodging will only be reimbursed for employees whose home or headquarters is more than 65 miles from the project.

The maximum number of resumes to be included in the letter of interest shall be as follows:

Classification	No. of Resumes
TCM-1	(2)
TCIS	(4)
TCI	(7)
NACE Intermediate	(2)
NACE Basic	(2)

Letters of interest for this project must include a letter signed by the individuals you propose for all TCM-1 and TCIS positions giving their approval to use their names in your letter of interest for this open-end project.

This project reference assignment is considered non-complex. The letter of interest shall be limited to a maximum of three (3) pages, 8 1/2" x 11", one sided, (any pages beyond 3 will not be reviewed by the Department), plus an organizational chart (up to 11" x 17" size), and additional resumes, if applicable. (See the General Requirements and Information Section).

The Letter of Interest submission shall be sent to:

Andrew L. Warren, District Administrator
Engineering District 6-0
7000 Geerdes Blvd.
King of Prussia, PA 19406-1525

The Letter of Interest submission for this project reference number must be received at the address listed above by 4:30 p.m. prevailing time on the twentieth day following the date of this Notice.

Any technical questions concerning the requirements for this project should be directed to Tom Larney, phone number (610) 205-6692, fax number (610) 205-6672.

General Requirements and Information

Firms interested in providing the above work and services are invited to submit a Letter of Interest with the required information for each Project Reference Number for which the applicant wishes to be considered.

The Letter of Interest and required information must be submitted to the person designated in the individual advertisement.

The Letter of Interest and required information must be received by the Deadline indicated in the individual advertisement.

For District projects, all consultants, both prime consultants and subconsultants, who desire to be included in a Letter of Interest must have an Annual Qualification Package on file with the appropriate District Office, by the deadline stipulated in the individual advertisements.

For Statewide projects, all consultants, both prime consultants and subconsultants, who desire to be included in a Letter of Interest must have an Annual Qualification Package on file with Central Office, Bureau of Design by the deadline stipulated in the individual advertisements.

Information concerning the Annual Qualification Package can be found in Strike-off Letter No. 433-99-04 or under the Notice to all Consultants published in the February 27, 1999 issue of the *Pennsylvania Bulletin*.

By submitting a letter of interest for the projects that request engineering services, the consulting firm is certifying that the firm is qualified to perform engineering services in accordance with the laws of the Commonwealth of Pennsylvania. A firm not conforming to this requirement may submit a letter of interest as a part of a joint venture with an individual, firm or corporation which is permitted under State law to engage in the practice of engineering.

The letter of interest must include full disclosure of any potential conflict of interest by the prime or any subconsultant based on Engineering Involvement Restrictions Guidelines as established in Strike-off Letter No. 433-00-02 published March 27, 2000. If there are no potential conflicts you shall include the following statement: "I have reviewed Strike-off Letter No. 433-00-02 and determine that there are no potential conflicts of interest for anyone on this project team."

If a Joint Venture responds to a project advertisement, the Department of Transportation will not accept separate Letters of Interest from the Joint Venture constituents. A firm will not be permitted to submit a Letter of Interest on more than one (1) Joint Venture for the same Project Reference Number. Also a firm that responds to a project as a prime may not be included as a designated subcontractor to another firm that responds as a prime to the project. Multiple responses under any of the foregoing situations will cause the rejection of all responses of the firm or firms involved. The above does not preclude a firm from being set forth as a designated subcontractor to more than one (1) prime responding to the project advertisement.

If a goal for Disadvantaged Business Enterprise (DBE) participation is established for an advertised project, firms expressing interest in the project must agree to ensure that Disadvantaged Business Enterprise (DBE) firms as defined in the Transportation Equity Act for the 21st century (TEA-21) and currently certified by the Department of Transportation shall have the opportunity to participate in any subcontracting or furnishing supplies or services approved under Form 442, Section 1.10(a). The TEA-21 requires that firms owned and controlled by women (WBEs) be included, as a presumptive group, within the definition of Disadvantaged Business Enterprise (DBE). The goal for DBE participation shall be as stated in the individual project advertisement. Responding firms shall make good faith efforts to meet the DBE goal using DBEs (as they are defined prior to the act, WBEs or combinations thereof).

Proposed DBE firms must be certified at the time of submission of the Letter of Interest. If the selected firm fails to meet the established DBE participation goal, it shall be required to demonstrate its good faith efforts to attain the goal.

Responses are encouraged by small firms, Disadvantaged Business Enterprise (DBE) firms, and other firms who have not previously performed work for the Department of Transportation.

Letters of Interest for will be considered non-responsive and eliminated from further consideration for any of the following reasons:

1. Letters of Interest not received on time.
2. Project of interest is not identified.
3. An Annual Qualification Package for the prime consultant and all subconsultants is not on file with the organization receiving the Letter of Interest.
4. Conflict of Interest evaluation statement is not included.
5. A Disadvantaged Business Enterprise (DBE) participation goal is established for the Project Reference Number but no DBE/WBE is identified and no good faith effort is included.
6. Firm submitted a Letter of Interest on more than one (1) Joint Venture or a firm submitted a Letter of

Interest as a prime and was also included as a subconsultant, to another firm. Multiple responses under any of the foregoing situations will cause the rejection of all responses of the firm, or firms, involved.

In addition to the above reasons, a Letter of Interest for Construction Inspection Services will be considered non-responsive for any of the following reasons:

1. Prime consultant or any subconsultant does not have a Federal Acquisition Regulation (FAR) Audit Field Overhead Rate on file with the Department.
2. Using an individual's resume without including a letter granting the individual's approval for TCIS and higher positions.
3. Exceeding the maximum number of resumes in a payroll classification.

The assignment of the agreement/contract for the above advertisement(s) will be made to one of the firms who submitted an acceptable Letter of Interest in response to the project advertisement. The assignment will be made based on the Department's evaluation of the firm's qualification and capabilities. The Department reserves the right to reject all letters submitted, to cancel the solicitations requested under this Notice, and/or to readvertise solicitation for the work and services.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 00-1682. Filed for public inspection September 29, 2000, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Comments Issued

Sections 5(d) and 5(g) of the Regulatory Review Act (71 P. S. §§ 745.5(d) and 745.5(g)) provide that the designated standing committees may issue comments within 20 days of the close of the public comment period, and the Commission may issue comments within 10 days of the close of the committees' comment period. The Commission's Comments are based upon the criteria contained in subsections 5.1(h) and 5.1(i) of the Regulatory Review Act (75 P. S. §§ 745.5a(h) and 745.5a(i)).

The Commission issued Comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted by the date indicated.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Issued</i>	<i>Final-Form Submission Deadline</i>
7-352	Environmental Quality Board Coal Refuse Disposal	9/15/00	8/16/02

Environmental Quality Board Regulation No. 7-352 Coal Refuse Disposal September 15, 2000

We submit for your consideration the following objections and recommendations regarding this regulation.

Each objection or recommendation includes a reference to the criteria in the Regulatory Review Act (71 P. S. § 745.5a(h) and (i)) which has not been met. The Environmental Quality Board (EQB) must respond to these Comments when it submits the final-form regulation. If the final-form regulation is not delivered by August 16, 2002, the regulation will be deemed withdrawn.

1. Section 88.310. Coal refuse disposal: general requirements.—Clarity.

Subsection (k) requires installation of a system to prevent precipitation from contacting the coal refuse when an operation temporarily ceases for more than 90 days “unless the Department approves a longer period. . . .” Under 52 P. S. § 30.56a(i), the Department may approve a longer period “for reasons of a labor strike or business necessity.” For improved clarity, the EQB should specify the conditions under which the Department will extend the 90-day period, and the criteria it will use to determine a “business necessity.”

2. Section 90.1. Definitions.—Clarity.

Public recreational impoundment

This definition is taken directly from 52 P. S. § 30.53(10.1). Rather than repeating the definition, the EQB should consider simply referencing the statute.

Operator

This term is used throughout the regulation, but is not defined. For clarity, the EQB should include a reference to the definition of “operator” in 52 P. S. § 30.53(8).

3. Section 90.5. Site selection and permitting.—Clarity.

Subsection (a) refers to “coal refuse disposal activities.” The term “coal refuse disposal operations” is used in the preamble and in other sections of the regulation, such as Section 90.49. In the Act and Subchapter F, Section 90.302, “coal refuse disposal activities” is the defined term. If these terms have the same meaning, “coal refuse disposal activities” should be used consistently and exclusively throughout the regulation. If these terms have different meanings, each term should be separately defined.

4. Section 90.13. Groundwater information.—Clarity.

In the permit application requirements, Subsection (2) requires “[s]pecific attention shall be given to describing the groundwater flow system. . . .” The phrase “specific attention” is vague. The EQB should consider revising this provision to simply require a description of the groundwater flow system.

5. Section 90.49. Stream buffer zone variance.—Consistency with the statute; Clarity.

Subsections (a) and (c)

Under 52 P. S. § 30.56a(h)(5), a variance can be granted under certain circumstances “to dispose of coal refuse and to relocate or divert streams in the stream buffer zone.” (Emphasis added.) Subsections (a) and (c) do not include the statutory variance to relocate or divert streams. For consistency with the statute, the EQB should revise Subsection (c) to address stream relocation or diversion.

Subsection (b)

This subsection uses the phrase “[c]oal refuse disposal operations other than coal refuse disposal.” What are “coal refuse disposal operations other than coal refuse disposal”?

Subsection (c)(1)

This subsection states “Stream buffer zone variances will only be granted if the operator *demonstrates to the satisfaction of the Department* that the coal refuse disposal will not adversely affect water quality and quantity. . . .” (Emphasis added.) It is unclear how an operator can make the required demonstration. The final-form regulation should include the criteria the Department will use to judge if an operator has made an adequate demonstration.

6. Section 90.50. Design criteria: groundwater and surface water protection system.—Clarity.

Subsection (c) requires a permit application to include a description of the site’s susceptibility to mine subsidence. The description must include “particular attention to subsidence-induced impacts or other physical or chemical processes that could adversely affect the operation of the systems.” The regulation does not specify the physical or chemical processes that must be addressed. As a result, the party submitting the permit application may not know exactly what information must be included in the application.

In the final-form regulation, the EQB should clarify the meaning of “other physical or chemical processes.” Additionally, the phrase “particular attention” is vague and should be clarified.

7. Section 90.122. Coal refuse disposal.—Clarity.

In the *Pennsylvania Bulletin* publication of the proposed rulemaking, the right bracket showing the deletion of Subsection (g) was inadvertently omitted. This bracket should be included in the final-form regulation.

8. Section 90.167. Cessation of operations: temporary.—Clarity.

Subsection (d) states that, “The department may approve a longer period, not to exceed 1 year, for reasons of a labor strike or *business necessity*.” (Emphasis added.) The EQB should specify what it considers to be a “business necessity.”

9. Section 90.201. Definitions.—Consistency with statute; Clarity.

Search area

This definition contains a substantive provision in the last sentence. The EQB should move the last sentence to Section 90.202(b).

10. Section 90.202. General requirements.—Consistency with statute; Clarity.

Subsection (c)(2) states “[t]he site is known or is likely to contain Federally listed threatened or endangered plants or animals. . . .” The phrase “or is likely to” does not appear in 52 P. S. § 30.54a(b). The EQB should delete the phrase “or is likely to.”

11. Section 90.203. Proposing a preferred site.—Clarity.

This section appears to reiterate the requirements listed in Section 90.202. If Section 90.203 does not add new requirements, it should be deleted.

12. Section 90.302. Definitions.—Clarity.

General

The definitions of “actual improvement,” “coal refuse disposal activities,” and “pollution abatement area” are

taken directly from 52 P. S. § 30.53. Rather than repeating these definitions, the EQB should consider simply referencing the statute.

Best professional judgment

The phrase “reasonably available data” is not clear. The EQB should specify what it considers “reasonably available data.”

13. Section 90.303. Applicability.—Need; Clarity.

Subsection (a) rephrases the parallel statute language at 52 P. S. § 30.56b(b). The EQB should explain the need to alter the statutory language.

14. Section 90.304. Application for authorization.—Clarity.

In Subsection (a)(2)(ii), what criteria will the EQB use to determine “other water quality parameters the Department deems relevant”? How will the operator be informed?

15. Section 90.306. Operational requirements.—Need; Clarity.

Section 90.306(4) requires operators to submit progress reports to the Department within 30 days of completing each step of an abatement program including “a notarized statement signed by the operator, and if required by the Department, a statement signed by the supervising engineer. . . .” Why must these statements be notarized?

Additionally, the phrase “if required by the Department is unclear.” When would a statement signed by the supervising engineer be required? Does this statement also have to be notarized?

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 00-1683. Filed for public inspection September 29, 2000, 9:00 a.m.]

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations on the dates indicated. To obtain the date and time of the meeting at which the Commission will consider these regulations, contact the Commission at (717) 783-5417 or visit its Website at www.irrc.state.pa.us. To obtain a copy of the regulation, contact the promulgating agency.

<i>Final-Form</i>		
<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
2-124	Department of Agriculture Agriculture Land Conservation Assistance Grant Program	9/14/00
2-128	Department of Agriculture Importation and Intrastate Transportation of Animals; Brucellosis	9/14/00
2-117	Department of Agriculture Noxious Weeds	9/15/00
16A-414	State Architects Licensure Board Fees	9/18/00
16A-579	State Board of Veterinary Medicine	9/18/00
16-20	Department of State Biennial Renewal Fees Schedule of Civil Penalties	9/18/00

<i>Final-Form</i>		
10-161	Department of Health WIC Program	9/18/00
7-336	Environmental Quality Board Residual Waste	9/20/00

<i>Final-Omit</i>		
<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
18-359	Department of Transportation Display of Registration Plates	9/14/00

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 00-1684. Filed for public inspection September 29, 2000, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Approval to Redomesticate

The Green Tree Insurance Company, a domestic stock property insurance company, has filed for approval a Plan of Redomestication whereby the state of domicile would change from the Commonwealth of Pennsylvania to Florida. The filing was made under the requirements set forth under the Business Corporation Law of 1988, 15 Pa.C.S. Section 1 *et. seq.* Persons wishing to comment on the redomestication are invited to submit a written statement to the Pennsylvania Insurance Department within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party, identification of the application to which the statement is addressed, and a concise statement with sufficient detail and relevant facts to inform the Pennsylvania Insurance Department of the exact basis of the statement. Written statements should be directed to Cressinda E. Bybee, Insurance Company Licensing Specialist, Pennsylvania Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120; fax (717) 787-8557; e-mail cbybee@ins.state.pa.us.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 00-1685. Filed for public inspection September 29, 2000, 9:00 a.m.]

QualMed Plans for Health—Direct Pay Individual Rates

On August 24, 2000, QualMed Plans for Health (formerly Greater Atlantic Health Services) submitted a filing requesting a base rate increase of 22.6% for Philadelphia and 11.9% for the Lackawanna/Luzerne service areas for the Individual HMO Medical Program. The proposed effective date is January 1, 2001. This filing will affect approximately 1,308 members in Philadelphia and 328 in Lackawanna/Luzerne. The estimated additional annual revenue generated from this increase is approximately \$600,000 and \$70,000, respectively.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department’s Harrisburg and Philadelphia Regional Offices.

Interested parties are invited to submit written comments, suggestions or objections to Cherri Sanders-Jones, Actuary, Bureau of Accident and Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 00-1686. Filed for public inspection September 29, 2000, 9:00 a.m.]

QualMed Plans for Health—Group

On August 24, 2000, QualMed Plans for Health (formerly Greater Atlantic Health Services) submitted a filing requesting a base rate increase of 21.4% for Philadelphia and 10.6% for the Lackawanna/Luzerne service areas for the Community Rated HMO Medical Program. The proposed effective date is January 1, 2001. This filing will affect approximately 13,834 members in Philadelphia and 16,932 in Lackawanna/Luzerne. The estimated additional annual revenue generated from this increase is approximately \$4.2 million and \$600,000, respectively.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's Harrisburg and Philadelphia Regional Offices.

Interested parties are invited to submit written comments, suggestions or objections to Cherri Sanders-Jones, Actuary, Bureau of Accident and Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 00-1687. Filed for public inspection September 29, 2000, 9:00 a.m.]

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insured has requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with the termination of the insured's residential or personal coverage. All administrative hearings are held in the Insurance Department Offices in Harrisburg, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The hearing will be held at the Capitol Association Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Marguerite Griffiths; file no. 00-188-06098; Penn Mutual Insurance Company; doc. no. P00-09-012; October 17, 2000, at 10 a.m.

Each party may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses and the like necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 00-1688. Filed for public inspection September 29, 2000, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insurer has requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) in connection with the termination of the insured's automobile policy. The hearing will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). This administrative hearing will be held in the Insurance Department's Regional Offices in Pittsburgh and Harrisburg, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The hearing will be held in Room 304 State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222

Appeal of Marybeth Fury; file no. 00-303-71214; Progressive Insurance Company; doc. no. PI00-09-010; January 12, 2001, 8:30 a.m.

The hearing will be held at Capitol Associates Building, 901 N. Seventh St., 2nd Fl., Room 200, Harrisburg, PA 17102

Appeal of Heath G. Goldstein; file no. 00-181-05659; USAA Casualty Insurance Company; doc. no. P00-09-007; October 12, 2000, at 1:00 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses and the like necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Commissioner may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner will issue a writ-

ten order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 00-1689. Filed for public inspection September 29, 2000, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insured has requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) in connection with the termination of the insured's automobile policy. The hearing will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). This administrative hearing will be held in the Insurance Department's Offices in Philadelphia, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The hearing will be held in Room 1701, State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Robert A. Appel; file no. 00-210-02862; Prudential Property and Casualty; doc. no. PH00-09-013; December 12, 2000, at 1:30 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses and the like necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Commissioner may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an

auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 00-1690. Filed for public inspection September 29, 2000, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board lease will expire:

Allegheny County, Wine and Spirits Shoppe # 0206, 409 Chartiers Avenue, McKees Rocks, PA 15136-3801.

Lease Expiration Date: September 30, 2001

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 2,800 net useable square feet of new or existing retail commercial space in a shopping center environment serving McKees Rocks and surrounding areas.

Proposals due: October 20, 2000 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: Bruce VanDyke, (412) 565-5130

Clarion County, Wine and Spirits Shoppe # 1602, 452 Broad Street, New Bethlehem, PA 16242-1103.

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 1,200 net useable square feet of new or existing retail commercial space fronting PA Route 28 in New Bethlehem.

Proposals due: October 20, 2000 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: Bruce VanDyke, (412) 565-5130

Jefferson County, Wine and Spirits Shoppe # 3303, 445 Main Street, Brockway, PA 15824-1337.

Lease Expiration Date: November 30, 2001

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 1,600 net useable square feet of new or existing retail commercial space on Main Street in downtown Reynoldsville.

Proposals due: October 20, 2000 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: Bruce VanDyke, (412) 565-5130

Washington County, Wine and Spirits Shoppe # 6312, Front Street, Fredericktown, PA 15333-0874.

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 1,500 net useable square feet of new or existing retail commercial space fronting PA Route 88 in Fredericktown.

Proposals due: October 20, 2000 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: Bruce VanDyke, (412) 565-5130

JOHN E. JONES, III,
Chairperson

[Pa.B. Doc. No. 00-1691. Filed for public inspection September 29, 2000, 9:00 a.m.]

PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY AND DEPARTMENT OF ENVIRONMENTAL PROTECTION

Clean Water State Revolving Fund; Federal FY 2000 and 2001 Project Priority List

The Pennsylvania Infrastructure Investment Authority (PENNVEST) and the Department of Environmental Protection have revised the combined Federal fiscal year 2000/2001 Clean Water State Revolving Fund (CWSRF) Project Priority List (List) of municipal sewage construction projects.

The FY 2000/2001 List was prepared in conformance with the requirements of Title II and Title VI of the Water Quality Act and Federal guidance and was approved by the Environmental Protection Agency (EPA) on June 23, 2000. The projects included on the List have a project priority rating established under the Department's EPA approved Chapter 103 project priority rating system. The Clean Water Act stipulates that States must maintain a Project Priority List of municipal sewage projects from which to develop the annual CWSRF Intended Use Plan (IUP) list of projects to be funded.

The 24 projects proposed for addition to the List will not replace any project currently on the approved FY 2000/2001 List. These 24 projects are being placed in the appropriate ranking slot in relation to other rated and ranked projects on the List. The rank order standing of projects on the List does not dictate the order in which projects are chosen for funding in the CWSRF program. A project may be selected from any numerical rank position on the List for funding. A project's readiness to proceed and the reasonable availability of alternative sources of funds have a bearing on project selection for funding in the program.

Eight of the 24 projects to be added to the FY 2000/2001 List are expected to proceed to construction in

the near future, and the others are being added as potential projects for future construction loan consideration. The eight projects expected to be ready for loan funding in the near future have submitted applications for funding and will be placed on an IUP to: (1) replace projects that have not proceeded timely toward initiation of project construction; and/or (2) to fill funding gaps that have developed as a result of cost savings. Projects removed from an IUP will remain on the List and be considered for CWSRF loan funds in the future.

Nineteen projects are being removed from the FY 2000/2001 list because they have received CWSRF funding and are now either in some stage of construction or have been completed. These projects are: Brave Water and Sewer Authority, Coudersport Area Municipal Authority, Derry Township Sanitary Sewer Authority, Elizabethville Area Authority, Greater Pottsville Area Sewer Authority, Lake City Municipal Sewer Authority, Lower Bucks County Joint Municipal Authority, Meyersdale Borough, Nanty Glo Sanitary Sewer Authority, New Bethlehem Borough, Northern Blair County Regional Sewer Authority (3 projects), Old Lycoming Township Sewer Authority, Salisbury Township, Spring-Benner-Walker Joint Authority, Sykesville Borough, Titusville City and Wallacetown-Boggs Municipal Authority.

Federal guidance on revising an approved List indicates the List be subject to public comment and review before being submitted to the EPA. Interested persons are invited to express their views on the priority rating or ranking of projects on the revised FY 2000/2001 List. Persons wishing to offer comments should submit them in writing to the Administrative Services Section, Division of Municipal Financial Assistance, Bureau of Water Supply Management, 11th Floor, Rachel Carson State Office Building, P. O. Box 8466, Harrisburg, PA 17105-8466, (717) 787-6744, or by e-mail (Maisano.Tony@dep.state.pa.us) by 4 p.m., October 30, 2000.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Tony Maisano as noted or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

A list of the municipal sewage construction projects to be added to the FY 2000/2001 List follows this notice.

A copy of the revised FY 2000/2001 Project Priority List that shows all 278 municipal sewage projects in priority and ranked order is available to any interested person for a nominal cost or may be reviewed in the Administrative Services Section office and in the following offices:

DEP—Southeast Region:
 Water Management Program Manager
 Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428
 (610) 832-6131

DEP—Northeast Region:
 Water Management Program Manager
 2 Public Square, Wilkes-Barre, PA 18711-0790
 (570) 826-2553

DEP—Southcentral Region:
 Water Management Program Manager
 909 Elmerton Avenue, Harrisburg, PA 17110
 (717) 705-4707

DEP—Northcentral Region:
 Water Management Program Manager
 208 West 3rd Street, Williamsport, PA 17701
 (570) 327-3669

DEP—Southwest Region:
Water Management Program Manager
400 Waterfront Drive, Pittsburgh, PA 15222-4745
(412) 442-4000

DEP—Northwest Region:
Water Management Program Manager
230 Chestnut Street, Meadville, PA 16335-3481
(814) 332-6942

PENNVEST
22 S. Third Street, 4th Floor, Keystone Building,
Harrisburg, PA 17101
(717) 787-8137

JAMES M. SEIF,
Secretary
Department of Environmental Protection
Vice-Chairperson
Pennsylvania Infrastructure Investment Authority
PAUL K. MARCHETTI,
Executive Director,
Pennsylvania Infrastructure Investment Authority

**PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY AND DEPARTMENT OF ENVIRONMENTAL PROTECTION
CLEAN WATER STATE REVOLVING FUND**

ADDITIONS TO FY 2000 AND FY 2001 PROJECT PRIORITY LIST

IN ALPHABETICAL ORDER

EXPLANATION OF COLUMNAR HEADINGS (EXCEPT THOSE THAT ARE SELF-EXPLANATORY)

NEEDS CATEGORY:

- I — SECONDARY TREATMENT
- II — TREATMENT MORE STRINGENT THAN SECONDARY
- IIIA — INFILTRATION/INFLOW CORRECTION
- IIIB — MAJOR SEWER SYSTEM REHABILITATION
- IVA — NEW COLLECTOR SEWERS AND APPURTENANCES
- IVB — NEW INTERCEPTORS AND APPURTENANCES
- V — CORRECTION OF COMBINED SEWER OVERFLOWS

PROJECT TYPE:

- STP — SEWAGE TREATMENT PLANT
- STPMOD — SEWAGE TREATMENT PLANT MODIFICATION
- INT — INTERCEPTOR
- PS — PUMP STATION
- FM — FORCE MAIN
- SS — SEWER SYSTEM
- SS REH — SEWER SYSTEM REHABILITATION

NPDES PERMIT NUMBER:

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM PERMIT NUMBER

PROJECT NUMBER:

FEDERAL LOAN PROJECT IDENTIFICATION NUMBER

ELIG. COST:

ESTIMATED LOAN AMOUNT FOR ELIGIBLE PROJECT

**PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY AND DEPARTMENT OF ENVIRONMENTAL PROTECTION
 CLEAN WATER STATE REVOLVING FUND
 FINAL FY 2000 AND FY 2001 PROJECT PRIORITY LIST
 SEPTEMBER 30, 2000**

PENNSYLVANIA BULLETIN, VOL. 30, NO. 40, SEPTEMBER 30, 2000

APPLICANT INFORMATION			NEEDS CATEGORIES				PROJECT INFORMATION	
Beach Lake Mun. Auth. P. O. Box 151 Beach Lake, PA 18405	COUNTY:	Wayne	I:	\$1,117,341	IVA:	\$42,904	PROJECT NO.:	CS422177-01
	REGION:	NE	II:	\$100,000	IVB:	\$0	PROJ. TYPE:	STP SS
	NPDES NO.:		IIIA:	\$0	V:	\$0	PROJECT RATING:	54
			IIIB:	\$815,448	ELIG. COST:	\$2,075,693	PROJECT RANKING:	2
Blaine Township 123 Main St. Taylorstown, PA 15365	COUNTY:	Washington	I:	\$0	IVA:	\$700,000	PROJECT NO.:	CS422171-01
	REGION:	SW	II:	\$300,000	IVB:	\$300,000	PROJ. TYPE:	STP INT SS
	NPDES NO.:		IIIA:	\$0	V:	\$0	PROJECT RATING:	29
			IIIB:	\$0	ELIG. COST:	\$1,300,000	PROJECT RANKING:	105
Cumberland County 1 Court House Square Carlisle, PA 17013	COUNTY:	Cumberland	I:	\$0	IVA:	\$541,134	PROJECT NO.:	CS422180-01
	REGION:	SC	II:	\$0	IVB:	\$0	PROJ. TYPE:	SS
	NPDES NO.:		IIIA:	\$0	V:	\$0	PROJECT RATING:	0
			IIIB:	\$0	ELIG. COST:	\$541,134	PROJECT RANKING:	278
East Carroll Township 3350 Brick Rd. Carrolltown, PA 15722	COUNTY:	Cambria	I:	\$0	IVA:	\$348,700	PROJECT NO.:	CS422183-01
	REGION:	SW	II:	\$0	IVB:	\$0	PROJ. TYPE:	SS
	NPDES NO.:		IIIA:	\$0	V:	\$0	PROJECT RATING:	43
			IIIB:	\$0	ELIG. COST:	\$348,700	PROJECT RANKING:	15
Fairchance Georges Joint M S A 141 Big Six Road Smithfield, PA 15478	COUNTY:	Fayette	I:	\$0	IVA:	\$501,893	PROJECT NO.:	CS422179-01
	REGION:	SW	II:	\$0	IVB:	\$0	PROJ. TYPE:	SS
	NPDES NO.:		IIIA:	\$0	V:	\$0	PROJECT RATING:	40
			IIIB:	\$0	ELIG. COST:	\$501,893	PROJECT RANKING:	22
Granville Township BOS 100 Helen St. Lewistown, PA 17044	COUNTY:	Mifflin	I:	\$500,000	IVA:	\$0	PROJECT NO.:	CS422181-01
	REGION:	SC	II:	\$0	IVB:	\$0	PROJ. TYPE:	STPMOD
	NPDES NO.:		IIIA:	\$0	V:	\$0	PROJECT RATING:	16
			IIIB:	\$0	ELIG. COST:	\$500,000	PROJECT RANKING:	237
Hamilton Township 272 Mummert's Church Rd. Abbottstown, PA 17301	COUNTY:	Adams	I:	\$0	IVA:	\$3,000,000	PROJECT NO.:	CS422182-01
	REGION:	SC	II:	\$0	IVB:	\$0	PROJ. TYPE:	SS
	NPDES NO.:		IIIA:	\$0	V:	\$0	PROJECT RATING:	29
			IIIB:	\$0	ELIG. COST:	\$3,000,000	PROJECT RANKING:	100
Kline-Banks-McAdoo Regional Auth. P. O. Box 14 McAdoo, PA 18237	COUNTY:	Carbon/Schuylkill	I:	\$3,656,000	IVA:	\$0	PROJECT NO.:	CS422178-01
	REGION:	NE	II:	\$0	IVB:	\$0	PROJ. TYPE:	STP
	NPDES NO.:		IIIA:	\$0	V:	\$0	PROJECT RATING:	43
			IIIB:	\$0	ELIG. COST:	\$3,656,000	PROJECT RANKING:	13
Lansdowne Borough 12 E. Baltimore Ave. Lansdowne, PA 19050	COUNTY:	Delaware	I:	\$0	IVA:	\$3,000,000	PROJECT NO.:	CS422174-01
	REGION:	SE	II:	\$0	IVB:	\$0	PROJ. TYPE:	SS
	NPDES NO.:		IIIA:	\$0	V:	\$0	PROJECT RATING:	22
			IIIB:	\$0	ELIG. COST:	\$3,000,000	PROJECT RANKING:	176
Lincoln Borough 45 Abe's Way Elizabeth, PA 15037	COUNTY:	Allegheny	I:	\$0	IVA:	\$377,000	PROJECT NO.:	CS422175-01
	REGION:	SW	II:	\$0	IVB:	\$350,000	PROJ. TYPE:	PS SS
	NPDES NO.:		IIIA:	\$0	V:	\$0	PROJECT RATING:	22
			IIIB:	\$0	ELIG. COST:	\$727,000	PROJECT RANKING:	180

NOTICES

5095

**PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY AND DEPARTMENT OF ENVIRONMENTAL PROTECTION
 CLEAN WATER STATE REVOLVING FUND
 FINAL FY 2000 AND FY 2001 PROJECT PRIORITY LIST
 SEPTEMBER 30, 2000**

5096

PENNSYLVANIA BULLETIN, VOL. 30, NO. 40, SEPTEMBER 30, 2000

NOTICES

APPLICANT INFORMATION			NEEDS CATEGORIES				PROJECT INFORMATION	
Liverpool Mun. Auth. P. O. Box 357 Liverpool, PA 17045	COUNTY: Perry REGION: SC NPDES NO.:		I: \$1,620,000 II: \$0 III A: \$0 III B: \$0	IV A: \$0 IV B: \$0 V: \$0 ELIG. COST: \$1,620,000		PROJECT NO.: CS422169-01 PROJ. TYPE: STPMOD PROJECT RATING: 19 PROJECT RANKING: 208		
Monongahela City 521 W. Main St. Monongahela, PA 15063	COUNTY: Washington REGION: SW NPDES NO.:		I: \$2,200,000 II: \$0 III A: \$0 III B: \$510,000	IV A: \$0 IV B: \$0 V: \$0 ELIG. COST: \$2,710,000		PROJECT NO.: CS422165-01 PROJ. TYPE: STPMOD INT PROJECT RATING: 22 PROJECT RANKING: 177		
New Bethlehem Borough 210 Lafayette St. New Bethlehem, PA 16242	COUNTY: Clarion REGION: NW NPDES NO.:		I: \$0 II: \$0 III A: \$0 III B: \$0	IV A: \$0 IV B: \$0 V: \$4,101,927 ELIG. COST: \$4,101,927		PROJECT NO.: CS422168-01 PROJ. TYPE: SS PROJECT RATING: 19 PROJECT RANKING: 205		
New Florence Borough/St. Clair Township P. O. Box 272 New Florence, PA 15944	COUNTY: Westmoreland REGION: SW NPDES NO.:		I: \$750,000 II: \$0 III A: \$0 III B: \$0	IV A: \$3,000,000 IV B: \$1,650,000 V: \$0 ELIG. COST: \$5,400,000		PROJECT NO.: CS422167-01 PROJ. TYPE: STPMOD PS INT SS PROJECT RATING: 35 PROJECT RANKING: 49		
Rayburn Township Mun. Auth. 454B, R. R. #6 Kittanning, PA 16201	COUNTY: Armstrong REGION: SW NPDES NO.:		I: \$700,000 II: \$0 III A: \$0 III B: \$0	IV A: \$3,000,000 IV B: \$1,900,000 V: \$0 ELIG. COST: \$5,600,000		PROJECT NO.: CS422162-01 PROJ. TYPE: STP SS PROJECT RATING: 37 PROJECT RANKING: 36		
Scott Township 2600 Old Greentree Rd. Carnegie, PA 15106	COUNTY: Allegheny REGION: SW NPDES NO.:		I: \$0 II: \$0 III A: \$5,949,317 III B: \$0	IV A: \$0 IV B: \$0 V: \$0 ELIG. COST: \$5,949,317		PROJECT NO.: CS422170-01 PROJ. TYPE: SSREH PROJECT RATING: 29 PROJECT RANKING: 112		
Sharon City 155 W. Connelly Blvd. Sharon, PA 16146	COUNTY: Mercer REGION: NW NPDES NO.:		I: \$0 II: \$0 III A: \$0 III B: \$1,127,401	IV A: \$0 IV B: \$0 V: \$0 ELIG. COST: \$1,127,401		PROJECT NO.: CS422163-01 PROJ. TYPE: SSREH PROJECT RATING: 29 PROJECT RANKING: 119		
Shirley Township General Auth. R. D. #2, Box 433 Mount Union, PA 17066	COUNTY: Huntingdon REGION: SC NPDES NO.:		I: \$0 II: \$1,219,318 III A: \$0 III B: \$0	IV A: \$0 IV B: \$0 V: \$0 ELIG. COST: \$1,219,318		PROJECT NO.: CS422166-01 PROJ. TYPE: STPMOD PROJECT RATING: 20 PROJECT RANKING: 190		
South Bethlehem Borough 214 Grant St. New Bethlehem, PA 16242	COUNTY: Armstrong REGION: NW NPDES NO.:		I: \$0 II: \$0 III A: \$673,650 III B: \$0	IV A: \$0 IV B: \$0 V: \$0 ELIG. COST: \$673,650		PROJECT NO.: CS422184-01 PROJ. TYPE: SSREH PROJECT RATING: 23 PROJECT RANKING: 172		
Taylor Township P. O. Box 627 Hustontown, PA 17229	COUNTY: Fulton REGION: SC NPDES NO.:		I: \$448,300 II: \$0 III A: \$0 III B: \$0	IV A: \$485,500 IV B: \$0 V: \$0 ELIG. COST: \$933,800		PROJECT NO.: CS421922-01 PROJ. TYPE: STP PS SS PROJECT RATING: 41 PROJECT RANKING: 16		

**PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY AND DEPARTMENT OF ENVIRONMENTAL PROTECTION
 CLEAN WATER STATE REVOLVING FUND
 FINAL FY 2000 AND FY 2001 PROJECT PRIORITY LIST
 SEPTEMBER 30, 2000**

APPLICANT INFORMATION			NEEDS CATEGORIES				PROJECT INFORMATION	
Union Township 3904 Finley Elrama Rd. Finleyville, PA 15332	COUNTY:	Washington	I:	\$0	IVA:	\$1,300,000	PROJECT NO.:	CS422176-01
	REGION:	SW	II:	\$0	IVB:	\$482,530	PROJ. TYPE:	PS INT SS
	NPDES NO.:		IIIA:	\$0	V:	\$0	PROJECT RATING:	34
			IIIB:	\$0	ELIG. COST:	\$1,782,530	PROJECT RANKING:	64
Upper Augusta Township Mun. Auth. R. R. #2, Box 398-A Sunbury, PA 17801	COUNTY:	Northumberland	I:	\$0	IVA:	\$1,474,242	PROJECT NO.:	CS422172-01
	REGION:	NC	II:	\$0	IVB:	\$0	PROJ. TYPE:	SS
	NPDES NO.:		IIIA:	\$0	V:	\$0	PROJECT RATING:	0
			IIIB:	\$0	ELIG. COST:	\$1,474,242	PROJECT RANKING:	277
West Alexander Mun. Auth. P. O. Box 185 West Alexander, PA 15376	COUNTY:	Washington	I:	\$604,000	IVA:	\$1,766,000	PROJECT NO.:	CS422173-01
	REGION:	SW	II:	\$0	IVB:	\$230,000	PROJ. TYPE:	STP SS PS INT
	NPDES NO.:		IIIA:	\$0	V:	\$0	PROJECT RATING:	43
			IIIB:	\$0	ELIG. COST:	\$2,600,000	PROJECT RANKING:	14
Windber Borough 1409 Somerset Ave. Windber, PA 15963	COUNTY:	Somerset	I:	\$0	IVA:	\$0	PROJECT NO.:	CS422164-01
	REGION:	SW	II:	\$0	IVB:	\$0	PROJ. TYPE:	SSREH
	NPDES NO.:		IIIA:	\$1,339,000	V:	\$0	PROJECT RATING:	18
			IIIB:	\$0	ELIG. COST:	\$1,339,000	PROJECT RANKING:	225

[Pa.B. Doc. No. 00-1692. Filed for public inspection September 29, 2000, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Implementation of the Telecommunication Act of
1996; Doc. No. M-00960799

Public meeting held
September 13, 2000

Commissioners Present: John M. Quain, Chairperson;
Robert K. Bloom, Vice Chairperson; Nora Mead
Brownell; Aaron Wilson, Jr.; Terrance J. Fitzpatrick

By the Commission:

Introduction

Before the Commission for consideration is the impact upon our prior orders at this docket concerning the filing of pre-enactment interconnection agreements, by the recent decision of the U.S. Court of Appeals for the 8th Circuit, *Iowa Util. Bd. v. F.C.C.*, No. 96-3321 (July 18, 2000). The 8th Circuit case represents the consolidation of multiple state challenges to the Federal Communication Commission's (FCC's) First Report and Order *In re Implementation of the Local Competition Provisions in the Telecommunications Act of 1996*, 11 FCC Rcd 15499 (1996). By its order, the 8th Circuit invalidates certain regulations promulgated by the FCC pertaining to Section 252(a) of the Telecommunications Act of 1996 (TA-96), 47 U.S.C. § 252(a).

Background

At this docket, the Commission's Order entered June 3, 1996 (*Implementation Order*) directed all telecommunications carriers potentially subject to the filing of pre-enactment interconnection agreements under Section 252(a) of TA-96, to file a list of all pre-enactment agreements (including but not limited to EAS agreements, collocation agreements, cellular and mobile carrier agreements, and shared network facilities agreements), but did not require the filing of the actual agreements.¹ It was our intent at that time to first obtain an idea of how many pre-enactment interconnection agreements may exist in light of the fact that "there may be hundreds of interconnection agreements between ILECs and between ILECs and wireless carriers in the Commonwealth."² We were further concerned that requiring the filing of these contracts, would result in cancellation of the contracts (particularly EAS contracts), which, in turn, would impact negatively on the provision of telecommunication service in EAS situations.

Consequently, in addition to a list of interconnection agreements, we required all telecommunications carriers to file comments on various issues such as the types of agreements that should be filed, proposals for scheduling or planning the filing and review of pre-enactment agreements, identification of the types of pre-enactment agreements that carriers may consider canceling, potential ramifications resulting from cancellation of pre-enactment agreements, and issues that may arise if the Commission did not evaluate and review pre-enactment agreements.³

By our Order entered September 9, 1996 (*Order on Reconsideration*) we noted that the FCC concluded that TA-96 requires all interconnection agreements, including any interconnection agreement negotiated before the en-

actment date of TA-96 and those between non-competing carriers, to be submitted to the state commission for approval pursuant to § 252(e).⁴ For this reason, we viewed the issue of whether we are required to review all pre-enactment interconnection agreements as moot since the FCC made it clear at that time that all such pre-enactment agreements must be submitted to state commissions for review.⁵

We also noted in our *Order on Reconsideration* that, although the FCC required that pre-existing interconnection agreements between Class A carriers⁶ be filed no later than June 30, 1997 with the appropriate state commissions, the state commissions were authorized to require an earlier filing date. Therefore, we directed all telecommunications carriers that had not complied with our *Implementation Order* to file a statement of all of their pre-enactment interconnection agreements on or before October 10, 1996. We again declined to establish a schedule for the submission of those agreements until the number and type of interconnection agreement involved was first determined in order that we could establish an orderly and manageable timetable for the submission of these agreements.⁷ To date, we have not required the filing of the actual interconnection agreements.

As a result of the recent action of the U.S. Court of Appeals for the 8th Circuit invalidating certain regulations promulgated by the FCC which impact upon our prior determinations in the *Implementation Order* and *Order on Reconsideration*, it is now necessary to clarify the duty of telecommunications carriers operating in the Commonwealth of Pennsylvania to file interconnection agreements pursuant to § 252 of TA-96.

Discussion

Among several significant challenges to TA-96 in *Iowa Util. Bd. v. F.C.C.*, the 8th Circuit reviewed the statutory language pertaining to interconnection found at 47 U.S.C. § 252(a)(1) which requires that all interconnection agreements "including any interconnection agreement negotiated before February 8, 1996, shall be submitted to the State commission" (emphasis added). In response to § 252(a)'s statutory mandate, the FCC had promulgated 47 C.F.R. § 51.303, which requires that all interconnection agreements, including those predating TA-96, be submitted to the state commissions for approval. The FCC had concluded, as did this Commission, that the intent of § 252(a) of TA-96 was to require the filing of all interconnection agreements without regard to the effective date of TA-96. However, the 8th Circuit disagreed.

The 8th Circuit analyzed the language of § 252(a) and concluded the intent of the section was to require filing of only those interconnection agreements entered pursuant to § 251 of TA-96. Therefore, agreements, which predate TA-96's enactment, February 8, 1996, should not be governed by § 252(a). So concluding, the 8th Circuit vacated the FCC's rule 51.303. As a result, it has now been judicially determined that the filing of agreements pre-dating TA-96 is not required. The 8th Circuit's order expressly requires the filing of "any agreement which was

⁴ FCC First Report and order entered August 8, 1996, at pp. 87-88.

⁵ *Order on Reconsideration*, p. 19.

⁶ Class A carriers are defined as companies "having annual revenues from regulated telecommunications operations of \$100,000,000 or more." 47 C.F.R. § 32.11(a)(1). We note that in a filing dated June 30, 1997, in response to our *Implementation Order*, Bell Atlantic submitted various interconnection agreements that were negotiated before February 8, 1996, the effective date of TA-96, with (1) GTE North, Inc., (2) The United Telephone Company of Pennsylvania, and (3) Commonwealth Telephone Company. In accordance with 47 U.S.C. § 252(e)(4), since more than 90 days have passed from June 30, 1997, without Commission action to approve or reject the interconnection agreements, these interconnection agreements were deemed approved by operation of law.

⁷ *Order on Reconsideration*, p. 20.

¹ *Implementation Order*, p. 39.

² *Id.*, at p. 38.

³ *Id.*, at pp. 39-40.

either (1) both negotiated and entered into pursuant to § 251 after [TA-96] went into effect or (2) is an interconnection agreement that was negotiated before, but not yet entered into when, [TA-96] went into effect.”⁸ Accordingly, no interconnection agreements pre-dating TA-96 need be filed with the Commission.

Regarding this Commission’s duty to approve or reject the interconnection agreements filed, 47 U.S.C. § 252(e)(4) provides that if the state commission does not act to approve or reject the agreement within 90 days after submission by the parties to an agreement adopted by negotiation the agreement shall be deemed approved. Accordingly, a copy of all agreements filed as a result of this order shall be on file with the Secretary’s Bureau and be available for public inspection to permit new entrants a legitimate opportunity to know of and review agreements relevant to their own negotiations for interconnection. In the absence of Commission action, such agreements shall then become approved by operation of law after 90 days; *Therefore*,

It Is Ordered:

1. All telecommunications carriers operating in the Commonwealth of Pennsylvania are required to file, within 30 days from the date of publication of this Order in the *Pennsylvania Bulletin*, two copies each of any interconnection agreement which was either (1) both negotiated and entered pursuant to § 251 after February 8, 1996, or (2) negotiated before, but not yet entered into on February 8, 1996. However, neither interconnection agreements already filed in compliance with this Commission’s Order entered June 3, 1996 at this docket nor any interconnection agreement that has been terminated need be filed.

2. All interconnection agreements filed pursuant to Ordering Paragraph No. 1, above, will be maintained at this docket and available for public inspection. Filings should note this docket number (Docket No. M-00960799) and should be addressed to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, Pennsylvania 17105-3265.

Overnight mailings should note this docket number (Docket No. M-00960799) and should be addressed to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Avenue & North Street
Room B-20 North Office Building
Harrisburg, PA 17120.

3. The Secretary’s Bureau is directed to publish a copy of this Order in the *Pennsylvania Bulletin*.

4. Following expiration of the 30-day period under Ordering Paragraph No. 1, above, the Secretary’s Bureau shall compile a list of all interconnection agreements filed pursuant to this Order and publish the list in the *Pennsylvania Bulletin*.

By the Commission:

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 00-1693. Filed for public inspection September 29, 2000, 9:00 a.m.]

Pennsylvania Public Utility Commission, Law Bureau Prosecutory Staff v. As Telecommunications, Inc.; Doc. No. C-00003834; A-310537

Public meeting held
September 13, 2000

Commissioners Present: John M. Quain, Chairperson; Robert K. Bloom, Vice-Chairperson; Nora Mead Brownell; Aaron Wilson, Jr.; Terrance J. Fitzpatrick

Default Order

By the Commission:

On June 28, 2000, the Law Bureau Prosecutory Staff instituted a complaint against As telecommunications, Inc. (the Respondent), an IXC reseller certificated at A-310537. In the complaint, Prosecutory Staff alleged that the Commission sent by certified mail notices to the Respondent that pursuant to 66 Pa.C.S. § 510, its 1999-2000 Annual Assessment in the amount of \$59.00 was due. The complaint charged that the Respondent violated 66 Pa.C.S. § 510(c) by neither paying the assessment nor filing objections.

The complaint sought the following remedies:

(1) that the Commission issue an order canceling the Respondent’s certificate of public convenience if Respondent failed to answer the complaint within 20 days of receipt of the complaint, and

(2) that the Commission issue an order referring the total outstanding assessment balance to the Attorney General’s office for appropriate civil collection action.

According to the post office return receipt, service of the complaint was perfected on July 6, 2000. To date, more than 20 days later, no answer has been filed to the complaint and the assessment has not been paid; *Therefore*,

It Is Ordered:

1. That the allegations in the Law Bureau Prosecutory Staff’s complaint are deemed admitted and the complaint is thereby sustained.

2. That the Secretary serve a copy of this order upon all jurisdictional telecommunication carriers and also cause a copy of this order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. That As Telecommunications, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide a written notice to each existing customer directing each to select an alternative IXC service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission’s intent to cancel the company’s certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2, above.

4. That absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by As telecommunications, Inc. at Docket No. A-310537 shall be cancelled, and the company’s name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission’s Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Audits.

5. That 60 days after publication in the *Pennsylvania Bulletin*, following cancellation of the certificate of public

⁸ *Iowa Util. Bd. v. F.C.C.*, at 36.

convenience pursuant to Ordering Paragraph No. 4, above, the Office of Executive Director refer the total outstanding assessment balance to the Attorney General's office for appropriate civil collection and action.

By the Commission,

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 00-1694. Filed for public inspection September 29, 2000, 9:00 a.m.]

Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. Inacom Communications, Inc.; Doc. No. C-00003836; A-310244

Public meeting held
September 13, 2000

Commissioners Present: John M. Quain, Chairperson; Robert K. Bloom, Vice-Chairperson; Nora Mead Brownell; Aaron Wilson, Jr.; Terrance J. Fitzpatrick

Default Order

By the Commission:

On June 28, 2000, the Law Bureau Prosecutory Staff instituted a complaint against Inacom Communications, Inc. (the Respondent), an IXC reseller certificated at A-310244. In the complaint, Prosecutory Staff alleged that the Commission sent by certified mail notices to the Respondent that pursuant to 66 Pa.C.S. § 510, its 1999-2000 Annual Assessment in the amount of \$89.00 was due. The complaint charged that the Respondent violated 66 Pa.C.S. § 510(c) by neither paying the assessment nor filing objections.

The complaint sought the following remedies:

- (1) that the Commission issue an order canceling the Respondent's certificate of public convenience if Respondent failed to answer the complaint within 20 days of receipt of the complaint, and
- (2) that the Commission issue an order referring the total outstanding assessment balance to the Attorney General's office for appropriate civil collection action.

According to the post office return receipt, service of the complaint was perfected on July 3, 2000. To date, more than 20 days later, no answer has been filed to the complaint and the assessment has not been paid; *Therefore,*

It Is Ordered:

1. That the allegations in the Law Bureau Prosecutory Staff's complaint are deemed admitted and the complaint is thereby sustained.
2. That the Secretary serve a copy of this order upon all jurisdictional telecommunication carriers and also cause a copy of this order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.
3. That Inacom Communications, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide a written notice to each existing customer directing each to select an alternative IXC service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment

within the 20-day time constraint established pursuant to Ordering Paragraph No. 2, above.

4. That absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Inacom Communications, Inc. at Docket No. A-310244 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Audits.

5. That 60 days after publication in the *Pennsylvania Bulletin*, following cancellation of the certificate of public convenience pursuant to Ordering Paragraph No. 4, above, the Office of Executive Director refer the total outstanding assessment balance to the Attorney General's office for appropriate civil collection and action.

By the Commission,

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 00-1695. Filed for public inspection September 29, 2000, 9:00 a.m.]

Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. Laurel Highland Long Distance; Doc. No. C-00003837; A-310371

Public meeting held
September 13, 2000

Commissioners Present: John M. Quain, Chairperson; Robert K. Bloom, Vice-Chairperson; Nora Mead Brownell; Aaron Wilson, Jr.; Terrance J. Fitzpatrick

Default Order

By the Commission:

On June 28, 2000, the Law Bureau Prosecutory Staff instituted a complaint against Laurel Highland Long Distance (the Respondent), an IXC reseller certificated at A-310371. In the complaint, Prosecutory Staff alleged that the Commission sent by certified mail notices to the Respondent that pursuant to 66 Pa.C.S. § 510, its 1999-2000 Annual Assessment in the amount of \$87.00 was due. The complaint charged that the Respondent violated 66 Pa.C.S. § 510(c) by neither paying the assessment nor filing objections.

The complaint sought the following remedies:

- (1) that the Commission issue an order canceling the Respondent's certificate of public convenience if Respondent failed to answer the complaint within 20 days of receipt of the complaint, and
- (2) that the Commission issue an order referring the total outstanding assessment balance to the Attorney General's office for appropriate civil collection action.

According to the post office return receipt, service of the complaint was perfected on July 1, 2000. To date, more than 20 days later, no answer has been filed to the complaint and the assessment has not been paid; *Therefore,*

It Is Ordered:

1. That the allegations in the Law Bureau Prosecutory Staff's complaint are deemed admitted and the complaint is thereby sustained.

2. That the Secretary serve a copy of this order upon all jurisdictional telecommunication carriers and also cause a copy of this order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. That Laurel Highland Long Distance immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide a written notice to each existing customer directing each to select an alternative IXC service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2, above.

4. That absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Laurel Highland Long Distance at Docket No. A-310371 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Audits.

5. That 60 days after publication in the *Pennsylvania Bulletin*, following cancellation of the certificate of public convenience pursuant to Ordering Paragraph No. 4, above, the Office of Executive Director refer the total outstanding assessment balance to the Attorney General's office for appropriate civil collection and action.

By the Commission,

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 00-1696. Filed for public inspection September 29, 2000, 9:00 a.m.]

Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. Long Distance Services, Inc.; Doc. No. C-00003838; A-310268

Public meeting held
September 13, 2000

Commissioners Present: John M. Quain, Chairperson; Robert K. Bloom, Vice-Chairperson; Nora Mead Brownell; Aaron Wilson, Jr.; Terrance J. Fitzpatrick

Default Order

By the Commission:

On June 28, 2000, the Law Bureau Prosecutory Staff instituted a complaint against Long Distance Services, Inc. (the Respondent), an IXC reseller certificated at A-310268. In the complaint, Prosecutory Staff alleged that the Commission sent by certified mail notices to the Respondent that pursuant to 66 Pa.C.S. § 510, its 1999-2000 Annual Assessment in the amount of \$58.00 was due. The complaint charged that the Respondent violated 66 Pa.C.S. § 510(c) by neither paying the assessment nor filing objections.

The complaint sought the following remedies:

(1) that the Commission issue an order canceling the Respondent's certificate of public convenience if Respondent failed to answer the complaint within 20 days of receipt of the complaint, and

(2) that the Commission issue an order referring the total outstanding assessment balance to the Attorney General's office for appropriate civil collection action.

According to the post office return receipt, service of the complaint was perfected on July 20, 2000. To date, more than 20 days later, no answer has been filed to the complaint and the assessment has not been paid; *Therefore,*

It Is Ordered:

1. That the allegations in the Law Bureau Prosecutory Staff's complaint are deemed admitted and the complaint is thereby sustained.

2. That the Secretary serve a copy of this order upon all jurisdictional telecommunication carriers and also cause a copy of this order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. That Long Distance Services, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide a written notice to each existing customer directing each to select an alternative IXC service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2, above.

4. That absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Long Distance Services, Inc. at Docket No. A-310268 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Audits.

5. That 60 days after publication in the *Pennsylvania Bulletin*, following cancellation of the certificate of public convenience pursuant to Ordering Paragraph No. 4, above, the Office of Executive Director refer the total outstanding assessment balance to the Attorney General's office for appropriate civil collection and action.

By the Commission,

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 00-1697. Filed for public inspection September 29, 2000, 9:00 a.m.]

Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. North American Intelcom, Inc.; Doc. No. C-00003841; A-310060

Public meeting held
September 13, 2000

Commissioners Present: John M. Quain, Chairperson; Robert K. Bloom, Vice-Chairperson; Nora Mead Brownell; Aaron Wilson, Jr.; Terrance J. Fitzpatrick

Default Order

By the Commission:

On June 28, 2000, the Law Bureau Prosecutory Staff instituted a complaint against North American Intelcom,

Inc. (the Respondent), an IXC reseller certificated at A-310060. In the complaint, Prosecutory Staff alleged that the Commission sent by certified mail notices to the Respondent that pursuant to 66 Pa.C.S. § 510, its 1999-2000 Annual Assessment in the amount of \$54.00 was due. The complaint charged that the Respondent violated 66 Pa.C.S. § 510(c) by neither paying the assessment nor filing objections.

The complaint sought the following remedies:

(1) that the Commission issue an order canceling the Respondent's certificate of public convenience if Respondent failed to answer the complaint within 20 days of receipt of the complaint, and

(2) that the Commission issue an order referring the total outstanding assessment balance to the Attorney General's office for appropriate civil collection action.

According to the post office return receipt, service of the complaint was perfected on July 28, 2000. To date, more than 20 days later, no answer has been filed to the complaint and the assessment has not been paid; *Therefore,*

It Is Ordered:

1. That the allegations in the Law Bureau Prosecutory Staff's complaint are deemed admitted and the complaint is thereby sustained.

2. That the Secretary serve a copy of this order upon all jurisdictional telecommunication carriers and also cause a copy of this order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. That North American Intelcom, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide a written notice to each existing customer directing each to select an alternative IXC service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2, above.

4. That absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by North American Intelcom, Inc. at Docket No. A-310060 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Audits.

5. That 60 days after publication in the *Pennsylvania Bulletin*, following cancellation of the certificate of public convenience pursuant to Ordering Paragraph No. 4, above, the Office of Executive Director refer the total outstanding assessment balance to the Attorney General's office for appropriate civil collection and action.

By the Commission,

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 00-1698. Filed for public inspection September 29, 2000, 9:00 a.m.]

Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. Telec, Inc.; Doc. No. C-00003843; A-310446

Public meeting held
September 13, 2000

Commissioners Present: John M. Quain, Chairperson; Robert K. Bloom, Vice-Chairperson; Nora Mead Brownell; Aaron Wilson, Jr.; Terrance J. Fitzpatrick

Default Order

By the Commission:

On June 28, 2000, the Law Bureau Prosecutory Staff instituted a complaint against Telec, Inc. (the Respondent), an IXC reseller certificated at A-310446. In the complaint, Prosecutory Staff alleged that the Commission sent by certified mail notices to the Respondent that pursuant to 66 Pa.C.S. § 510, its 1999-2000 Annual Assessment in the amount of \$11.00 was due. The complaint charged that the Respondent violated 66 Pa.C.S. § 510(c) by neither paying the assessment nor filing objections.

The complaint sought the following remedies:

(1) that the Commission issue an order canceling the Respondent's certificate of public convenience if Respondent failed to answer the complaint within 20 days of receipt of the complaint, and

(2) that the Commission issue an order referring the total outstanding assessment balance to the Attorney General's office for appropriate civil collection action.

According to the post office return receipt, service of the complaint was perfected July 5, 2000. To date, more than 20 days later, no answer has been filed to the complaint and the assessment has not been paid; *Therefore,*

It Is Ordered:

1. That the allegations in the Law Bureau Prosecutory Staff's complaint are deemed admitted and the complaint is thereby sustained.

2. That the Secretary serve a copy of this order upon all jurisdictional telecommunication carriers and also cause a copy of this order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. That Telec, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide a written notice to each existing customer directing each to select an alternative IXC service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2, above.

4. That absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Telec, Inc. at Docket No. A-310446 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Audits.

5. That 60 days after publication in the *Pennsylvania Bulletin*, following cancellation of the certificate of public convenience pursuant to Ordering Paragraph No. 4,

above, the Office of Executive Director refer the total outstanding assessment balance to the Attorney General's office for appropriate civil collection and action.

By the Commission,

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 00-1699. Filed for public inspection September 29, 2000, 9:00 a.m.]

Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. Thrif-T Telecomm. Services; Doc. No. C-00003844; A-310380

Public meeting held
September 13, 2000

Commissioners Present: John M. Quain, Chairperson; Robert K. Bloom, Vice-Chairperson; Nora Mead Brownell; Aaron Wilson, Jr.; Terrance J. Fitzpatrick

Default Order

By the Commission:

On June 28, 2000, the Law Bureau Prosecutory Staff instituted a complaint against Thrif-T Telecomm. Services (the Respondent), an IXC reseller certificated at A-310380. In the complaint, Prosecutory Staff alleged that the Commission sent by certified mail notices to the Respondent that pursuant to 66 Pa.C.S. § 510, its 1999-2000 Annual Assessment in the amount of \$32.00 was due. The complaint charged that the Respondent violated 66 Pa.C.S. § 510(c) by neither paying the assessment nor filing objections.

The complaint sought the following remedies:

- (1) that the Commission issue an order canceling the Respondent's certificate of public convenience if Respondent failed to answer the complaint within 20 days of receipt of the complaint, and
- (2) that the Commission issue an order referring the total outstanding assessment balance to the Attorney General's office for appropriate civil collection action.

According to the post office return receipt, service of the complaint was perfected. To date, more than 20 days later, no answer has been filed to the complaint and the assessment has not been paid; *Therefore,*

It Is Ordered:

1. That the allegations in the Law Bureau Prosecutory Staff's complaint are deemed admitted and the complaint is thereby sustained.
2. That the Secretary serve a copy of this order upon all jurisdictional telecommunication carriers and also cause a copy of this order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.
3. That Thrif-T Telecomm. Services immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide a written notice to each existing customer directing each to select an alternative IXC service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2, above.

4. That absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Thrif-T Telecomm. Services at Docket No. A-310380 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Audits.

5. That 60 days after publication in the *Pennsylvania Bulletin*, following cancellation of the certificate of public convenience pursuant to Ordering Paragraph No. 4, above, the Office of Executive Director refer the total outstanding assessment balance to the Attorney General's office for appropriate civil collection and action.

By the Commission,

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 00-1700. Filed for public inspection September 29, 2000, 9:00 a.m.]

Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. United Wats, Inc.; Doc. No. C-00003845; A-310242

Public meeting held
September 13, 2000

Commissioners Present: John M. Quain, Chairperson; Robert K. Bloom, Vice-Chairperson; Nora Mead Brownell; Aaron Wilson, Jr.; Terrance J. Fitzpatrick

Default Order

By the Commission:

On June 28, 2000, the Law Bureau Prosecutory Staff instituted a complaint against United Wats, Inc. (the Respondent), an IXC reseller certificated at A-310242. In the complaint, Prosecutory Staff alleged that the Commission sent by certified mail notices to the Respondent that pursuant to 66 Pa.C.S. § 510, its 1999-2000 Annual Assessment in the amount of \$19.00 was due. The complaint charged that the Respondent violated 66 Pa.C.S. § 510(c) by neither paying the assessment nor filing objections.

The complaint sought the following remedies:

- (1) that the Commission issue an order canceling the Respondent's certificate of public convenience if Respondent failed to answer the complaint within 20 days of receipt of the complaint, and
- (2) that the Commission issue an order referring the total outstanding assessment balance to the Attorney General's office for appropriate civil collection action.

According to the post office return receipt, the complaint was unclaimed. To date, more than 20 days later, no answer has been filed to the complaint, the assessment has not been paid, and the Respondent has not notified the Commission of its current address; *Therefore,*

It is Ordered:

1. That the allegations in the Law Bureau Prosecutory Staff's complaint are deemed admitted and the complaint is thereby sustained.
2. That the Secretary serve a copy of this order upon all jurisdictional telecommunication carriers and also

cause a copy of this order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. That United Wats, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide a written notice to each existing customer directing each to select an alternative IXC service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2, above.

4. That absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by United Wats, Inc. at Docket No. A-310242 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Audits.

5. That 60 days after publication in the *Pennsylvania Bulletin*, following cancellation of the certificate of public convenience pursuant to Ordering Paragraph No. 4, above, the Office of Executive Director refer the total outstanding assessment balance to the Attorney General's office for appropriate civil collection and action.

By the Commission,

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 00-1701. Filed for public inspection September 29, 2000, 9:00 a.m.]

Pennsylvania Public Utility Commission, Law Bureau Prosecutory Staff v. Vista International Commun., Inc.; Doc. No. C-00003846; A-310155

Public meeting held
September 13, 2000

Commissioners Present: John M. Quain, Chairperson; Robert K. Bloom, Vice-Chairperson; Nora Mead Brownell; Aaron Wilson, Jr.; Terrance J. Fitzpatrick

Default Order

By the Commission:

On June 28, 2000, the Law Bureau Prosecutory Staff instituted a complaint against Vista International Commun., Inc. (the Respondent), an IXC reseller certificated at A-310155. In the complaint, Prosecutory Staff alleged that the Commission sent by certified mail notices to the Respondent that pursuant to 66 Pa.C.S. § 510, its 1999-2000 Annual Assessment in the amount of \$49.00 was due. The complaint charged that the Respondent violated 66 Pa.C.S. § 510(c) by neither paying the assessment nor filing objections.

The complaint sought the following remedies:

(1) that the Commission issue an order canceling the Respondent's certificate of public convenience if Respondent failed to answer the complaint within 20 days of receipt of the complaint, and

(2) that the Commission issue an order referring the total outstanding assessment balance to the Attorney General's office for appropriate civil collection action.

According to the post office return receipt, service of the complaint was perfected July 5, 2000. To date, more than 20 days later, no answer has been filed to the complaint and the assessment has not been paid; *Therefore,*

It Is Ordered:

1. That the allegations in the Law Bureau Prosecutory Staff's complaint are deemed admitted and the complaint is thereby sustained.

2. That the Secretary serve a copy of this order upon all jurisdictional telecommunication carriers and also cause a copy of this order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. That Vista International Commun., Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide a written notice to each existing customer directing each to select an alternative IXC service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2, above.

4. That absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Vista International Commun., Inc. at Docket No. A-310155 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Audits.

5. That 60 days after publication in the *Pennsylvania Bulletin*, following cancellation of the certificate of public convenience pursuant to Ordering Paragraph No. 4, above, the Office of Executive Director refer the total outstanding assessment balance to the Attorney General's office for appropriate civil collection and action.

By the Commission,

JAME J. MCNULTY,
Secretary

[Pa.B. Doc. No. 00-1702. Filed for public inspection September 29, 2000, 9:00 a.m.]

Petition by GTE Communications Corporation, f/k/a GTE Card Services

Public Meeting held
August 17, 2000

Commissioners Present: John M. Quain, Chairman; Robert K. Bloom, Vice Chairman; Nora Mead Brownell; Aaron Wilson, Jr.; Terrance J. Fitzpatrick.

Amended Application of GTE Communications Corporation, f/k/a GTE Card Services, for Approval to Offer, Render, Furnish, or Supply Competitive Local Exchange Telecommunications Services; A-310291F0002.

Amended Application of GTE Communications Corporation, f/k/a GTE Card Services, for Approval to Offer, Render, Furnish, or Supply Competitive Access Telecommunications Services; A-310291F0004.

Amended Application of GTE Communications Corporation, f/k/a GTE Card Services, for Approval to Offer,

Render, Furnish, or Supply Facilities-Based Interexchange Toll Telecommunications Services; A-310291F0005.

Collaborative to Determine the Adequacy and Interpretation of Existing Accounting Procedures and Financial Reporting Regulations for All Telecommunications Carriers; M-00001374.

Opinion and Order

By the Commission:

Before us for consideration is a Petition filed on May 21, 1999, by GTE Communications Corporation, f/k/a GTE Card Services (GTECC or Company), concerning the two (2) following matters arising in association with our March 22, 1999 Opinion and Order (March 22, 1999 Order) in the above-captioned proceeding:

1. Request for a waiver of the March 22, 1999 Order requirement that directs GTECC to file a Lifeline Plan with the Commission; and,
2. Request for Clarification of the March 22, 1999 Order regarding the requirement that GTECC maintain separate accounting systems for its CAP, CLEC, and its IXC operations.

For the reasons delineated in the body of this Opinion and Order, we shall (1) deny GTECC's request for a waiver, (2) deny GTECC's request for clarification, and (3) initiate a collaborative proceeding involving interested parties for the purpose of determining the adequacy and interpretation of our existing accounting procedures and financial reporting regulations for all types of telecommunications companies in an increasingly competitive toll and local environment.

Background

By our Opinion and Order entered January 28, 1997, at Docket No. I-00940035, we ordered all local exchange carriers (LECs) to file proposed Lifeline Plans for low-income customers by March 29, 1997. The March 29, 1997 deadline date for those LECs that had not filed Lifeline Plans was subsequently extended to September 30, 1997, by our Order on Reconsideration entered July 31, 1997. Since then, the filing and implementation of Lifeline Plans has become a routine compliance requirement for new competitive local exchange carriers (CLECs) that receive approval to operate in the Commonwealth.

By our March 22, 1999 Order in the above-captioned proceeding, we granted, inter alia, GTECC authority to operate as:

1. a CLEC within the service territories of Bell Atlantic-Pennsylvania, Inc. and GTE North, Inc. (F0002),
2. a Competitive Access Provider (CAP) within the service territories of Bell Atlantic-Pennsylvania, Inc. and GTE North, Inc. (F0004), and,
3. a facilities-based interexchange toll service provider (IXC) within the service territories of Bell Atlantic-Pennsylvania, Inc. and GTE North, Inc. (F0005).

Additionally, our March 22, 1999 Order directed that:

1. GTECC shall file its Lifeline Plan within sixty (60) days of the date of entry of the Order, or by May 21, 1999. (Ordering Paragraph No. 8); and,
2. GTECC shall maintain separate accounting systems for its CAP, CLEC and IXC operations. (Ordering Paragraph No. 9).

Discussion

A. Request for Waiver of Commission Order Compliance Requirements

GTECC requests a waiver of the requirement that directs GTECC to file a Lifeline Plan. In support of this request, GTECC avers that its initial provision of services as a CLEC will not include conventional, basic local exchange services that are based on voice telephony. Instead, GTECC states that it will, for all intents and purposes, be a "data CLEC" in the original stages of its operations in the Commonwealth and will not, in the near future, be offering basic local exchange services that could be of benefit to potential Lifeline customers. (Petition, p. 3).

GTECC asserts that it will originally provide Frame Relay Service which is "a high-performance, cost effective data offering for connectivity of multiple local area networks (LANs) or System Networks Architecture (SNA) locations" and that the "data CLEC" services it will initially offer are not included within the group of basic local exchange services that are normally part of CLEC and Incumbent Local Exchange Carrier (ILEC) Lifeline Programs as defined by the Federal Communications Commission (FCC) and this Commission.¹ (Petition, p. 3).

In lieu of an outright waiver, however, GTECC requests that the Commission at least permit it to delay the filing of its Lifeline Plan until such time that GTECC is operationally ready to offer voice telephony basic local exchange services in the areas where it has been authorized to operate by the Commission. (Petition, p. 4).

We note that the Company is requesting this waiver based on its sole assertion that it does not wish to offer certain services under the auspices of a CAP and the fact that it will, for all intents and purposes, be a "data CLEC" in the original stages of its operations in the Commonwealth. GTECC states that it will not, in the near future, be offering basic local exchange services that could be of benefit to potential Lifeline customers. Specifically the services that GTECC proposes to offer include Frame Relay Service and other types of high-speed data services.

We agree with GTECC that Frame Relay service is not one of the conventional basic local exchange services included under Lifeline Service. In fact, both the FCC and this Commission directed that Lifeline Service should include the following services, all of which GTECC is not proposing to offer initially:

1. Single-Party Service
2. Voice grade access to the public switched telephone network
3. DTMF or its functional digital equivalent (Touchtone)
4. Access to emergency services (911)
5. Access to Operator Services
6. Access to Interexchange Service
7. Access to Directory Assistance
8. Toll limitation (Toll Blocking or Toll Control Services)

¹ See generally, *Federal-State Joint Board on Universal Service* (FCC May 8, 1997) CC Docket No. 96-45, Report and Order, FCC 97-157, Paragraph 384, slip op. p. 204 (FCC Universal Service Order); In *Re Formal Investigation to Examine and Establish Updated Universal Service Principles and Policies for Telecommunications Services in the Commonwealth*, Docket No. I-00940035, *Petition of WinStar Wireless of Pennsylvania, Inc. For Approval of Lifeline Service Plan*, Docket No. P-00971275 Order entered December 4, 1987, p. 2.

In its Petition, GTECC states that its proposed tariff, which it filed with the Commission, defines Frame Relay Service as “a high-performance, cost effective data offering for connectivity of multiple local area networks (LANs) or System Networks Architecture (SNA) locations.” Other information submitted by GTECC in this matter is vague with regard to the specific manner in which it desires to utilize Frame Relay Service.

However, *Newton's Telecom Dictionary*² describes Frame Relay Service as “an access standard” that employs a type of packet switching in which packets are sent in the form of “frames” which are variable in length. Access to Frame Relay is over a *dedicated* [emphasis added], digital circuit which typically is 56/64 Kbps, NX56/64 Kbps, T-1 or T-3. *Newton's Telecom Dictionary* further states that Frame Relay is intended for data communications application, most especially LAN-to-LAN internetworking, which is bursty in nature. Frame Relay, while intended for data communications, also supports compressed and packetized voice and video.

As such, it is our view that the type of services (i.e., Frame Relay Services) which GTECC is proposing to include in its CLEC tariff should actually be included in its CAP tariff. As a result, and keeping in mind that, based on the manner in which GTECC initially proposes to offer Frame Relay Services to its customers, it is not appropriate for GTECC to file rates, rules and regulations for Frame Relay Service in its CLEC tariff. In our opinion, the services which GTECC proposes to offer clearly fall under the guise of CAP services, which are described in detail in our April 2, 1999 Opinion and Order in *Vanguard* at Docket No. A-310621 and A-310621, F0002.³ It is important to note at this point that, subsequent to filing the instant Petition and after discussion with our staff, GTECC has agreed to voluntarily file its Frame Relay Service offering in its initial CAP tariff. This tariff was filed on April 26, 2000, with an effective date of June 27, 2000. We commend GTECC for its cooperation with staff.

We shall deny GTECC's outright request for a waiver to file a Lifeline Plan and its alternative request, which would allow it to delay filing a Lifeline Plan and associated tariffs with the Commission until such time as GTECC is operationally ready to offer voice telephony basic local exchange services in its authorized service territory. In support of this determination, we note that the Company's request for a waiver is based on the premise that “for all intents and purposes, it will be a data CLEC.” However, that is not the authority requested or granted by this Commission. We have granted GTECC a CLEC certificate to provide data and voice services. Therefore, regardless of when it begins offering the services, it must file the requisite voice related tariffs.

B. Request for Clarification

GTECC's second request in this Petition seeks clarification of the requirement in our March 22, 1999 Order that GTECC maintain separate accounting systems for its CAP operations, the IXC portion of its CLEC operations,⁴ and its IXC operations. Specifically, GTECC is requesting a clarification that:

1. the March 22, 1999 Order does not necessitate the outright replacement of GTECC's existing and operational accounting systems (Petition, p. 6);

2. the compliance requirement applies to gross intrastate operating revenues of GTECC's CLEC and combined CAP/IXC operations to the extent that is necessary for meeting GTECC's annual reporting requirements to the Commission for GTECC's CLEC operations under 52 Pa. Code §§ 63.36 (Filing of Annual Financial Reports) and 71.1 (Statement of Purpose—Financial Reports), and for its combined CAP/IXC operations under 52 Pa. Code § 63.107 (Annual Reporting Requirements [for Interexchange Carriers]) (Petition, p. 6); and

3. this compliance does not apply to GTECC's expenses and assets associated with its intrastate CLEC, CAP, and IXC operations in the Commonwealth. (Petition, p. 7).

In support of this request for clarification, GTECC states that it is a reseller of local service at this time and does not provide owned and operated access facilities. GTECC argues that, therefore, it does not currently require CAP facilities in order to provide local or interexchange frame relay or private line services and, thus, does not believe that it needs to keep separate accounts. (Petition, p. 5). Furthermore, GTECC states that, even if, and when, GTECC begins offering facilities-based services, it would not deploy its assets in separate accounting systems based on the services it offers. (Petition, p. 5).

GTECC notes that it and other CLECs do not utilize the FCC's Uniform System of Accounts (USOA) in their respective intrastate operations and that considerable difficulties would be encountered by maintaining separate accounting systems for GTECC's CAP, CLEC, and IXC operations. GTECC contends that these difficulties would be exacerbated if the requirement for separate accounting systems is interpreted to apply to the underlying GTECC assets that will be utilized for the provision of CAP, CLEC, and IXC services in Pennsylvania on a resale or facilities-based basis. GTECC suggests that its existing accounting systems, with some requisite modifications, will be able to track, with a reasonable degree of accuracy, the gross intrastate operating revenue associated with GTECC's CAP, CLEC, and IXC operations within Pennsylvania. However, the same systems are not designed to produce accounting separations between expenses and assets associated with GTECC's intrastate CAP, CLEC, and IXC operations. (Petition, p. 5).

GTECC alleges that it would be an adequate, and a less burdensome degree of compliance with the Commission's Order, if the Commission would instead permit it to modify its existing accounting systems so that it can adequately track its gross intrastate revenues for its CLEC and its combined CAP/IXC operations. As such, GTECC believes that this approach, when combined with specialized accounting studies where necessary, would be sufficient in order to comply with the Commission's annual reporting requirements for its CLEC operations under 52 Pa. Code §§ 63.36 and 71.1, and for its combined CAP/IXC operations under 52 Pa. Code § 63.107. (Petition, pp. 5-6).

GTECC also believes that the separate accounting systems required by our March 22, 1999 Order should not be interpreted to require the separation of GTECC's operational expenses and assets associated with GTECC's intrastate CLEC, CAP, and IXC applications. (Petition, p. 6). Furthermore, GTECC is of the opinion that the directive in our March 22, 1999 Order that requires

² See, Harry Newton, *Newton's Telecom Dictionary*, 14th Expanded Ed., Miller Freeman, New York, NY, 1998, pp. 324—325.

³ See *Amended Application of Vanguard d/b/a Cellular One for approval to offer . . . Local Exchange Telecommunications Services*, Docket No. A-310621, F0002; and *Amended Application of Vanguard d/b/a Cellular One for approval to offer . . . Competitive Access Provider Services*, Docket No. A-310621, F0003 (Order entered April 2, 1999).

⁴ The March 22, 1999 Order did not authorize GTECC to combine any IXC operations with its CLEC operations. Rather, we granted GTECC authority to operate as a CLEC, a CAP, and a facilities-based IXC. As such, these operations would require separate accounting and separate tariffs for each operation.

separate accounting systems should not be interpreted to require the outright replacement of GTECC's existing and operational accounting systems. Rather, GTECC believes that the directive should be interpreted to require modifications to its existing and operational accounting systems to the extent that is necessary for the submission of the annual reporting information to the Commission. (Petition, p. 6). GTECC prefers this interpretation because any outright replacement of GTECC's automated accounting systems would be prohibitively expensive and disruptive to GTECC's ongoing operations and would impose an unduly heavy administrative burden on a CLEC that is in the process of entering Pennsylvania's telecommunications services markets. (Petition, p. 6).

We shall first address GTECC's request in which it seeks clarification concerning whether or not the directive in Ordering Paragraph No. 9 (i.e., that GTECC maintain separate accounting systems for its CAP, CLEC, and IXC operations) would necessitate the outright replacement of GTECC's existing and operational accounting systems.

We note that our current regulations in Section 63.32, 52 Pa. Code § 63.32, require Class A and B telephone public utilities⁵ to keep their accounts in conformity with the Uniform System of Accounts requirements prescribed by the FCC (i.e., 47 CFR Part 32). Class C and D telephone public utilities⁶ are required to keep their accounts in a manner that will be adequately informative for reasonable and foreseeable regulatory purposes. Furthermore, our regulations permit a telephone utility to adopt a system of accounts for a higher class of telephone public utilities, as long as we are first notified by the utility of its intention to do so. (52 Pa. Code § 63.32(d)).

Since the Company has failed to submit sufficient information related to the manner in which it presently maintains its accounting system, we shall deny the Company's request for clarification on this matter.

We shall also deny the Company's second request for clarification as to whether Ordering Paragraph No. 9 applies to the gross intrastate operational revenues of GTECC's CLEC and combined CAP/IXC operations, to the extent necessary for meeting GTECC's annual reporting requirements to the Commission for GTECC's CLEC operations under 52 Pa. Code §§ 63.36 and 71.1, and for its combined CAP/IXC operations under 52 Pa. Code § 63.107. Again, based on the limited information in the Company's Petition, it is difficult to determine GTECC's utility classification for its CLEC operations in accordance with 52 Pa. Code § 63.31. As such, it is not possible for us to make a clarification on this matter at this time. Also, without knowing GTECC's utility classification, we cannot conclude what GTECC's obligations would be under 52 Pa. Code §§ 63.36 and 71.1. Likewise, without knowing all of the types of services that will be included in GTECC's CAP and IXC tariffs, we are not able to offer further clarification on this matter at this time. Therefore, we shall also deny the Company's second request for clarification.

With regard to GTECC's third request for clarification that Ordering Paragraph No. 9 does not apply to GTECC's expenses and assets associated with its intrastate CLEC, CAP, and IXC operations in the Commonwealth, we again shall deny the Company's request for clarification because of lack of sufficient information in its Petition.

⁵ Class A companies have 50,000 or more access lines and Class B companies have less than 50,000 access lines. (52 Pa. Code § 63.31).

⁶ Class C companies have average annual operating revenues exceeding \$10,000 but not more than \$50,000 and Class D companies have average annual operating revenues not exceeding \$10,000. (52 Pa. Code § 63.31).

C. Need for Collaborative Review

The Commission has reviewed the Petition for clarification and has determined that it is appropriate to establish a collaborative to assure that our current regulations do not impose unreasonable and unduly burdensome accounting and reporting requirements.

The Executive Director's Office shall be responsible for convening the collaborative with the Law Bureau as the lead bureau and the Bureau of Fixed Utility Services providing technical support. The Executive Director's Office shall convene the collaborative so that a report will be issued for Commission review no later than six (6) months from the entry date of this Opinion and Order. Subsequent to the receipt of the required report, we may then initiate a proposed rulemaking based upon the outcome of the collaborative proceeding.

We have compiled the following questions which we believe should be considered in the collaborative proceeding. These questions are not meant to limit the investigation by any means, and parties are encouraged to raise additional questions as may be necessary.

1. Should the Quarterly Financial Reports (52 Pa. Code §§ 71.1—71.9) and/or Annual Reports (52 Pa. Code § 63.36) be permitted to be treated as confidential and proprietary under 52 Pa. Code § 5.423?

2. Will disclosure of the information in the Quarterly Financial Reports (52 Pa. Code §§ 71.1—71.9) and/or Annual Reports (52 Pa. Code § 63.36) cause any type of unfair economic or competitive damage to ILECs or CLECs? If yes, what are the potential types of unfair economic or competitive damage that might occur?

3. Should CLECs be held to the same quarterly (52 Pa. Code §§ 71.1—71.9) and annual financial reporting requirements (52 Pa. Code § 63.36) as the ILECs?

4. Should the existing Commission quarterly and annual reporting requirements (52 Pa. Code §§ 71.1—71.9) be modified or streamlined as a result of the transition to a competitive environment? If so, how?

5. Do the current Commission requirements that CLECs maintain separate accounting systems for their competitive access provider operations, competitive local exchange operations, and interexchange operations impose unreasonable and unduly burdensome accounting separation and reporting requirements on the CLECs' operations?

6. Should CLECs' accounts continue to be subject to our regulations concerning classification of public utilities (52 Pa. Code § 63.31) and systems of accounts (52 Pa. Code § 63.32)?

7. Should the Federal Communications Commission financial reporting requirements for LECs and CLECs, if any, be adopted by this Commission in order to reduce the regulatory burden on new entrants?

8. In the case of a telephone utility that has CLEC, CAP, and IXC operations, or any combination of these, what combination of revenues should be used for classification purposes under 52 Pa. Code § 63.31?

9. Should a CLEC be required to separately account for its resale operations and its facilities-based operations?

Conclusion

In light of the above discussion, we shall deny GTECC's request for a waiver of Commission Order Compliance Requirements as well as its request for clarification, consistent with the body of this Opinion and Order.

Finally, we shall initiate a collaborative proceeding involving all interested parties for the purpose of addressing the questions outlined in the body of this Order; *Therefore,*

It Is Ordered:

1. That the Petition filed on May 21, 1999, by GTE Communications Corporation, f/k/a GTE Card Services, is denied, consistent with the discussion in the body of this Opinion and Order.

2. That GTE Communications Corporation's request for a waiver of the requirement in our March 22, 1999 Order that directs GTE Communication Corporation to file a Lifeline Plan is denied.

3. That GTE Communications Corporation's alternative request that it be permitted to delay the filing of its Lifeline Plan until such time that GTE Communications Corporation is operationally ready to offer voice telephony basic local exchange services in the areas where it has been authorized to operate by the Commission is denied.

4. That GTE Communications Corporation's request for clarification of the March 22, 1999 Order regarding the requirement that GTE Communication Corporation maintain separate accounting systems for its CAP, CLEC, and IXC operations is denied, consistent with the discussion contained in the body of this Opinion and Order.

5. That, consistent with the discussion in the body of this Opinion and Order, a collaborative proceeding is hereby instituted for the purpose of providing all telecommunications carriers serving in the Commonwealth of Pennsylvania, and other interested parties, with an opportunity to participate in addressing the issues and questions outlined in the body of this Opinion and Order concerning the adequacy and interpretation of our existing accounting procedures and financial reporting regulations for all types of telecommunications companies in a competitive local and toll environment.

6. That the Executive Director's Office shall be responsible for convening the collaborative proceeding. The Law Bureau shall be assigned as the lead bureau and the Bureau of Fixed Utility Services shall be assigned to provide the necessary technical support.

7. That within six (6) months from the date of entry of this Opinion and Order, the Law Bureau shall submit, for Commission review, a report containing a summary and recommendation of the issues and questions addressed in the collaborative proceeding.

8. That a copy of this Opinion and Order be served upon all telecommunications utilities certificated to provide service in the Commonwealth of Pennsylvania, the Office of Consumer Advocate, the Office Small Business Advocate and the Office of Trial Staff.

9. That the Secretary shall duly certify this Order and deposit it with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

JAMES T. MCNULTY,
Secretary

(SEAL)

ORDER ADOPTED: August 17, 2000

ORDER ENTERED: September 12, 2000

[Pa.B. Doc. No. 00-1703. Filed for public inspection September 29, 2000, 9:00 a.m.]

Relief Plan for the 570 NPA; P-00961071F0002

Public meeting held
September 13, 2000

Commissioners Present: John M. Quain, Chairperson; Robert K. Bloom, Vice Chairperson; Nora Mead Brownell; Aaron Wilson, Jr.; Terrance J. Fitzpatrick

Order

By the Commission:

Introduction

On July 19, 2000, the North American Numbering Plan Administrator NeuStar, Inc. ("NANPA"), in its role as the neutral third party NPA Relief Planner for Pennsylvania,¹ acting on behalf of the Pennsylvania telecommunications industry ("industry") filed a petition with the Commission requesting approval of its plan for the 570 Numbering Plan Area ("NPA" or "area code"). According to the petition, the industry reached a consensus² to implement an all services distributed overlay for the geographic area covered by the 570 NPA which would create a new area code to service the area. Currently, the 570 NPA is projected to exhaust all available NXX codes³ during the first quarter 2002. According to its petition, the industry plans to begin implementation of the new overlay NPA on October 2, 2000 unless otherwise directed by the Commission. Under the current schedule, the new NPA would probably be activated May 2002.

The Commission remains committed to the competitive process in the telephone industry, and stands firmly resolved to ensure that all telecommunications carriers have adequate numbering resources so as to compete in the rapidly growing telecommunications marketplace in Pennsylvania. The Commission agrees with NANPA and the industry that a relief plan needs to be implemented for the 570 NPA to ensure the availability of adequate numbering resources on an equitable, efficient, and timely basis for all telecommunications carriers. Since the Commission has the ultimate authority to approve or reject a relief plan,⁴ it hereby directs that the implementation schedule for a relief plan for the 570 NPA not begin until the Commission has had adequate time to receive comments concerning what type of relief should be implemented.

The Commission is mindful of the Federal Communications Commission's ("FCC") policy that state commissions implement area code relief in a timely manner. Seeking comments on the proposed plan will not preclude customers from receiving telecommunications services from providers of their choice because of a lack of numbering

¹ The NANPA is the entity that allocates numbering resources and monitors the viability of area codes to determine when all of the numbers available in the area code are nearing exhaust. The Industry Numbering Committee Guidelines provide that when an area code is nearing exhaust, the NANPA, which then becomes the NPA Relief Planner, convenes a meeting of the industry to discuss relief alternatives. *NPA Code Relief Planning & Notification Guidelines*, INC97-0404-016, reissued Nov. 8, 1999, at § 5.5. If the industry reaches a consensus, then its consensus plan is filed with the Commission and the Commission has an opportunity to take action at that point. *NPA Code Relief Planning & Notification Guidelines*, INC97-0404-016, reissued Nov. 8, 1999, at § 5.6.

² A consensus is established when substantial agreement has been reached. Substantial agreement means more than a simple majority, but not necessarily unanimity. *CLC Principles and Procedures*, May 1998, at § 6.8.8.

³ NXX codes are the three digits following an area code. Hence, in 570-555-1212, 570 is the NPA and 555 is the NXX code. The unavailability of numbering resources and the need for new area codes occurs for several reasons. First, more carriers are competing in the telecommunications market and to compete they require numbers to offer their customers. Second, the current allocation system requires that every carrier who wants to do business receive an entire NXX code (which contains 10,000 numbers) regardless of whether that carrier will have 100 or 1,000 customers. Once the carrier has those 10,000 numbers, the entire NXX code (and its 10,000 numbers) is unavailable for assignment to any other carrier.

⁴ 47 C.F.R. § 52.19 and *NPA Code Relief Planning & Notification Guidelines*, INC97-0404-016, reissued Nov. 8, 1999, at § 2.1.0.

resources for two reasons. First, the Commission is actively implementing its newly granted authority to implement number conservation measures.⁵ For example, on August 17, 2000 the Commission instituted its code reclamation process at M-00001373. By reclaiming unused numbers, the Commission will be able to ensure that numbers are available for assignment in the 570 NPA and statewide. Second, the current relief plan proposed by the industry allows 19 months for full implementation of the new NPA. The Commission's past experience with area code overlays is that they have been fully implemented within as little as six months. Therefore, temporarily delaying the current implementation schedule will not compromise the ability of area code relief to be implemented in the 570 NPA on a timely basis.

Discussion

I. History of the 570 NPA

On June 28, 1996, the telecommunications industry asked the Commission to decide how to relieve the shortage of numbering resources in the 717 NPA because the industry could not reach a consensus. Therefore, the Commission opened a docket at P-00961071 that ultimately led to the creation of the 570 NPA on May 21, 1998. The 570 NPA was a geographic split of the 717 NPA and was activated on April 8, 1999. The geographic area covered by the 570 NPA is comprised of 21 north-central counties and includes the cities of Williamsport, Wilkes-Barre, Scranton, and Stroudsburg. The estimated population of this area is 1,679,171. At the time it was created, the 570 NPA was projected to contain enough numbering resources for almost six years.

On May 4, 2000, not quite a year after activation of the 570 NPA, the industry was notified by the NANPA that relief planning was necessary. According to the NANPA, the projected exhaust of 570 is now first quarter 2002. At the 570 NPA Relief Industry Meeting held on June 1, 2000, members from various ILECs, CLECs, wireless companies, the Office of Consumer Advocate, and the Commission were present. The NANPA proposed three relief alternatives to alleviate the situation in the 570 NPA. After discussion of these three alternatives, the industry reached a consensus to adopt an all services distributed overlay as the form of relief for the 570 NPA with implementation of this overlay to begin on October 2, 2000. Pursuant to the plan, all existing customers in the 570 NPA area would retain their 570 area code and would not be required to change their telephone numbers. Consistent with FCC regulations, the industry reached a consensus to implement a 10-digit dialing plan both within and between the existing NPA and the overlay NPA.⁶

II. Relief Planning for the 570 NPA

According to FCC regulations, new area codes can be introduced to relieve the shortage of numbers in an area code through the use of the following three methods.

a. A geographic area code split, which occurs when the geographic area served by an area code is split into two or more geographical parts;

b. An area code boundary realignment, which occurs when the boundary lines between two adjacent area codes are shifted to allow the transfer of some numbers from one area code to the other;

c. An area code overlay, which occurs when a new area code is introduced to serve the same geographic area as an existing area code. 47 C.F.R. § 52.19(c)(1)–(3).

Although the NANPA notifies the industry when an area code needs relief planning, it is a neutral third party that does not express an opinion on any proposed relief alternative. Additionally, the industry is encouraged to participate in the creation of the relief alternatives and is free to present any plans during the relief planning meeting.

At the June 1, 2000 relief planning meeting, the following three relief alternatives, created by the NANPA, were discussed. They are attached hereto as "Appendix A."

a. Alternative #1—a new NPA code would be assigned to the same geographic area as the existing 570. All customers would retain their same phone numbers but 10-digit local dialing would be required for all telephone calls.

b. Alternative #2—a split boundary line that runs east-to-west would be drawn and a new area code would be assigned. The rate centers north of the boundary line include the areas of Morris, Estella, Noxen, Pittston, and Mount Pocono. The rate centers south of the boundary line include Renovo, Loyalsock, Muhlenburg, and Wilkes-Barre.

c. Alternative #3—a split boundary line that runs north-to-south along would be drawn and a new area code would be assigned. Some of the rate centers west of the boundary line are located in St. Joseph, Mehoopany, Trucksville, Nuangola, and McAdoo. Some of the rate centers east of the boundary line are located in Montrose, Nicholson, Moosic, Wilkes-Barre, and Weatherly.

After discussing these three alternatives at the June 1, 2000 meeting, the industry decided to recommend that the overlay (Alternative #1) be implemented. Pennsylvania has had experiences throughout the state with both splits and overlays. There are benefits and disadvantages to either method. With the imposition of an overlay, existing land-based telephone customers are not likely to have to change telephone numbers. Therefore, customers will not need to change their advertising and stationery. However, the FCC requires that 10 digits be used to dial all numbers in the overlaid area when an overlay is implemented. New NXX numbers from the new area code are assigned to carriers that do not have numbers available in a given rate center. Therefore, the first three digits of a 10-digit telephone number around the corner or down the block might be from the new area code. Eventually, a single customer might have two different area codes for telephone lines serving his or her home or place of business, if the existing carrier has run out of numbers in an NXX assigned to the old area code.

Implementation of a geographic split involves dividing an existing area code into two or more parts, with one part retaining the old area code and other(s) receiving a new area code(s). Callers are presently able to continue using 7-digit dialing for calls made within the area code boundaries. Customers in the area retaining the old area code are minimally impacted. Customers in the new area code, however, must change their area codes. Businesses must revise their stationery and their advertising. Commercial customers may not be able to retain "vanity numbers,"⁷ upon which they have spent advertising dollars. Callers, particularly at the border of the old and new

⁵ The Commission was given the authority to use a variety of number conservation measures through two recent FCC Orders. See *Report and Order and Further Notice of Proposed Rulemaking in the Matter of Numbering Resource Optimization*, CC Docket No. 99-200, 15 FCC Red 7574 (2000). See also *In the Matter of Numbering Resource Optimization*, CC Docket No. 99-200, 96-98, NSD File No. L-99-101 (Common Carrier Bureau, July 20, 2000).

⁶ 47 C.F.R. § 52.19(c)(3)(ii).

⁷ For example, a bookstore with the number 234-BOOK, or a truck-driving school with the number TRUCKER.

area codes are temporarily inconvenienced. They often must dial 11 digits to make calls that were previously 7-digit numbers. Although local calling areas actually have not changed, and calls that were local before the area code split remain local calls, even if they cross into the new area code, people are initially disconcerted and distrusting of the concept of an eleven-digit local call. Indeed, local calling areas do not change no matter which method of area code relief is implemented.

The Commission is seeking comments on the three relief alternatives submitted by the NANPA and is open to suggestions regarding any other potential alternatives for providing relief to the 570 NPA. Note, however, that any proposed relief plan must be in the form of an overlay, a split, or a boundary realignment because the Commission does not have the authority to implement any other type of relief. Because the Commission is mindful of the need to ensure that numbering resources will be available on a timely basis for carriers wishing to operate in the 570 NPA, the comment period will be short and there will be no provision for reply comments.

Conclusion

The policy of the Commission is to ensure that numbering resources, including area code relief planning, are made available on an equitable, efficient and timely basis in Pennsylvania while ensuring that the impact of proliferating new area codes on consumers is as minimal as possible; *Therefore,*

It Is Ordered:

1. That NeuStar and the telecommunications industry do not begin implementation of the all services distributed overlay relief plan for the 570 NPA on October 2, 2000 as currently scheduled.

2. That comments, as requested by this Order regarding the form of area code relief that would be appropriate for the 570 NPA, be filed with the Commission no later than 30 days after this Order is published in the *Pennsylvania Bulletin*. There is no provision for reply comments.

3. That a copy of this order shall be served on all jurisdictional telecommunications carriers, wireless carriers, the Office of Consumer Advocate, the Office of Small Business Advocate, and the North American Numbering Plan Administrator.

4. That a copy of this order shall be published both in the *Pennsylvania Bulletin* and on the Commission's website.

By the Commission,

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 00-1704. Filed for public inspection September 29, 2000, 9:00 a.m.]

Relocation of Offices

The Pennsylvania Public Utility Commission (Commission) is tentatively scheduled to relocate from its various locations in the city of Harrisburg to the newly-constructed Commonwealth Keystone Building on October 13 and October 20, 2000. The Commonwealth Keystone Building is located on Commonwealth Avenue between Forster and North Streets, Harrisburg.

Filings will be accepted in the Secretary's Bureau, North Office Building, Room B-20 until the close of business (4:30 p.m.) on Friday, October 20, 2000. Beginning at 8 a.m. on Monday, October 23, 2000, filings will be accepted on the Second Floor of the Commonwealth Keystone Building. Please use the elevator on the Forster Street side of the building.

The regular mailing address for the Commission and the Secretary's Bureau will remain unchanged at PA PUC, PO Box 3265, Harrisburg, PA 17105-3265. However, the physical address for overnight express (FedEx, UPS, etc.) will be changed to PA PUC, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120.

Any changes to the move date will be published on the Commission's website at <http://puc.paonline.com>. All phone/fax numbers for Secretary's Bureau personnel will remain unchanged.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 00-1705. Filed for public inspection September 29, 2000, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before October 23, 2000, as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent application or both.

Applications of the following for approval of the beginning of the exercise of the right and privilege of operating as common carriers for transportation of persons as described under each application.

A-00114297, Folder 3. Jolanta Sedkowski (54 Mulberry Drive, Holland, Bucks County, PA 18966), persons in limousine service, between points in the county of Bucks, and from points in said county, to points in Pennsylvania, and return.

A-00117211. Transcare Pennsylvania, Inc., t/d/b/a Care Coach (10 Duff Road, Suite 500, Pittsburgh, Allegheny County, PA 15235), a corporation of the Commonwealth of Pennsylvania—persons upon call or demand, in the counties of Allegheny, Fayette, Washington and Westmoreland. *Attorney:* James H. Norris, 600 Grant Street, 44th Floor, Pittsburgh, PA 15219.

A-00117211, Folder 2. Transcare Pennsylvania, Inc., t/d/b/a Care Coach (10 Duff Road, Suite 500, Pittsburgh, Allegheny County, PA 15235), a corporation of the Commonwealth of Pennsylvania—persons in paratransit service, between points in the counties of Fayette, Washington and Westmoreland, and from points in the counties of Allegheny, Fayette, Washington and Westmoreland, to points in Pennsylvania, and return. *Attorney:* James H. Norris, 600 Grant Street, 44th Floor, Pittsburgh, PA 15219.

A-00117214. Liberty Ambulance Response, Inc. (51 Gibraltar Drive, Suite 1F, Morris Plains, NJ 07950-1254), a corporation of the Commonwealth of Pennsylvania—persons, in paratransit service, between points in the counties of Delaware, Montgomery and Philadelphia, limited to the transportation of persons who require assistance for personal mobility to or from the vehicle.

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-00116476, Folder 2. Myers Coach Lines, Inc. (2001 Ballpark Road, Export, Westmoreland County, PA 15632), a corporation of the Commonwealth of Pennsylvania—additional right—(1) persons on schedule, and their baggage together with mail, newspapers and such property as can be transported in buses without the removal of seats, between the city of Pittsburgh, Allegheny County, and the city of Butler, Butler County, over the following route: *Route 1:* Beginning at the David Lawrence Convention Center at the intersection of Penn Avenue and 11th Street in the city of Pittsburgh, Allegheny County, thence via Penn Avenue and the 16th Street Bridge to Highway Route 28, thence via Highway Route 28, to Highway Route 8, thence via Highway Route 8 through Millvale, Etna, Glenshaw, Allison Park, Bakerstown, and Cooperstown to the Butler Transit Authority Terminal in the city of Butler, Butler County and returning over the same routes. *Alternate Route:* Beginning at the David Lawrence Convention Center at the intersection of Penn Avenue and 11th Street in the city of Pittsburgh, Allegheny County, thence via 11th Street to Smallman Street, thence via Smallman Street to the 40th Street Bridge to Highway Route 28, thence to Highway Route 8 through Millvale, Etna, Glenshaw, Allison Park, Bakerstown, and Cooperstown to the Butler Transit Authority Terminal in the city of Butler, Butler County and returning over the same routes. *Second Alternate Route:* Beginning at 7th Avenue and Smithfield Street in the city of Pittsburgh, Allegheny County, thence via 7th Avenue to the Veterans Bridge, thence via the Veterans Bridge to Highway Route 28, thence to Highway Route 8 through Millvale, Etna, Glenshaw, Allison Park, Bakerstown, and Cooperstown to the Butler Transit Authority Terminal in the city of Butler, Butler County and returning over the same routes; *Restriction:* That no right, power or privilege is granted to render service locally in either direction between the terminus of its route in the city of Pittsburgh and the intersection of Butler Street and Freeport Street in the borough of Etna; and (2) persons on schedule, and their baggage together with mail, newspapers and such property as can be transported in buses without the removal of seats, between the city of Pittsburgh, Allegheny County, and the borough of Grove City, Mercer County, over the following route: *Route 2:* Beginning at the David Lawrence Convention Center at the intersection of Penn Avenue and 11th Street in the city of Pittsburgh, Allegheny County, thence via Penn Avenue and the 16th Street Bridge to Highway Route 28, thence via Highway Route 28, to Highway Route 8, thence via Highway Route 8 through Millvale, Etna, Glenshaw, Allison Park, Bakerstown, and Cooperstown to the Butler Transit Authority Terminal in the city of Butler, Butler County, thence on Cunningham Street, Main Street, Highway Traffic Routes 8 and 173, through the borough of Slippery Rock to Liberty Street in the borough of Grove City, Mercer County, thence on Liberty Street, East Main Street, South Broad Street and West Pine Street to South Center Street, thence returning over the same routes;

with the right to use the Alternate Routes set forth in Route 1 as described above. *Attorney:* William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219-2383.

Applications of the following for amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of persons as described under each application.

A-00113081, Folder 1, Am-B. Resources for Human Development, Inc., t/d/b/a Transit Solutions (319 North Pottstown Pike, Suite 309, Exton, Chester County, PA 19341), a corporation of the Commonwealth of Pennsylvania, inter alia—persons in group and party service, in vehicles with a seating capacity of 15 passengers or less, between points in the city and county of Philadelphia and the counties of Chester, Delaware and Montgomery and from points in said territory to points in Pennsylvania, and return; subject to the following condition: that the transportation rendered is limited to economically challenged persons with an annual income defined under Section 8 Housing Assistance Payments Program at 24 CFR 813.016; or to physically challenged persons with disabilities defined by Paragraph 3(b) of the United States Housing Act of 1937, and amended by Section 621 of the Housing and Community Development Act of 1992: *So as to permit* the transportation of persons, in group and party service, in vehicles with a seating capacity of 15 passengers or less, including the driver, between points in the county of Monroe, and from points in said county, to points in Pennsylvania, and vice versa. *Attorney:* Richard T. Mulcahey, Jr., Two Penn Center Plaza, Suite 1400, 1500 John F. Kennedy Boulevard, Philadelphia, PA 19102-1890.

Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under each application.

A-00117215. USA Express Moving & Storage, Inc. (1250 New Rodgers Road, Bristol, Bucks County, PA 19007), a corporation of the Commonwealth of Pennsylvania—household goods in use, between points in the city and county of Philadelphia, and the counties of Bucks, Montgomery, Delaware and Chester, and from points in said territory, to points in Pennsylvania, and vice versa.

Application of the following for amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for the transportation of household goods as described under each application.

A-00101825, Folder 1, Am-A. George Pasko, t/d/b/a Lausch's Moving Service (122 West Lancaster Avenue, Shillington, Berks County, PA 19607), inter alia—household goods in use, from points in the city of Reading, Berks County and within an airline distance of 3 statute miles of the limits of said city to other points within 20 miles, by the usually traveled highways of the limits of said city, and vice versa: *So as to permit* the transportation of household goods in use, between points in the county of Berks, and from points in said county, to points in Pennsylvania, and vice versa.

Service of Notice of Formal Complaints Against Philadelphia TaxiCab Drivers

The following formal complaints have been filed against Philadelphia taxi cab drivers by the Pennsylvania Public Utility Commission:

<i>Name of Driver</i>	<i>Taxi Driver Certificate Complaint #</i>	<i>Cab #</i>	<i>Violation of 52 Pa. Code</i>	<i>Date of Violation</i>	<i>Proposed Penalty</i>
Maged Mohamed	H-00002409M9801	P-536	30.74(a) TDC not on shield. 30.75(b)(1) Dress code (no socks).	January 21, 1998	\$100.00
Dennis R. Abu	H-00002417M9801	P-1063	30.74(a) TDC not on shield.	June 9, 1998	\$50.00
William Harris	H-00004105M9901	P-035	30.71(j) Failure to be truthful on application. 30.71(k) False statement on application.	April 3, 1999	\$1,000.00 & suspension of driver certification.
Femi Olanipekun	H-00004383M9901	P-1134	30.75(h) No passenger log.	March 3, 1999	\$50.00
David L. Morris	H-00004766M9901	P-797	30.74(a) TDC not on shield	December 9, 1998	\$50.00
Mamadou Baradji	H-00005287M9801	P-272	30.71(f) TDC expired (12/2/97)	February 9, 1998	\$100.00

Please be Advised That the Complaint will be Processed as Follows:

A. Pursuant to 52 Pa. Code § 30.53, you must file an answer within fifteen (15) days of the service of this complaint. The answer shall raise all factual and legal arguments that you wish to claim in your defense. The answer shall be notarized and the original and two (2) copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

All answers must include the reference number of this complaint and the applicable P-number(s).

B. Pursuant to 52 Pa. Code § 30.55, if an answer is not filed within fifteen (15) days of the receipt of this complaint, the proposed penalty will be assessed. Additionally, if you are not authorized by the Commission to perform the service, your vehicle registration may be suspended.

C. You may elect not to contest this complaint by paying the proposed penalty by certified check or money order. Payment must be made to:

Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

All payments must include the reference number of this complaint and the applicable P-number(s) on the check or money order.

(Note: PERSONAL CHECKS ARE UNACCEPTABLE.)

D. If a timely answer is filed which contests the complaint, it will be assigned to a Special Agent or an Administrative Law Judge who will serve as the presiding officer in the case. The Agent or the Judge is not bound by the action sought. A penalty imposed by them may be greater or less than the proposed penalty.

E. If you file an answer which admits or does not deny the violations in this complaint, an order will be issued,

without benefit of the case being heard in front of a Special Agent or an Administrative Law Judge, imposing the action sought.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 00-1706. Filed for public inspection September 29, 2000, 9:00 a.m.]

Telecommunications

A-310957F0002. KMC Telecom V, Inc. Adoption by KMC Telecom V, Inc. of an interconnection agreement between Verizon North Inc. f/k/a GTE North Incorporated and AT&T Communications under section 252(i) of the Telecommunications Act of 1996.

Verizon North Inc. f/k/a GTE North Incorporated and KMC Telecom V, Inc., by its counsel, filed on September 19, 2000, at the Pennsylvania Public Utility Commission, a Joint Petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North Inc. f/k/a GTE North Incorporated and KMC Telecom V, Inc. Joint Petition are on file with the Pennsylvania Public Utility Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 00-1707. Filed for public inspection September 29, 2000, 9:00 a.m.]

**Transfer of Control
Without Hearing**

A-310692 F0003. NorthPoint Communications Group, Inc., NorthPoint Communications, Inc. and Bell Atlantic Corporation, d/b/a Verizon Communications. Joint Application of NorthPoint Communications Group, Inc., NorthPoint Communications, Inc., and Bell Atlantic Corporation, d/b/a Verizon Communications for Approval of a Transfer of Control of NorthPoint Communications Inc., to Bell Atlantic Corporation d/b/a Verizon Communications.

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 October 16, 2000, under 52 Pa. Code (relating to public utilities).

Applicant: NorthPoint Communications Group, Inc., NorthPoint Communications, Inc. and Bell Atlantic Corporation d/b/a Verizon Communications.

Through and By Counsel: Glenn A. Harris, Assistant General Counsel, 303 Second Street, South Tower, San Francisco, CA 94107 and Julia A. Conover, Esquire, 1717 Arch Street, 32nd Floor, Philadelphia, PA 19103.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 00-1708. Filed for public inspection September 29, 2000, 9:00 a.m.]

**PUBLIC SCHOOL
EMPLOYEES' RETIREMENT
BOARD**

Hearings Scheduled

Hearings have been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's denial of Claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

October 4, 2000	Laura R. Reed (Change of Retirement Date)	1 p.m.
November 1, 2000	Thomas J. Sturm (Retirement Credit) Carol A. Goff (Multiple Service Membership)	1 p.m. 2:30 p.m.
November 8, 2000	Oram H. Tonge (Reinstatement of Health Plan) Sean V. Earley (Purchase of Service)	1 p.m. 2:30 p.m.
November 15, 2000	Jacqueline Weaver (Change of Retirement) Amanda Moyer (Purchase of Maternity Leave)	1 p.m. 2:30 p.m.

November 16, 2000	Rosemary Muller (Purchase of Service)	10 a.m.
	William D. McClure (Purchase of Service)	10 a.m.

Persons with a disability who wish to attend the above-listed hearings, and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact Marilyn Fuller-Smith Assistant Executive Director, at (717) 720-4921 to discuss how the Public School Employees' Retirement System may best accommodate your needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

DALE H. EVERHART,
Secretary

[Pa.B. Doc. No. 00-1709. Filed for public inspection September 29, 2000, 9:00 a.m.]

**STATE EMPLOYEES'
RETIREMENT BOARD**

Hearings Scheduled

Hearings have been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of Claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

October 4, 2000	Beverly H. Gaglione (Purchase Out-of-State Service Credit)	1 p.m.
October 11, 2000	Harrisburg Area Commu- nity College (Offering SERS membership to its employees)	1 p.m.
October 18, 2000	Bonnie J. Mundorff (Multiple Service Request)	1 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 4 Pa. Code § 250.01, (relating to applicability of general rules), procedural matters will be in conformance with the General Rules of Administrative Practice and Procedure, 1 Pa. Code Part II unless specific exemption is granted.

JOHN BROSIUS,
Secretary

[Pa.B. Doc. No. 00-1710. Filed for public inspection September 29, 2000, 9:00 a.m.]

STATE SYSTEM OF HIGHER EDUCATION

Invitation to Qualify SSHE-FDSS-01-2000; Fire De- tection and Sprinkler Systems

The State System of Higher Education (System) seeking to qualify separate prime firms (fire detection/sprinkler systems, and plumbing) to design and install fire detection and sprinkler systems in dormitories throughout the Commonwealth's 14 State owned universities located at Bloomsburg, California, Cheyney, Clarion, East Stroudsburg, Edinboro, Indiana, Kutztown, Lock Haven, Mansfield, Millersville, Shippensburg, Slippery Rock and West Chester. Interested and qualified firms can obtain a Invitation to Qualify (ITQ) from Rebecca Novak at the Dixon University Center, 2986 North Second Street, North Hall Room 105, Harrisburg, PA 17110-1201. Facsimile requests can be sent to (fax) (717)

720-7117 or (fax) (717) 720-4013. Responses to the ITQ are due on October 20, 2000 by 4 p.m. The System encourages responses from small firms, minority firms, women owned firms, and firms that have not previously worked for the System, and will consider joint ventures that enable these firms to participate in System contracts. Nondiscrimination and equal opportunity are the policies of the Commonwealth and the State System of Higher Education.

Department: State System of Higher Education
Location: Throughout PA at State Owned Universities
Duration: Qualified for 5-year term
Contact: Hod Wells, Director of Construction (717)
 720-4118

JAMES H. MCCORMICK,
Chancellor

[Pa.B. Doc. No. 00-1711. Filed for public inspection September 29, 2000, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:

The payment date specified in the contract.

30 days after the later of the receipt of a proper invoice or receipt of goods or services.

The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center

PA Department of Community and Economic Development
374 Forum Building
Harrisburg, PA 17120
800-280-3801 or (717) 783-5700

Reader's Guide

Legal Services & Consultation—26

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services

Location: Harrisburg, Pa.

Duration: 12/1/93-12/30/93

Contact: Procurement Division
787-0000

③ Contract Information

④ Department

⑦

⑤ Location

(For Commodities: Contact:)
Vendor Services Section
717-787-2199 or 717-787-4705

⑥ Duration

REQUIRED DATA DESCRIPTIONS

① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.

② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.

③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.

④ Department: State Department or Agency initiating request for advertisement.

⑤ Location: Area where contract performance will be executed.

⑥ Duration: Time estimate for performance and/or execution of contract.

⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, "Frequently Asked Questions About State Contracts," explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**
 Pennsylvania State Treasury
 Room G13 Finance Building
 Harrisburg, PA 17120
 717-787-2990
 1-800-252-4700

BARBARA HAFER,
State Treasurer

Commodities

51-00-49 Toner cartridge #1382150 for the Lexmark UDS 9616-RF1 printer and Lexmark Printer #4039. Complete information will be specified in Bid Proposal Package. To request a copy of the Bid Proposal Package fax your request to: (717) 787-3560.

Department: Public Welfare
Location: Department of Public Welfare, Philadelphia County Assistance Office, Office Supports—701-00-49, 1400 Spring Garden Street, Philadelphia, PA 19130
Duration: Delivery 30 days after receipt of order
Contact: Rose Wadlinger, (717) 783-3767

3509 The State Correctional Inst. Graterford is seeking vendors to supply 5,000 yards of 62" wide khaki poplin material to be used in the manufacturing of shirts. Material to be 65 poly/35 cotton. Color to be Sesame, Pantone #15-1215TC.

Department: Corrections
Location: Correctional Industries, Box 246, Off Rt. 29, Graterford, PA 19426
Duration: Oct. 1, 2000 through June 30, 2001
Contact: Gerald L. Arasin, Manager II, (610) 489-4151

B-13215 Vendor to supply to the State Correctional Institution at Graterford, various lumber and building supplies as required.

Department: Corrections
Location: SCI—Graterford, Route 29, P. O. Box 246, Graterford, PA 19426
Duration: 1 year
Contact: Kelly Richardson, (610) 489-4151

SP388101002 Installation of wovenwire deer fence—3 each.

Department: Conservation and Natural Resources
Location: On State Forest Roads in Greene Township, Franklin County—Greenwood and New Baltimore Roads
Duration: To be completed by April 1, 2001
Contact: Paulette M. Keefer, (717) 352-7970

1159110 Insole Material; 5 Iron, Texron 437 or equal. Color—Cream. No Seconds. Size 44 x 50. No Texron 428. For a copy of bid package fax request to (717) 787-0725.

Department: Corrections
Location: Graterford, PA
Duration: FY 2000—01
Contact: Vendor Services, (717) 787-2199

1162110 Batting Cotton. For a copy of bid package fax request to (717) 787-0725. If you have problems downloading a bid, please call our Fax Back System at (717) 705-6001.

Department: Corrections
Location: Dallas, PA
Duration: FY 2000—01
Contact: Vendor Services, (717) 787-2199

1151210 Security screens, Model S-DEF-28-0 59 Steel Defender (Operable), as manufactured by Kane Manufacturing. Screens are to be 12 mesh .028" dia., stainless steel wire cloth. 59 Kane 107 Bitt Key Locks, Standard installation scribe angles and screws, with a baked polyester powder finish in a beige color. Approx. size 48-1/2" wide x 64.12" high. For a copy of bid package fax request to (717) 787-0725.

Department: Public Welfare
Location: Torrance, PA
Duration: FY 2000—01
Contact: Vendor Services, (717) 787-2199

1143110 Mfg. Applications Lab for Vocational Program. For a copy of bid package fax request to (717) 787-0725.

Department: Corrections
Location: Frackville, PA
Duration: FY 2000—01
Contact: Vendor Services, (717) 787-2199

1169200 Shoulder Patch. For a copy of bid package fax request to (717) 787-0725.

Department: State Police
Location: Harrisburg, PA
Duration: FY 2000—01
Contact: Vendor Services, (717) 787-2199

SERVICES

Advertising—01

09-E-00 Marketing/Public relations Services for CareerLink Training Institute and the Pennsylvania CareerLink one-step delivery system.

Department: Labor and Industry
Location: Department of Labor and Industry, Seventh and Forster Streets, Harrisburg, PA 17120
Duration: Two year contract with three 1 year renewal options
Contact: Cherianita Thomas/JB, (717) 787-2877

Agricultural Services—02

PGC-2655 Planting of 6,800 various types of trees to be planted on State Game Lands #210 (Dauphin County), #110 (Berks County) and #106 (Schuylkill County). Each Game Land will be considered a project site, however, bids will be awarded on a lump sum basis (total of all three sites). Types of trees to be planted are Norway Spruce, White Spruce, Douglas Fir and White Pine. Quantities per site and instructions for planting are included in bid package, along with maps to each project site. All trees must be planted by May 21, 2001, and contractors should be aware that due to hunting season, various dates will be non-working days for the awarded contractor. All planting will be in accordance with Agency specifications.

Department: Game Commission
Location: Pennsylvania Game Commission, Bureau of Administrative Services, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797
Duration: Planting must be completed by May 31, 2001
Contact: Diane Shultz or Linda Beaver, (717) 787-6594

PGC-2657 Agency is requesting rental of tractor mounted boom mower, to include operator, fuel, maintenance and operation line. Hours requested are for actual operation and do not include mobilization, de-mobilization or equipment breakdown time. Work involves cutting back saplings up to 3 inches in diameter and brush such as scrub oak and blueberry, etc., along roads, fields and hedgerows on State Game Lands. All work must be completed by June 30, 2001, and work will be at the following sites:] SGL #70, Stevens Point Area, approx. 40 hours; SGL #159, Rileyville Area, approx. 40 hours; SGL #236, Herrick Center, approx. 80 hours; and SGL #300, Archbald, approx. 80 hours. Each area is a project site, and award will be made per project.

Department: General Services
Location: Pennsylvania Game Commission, Bureau of Administrative Services, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797
Duration: Work must be completed by June 30, 2001
Contact: Diane Shultz or Linda Beaver, (717) 787-6594

PGC-2658 Agency is requesting rental of tractor with knuckle boom mower, either flail or rotary head. Must mow out to 20 feet and capable of cutting up to 3 inches in diameter. Tractor should be equal to a 95HP Case IH. Contractor to supply equipment and operator to be known as "the unit." Contractor to supply all fuels and supplies needed for operation. Bid price to include mobilization and de-mobilization of equipment. Work to be completed by June 30, 2001, as follows: SGL #12, approx. 64 hours; SGL #123, approx. 32 hours; SGL #219, approx. 80 hours. Complete instructions included in bid package.

Department: Game Commission
Location: Pennsylvania Game Commission, Bureau of Administrative Services, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797
Duration: Work must be completed by June 30, 2001
Contact: Diane Shultz or Linda Beaver, (717) 787-6594

PGC-2656 Agency is seeking contractor to clear approximately 28 acres of land for planting conifers, per agency specifications. There are 25 acres in Berks County and 3 acres in Schuylkill County to be cleared. Bid prices should include all costs necessary for material, equipment and labor to clear both project sites. Specifications and bid package can be obtained through agency (see below). Bid should clearly show cost per project site, however, award will be made on a lump sum basis. Clearing needs to be completed by April 1, 2001, but due to hunting season, there are various non-work days.

Department: Game Commission
Location: Pennsylvania Game Commission, Bureau of Administrative Services, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797
Duration: Clearing must be completed by April 1, 2001
Contact: Diane Shultz or Linda Beaver, (717) 787-6594

Computer Related Services—08

SP720193007 The Public School Employees' Retirement System (PSERS) is soliciting bids to provide data entry of PSERS' quarterly reports, service reports, employer receipts and miscellaneous forms. Daily pick-up/delivery (Monday thru Friday except for Commonwealth holidays). Records to be keyed and verified. Please contact agency for complete set of specifications and requirements.

Department: Public School Employees' Retirement System
Location: 5 North 5th Street, Harrisburg, PA 17101
Duration: One year contract with the option to renew for up to two additional 1 year periods
Contact: Terrienne Mirarchi, (717) 720-4604

Construction—09

DGSA960-94 Project Title: Windstorm Damage Repairs to Headquarters Building 0-47. Brief Description: Restore damaged portion of roof including metal fascia and replace existing hypalon roof and metal fascia. Estimated Range: \$500,000 to \$1,000,000. General Construction. Plans Deposit: \$25 per set payable to: Commonwealth of PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5 per set or provide your express mail account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Tel: (717) 787-3923. Bid Date: Wednesday, October 11, 2000 at 2 p.m.

Department: General Services
Location: Fort Indiantown Gap, Annville, Lebanon County, PA
Duration: 60 Calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

DGSA1574-22 Project Title: Roof Replacement—Chapel. Brief Description: Replace the shingle roof, copper roof and flat roof of the Bell Tower. Repoint the Stair Tower, replace some glass panes, repair or replace deteriorated wood trim, fascia, slats, rails, etc. and repaint. Estimated Range: Under \$100,000. General Construction. Plans Deposit: \$25 per set payable to: Commonwealth of PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5 per set or provide your express mail account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Tel: (717) 787-3923. Bid Date: Wednesday, October 11, 2000 at 11 a.m.

Department: General Services
Location: State Correctional Institution, Cresson, Cambria County, PA
Duration: 130 calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

DGS1103-40IN4.1REBID Project Title: Construction of the Multi-Purpose Academic Complex. Brief Description: Painting of Walls, concrete, concrete block, drywall; floors, ceilings, stair railings, stringer, risers and piping. Painting of all hollow metal doors and frames, as well as other miscellaneous materials is included in this contract. Application of special parking garage floor coatings, painting of parking spaces inside the garage, as well as curbs, pedestrian paths and other pavement markings are also included. Protection of finished work, as well as other related items are included in this contract. Project is located at Forbes Avenue and Bouquet Streets in Pittsburgh, PA. Estimated Range: \$100,000 to \$500,000. Painting Flooring Construction. Plans Deposit: \$425 per set payable to: JSA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check or provide your express mail account number to the office listed below. Mail requests to: JSA, 6450 Steubenville Pike, Pittsburgh, PA 15205-1004, Tel: (412) 788-1500. Bid Date: Wednesday, October 4, 2000 at 11 a.m.

Department: General Services
Location: University of Pittsburgh, Pittsburgh, Allegheny County, PA
Duration: 364 Calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

DGS1103-40IN3REBID Project Title: Construction of the Multi-Purpose Academic Complex. Brief Description: Construction of carpet, resilient, membrane floors and a limited amount of raised access flooring. Projection of finished work, as well as other related items are included in this contract. Project is located at Forbes Avenue and Bouquet Streets in Pittsburgh, PA. Estimated Range: \$100,000 to \$500,000. Soft Surface Flooring Construction. Plans Deposit: \$425 per set payable to: JSA. Refundable upon return of plans and specifications in reusable condition (No Marks Allowed) as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check or provide your express mail account number to the office listed below. Mail requests to: JSA, 6450 Steubenville Pike, Pittsburgh, PA 15205-1004, Tel: (412) 788-1500. Bid Date: Wednesday, October 11, 2000 at 11 a.m.

Department: General Services
Location: University of Pittsburgh, Pittsburgh, Allegheny County, PA
Duration: 364 Calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

FDC-019-745 Abandon 13 existing wells and install 5 new water supply wells including concrete, masonry, metals, carpentry, painting, installing wells and pumps, and associated electrical work. Various sites are involved between I-80 (East Stroudsburg area) and north to Lake Wallenpaupack are in Monroe and Pike Counties. Note: Requests for Bid Documents will be taken on or after October 2, 2000.

Department: Conservation and Natural Resources
Location: Porter and Blooming Grove Townships, Pike County, Price Township, Monroe County
Duration: 180 days
Contact: Construction Management Section, (717) 787-5055

090-000238 Furnish the following: Fabricated Structural Steel—Hot Dipped Galvanized (32,813 lbs), 7/8" Diameter Threaded Anchor Bolts—Hot Dipped Galvanized (Quantity 68 ea.), 7/8" Diameter ASTM A325 Bolts—Mechanically Galvanized (Quantity 280 ea.) Bidders must be Category III Plant (AISC and Department Register of Certified Plants). Shop drawings are required from awarded vendor.

Department: Transportation
Location: PA Department of Transportation, 1312 North Center Avenue, Somerset, PA 15501
Duration: Material to be delivered to above location no later than May 1, 2001
Contact: Colin Hoover, (814) 696-7124

Demolition—11

061870 Demolition and/or Removal of nine residential buildings and any site improvements. Properties are in Doylestown Township, Bucks County, SR 202-721.

Department: Transportation
Location: Doylestown Township, Bucks County, PA
Duration: Open
Contact: Roger Joseph, (610) 205-6505

Drafting—12

Maintenance 00-081 Computerized sign engraver with standard optional features to include: software, over 40 fonts including brails, autoplant layout, compatible with windows 95 or 98, decorative boarders, proximity sensor which finds the surface of material from 1/32" x 1/2" Thick. Serial Controller with open architecture, chip removal with vacuum, 1/4" spindle, 12 cutters, assorted tip widths, quick lock vise, 1 year limited warranty. A minimum of two instructional visits.

Department: Public Welfare
Location: Mayview State Hospital, 1601 Mayview Road—Attn: Storeroom, Bridgeville, PA 15017-1599
Duration: One time purchase
Contact: Fred Molisee, (412) 257-6215

Engineering—14

08430AG2616 Open-End Contract to provide construction inspection services on various projects in Engineering District 6-0, Montgomery County. Details concerning this project may be found under Department of Transportation—Retention of Engineering Firms in the *Pennsylvania Bulletin*, or www.statecontracts.com under via Retention of Engineering Firm Data.

Department: Transportation
Location: Engineering District 6-0
Duration: Sixty (60) Months
Contact: N/A

Financial & Consulting—17

09-A-00 Advise, design, negotiate, secure and monitor reinsurance coverage.

Department: Labor and Industry
Location: Department of Labor and Industry, State Worker's Insurance Fund, 100 Lackawanna Avenue, Scranton, PA 18503
Duration: Two year contract with three 1 year renewal option
Contact: Cherianita Thomas/JB, (717) 787-0288

Food—19

Ibp-2000-28 Milk; Whole, 2%, Skim. To be delivered as needed upon request. Quantities and specifications may be obtained from the Northeastern Veterans Center. Please send fax request to (570) 961-4400.

Department: Military Affairs
Location: Northeastern Veterans Center, 401 Penn Avenue, Scranton, PA 18503-1213
Duration: January 1, 2001 through December 31, 2001
Contact: Barbara Partyka—Purchasing Agent, (570) 961-4354

Hazardous Material—21

00717-000-00-MT/PW The asbestos work includes demolition and removal of asbestos containing material, procedures and equipment required to protect workers, the environment and occupants of the building, and the disposal of any asbestos containing material resulting from the work. For directions to the site contact the Project Manager, Mark Heeb at (717) 787-7788 or the site at (570) 875-4708. All interested bidders should submit a \$25 (non-refundable) check and a request for a bid package in writing to: PA Historical & Museum Commission, Division of Architecture, Room 526, 300 North Street, Harrisburg, PA 17120—Attention: Judi Yingling (717) 772-2401—Fax (717) 783-1073. All proposals are due on Friday, October 13, 2000 at 11:45 a.m. Bid opening will be held in the Commonwealth Keystone Building, Plaza Level, Division of Architecture, 400 North Street, Harrisburg, PA 17120-0053.

Department: Historical and Museum Commission
Location: Museum of Anthracite Mining, 17th & Pine Street, Ashland, PA 17921
Duration: November 1, 2000 to October 31, 2001
Contact: Judi Yingling, (717) 772-2401

HVAC—22

M-4651 Repairs needed to a Keeler MKL boiler #4536. Contractor to supply material, equipment and labor to replace 5 leaking front wall tubes. Upon completion of repairs, a hydrostatic test to the boiler will need to be done.

Department: Correctons
Location: State Correctional Institution at Rockview, Rt. 26, Box A, Bellefonte, PA 16823
Duration: October 1, 2000 through June 30, 2001
Contact: Cheryl Crispell, P.A., (814) 355-4874, Ext. 206

00776031 To furnish and install nine independent emergency call systems in a total of four resident occupied buildings. Contractor will supply all necessary equipment such as conduit, raceways, electrical boxes, protective covers, electrical panelboard circuit breakers, testing and training etc. This work is to be completed on the grounds of the Allentown State Hospital. A complete bid packet can be obtained by contacting the Purchasing Department at (610) 740-3425.

Department: Public Welfare
Location: Allentown State Hospital, 1600 Hanover Avenue, Allentown, PA 18109-2498
Duration: 12/1/00 to 6/30/00
Contact: Robert Mitchell, Purchasing Agent, (610) 740-3425

RFP 09-11 RFP 09-11 Management of University Dining Service Program—Provide all labor, equipment and material necessary to operate the University's current main dining board operation, and five cash facilities on campus which will expand to seven early in the new contract period. There are approximately 4,000 students on meal plans and the service produces sales in excess of \$5,000,000 annually. To request a copy of the request for proposal submit a written request to Bloomsburg University, Waller Bldg. 38, Bloomsburg, PA 17815—Fax # (570) 389-2017 by mid October 2000. The proposal request will probably be released in late October—information on the site meeting and due dates will be included in the bid package. Effective date of the new contract would be June 1, 2001 and would be effective for up to 5 years.

Department: State System of Higher Education
Location: Bloomsburg University, Bloomsburg, PA
Duration: 5 years
Contact: Joseph C. Quinn, (570) 389-4311

ITQ SSHE-FDSS-01-2000 The State System of Higher Education is seeking to qualify separate prime firms (fire detection/sprinkler systems and plumbing) to design and install detection and sprinkler systems in dormitories throughout the Commonwealth's 14 state owned universities located at Bloomsburg, California, Cheyney, Clarion, East Stroudsburg, Edinboro, Indiana, Kutztown, Lock Haven, Mansfield, Millersville, Shippensburg, Slippery Rock and West Chester. Interested and qualified firms can obtain an Invitation to Qualify (ITQ) from Rebecca Novak at the Dixon University Center, 2986 North Second Street, Harrisburg, PA 17110-1201. Facsimile requests can be sent to (fax) (717) 720-7117 or (fax) 720-4013. Responses to the ITQ's are due on October 20, 2000 by 4 p.m. The System encourages bids from small firms, minority firms, women owned firms and firms that have not previously worked for the System, and will consider joint ventures that enable these firms to participate in System contracts. Non-discrimination and Equal Opportunity are the policies of the Commonwealth and the State System of Higher Education.

Department: State System of Higher Education
Location: Throughout PA at State-owned Universities
Duration: Qualified for 5 year term
Contact: Howard Wells, Director of Constr. Management, (717) 720-4118

000030 Contractor is to provide all labor, materials, equipment, and services for performing all operations in connection with the furnishings and installation of four split DX ductless air conditioning systems for the 1st and 2nd floor dorm room hall areas of the Wiseman Building, which is located on the grounds of Torrance State Hospital, Torrance, PA. Drawings and specifications available upon request, (724) 656-7310.

Department: Public Welfare
Location: South West Secure Treatment Unit, Wiseman Building, TSH, State Route 1014, Torrance, PA 15779
Duration: Undetermined at this time
Contact: T. E. Mateja, PA, (724) 656-7310

Janitorial Services—23

SP386210003 Sealed bids will be received at Dept. of Conservation and Natural Resources, Park Region #2, P. O. Box 387, 195 Park Road, Prospect, PA 16052, until 2 p.m. prevailing time, October 17, 2000, and then publicly opened and read. For Janitorial Service to eleven family cabins and the park office at Moraine State Park. A bid proposal containing all pertinent information must be obtained from the office of the Park Manager, Moraine State Park.

Department: Conservation and Natural Resources
Location: Dept. of Conservation and Natural Resources, Moraine State Park, 225 Pleasant Valley Road, Portersville, PA 16051-9650
Duration: January 1, 2001 to December 31, 2002
Contact: Moraine State Park, (724) 368-8811

420028 Cleaning of building which consists of 5 floors. Pick-up trash, mop, dust, strip and wax and other cleaning duties. In Summer grass cutting and in Winter snow removal.

Department: Transportation
Location: Bureau of Construction & Materials, 1118 State Street, Harrisburg, PA 17120
Duration: 12/01/2000 through 11/30/2001 with renewal clause for four 1 year renewals
Contact: Jeannie Platt, (717) 783-6717

Bid #8200 Furnish all labor, materials and equipment to perform janitorial services five visits per week at the PA State Police, Allentown Liquor Control Enforcement facility. Detailed Work Schedule & Bid must be obtained from Facility Management Division, (717) 783-5484.

Department: State Police
Location: Allentown Liquor Control Enforcement, 8320 Schantz Road, Breinigsville, PA 18031
Duration: 11/01/01 to 06/30/03
Contact: Donna L. Enders, (717) 783-5484

Bid #8199 Furnish all labor, equipment and materials to perform janitorial services, including empty waste baskets, clean lavatories, sweep floors, machine buff tile floors, etc., three visits per week at the PA State Police, Hazleton Headquarters. Detailed Work Schedule & Bid must be obtained from Facility Management Division, (717) 783-5484.

Department: State Police
Location: Hazleton Headquarters, 250 Dessen Drive, West Hazleton, PA 18201
Duration: 2/01/01 to 6/30/04
Contact: Donna L. Enders, (717) 783-5484

Medical Services—29

SP #10782002 The contractor shall establish and conduct an Audiology Program for the individuals who reside at the Hamburg Center, with special emphasis on people who are hearing impaired. To receive detailed specifications, submit Fax to Beverly O. Epting, PA, Hamburg Center, Hamburg, PA 19526, Fax: (610) 562-6025.

Department: Public Welfare
Location: Hamburg Center, Old Route 22, Hamburg, PA 19526
Duration: 3 years—Anticipated Dates—July 1, 2001 to June 30, 2004
Contact: Beverly O. Epting, PA, (610) 562-6031

Property Maintenance—33

MI-720 Project Name: Biemesderfer Stadium Painting. Scope of Work: Cleaning & preparing existing steel deck for application of primer and paint, scrape loose and flaking lead based paint and properly contain & dispose and apply an approved epoxy based finish coat on underside of deck. Plans Cost: \$50 Non-refundable.

Department: State System of Higher Education
Location: Millersville University, Biemesderfer Stadium, Millersville, Lancaster County, PA 17551
Duration: 60 calendar days from Notice to Proceed
Contact: Jill M. Coleman, (717) 872-3730

00676-000-00-AST/TANK Provide and install new 1000 gallon above ground fuel oil storage tank southwest of the existing maintenance building and install new fuel oil supply and return piping from new AST to existing heating boiler within maintenance building. A prebid meeting will be held on October 19, 2000 at 10:30 a.m. at Washington Crossing Historic Park, Washington Crossing, PA for all firms interested in submitting bids for the project. For directions contact the Project Manager, Jim Caulfield at (717) 787-6944 or the site at (215) 493-4076. All interested bidders should submit a \$25 (non-refundable) check and a request for a bid package in writing to: PA Historical & Museum Commission, Division of Architecture, Room 526, 300 North Street, Harrisburg, PA 17120-0024 Attention: Judi Yingling (717) 772-2401. All proposals are due on Thursday, November 2, 2000 at 11:45 a.m. Bid opening will be held in the Division of Architecture, Commonwealth Keystone Building, Plaza Level, 400 North Street, Harrisburg, PA 17120.

Department: Historical and Museum Commission
Location: Washington Crossing Historic Park, P.O. Box 103, Washington Crossing, PA 18977
Duration: November 1, 2000 to October 31, 2001
Contact: Judi Yingling, (717) 772-2401

3881190003 Provide labor and materials for the refurbishment of four steel structural fire towers located in Monroe & Pike Counties. Towers range from approximately 20 to 80 feet tall.

Department: Conservation and Natural Resources
Location: Department of Conservation & Natural Resources, Bureau of Forestry, Forest District 19
Duration: June 30, 2001
Contact: David Miller, (570) 895-4000

Bid #8201 Snow removal, salting & cindering from driveways and parking areas, and snow removal from sidewalks as required at the PA State Police, Dunmore Headquarters. Totals are based on estimated snow removal & salting/cindering hours/tons. Detailed Work Schedule & Bid must be obtained from Facility Management Division, (717) 783-5484.

Department: State Police
Location: Dunmore Headquarters, 85 Keystone Industrial Park, Dunmore, PA 18512-0159
Duration: 11/01/00 to 6/30/03
Contact: Donna L. Enders, (717) 783-5484

Security Services—37

2-1-0009 This contract will consist of six turnkey installation security cameras for Snow Shoe Westbound Roadside Rest Area in Centre County around Exit 22 Interstate 80 Snow Shoe, PA. Contractor to supply all labor, material, bonds, permits and insurance to install a turnkey system. To include two pole mounted cameras with underground cables with up to 200 feet of trenched cables, back filled and reseeded. Poles to be mounted on concrete bases. All cameras mounted inside or outside must have either wire mold cable protection, be concealed or have conduit. All outdoor cameras to have weatherproof housings and electrical heat.

Department: Transportation
Location: Westbound Roadside Rest Snow Shoe, PA, Centre County
Duration: One Year Contract
Contact: Tina A. Smith, (814) 355-4731, Fax 357-0355

2-1-0008 This contract will consist of six turnkey installation security cameras for Snow Shoe EB Roadside Rest Area in Centre County around Exit 22 Interstate 80 Snow Shoe, PA. Contractor to supply all labor, material, bonds, permits and insurance to install a turnkey system. To include two pole mounted cameras with underground cables with up to 200 feet of trenched cables, back filled and reseeded. Poles to be mounted on concrete bases. All cameras mounted inside or outside must have either wire mold cable protection, be concealed or have conduit. All outdoor cameras to have weatherproof housings and electrical heat.

Department: Transportation
Location: Eastbound Roadside Rest Snow Shoe, PA, Centre County
Duration: One Year Contract
Contact: Tina A. Smith, (814) 355-4731, Fax 357-0355

Miscellaneous—39

R0007812 Millersville University is seeking qualified vendors who can provide the University with an Optima MAX-E Ultracentrifuge, 120VAC/60HZ and MLS-50 Swinging Bucket Rotor Package. Interested bidders should fax their request to be placed on a bidders list not later than 2 p.m., Friday, October 6, 2000, to Anna Stauffer (717) 871-2000.

Department: State System of Higher Education
Location: Millersville University, Millersville, PA 17551
Duration: Nov.—Dec. 2000
Contact: Anna Stauffer, (717) 872-3041

SP13450010019 Vendor to fill in an inground swimming pool located in Coates Hall—at the Southeastern Veterans Center, 1 Veterans Drive, Spring City, PA 19475. For further job information, contact Thomas Schmidt, Maintenance Manager, at (610) 948-2430.

Department: Military Affairs
Location: Southeastern Veterans Center, Coates Hall, 1 Veterans Drive, Spring City, PA 19475
Duration: January 1, 2001 through June 30, 2001
Contact: Theresa Barthel, P.A., (610) 948-2493

08820038 Fiberglass bathing system 76" L x 31" W, tub depth—18" (head), 23" (foot), water capacity—25 gal. with: safe working load w/o water—308 pounds. Electrohydraulic recline/height adjustment to raise tub to safe working height, 24 volt recline and hi-lo. Retractable hand-held shower, 12 volt, 3 spray settings for washing & rinsing. Water-tight door seals. Thermostatic mixer for antiscald protection with digital display & built-in safety stop. 9 jet/3 speed air spa control, dispenses disinfectant at completion of bath. Side entry allowing entry from sitting, standing or chair position. High clearance base to accommodate lifters. Includes kit: Disinfection system, size 22" x 8 1/4" x 7 1/4", Liquid soap dispenser, removable leg rest—adjustable, head pillow neck rest, soft touch. Reference: Parker 420, Mfg: Sunrise Medical.

Department: Public Welfare
Location: Department of Public Welfare, South Mountain Restoration Center, 10058 South Mountain Road, South Mountain, PA 17261
Duration: Estimated complete by 8—12 weeks
Contact: Kay Whitsel, Purchasing Dept., (717) 749-4033

00776032 Contractor shall provide for the removal and installation of three existing stub stacks. Contractor shall install three new stub stacks, supply all necessary materials and equipment, not limited to but including all bracing, welding and modification to the existing lower portion of the stub stack, roof repairs, flashing, and equipment rental as required. This work is to be completed on the grounds of the Allentown State Hospital. A complete list and bid pack can be obtained by contacting the Purchasing Department of the Allentown State Hospital at (610) 740-3425.

Department: Public Welfare
Location: Allentown State Hospital, 1600 Hanover Avenue, Allentown, PA 18109-2498
Duration: 12/01/00 to 06/30/01
Contact: Robert Mitchell, Purchasing Agent, (610) 740-3425

X12700 Fuel Maker CNG Refueling System—Model #FMQ-2-36 Fuel Maker Fast Fill Storage System—Model #FF350A-36-PS36, Installation of the FuelMaker Refueling and Fast Fill Storage System Start-up Service.

Department: Environmental Protection
Location: Ebensburg, PA
Duration: Need installed by October 13, 2000
Contact: Sharon Peterson, (717) 783-5894

SP 1106000-008 Provide request for proposal for an inmate sex offender treatment program.

Department: Corrections
Location: State Correctional Institution at Pittsburgh, 3001 Beaver Ave., P. O. Box 99901, Pittsburgh, PA 15223
Duration: March 1, 2001 to June 30, 2004
Contact: Carol Schaeffer/Purchasing Agent, (412) 761-1955, Ext. 291

R0007859 Millersville University seeking qualified bidders who can provide the University with VIMCO blackout shades and Graeber 1" mini-blind classics (or equal) for Roddy Science Center. Winning vendor will be responsible for installation. Interested parties must fax their requests to be placed on a bidders list to Anna Stauffer (Fax: (717) 871-2000) no later than 2 p.m., Friday, October 6, 2000.

Department: State System of Higher Education
Location: Millersville University, Millersville, PA 17551
Duration: Nov.—Jan. 2000
Contact: Anna Stauffer, (717) 872-3041

B0000347 Millersville University is soliciting qualified vendors who can provide the University with Allied Telesyn products for renovations for its Roddy Science Center Renovations. Interested vendors must fax their request to be placed on a bidders list no later than 2 p.m., Fri., October 6, 2000 to Anna Stauffer (Fax: (717) 871-2000).

Department: State System of Higher Education
Location: Millersville University, Millersville, PA 17551
Duration: Oct.—Dec. 2000
Contact: Anna Stauffer, (717) 872-3041

RFP 99-07-05 Consultant requested to analyze currently available data to identify nursing home quality outcomes and trends. The contractor will then recommend methods for improving outcomes. The contractor will select, design and carry out pilot projects to establish system-wide best practices that go beyond the regulatory model to promote best quality of care as part of the contract. Certain experience with data analysis, best practices and the nursing home industry in Pennsylvania is required. Bidders should read the RFP carefully to successfully submit their proposal. A mandatory pre-proposal conference will be held. Potential contractors must be represented at this mandatory pre-proposal conference in order to qualify to submit a proposal in response to this RFP.

Department: Health
Location: Throughout the Commonwealth
Duration: April 1, 2001 through December 31, 2002, with three one-year options
Contact: William Bordner, (717) 787-8015

201000034 The development, administration and scoring of Pennsylvania State Police promotion examinations for the ranks of Corporal, Sergeant and Lieutenant.

Department: State Police
Location: Bureau of Personnel, 1800 Elmerton Avenue, Harrisburg, PA 17110
Duration: 5 Years—12/2001 through 1/2006
Contact: Dan A. Nettling, Examination Development & Adminis., (717) 787-6383

[Pa.B. Doc. No. 00-1712. Filed for public inspection September 29, 2000, 9:00 a.m.]

DESCRIPTION OF LEGEND

- | | |
|--|---|
| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
|--|---|

GARY E. CROWELL,
Secretary

Contract Awards

The following awards have been made by the Department of General Services, Bureau of Purchases:

Requisition or Contract No.	PR Award Date or Contract Effective Date	To	In the Amount Of
0059-01	9/20/00	Digital-Ink	418,173.50
7350-09	10/01/00	Feesers Inc.	1,690.30
7350-09	10/01/00	Xpedx	419,787.25
8305-01	10/01/00	Ragold Corp.	15,000.00
8415-02	9/15/00	Ark Safety Division Seal Glove Mfg. Inc.	3,650.00
8415-02	9/15/00	Pennsylvania Police Sup- ply Inc.	12,992.00
1027110-01	9/18/00	Kar-Tex Inc.	54,725.00
1048040-01	9/18/00	Apple Auto- motive Group d/b/a Apple Ford Fleet	28,531.00
1061110-01	9/18/00	Providence Electric Supply Inc.	24,535.00
1065380-01	9/18/00	Imagineering Services Inc.	38,700.00

Requisition or Contract No.	PR Award Date or Contract Effective Date	To	In the Amount Of
1069150-01	9/18/00	Hondru Chrysler Plymouth Inc./dba Manheim Chrysler Plymouth GMC	24,924.00
1090150-01	9/18/00	Simpson Technolo- gies Corp.	21,000.00
1101210-01	9/18/00	Medtronic Physio- Control Corp.	50,000.00
8211820-01	9/18/00	Keystone Sign Sup- ply Inc.	14,551.90
8252020-01	9/18/00	O'Connor Truck Sales Inc.	5,471,209.90
8252030-01	9/18/00	Mack Trucks Inc.	3,728,962.78

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 00-1713. Filed for public inspection September 29, 2000, 9:00 a.m.]

