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PENNSYLVANIA BULLETIN

Volume 28
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Agencies in this issue:

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Department of Agriculture
Department of Banking
Department of Education
Department of Environmental Protection
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Department of Public Welfare
Department of Transportation
Environmental Hearing Board
Executive Board
Game Commission
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Public School Employes' Retirement Board
State Board of Nursing
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Turnpike Commission

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

No. 287, October 1998

PENNSYLVANIA



BULLETIN

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Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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

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

Fiscal Notes

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

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

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THE COURTS

Title 255—LOCAL COURT RULES

BEAVER COUNTY

Amendment to Local Rules of Civil Procedure; No. 11492 of 1998

Order

Now, this 17th day of September, 1998, it is Ordered and Directed that Local Rule LJA 1901A is hereby revoked. The following Rule is hereby adopted as the Amended Rule LJA 1901A.

This Rule shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin*. The Court Administrator of Beaver County shall submit seven certified copies of this Order and the attachments to the Administrative Office of Pennsylvania Courts, two certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, one certified copy to the Civil Procedural Rules Committee of the Pennsylvania Supreme Court and one with the Prothonotary of Beaver County to be kept for public inspection and copying.

Amended Rule LJA 1901A—Content of List.

The Court Administrator shall complete a list of inactive cases as of January 1 of each year comprised of all Civil Action matters in which no steps or proceedings have been taken for two (2) years or more prior thereto. This shall not apply to custody matters. A date for termination of these inactive cases shall be set forth each year on the court calendar.

By the Court

ROBERT C. REED,
President Judge

[Pa.B. Doc. No. 98-1702. Filed for public inspection October 16, 1998, 9:00 a.m.]

COMMISSION ON SENTENCING

Public Hearing and Quarterly Meeting

Public Hearing

The Commission on Sentencing (Commission) is giving notice that a public hearing concerning the Commission's Release of Information Policy is scheduled for October 27, 1998 (Tuesday), at the Airport Hilton, 4509 Island Avenue, in Philadelphia, PA. The public hearing is scheduled from 9 a.m. to 12 noon. Persons planning to attend should contact Cathy Dittman at (814) 863-2797 Ext. 1, by October 21, 1998. Additionally, persons wishing to speak should provide 20 copies of written testimony.

Quarterly Meeting

The Commission is giving notice that its Quarterly Meeting is scheduled for October 28, 1998 (Wednesday) at the Airport Hilton, 4509 Island Avenue, Philadelphia, PA. The meeting, which is open to the public, is scheduled from 9 a.m. to 12 noon. Persons planning to attend should contact Cathy Dittman at (814) 863-2797 Ext. 1, by October 21, 1998.

FRANK DERMODY,
Chair

[Pa.B. Doc. No. 98-1703. Filed for public inspection October 16, 1998, 9:00 a.m.]

RULES AND REGULATIONS

Title 22—EDUCATION

PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

[22 PA. CODE CHS. 201, 211, 213 AND 215]

Technical and Substantive Amendments

The Public School Employees' Retirement Board (Board) is amending Chapters 201, 211, 213 and 215 to read as set forth in Annex A.

Purpose of Final-Form Rulemaking

Under Executive Order 1996-1 the Board has undertaken a review of its existing rules and regulations. Based on that review, the Board proposes a number of technical and several substantive amendments to its rules and regulations as set forth in Annex A.

General Comments

1. *Gender neutral language.* The regulations have not been comprehensively updated since 1975, and generally use the masculine tense. The proposed changes rewrite, where applicable, to gender neutral language.

2. *Deletions of language in the Code.* Generally, where the regulatory provisions merely repeat or restate language already contained in 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code) (Retirement Code), the language was deleted as unnecessary.

Section by Section Analysis

§ 201.1. The amendments add some provisions which are intended to streamline the Board's administrative procedures, and which differ from 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure).

§ 201.2. This section provides for an expedited decision when there are no factual disputes. This expedited hearing shall be agreed to by both sides, and would allow the case to go directly to the Board for adjudication.

§ 201.3. This section adopts preliminary objections and motions practice as provided in the Pa.R.C.P. This section would allow more flexibility in dealing with cases which have no factual disputes.

§ 201.4. This section requires a hearing examiner to dismiss a case when the claimant does not appear at hearing without good cause. Currently, the hearing examiners usually dismiss the case after a motion filed by the Public School Employees' Retirement System (System). These amendments would simplify the procedure.

§ 201.5. This section allows letter briefs instead of formal briefs, when the argument is no more than 3 pages. This procedure will simplify the argument process.

§ 211.1. Technical corrections have been made.

§ 211.2. Definitions.

A. *General Comment*—Deleted definitions merely repeat the Retirement Code definitions.

B. *Active member*—Adds language to conform to the act of July 22, 1983 (P. L. 104, No. 31) (Act 31), which added the concept of pickup contributions, and to conform to the act of November 30, 1992 (P. L. 737, No. 112) (Act 112), adding service as a collective bargaining organization as an approved leave of absence. The amendments delete a reference to workers' compensation as required by *Rowan*

v. SERS, 685 A.2d 238 (Pa. Cmwlth. 1996) a decision equally applicable to the System.

C. *Basic contribution rate*—Changed to conform to Act 31 by amending the rate.

D. *Beneficiary*—Technical corrections have been made.

E. *Compensation*—Technical corrections have been made.

F. *Date of termination of service*—The amendments clarify that an inactive member can remain so only for 2 years after the last date service was performed, as required by Act 31.

G. *Government service*—The amendments add this definition because of a Federal act known as USERRA (Uniformed Services Employment and Reemployment Act), which establishes various conditions for the purchase of military service.

I. *Inactive member*—The amendments clarify that the inactive member period is 2-school years rather than 2-calendar years.

J. *Valuation interest*—The amendments delete this definition because this is no longer used by the System.

§ 213.1. The amendments delete outdated provisions.

§ 213.2.

A. *Computation*—The amendments deleted the 1,100 hour standard for full time employes, as required by *Commonwealth of Pennsylvania, Public School Employees' Retirement System v. Pennsylvania School Boards Association, Inc.*, 682 A.2d 291 (Pa. 1996).

B. *Approved leave of absence*—The amendments conform to Act 112.

§ 213.3. *Technical corrections have been made.*

§ 213.4.

A. *Purchase limitations for military service*—The amendments clarify that a member may not double dip on military and System benefits.

B. *Nonschool service*—The amendments clarify that credit may be obtained for fractional periods beyond 1 year.

C. *Service as cadet nurse*—Amendments were made to conform to the act of August 5, 1991 (P. L. 183, No. 23) (Act 23).

D. *Service as county nurse*—Amendments were made to conform to Act No. 226 of 1984.

§ 213.5. The amendments delete language repetitive of code.

§ 213.5. Technical corrections have been made.

§ 213.6. Technical corrections have been made.

§ 213.7. The amendments clarify that a member shall have at least one eligibility point, rather than a year of school service, to qualify for an annuity. The clarification is more consistent with the Retirement Code's use of eligibility points in section 8306 of the Retirement Code (relating to eligibility points).

§ 213.8. The amendments delete language repetitive of code.

§ 213.9. Technical corrections have been made.

§ 213.10. Technical corrections have been made.

§ 213.21. The amendments delete outdated language.

§ 213.22. Technical corrections have been made.

§ 213.23. The amendments add activated military service as an item of purchasable credit, to conform to Act 23.

§ 213.24.

A. *Nonintervening military service*—The amendments add language allowing the purchase over a 5-year period without interest, as required by the USERRA.

B. *Activated military service*—The amendments add language allowing the purchase, as required by the USERRA.

§ 213.25. The amendments clarify that a member's estate may complete payments of purchasable service by either lump sum or actuarial reduction of the benefit.

§ 213.26. The amendments delete outdated language.

§ 213.27. Technical corrections have been made.

§ 213.30. The amendments delete outdated language.

§ 213.41. Technical corrections have been made.

§ 213.42. The amendments delete outdated language.

§ 213.44. The amendments clarify that a member whose disability is terminated can either receive an annuity or vest the benefit.

§§ 213.46 and 213.47. Technical corrections have been made.

§ 213.49. Technical corrections have been made.

§ 215.2. Technical corrections have been made.

§§ 215.3 and 215.4. The amendments delete language repetitive of the code.

§§ 215.5—215.7. The amendments delete language repetitive of the Retirement Code, as well as make technical corrections.

§ 215.8. The amendments deletes language repetitive of the Retirement Code.

§ 215.21. The amendments deletes language repetitive of the Retirement Code.

§ 215.23. Technical corrections have been made.

§ 215.31. The amendments delete language repetitive of the code.

§ 215.33. Technical corrections have been made.

§ 215.34. The amendments delete language repetitive of the code.

§ 215.35. The amendments delete language repetitive of the Code, as well as makes technical corrections.

§ 215.36. Technical corrections have been made.

Statutory Authority

The Board's authority to promulgate rules and regulations for the uniform administration of the System is section 8502(h) of the Retirement Code (relating to administrative duties of board).

The final-form rulemaking is authorized by the Board's authority to promulgate rules and regulations for the uniform administration of section 8502(h) of the Retirement Code.

Public Comment

The Board received no comments from the public on the proposed amendments.

Comments from IRRC and the House Education Committee

The Board received comments from the House Education Committee and IRRC. These comments are considered as follows:

1. IRRC commented that the expedited disposition process referred to the "timely" filing of exceptions, but did not define what "timely" meant.

Section 201.1, generally adopts 1 Pa. Code Part II. These general rules set forth the exception practice for excepting to hearing examiner recommendations, including the timeliness requirements. Thus, there is no need to specify the time period in this section.

2. IRRC commented that § 201.3(b) should be amended by deleting the word "either," to clarify that both System and claimant may file motions.

This change has been made.

3. IRRC commented that the definition of "accumulated deductions" should replace "his" with "the member's."

This change has been made.

4. IRRC commented that the definition of "active member" refers to "applicable provisions of the code," and that the specific provisions should be inserted.

This change has been made.

5. Both IRRC and the House Education Committee commented that the definition of "beneficiary" should replace the last "his" with "the member's" to avoid confusion as to whose death triggers the death benefit.

This change has been made.

6. Both IRRC and the House Education Committee commented that the term "Thaddeus Stevens State School of Technology" should be amended to reflect the change in name to "Thaddeus Stevens College of Technology."

This change has been made.

7. IRRC commented that the definition of "school year" should delete reference to "governmental entity" and refer instead to "employer," because the regulations do not define "governmental entity."

No change was made. Section 8102 of the code (relating to definitions), which contains a definition of "school year," refers to the term "governmental entity," which is a defined term. The regulations definition conforms to that of the Retirement Code, and also contains a definition of "governmental entity."

8. Both IRRC and the House Education Committee commented that the definition of "code" should be replaced by reference to the "Retirement Code," to avoid confusion with reference to the Public School Code.

This change has been made, and the word "Retirement" has been added throughout the Regulations wherever "Code" refers to the Retirement Code.

9. IRRC commented that the definition of "intervening military service" should be added.

This change has been made.

10. IRRC commented that the definition of "pickup contributions" should be added.

This change has been made.

11. IRRC commented that the substantive provisions in the definition of "active member" should be deleted.

This change has been made.

12. IRRC commented that the substantive provisions in the definition of "basic contribution rate" should be deleted.

This change has been made.

13. IRRC commented that the substantive provisions in the definition of "beneficiary" should be deleted.

This change has been made, with the substantive language inserted into § 213.47.

14. IRRC commented that the substantive provisions in the definition of "school employe" should be deleted.

This change has been made, with the substantive provisions inserted into § 215.5(d)(3).

15. IRRC commented that the substantive provisions in the definition of "vestee" should be deleted.

This change has been made, with a portion of the definition inserted into the definition of "effective date of retirement."

16. IRRC commented that section 213.2(b), which refers to leaves of absence "as authorized under the applicable provisions of the code," should specify the applicable sections.

This change has been made.

17. IRRC commented that § 213.4(a), which refers to the "State Employes' Retirement System," should be amended to refer to the PSERS "System."

This change has not been made, because this section correctly refers to the "State Employes' Retirement System," and is not intended to refer to the PSERS System. Also, "System" is defined in § 211.2 as the "Public School Employes' Retirement System."

18. Both IRRC and the House Education Committee commented that the reference to Class T-A, T-B and T-C service in § 213.5 is not clear in context, and recommended that these classes be defined in the definition of "superannuation or normal retirement age" definition.

This change has been made.

19. IRRC commented that § 213.23 should clarify who certifies previous school service for multiple service members, and explain the process of certification.

This section has been amended to reflect that the Board certifies the previous school service. The precise process of certification is an internal process, which may change from time to time for reasons of efficiency and reducing administrative expenses.

20. IRRC commented that § 213.24(c)(3) replace "of years not in excess of 5" with "not to exceed 5 years."

This change has been made.

21. IRRC commented that the certification process, as well as the entity responsible for certifying, be added to § 213.25(d), referring to purchase of creditable nonschool service.

This section has been amended to reflect that the Board certifies creditable nonschool service. The precise process of certification is an internal process, which may change from time to time for reasons of efficiency and reducing administrative expenses.

22. IRRC commented that § 213.44(c) should be retained.

This change has been made.

23. Both IRRC and the House Education Committee commented that cross-references to the Retirement Code should be added to the sections, for greater ease in usage.

This change has been made, and a cross reference to each Retirement Code section has been added to the end of each section.

24. IRRC commented that the reference to the Probate, Estates and Fiduciaries Code in § 215.7(d) be retained.

This change has been made.

25. IRRC commented that the reference to Probate, Estates and Fiduciaries Code in § 215.33 be retained.

This change has been made.

26. The House Education Committee commented that the Board should calculate potential cost savings from the streamlined administrative procedural rules.

Actual cost savings are hard to quantify with respect to cases to which the streamlined administrative procedures apply. Nevertheless, the Board believes that the expedited hearing process, as well as the summary judgment motions, will allow the Board to bypass the use of hearing examiners in cases where there is a pure legal issue. The Board now handles an average of 30 cases per year, and the average hearing examiner cost (including costs of transcriptions of testimony), is about \$4,000. Assuming that 10% of the new cases can be handled without involvement of the hearing examiner, we project a savings of \$12,000. If 20% of new cases can be handled without a hearing examiner, we project the savings to be \$24,000. Regardless of these savings, there will be better service to the members, and better productivity from the staff in handling these cases.

Regulatory Review

Under Section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Board submitted a copy of the notice of proposed rulemaking, published at 28 Pa. B. 1543 (March 28, 1998) to IRRC and the Chairpersons of the House Education Committee and the Senate Finance Committee for review and comment. In compliance with section 5(b.1) of the Regulatory Review Act, the agency also provided IRRC and the Committees with copies of all comments received.

In preparing the Final-Form Regulation, the agency has considered all comments from IRRC, the Committees and the public.

Under section 5.1(d) of the Regulatory Review Act, these final-form regulations were deemed approved by the House and Senate Committees on September 22, 1998. IRRC met on September 24, 1998, and deemed approved the final-form regulations in accordance with section 5.1(e) of the Regulatory Review Act.

Fiscal Impact and Paperwork Requirements

The final-form regulations do not impose increased costs or increased paperwork requirements on the Commonwealth, local governments, the private sector or the general public.

Persons Affected

The final-form regulations affect all active and inactive System members, public school employers and retirees.

Effective Date

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

Sunset Date

A sunset date is not being established for these final-form regulations because they are necessary for the administration of the substantive provisions of the code. The Board will closely monitor these regulations for their effectiveness.

Further Information

Individuals who need information about the final-form regulations may contact Frank Ryder, Director, Government Relations, Public School Employees' Retirement System, 5 North Fifth Street, P. O. Box 125, Harrisburg, PA 17108-0125.

Finding

The Retirement Board finds that:

(1) Public notice of the Board's intention to adopt the final-form regulations was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1202 and 1202), and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2

(2) The adoption of the final-form regulations is necessary and appropriate for the administration of the code.

Order

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

(a) The regulations of the Board, 22 Pa. Code Chapters 201, 211, 213 and 215, are amended by amending §§ 201.1, 211.1, 213.1—213.7, 213.9, 213.10, 213.22—213.25, 213.27, 213.30, 213.41, 213.44—213.47, 213.49, 215.2, 215.5—215.8, 215.23, 215.33, 215.35 and 215.36; by adding 201.2—201.5; and by deleting §§ 213.8, 213.21, 213.26, 213.42, 215.3, 215.4, 215.8, 215.21, 215.31 and 215.34 to read as set forth in Annex A.

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

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

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

JAMES A. PERRY,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 28 Pa. B. 5189 (October 10, 1998).)

Fiscal Note: Fiscal Note 43-7 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 22. EDUCATION

PART XIII. PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

CHAPTER 201. APPLICABILITY OF GENERAL RULES

Sec.	
201.1.	Applicability of general rules.
201.2.	Expedited disposition process.
201.3.	Motions practice.
201.4.	Dismissal for nonappearance.
201.5.	Letter briefs.

§ 201.1. Applicability of general rules.

Under 1 Pa. Code § 31.1 (relating to scope of part), 1 Pa. Code Part II (relating to General Rules of Administra-

tive Practice and Procedure), are applicable to the activities of and proceedings before the Board, except as provided in this chapter.

§ 201.2. Expedited disposition process.

When the claimant and System agree that no facts are in dispute, they may agree to submit the case directly to the Board for adjudication. Under these circumstances, only the claimant will file a brief in support of claimant's position. The Board will issue a proposed adjudication, to which the claimant may file exceptions. If no exceptions are timely filed, the Board will issue a final adjudication adopting the proposed adjudication. If exceptions are filed, the Board will consider the exceptions when rendering its final adjudication.

§ 201.3. Motions practice.

(a) *Preliminary objections.* The System may, before filing an answer, file preliminary objections directly with the Board. The preliminary objections shall conform to Pa.R.C.P. No. 1028 (relating to preliminary objections).

(b) *Summary judgment.* The System or the claimant may file a motion for summary judgment directly with the Board. The motion shall conform to Pa.R.C.P. Nos. 1035.1—1035.4.

§ 201.4. Dismissal for nonappearance.

Whenever a claimant fails to appear, either in person or through counsel, for a scheduled hearing without good cause, the hearing examiner will issue a recommendation to dismiss the case, without considering the merits of the claim.

§ 201.5. Letter briefs.

Both the claimant and the System shall be entitled to file letter briefs to the hearing examiner. The letter briefs need not conform to 1 Pa. Code §§ 35.191 and 35.192 (relating to proceedings in which briefs are to be filed; and context and form of briefs), but the letter briefs may not be more than 3 pages in length.

CHAPTER 211. PRELIMINARY PROVISIONS

Sec.	
211.1.	Short title of part.
211.2.	Definitions.

§ 211.1. Short title of part.

(a) This part is promulgated under the Retirement Code.

(b) Cross reference: Section 8101 of the Retirement Code (relating to short title of part).

§ 211.2. Definitions.

(a) The following words and terms, when used in this part, have, consistent with the Retirement Code definitions, the following meanings, unless the context clearly indicates otherwise:

Accumulated deductions—The total of pickup contributions paid into the Fund by the member, on account of previous school service, current school service, or creditable nonschool service, as well as the statutory interest credited on all contributions.

Active member—A school employe for whom pickup contributions are being made to the Fund, including those granted a sabbatical leave of absence, or who are on an approved leave of absence for professional study, as an exchange teacher, or service with a collective bargaining organization, under sections 8102 and 8302 (relating to

definitions; and credited school service) of the Retirement Code. It shall exclude employes who are on leave of absence without pay.

Actuarially equivalent—Equal present values, computed on the basis of statutory interest and the mortality tables currently adopted and used by the Board.

Annuitant—A member on or after the effective date of retirement, until the annuity is terminated, but excludes a beneficiary or survivor annuitant.

Basic contribution rate—A rate of 6.25% on all compensation received by the member during school employment.

Beneficiary—The person last designated by a member in writing to the Board on forms supplied by the Board to receive accumulated deductions or a lump sum benefit upon the member's death.

Board—The Public School Employees' Retirement Board required by the Retirement Code to administer the System.

Compensation—Pickup contributions plus any remuneration received as a school employe, excluding a bonus, severance payment or other remuneration or similar emoluments received by a school employe during school service not based on the standard salary schedule for which the employe is rendering service. The term excludes payments for unused sick leave, unused vacation leave, bonuses for attending school seminars and conventions, special payments for health and welfare plans based on the hours employed or any other payment or similar emoluments which may be negotiated in a collective bargaining agreement for the express purpose of enhancing the compensation factor for retirement benefits.

Date of termination of service—The last day of service for which pickup contributions are made for an active member, or in the case of an inactive member, the date of resignation or the date the employer formally discontinues employment or 2 years following the last date of service for which contributions were made, whichever is earliest.

Effective date of retirement—The first day following the date of termination of service, if application for an annuity is timely filed, but if not timely filed, the date of actual filing or date specified on the application, whichever is later. In the case of a vestee, it shall mean the attainment of superannuation age, if filed within 90 days thereof, otherwise the date of actual filing or the date specified on the application, whichever is later, and, in the case of a disability benefit, the date certified by the Board as the effective date of disability.

Employer—A governmental entity directly responsible for the employment and payment of the school employe and charged with the responsibility of providing public education within this Commonwealth. The term includes all governmental entities whose employes under prior law and regulations are members of the System as of the effective date of the Retirement Code.

Final average salary—In the case of a part-time employe, compensation shall be annualized by multiplying actual earnings by the reciprocal of the fractional portion of time worked during nonoverlapping periods of 12 consecutive months or equivalent consecutive pay periods during which compensation is received; and, in the case of a member with multiple service credit, the salary shall be determined by reference to include compensation received as a school employe or a State employe, or both.

Full coverage member—A dual coverage or a single coverage member excluding joint coverage member.

Full-day session—That period of time determined by the school district, without objection from the Department of Education, during which a school employe is employed daily for instructional purposes.

Full time employe—An employe employed no less than 5 hours per day or 25 hours per week or its equivalent.

Fund—The Public School Employees' Retirement Fund.

Governmental entity—In addition to those enumerated in the Retirement Code, includes any agency or authority, being a corporate body or body politic created by law, charged with the responsibility of providing public education within this Commonwealth.

Government service—Service as an administrator, teacher, or instructor in the field of public school education for an agency or department of the government of the United States.

Inactive member—A member for whom no pickup contributions are being made, who has accumulated deductions standing to the member's credit in the Fund and for whom no pickup contributions have been made within the last 2 school years or a multiple service member who is active in the System. The term also includes a member who is on furlough and has elected to leave the accumulated deductions in the Fund at statutory interest during the furlough period, which period may not exceed 2 school years; or a member who is on leave of absence without pay.

Internal Revenue Code—26 U.S.C.A. §§ 1—7872.

Intervening military service—Active military service of a member who was a school employe immediately preceding the member's induction into the armed services or forces of the United States to meet a draft obligation excluding any voluntary extension of the obligational service and who becomes a school employe within 90 days of the expiration of the service.

Member's annuity—An amount determined by dividing the accumulated deductions of the member by the cost of a \$1 annuity based on the nearest age of the member at the effective date of retirement and computed on the basis of statutory interest and mortality tables adopted and used by the Board.

Nonprofessional members—The term includes all school employes who are not professional members and who also qualify for membership in the System under section 8301 of the Retirement Code (relating to mandatory and optional membership).

Pickup contributions—Regular or joint coverage member contributions which are made by the employer for active members for current service on or after January 1, 1983.

Professional members—As defined in section 1101 of the Public School Code of 1949 (24 P. S. § 11-1101) including all temporary professional employes, professional employes, substitutes and commissioned officers currently employed by a school district or intermediate unit and qualifying for membership in the System under section 8301 of the Retirement Code.

Public school—Any or all classes or schools within this Commonwealth conducted under the order and superintendence of the Department of Education including, but not limited to: all educational classes of an employer charged with the responsibility of public education within this Commonwealth as well as those classes

financed wholly or in part by the Federal Government, State-owned colleges and universities, the Pennsylvania State University, community colleges, area vocational-technical schools, intermediate units, the State Board of Education, Scotland School for Veterans' Children, Thaddeus Stevens College of Technology and the Pennsylvania State Oral School for the Deaf. In all cases of doubt, the Board will determine whether any particular governmental entity is eligible as an employer within the meaning of the Retirement Code.

Retirement Code—The Public School Employees' Retirement Code, 24 Pa.C.S. §§ 8101—8534.

Salary deductions—The amounts certified by the Board to be deducted from the compensation, as determined for retirement purposes, of an active member and paid into the Fund for the purposes of purchasing current service, previous school service, pickup contributions and creditable nonschool service, as the case may be.

School employe—A person engaged in work relating to a public school for any governmental entity and for which work the person is receiving regular remuneration as an officer, administrator or employe excluding, however, any independent contractor or a person compensated on a fee basis. The term does not include a person who is rendering services to the school district on a commission or fee basis, whether an elected official or not.

School year—The 12-month period which the governmental entity uses for purposes of administration, regardless of the actual time during which a member renders service. A member will not be credited, during a school year, with credited service in excess of 1 year.

Statutory interest—As applied to contributions of members, interest at 4% per annum compounded annually.

Superannuation or normal retirement age—

<i>Class of service</i>	<i>Age</i>
T-A	62 or any age upon accrual of 35 eligibility points
T-B	62
T-C	62 or age 60 provided the member has at least 30 eligibility points or any age upon accrual of 35 eligibility points

System—The Public School Employees' Retirement System.

Vestee—A member with ten or more eligibility points who has terminated school service, left accumulated deductions in the fund, and is deferring the filing of an application for receipt of an annuity.

(b) Cross reference: Section 8102 of the Retirement Code (relating to definitions).

CHAPTER 213. CONTRIBUTIONS AND BENEFITS

GENERAL PROVISIONS

Sec.	
213.1.	Mandatory and optional membership.
213.2.	Credited school service.
213.3.	Eligibility points for retention and reinstatement of service credits.
213.4.	Creditable nonschool service.
213.5.	Classes of service.
213.6.	Eligibility points.
213.7.	Eligibility for annuities.
213.8.	(Reserved).
213.9.	Eligibility for death benefits.
213.10.	Eligibility for refunds.

CONTRIBUTIONS

213.21.	(Reserved).
213.22.	Joint coverage member contributions.
213.23.	Member contributions for creditable school service.
213.24.	Contributions for the purchase of credit for creditable school and nonschool service.
213.25.	Incomplete payments.
213.26.	(Reserved).
213.27.	Payments by employers.
213.30.	Appropriations by the Commonwealth.

BENEFITS

213.41.	Return of accumulated deductions.
213.42.	(Reserved).
213.44.	Disability annuities.
213.45.	Change in benefit payment plan.
213.46.	Termination of annuities.
213.47.	Death benefits.
213.49.	Payment of benefits.

§ 213.1. Mandatory and optional membership.

(a) Membership shall be mandatory, as of the effective date of school employment, for all school employes, except the following categories:

(1) An officer or employe, who is a member of the State Employees' Retirement System under any of the categories enumerated under the Retirement Code; an officer or employe who is a member of an employer approved retirement program as provided under § 215.36 (relating to optional alternate retirement programs).

(2) A person employed on a per diem or hourly basis for less than 80 full-day sessions or 500 hours in a fiscal year. In all cases, a school district shall report to the Board whether a school employe annually qualifies under this section based on the service rendered during a school year. A per diem or hourly school employe employed for less than the minimum eligibility requirements established in this paragraph will not be eligible for membership for that fiscal year period, but shall, if the employe exceeds the minimums stated in this paragraph, be a mandatory member for that fiscal year period only.

(3) Employees in Federal programs shall conform with the following:

(i) A school employe who has joined the System and is employed by a governmental entity in a wholly or partly-funded Federal program, during the period December 22, 1965, and prior to July 1, 1975, may continue membership in the program for continuous service rendered after July 1, 1975, and until termination of service.

(ii) From and after July 1, 1975, an employe entering school service shall be required to join the System until termination of service, although the program in which he is employed is financed, in whole or in part, by the Federal government.

(b) Cross reference: Section 8301 of the Retirement Code (relating to mandatory and optional membership).

§ 213.2. Credited school service.

(a) *Computation.* For the purposes of computing credited school service, the following conditions shall apply:

(1) A full-time salaried employe shall receive 1 year of credited service for each nonoverlapping period of 12 consecutive employable months for which the employe contributes for at least 180 full-day sessions of employment. A full-time salaried employe is not eligible to earn more than 1 year of credited service during 12 consecutive months although the employe may be employed for full-day sessions or for hours in excess of the limitations set forth in this section.

(2) A part-time salaried employe, that is, one who is compensated as a percentage of annual salary, shall receive credited service based on the proportion of full-time service for which the employe is employed during a school year.

(3) A per diem employe, having achieved eligibility by virtue of being employed for at least 80 full-day sessions during the fiscal year, shall receive a portion of credited service based on the relationship of actual full-day sessions worked as it relates to the 180 full-day session limitation.

(4) An hourly school employe, having achieved membership eligibility by virtue of being employed no less than 500 hours in a fiscal year, shall receive a proportion of credited service based on the actual hours worked as it relates to 1,100 hours.

(5) A member with credit for multiple service or with credit in the School Employees' Retirement program who is employed on a concurrent basis, in one or more districts or with this Commonwealth, is not entitled to more than 1 year of credited service for a consecutive 12-month period.

(6) Notwithstanding the limitations set forth in paragraphs (1)—(5) employes who may be on strike will not be eligible for credited service during a strike period unless the days or hours lost by virtue of the strike are actually served and compensation paid.

(b) *Approved leaves of absence.* Credited service shall be granted to an active member for an approved leave of absence as authorized under sections 8102 and 8302 of the Retirement Code (relating to definitions; and credited school service). Members may be granted other types of leaves of absence, not authorized by the Retirement Code, but the leaves will not entitle the member to any credited service during the period of the leave. Credited service for the approved leaves of absence shall be granted under the following conditions only:

(1) The member shall return to the school district for a period at least equal to the length of the leave or 1 year, whichever is less, unless this condition is waived by the employer.

(2) Proper current contributions, based on the salary as if the member had been in regular full-time employment during the period of the leave are made by the member and by the employer if required. An employer may not be permitted to suspend the requirement of making its required contributions during the period of the leave. Current contributions made by the member during the period of the leave shall be transmitted through the school district on a monthly basis in the same manner as active members.

(c) *Cancellation.* In all cases when a member withdraws accumulated deductions, all credited service shall be canceled. Any member who has so withdrawn accumulated deductions and has credited service canceled shall, upon a re-entry into the System, be eligible to purchase this service under this section 8303 of the Retirement Code (relating to eligibility points for retention and reinstatement of service credit).

(d) *Improperly credited service.* If the Board finds that any school service has been improperly credited, it will cancel the credit and refund to the member any accumulated deductions attributable thereto.

(e) Cross reference: Section 8302 of the Retirement Code.

§ 213.3. Eligibility points for retention and reinstatement of service credits.

(a) Every active member shall accrue one eligibility point for each year of credited school service although the actual service rendered may exceed 180 full-day sessions or 1,100 hours of employment during any period of 12 consecutive months.

(b) Every active member or multiple service member who is active in the State Employees' Retirement System, on or subsequent to March 1, 1974, may purchase credit upon which eligibility points shall be applied, as a member of Class T-C for any periods of previous school service or permissible creditable nonschool service, as provided in this part, on the condition that the member pay for the service as provided in this part. An active member or multiple service member seeking to reinstate previous service shall be required to purchase and pay for all the service previously credited. The member is not permitted to purchase only a portion of previously credited service to be reinstated.

(c) In all instances when creditable school or nonschool service may be purchased, an active member, having elected to purchase the service, is not permitted to cancel the purchase once payment has been made by lump sum, or once the member has agreed, in writing, to payroll deductions upon the terms and conditions as provided in this part.

(d) Cross reference: Section 8303 of the Retirement Code (relating to eligibility points for retention and reinstatement of service credits).

§ 213.4. Creditable nonschool service.

(a) Creditable nonschool service may be purchased only by an active member or a multiple service active member of the State Employees' Retirement System.

(b) Creditable nonschool service shall be available to all members identified in subsection (a), except those who may be entitled to receive, eligible to receive, now or in the future, or are currently receiving retirement or pension benefits for the service under a retirement or pension program administered and wholly or partially paid for by another governmental agency or by a private employer or by a retirement program approved by the employer in accordance with the optional retirement provisions authorized in section 8301(a)(1) of the Retirement Code (relating to mandatory and optional membership).

(c) Intervening military service shall be service of an active nature rendered to the armed forces of the United States for which an active member had school service interrupted so that the member could serve voluntarily or otherwise in order to fulfill a draft obligation in time of war or armed conflict. Intervening military service shall be disallowed or canceled when the required military tour of duty has been voluntarily extended beyond the time of military obligation, with or without the implied or express consent of the employer.

(d) An active member may purchase other military service, of a nonintervening nature, not exceeding 5 years, for service rendered only to the armed forces of the United States before the member commenced his most recent school employment. An active member who is receiving disability compensation based on a service-connected injury or illness as a result of active military service shall be eligible for credit for intervening or nonintervening military service.

(e) Purchase limitations for intervening and nonintervening military service and conditional credit shall be as follows:

(1) An active member may not purchase intervening or nonintervening military service, if the member has obtained credit and is eligible now or in the future to receive a pension for this service from another employer or governmental agency. Upon application to purchase this service, the member shall be required to submit proof as to eligibility or ineligibility for any pension benefits from the other employer or governmental agency, as the Board may require. If the Board determines that this service is ineligible, the application will be denied. If the Board later determines that the purchased service should have been ineligible, it will cancel the service purchased and refund to the member the accumulated deductions attributable to this service at the time of retirement or termination of service, unless cancellation and refund is requested prior thereto. If subsequent to retirement, the Board learns that a member has falsified a record, it may take action as is otherwise provided in the Retirement Code.

(2) Conditional credit for nonintervening military service shall be available for all active military service actually rendered for which purchase shall be requested but may not exceed 5 years of the service, provided the member has 3 years of credited school service subsequent to the military service for which credit is requested.

(f) Nonschool service may be purchased by an active member who was a teacher or instructor in a public school or public educational institution in a state other than the Commonwealth or in a territory or area under the jurisdiction of the United States and the service may also be purchased by an active member who was an administrator, teacher or instructor in the field of public school education for an agency or department of the United States Government whether under its jurisdiction or not. The nonschool service rendered shall be for not less than 1 full year. The total service purchased may not exceed 12 years or the number of years of school service credited in the system, whichever is less.

(g) Nonschool service in the Cadet Nurse Corps may be purchased by an active member for a period of training as a student or graduate nurse under a plan approved under section 2 of the act of June 15, 1943 (Pub. L. No. 78-73, 57 Stat. 153), if the total period of training under the plan was at least 2 years, and the credit for the service does not exceed 3 years.

(h) Previous nonschool service as nurse in the employ of a county may be purchased by an active member as follows: For every 3 years or major fraction thereof in previous work experience, an individual may buy 1 year of creditable service, not to exceed a total of 5 years. The purchase of this service shall begin within 3 years of the employee's eligibility to purchase this creditable service.

(i) Creditable nonschool service may also be purchased for previous service as an employe of a county board of school directors whose employment was terminated because of a transfer of the administration of the service or of the entire agency to another governmental unit. This service is not limited to or subject to the conditions of section 8304(c) of the Retirement Code (relating to creditable nonschool service), dealing with total permissible nonschool service credit.

(j) The total credit of nonschool service, identified in subsections (a)—(i) may not exceed the actual number of years of school service in the System, rendered within

this Commonwealth, plus, in the case of an active multiple service member, additional years of State service rendered the Commonwealth and credited in the State Employes' Retirement System. This limitation on total permissible nonschool service credit does not apply to the service provided in subsection (i).

(k) Cross reference: Section 8304 of the Retirement Code.

§ 213.5. Classes of service.

(a) Members of Class T-B or T-A may, at any time prior to retirement, elect to convert the membership into Class T-C, provided they make the appropriate contributions as a member of this latter class. Any member of Class T-B or Class T-A may elect to become a full coverage member or elect to purchase credit for previous school or nonschool service provided the member converts the membership to Class T-C and makes the appropriate contributions.

(b) Cross reference: Section 8305 of the Retirement Code (relating to classes of service).

§ 213.6. Eligibility points.

(a) An active member shall accrue one eligibility point for each year of credited service or fractional part of a year of credited service based on the corresponding fractional eligibility point, as a member of the System or State Employes' Retirement System. A member shall also accrue an additional 2/3 of an eligibility point for each year of credited Class D-3 service under the State system.

(b) Cross reference: Section 8306 of the Retirement Code (relating to eligibility points).

§ 213.7. Eligibility for annuities.

(a) To be eligible for any annuity payable under the Retirement Code and this part a member shall have at least one eligibility point.

(b) Cross reference: Section 8307 of the Retirement Code (relating to eligibility for annuities).

§ 213.8. (Reserved).

§ 213.9. Eligibility for death benefits.

(a) In the event of the death of a member, the member's beneficiary, or estate shall be entitled to death benefits if the member was eligible for an annuity in accordance with section 8307(a) or (b) of the Retirement Code (relating to eligibility for annuities). If the deceased member is not eligible for an annuity, the member's beneficiary or estate shall only be entitled to receive the accumulated deductions standing to the member's credit in the Fund. The Board may pay the next of kin, in the absence of a beneficiary, under the special circumstances provided in 20 Pa.C.S. § 3101 (relating to payment of wages, salary, vacation benefits to family).

(b) Cross reference: Section 8309 of the Retirement Code (relating to eligibility for death benefits).

§ 213.10. Eligibility for refunds.

(a) An active member, upon termination of service, may elect to receive the member's accumulated deductions in lieu of any benefit to which the member would otherwise be entitled and the election shall constitute an irrevocable waiver of the entitlement unless there is a subsequent return to and reinstatement of service.

(b) Cross reference: Section 8310 of the Retirement Code (relating to eligibility for refunds).

§ 213.21. (Reserved).

§ 213.22. Joint coverage member contributions.

(a) New members of the System, or former members returning to school service, are not eligible to make joint coverage member contributions. These contributions shall be limited to members who meet all the following criteria:

(1) They were in active membership in the System subsequent to May 28, 1957.

(2) Their current period of membership began prior to January 1, 1966.

(3) They are covered by Federal Social Security.

(4) They have not filed an election to convert to the full coverage group.

(b) Cross reference: Section 8322 of the Retirement Code (relating to joint coverage member contributions).

§ 213.23. Member contributions for creditable school service.

(a) An active member may purchase previous school service, sabbatical leave service, activated military service and full coverage membership. A State employe and a member of the State Employees' Retirement System may, if the member elects multiple service, apply for and receive credit for total previous school service, if the service is certified by the Board and the member makes the required member contributions for the purchase of the service, regardless of the amount of school service previously credited, if any.

(b) Active members wishing to convert from either Class T-B or Class T-A membership to Class T-C shall pay an amount equal to the additional contributions, if any, which would have been made together with statutory interest thereon during all periods of subsequent school and State service up to the date of purchase, from and after July 1, 1950, in the case of members of Class T-B, and from and after July 1, 1967, in the case of members of Class T-A.

(c) Active members desiring to purchase credit for an approved leave of absence, other than sabbatical and activated military service leave, shall make contributions sufficient to transfer membership to Class T-C, and to provide an annuity as a member of the class for the additional credited service, if the amount which shall be paid is the sum of the amount required in subsection (b), depending upon the class from which the transfer is made, and the amount determined as the sum of the member's basic contribution rate and normal contribution rate as provided in section 8328 of the Retirement Code (relating to actuarial cost method), during the period, multiplied by the compensation which was or would have been received during the period, together with statutory interest during all subsequent periods of school and State service up to the date of purchase.

(d) The payment for the purchase of all credit authorized by this chapter, except that for sabbatical leave and activated military service leave, shall be payable in a lump sum within 90 days after certification of the amount due or, in the case of an active member, may be authorized through payroll deductions over a period of years not in excess of 6 years, if statutory interest at 4% annually is charged through the repayment period. The amount certified by the Board for the purchase of the this credit shall be in accordance with methods approved by the actuary.

(e) Cross reference: Section 8323 of the Retirement Code (relating to member contributions for creditable school service).

§ 213.24. Contributions for the purchase of credit for creditable school and nonschool service.

(a) *Source of contributions.* As provided in sections 8303 and 8304 of the Retirement Code (relating to eligibility points for retention and reinstatement of service credits; and creditable nonschool service), creditable school and nonschool service shall be purchased entirely by the member, except in the following cases:

(1) In the case of former uncredited school service, when a school district has failed to credit service through administrative error, the employing school district, as the employer, is required to pay its share of the contributions for the service, although the active member is responsible for the member's share.

(2) In the case of service rendered by an active member to a county board of school directors, now designated an intermediate unit, the member is only responsible for the purchase of the member's share for the previous service rendered to the county board of directors.

(3) Except for sabbatical leaves of absence, in the case of approved leaves of absence, the employe is required to pay for the purchase of creditable nonschool service, both the member's share and the employer's share if it is purchased after the leave of absence has expired. If the employer reports the leaves currently based on the employe's salary as if the employe had been in full-time employment during the leave period, the employe is only required to pay the employe share, whereupon the employer has a corresponding liability based on normal contribution rate.

(b) *Contributions for purchase of nonintervening military service.* The amount due for the purchase of nonintervening military service shall be calculated as follows: The average of the first 3 years' salaries subsequent to the military service, multiplied by the sum of the member's basic contribution rate and the normal contribution rate as determined by section 8328 of the Retirement Code (relating to actuarial cost method), relating to Commonwealth and district shares, and multiplied by the number of years or fractional years of military service. The amount due for the purchase of the military service, as calculated under this subsection, may be paid in a lump sum within 90 days after certification of the amount due, or in the case of an active member, may be amortized through payroll deductions over a period of years not in excess of 5 years without interest. All amounts certified by the Board for the purchase of the service shall be in accordance with methods approved by the actuary. Nonintervening military service may not be purchased unless the active member has completed at least 3 years of subsequent credited school service as a Class T-C member.

(c) *Contributions for purchase of intervening military service.* An active member eligible to purchase credit for intervening military service shall pay the amount due in accordance with the following formula: The member's basic contribution rate at the time of entry into the active military service multiplied by the member's then compensation and by years of the military service together with statutory interest during all periods of subsequent school and State service to the date of purchase, if all the amounts due shall be in accordance with methods certified and approved by the actuary. The amounts due for the purchase of the service may be paid under one of the following methods:

(1) Regular monthly payments submitted through the school district based on the compensation of the member

which the member would have received at the time of entry into active military service without statutory interest since the payments are made on a current contributing basis.

(2) A lump sum payment within 90 days of the date of the amount certified to be due and owing.

(3) Through amortized salary deductions over a period not to exceed 5 years.

(d) *Contributions for purchase of other creditable nonschool service.* An active member shall pay the amount due for creditable nonschool service in accordance with the following formula: The member's basic contribution rate plus the normal contribution rate, applied to the member's first year salary of credited school service subsequent to the creditable nonschool service sought to be purchased, multiplied by the number of years or fractional parts of a year of the service purchased, together with statutory interest during all subsequent years of school or State service to the date of purchase. The active member may pay the amount due in a lump sum payment within 90 days after the date of certification by the Board of the amount due or through salary deductions amortized over a 1, 2, but not more than 3-year period, if statutory interest is charged through the repayment period, and if the amounts due are in accordance with methods certified and approved by the actuary. This formula for purchase does not apply in the case of purchase of creditable nonschool service rendered to a county board of school directors. In this event, the member shall only pay the amount due based on the member's basic contribution rate exclusive of the normal contribution rate.

(e) Cross reference: Section 8324 of the Retirement Code (relating to contributions for purchase of credit for creditable nonschool service).

§ 213.25. Incomplete payments.

(a) *Right to make incomplete payments.* The right of a member to complete payments, once commenced, within 30 days after termination of school service, as provided in section 8325 of the Retirement Code (relating to incomplete payments), shall be available only to the member and to no other person, including a beneficiary.

(b) *Result of incomplete payments.* If a member fails to pay the balance of the agreed-upon payments due within 30 days of termination of school service, or if a member dies in school service, or 30 days thereafter, the annuity benefit to which the member would otherwise be entitled shall be reduced by the actuarial equivalent of the debt, including statutory interest.

(c) *Payments under certain conditions.* If a member agrees to make payments for purchase of certain service, as provided in sections 8323 and 8324 of the Retirement Code (relating to member contributions for creditable school service; and contributions for purchase of credit for creditable nonschool service), and dies in school service, or terminates school service before any payments are made, the request for purchase of the service shall be canceled, unless payment is made in a lump sum payment, within 30 days after the event, by the member or anyone acting on his behalf.

(d) *Death of a member.* If a member applies for the purchase of service and dies prior to certification by the Board of the amount due for the service, the member's legally constituted representative may purchase the service either by payment of a lump sum, within 30 days

after the certification is made, or by reducing the annuity benefit by the actuarial equivalent of the debt, including statutory interest.

(e) Cross reference: Section 8325 of the Retirement Code.

§ 213.26. (Reserved).

§ 213.27. Payments by employers.

(a) To facilitate the payment by employers of the contributions required on a quarterly basis of compensation paid during the pay period representing that quarter, each employer shall be required to file monthly reports representing the total compensation paid for that month no later than 15 days following its termination. The Board will, upon receipt of the monthly reports totaling each quarter, bill the employer no later than 45 days subsequent to the termination of the preceding quarter, the billing to be an actual billing based on payroll for the preceding quarter or an estimated billing, as the case may be. Subsequent to the billing, the employer shall pay the billed amount no later than 10 days prior to the end of the billing quarter. If an employer fails to make timely payments, the Board will certify to the State Treasurer and Secretary of Education, the names of an employer found delinquent by failure to pay the delinquency, whereupon the subsidy nearest the date following the delinquency shall be reduced by the amount of the delinquency or amount found owing.

(b) The Board will, if an employer is delinquent in paying employer contributions as provided in subsection (a) or in failing to remit employe contributions in a timely manner as required in section 8506(c) of the Retirement Code (relating to duties of employers) impose an interest charge of 6% per annum to the date of payment, to be added to the amount of the delinquency, whether payment shall occur through the subsidy deduction method or shall be made directly to the Board by the delinquent employer.

(c) Cross reference: Section 8327 of the Retirement Code (relating to payments by employers).

§ 213.30. Appropriations by the Commonwealth.

(a) The Board will prepare and, through the Governor, submit annually to the General Assembly, an itemized budget consisting of the amounts necessary to be appropriated based on the actuarial cost method as certified by the actuary and presented to the Board. The sum of the various contribution rates established by the actuary, as certified by the Board, shall be applied to the total projected member payroll for the succeeding fiscal year.

(b) Cross reference: Section 8330 of the Retirement Code (relating to appropriations by the Commonwealth).

BENEFITS

§ 213.41. Return of accumulated deductions.

(a) A member who elected to receive only accumulated deductions, in lieu of any other benefit to which the member would otherwise be entitled, shall, by the election, be deemed to have irrevocably waived entitlement to the other benefits except as otherwise provided in the event a member returns to school service.

(b) Cross reference: Section 8341 of the Retirement Code (relating to return of accumulated deductions).

§ 213.42. (Reserved).

§ 213.44. Disability annuities.

(a) A member with at least 5, but less than 10 years of credited school service shall be eligible, upon submitting appropriate medical evidence, to a disability annuity, but may not be entitled to elect any option on any portion of the disability annuity. A member entitled to a disability annuity, having ten or more eligibility points, is entitled to select a joint and survivor option on that portion of the annuity to which the member is otherwise entitled.

(b) A disability annuitant no longer entitled to disability annuity in accordance with section 8505(c)(2) or 8508(b) or (c) of the Retirement Code (relating to duties of board regarding applications and elections of members; and rights and duties of annuitants), is entitled to either file an application for the election of optional modification of the annuity to which the annuitant would be otherwise entitled in accordance with section 8342 of the Retirement Code (relating to maximum single life annuity) or vest the benefit, if the annuitant has at least ten or more eligibility points. If a disability annuity ceases and the member does not return to school service, the member is, if the member has not already received on account of the member's annuity the amount of the accumulated deductions, entitled to the difference upon application.

(c) Payments on account of disability shall be reduced by that amount by which the earned income of the annuitant, as reported in accordance with section 8505(b) of the Retirement Code relating to rights and duties of annuitants, for the preceding year together with the disability annuity payments for the year, exceeds the greater of \$5,000 or the last year's salary of the annuitant as a school employe, if the annuitant will not receive less than his member's annuity or the amount to which the annuitant may be entitled under section 8342 of the Retirement Code (relating to maximum single life annuity) whichever is greater.

(d) Cross reference: Section 8344 of the Retirement Code (relating to disability annuities).

§ 213.45. Change in benefit payment plan

(a) Notwithstanding the otherwise irrevocable nature of the election of a benefit payment plan, an annuitant may declare an intent to change the final terms of the benefit payment plan by filing a written intent with the System within 30 days of the annuitant's receipt of the initial benefit letter sent to the member by the System. The letter will be deemed to be received by the annuitant 3 business days after the date of mailing.

(b) Notwithstanding the otherwise irrevocable nature of the election of a benefit payment plan, an annuitant may declare an intent to change the final terms of the benefit payment plan by filing a written intent with the System within 30 days of the annuitant's receipt of the statement provided for in section 8505(g) of the Retirement Code (relating to duties of board regarding applications and elections of members) the statement will be deemed to be received by the annuitant 3 business days after the date of mailing, if one of the following conditions are met:

(1) The annuitant's retirement records contain an error regarding service credit, salary or accumulated deductions which was not corrected by the System until after the application for an annuity was filed, and either of the following exists:

(i) The difference between the monthly annuity as corrected and the monthly annuity calculated with the error is more than 5%.

(ii) The error results in the member losing eligibility for a benefit other than an annuity.

(2) The annuitant demonstrates that the annuitant, or the annuitant's agent, made a written error on the application for an annuity. The System will not consider a change in the life circumstances of the annuitant, beneficiaries or survivor annuitants (for example, death, divorce, illness, accident) as evidence of a written error.

(c) The intended changes may include one or a combination of the following:

(1) A change in the amount of money withdrawn under Option 4.

(2) A change in the retirement annuity type, if the member is otherwise eligible for the annuity.

(3) A change in the retirement option, including a change in the survivor annuitant under the existing option selection.

(4) A voiding of the application for an annuity.

(5) A change in the effective date of retirement, if the date is not:

(i) Before the earliest date the annuitant was eligible to select on the date the original application for an annuity was filed.

(ii) Later than 90 days after the intent to change is filed.

(d) An annuitant who has declared an intent to change under subsection (a) or (b) will not be permitted to complete the change unless the annuitant receives counseling on the benefits available under the Retirement Code, or executes a written waiver of counseling on a form prescribed by the System. The counseling is subject to the following rules:

(1) The counseling is provided by an employe or authorized representative of the System.

(2) Counseling, or a written waiver, takes place within 30 days of the filing of the intent to change.

(3) The Secretary of the Board may extend the period for counseling upon written request filed within the 30 day period, but in no case will the period for counseling be greater than 90 days.

(4) If counseling takes place over several sessions, the sessions take place within the allowed time period.

(5) If the annuitant fails to receive counseling, or to file a written waiver, within the allowed time period, the intent to change will be deemed withdrawn.

(6) Counseling may be conducted by telephone when approved, and under conditions specified by the Secretary.

(e) A formal request to void or change the application for an annuity shall be filed with the System within 30 days of the date of completion of counseling, or within 30 days of the filing of the written waiver of counseling. If the System does not receive the formal request to void or change the application for an annuity within the prescribed time period, the intent to change will be deemed withdrawn.

(f) The right to void or change a benefit payment plan is personal to the annuitant and may only be exercised by the annuitant or the annuitant's attorney in fact. The estate, spouse, alternate payee, survivor annuitants or beneficiaries of an annuitant may neither file nor complete an intent to void or change the benefit payment plan. If an annuitant dies before filing or completing an

intent to void or change the benefit payment plan, the intent will be deemed withdrawn.

(g) An annuitant may file an intent to change one time under subsection (a) and one time under subsection (b).

(h) Changes will be retroactive to the member's original effective date of retirement unless the date is changed as part of the changed application for an annuity.

(1) For a changed application to become effective, the annuitant shall return any excess monthly annuity payments or moneys withdrawn under Option 4 either by:

(i) A lump sum payment within 30 days after the date of certification of the amount due.

(ii) Actuarial reduction.

(2) For an annuity to be voided, the annuitant shall either return all moneys received in a lump sum within 30 days after the date of certification of the amount due or elect a debt to be applied to the annuitant's account.

(3) If the annuitant fails to return the required amounts or elect a debt as the case may be, the intent to change or void will be deemed withdrawn.

(i) For purposes of this section, the System will consider a document as filed only upon actual receipt by the System. For a document properly sent certified mail, return receipt requested, the System will deem the postmark date to be the date of filing. For a document sent by facsimile, the System will accept the date of the facsimile as the date of filing, if the original document is actually received within 10 days of the date of the facsimile.

(j) This section shall be effective June 13, 1998. This section also applies to annuitants who, prior to June 13, 1998:

- (1) Requested a change in their benefit payment plan.
- (2) Appealed the System's denial.
- (3) Otherwise qualify under this section.

(k) This section does not allow the annuitant to change a benefit payment plan in a manner inconsistent with the terms of an approved domestic relations order under sections 8533.1—8533.4 of the Retirement Code.

(l) Cross reference: Section 8345 of the Retirement Code (relating to member's options).

§ 213.46. Termination of annuities.

(a) *Return to school service or entering school service.* An annuity payable under the Retirement Code will be automatically discontinued if the annuitant returns to school service or enters State service and elects multiple service except as otherwise provided in section 8346 of the Retirement Code (relating to termination of annuities).

(b) *Entering State service.* An annuity payable under the Retirement Code shall also cease if the annuitant enters State service and elects multiple service membership within 30 days thereafter, which shall cover all periods of subsequent State service until there is a discontinuance thereof. An annuitant entering State service, who has failed to elect multiple service membership within 30 days thereafter, is not eligible to elect the membership.

(c) *Emergency return to school service.* An annuitant returning to school service in an emergency situation, as provided in section 8346(b) of the Retirement Code, and who works in excess of 95 days in a school year, shall

suffer discontinuance of an annuity from the 96th day of the service and the Board will make adjustment as the case may warrant.

(d) *Termination of annuities—Independent contractor.* An annuitant may render service without discontinuance of an annuity if the annuitant renders it in the capacity of an independent contractor for a sum certain and for a specific period of time, under a contract approved by the employer. The Board has the right to determine whether the services to be performed are such as to warrant the conclusion that it is an independent contractor relationship. The Board may also inquire as to the circumstances surrounding an annuitant who seeks to render services as an independent contractor to determine whether the relationship does exist, thereby entitling the person to both an annuity and the contractor or consultant fees simultaneously. In any case in which the Board finds that the relationship may be contrary to the intent of this section, the Board has the right to discontinue the annuity or make the adjustment as the circumstances warrant.

(e) Cross reference: Section 8346 of the Retirement Code.

§ 213.47. Death benefits.

(a) If a beneficiary is not designated, or a designated beneficiary fails to survive to receive any of the death benefits provided in section 8347 of the Retirement Code (relating to death benefits), the benefits shall be payable to the estate of the member, or to the next of kin, 20 Pa.C.S. § 3101 (relating to payments to family and funeral directors) as the case may be.

(b) If a single life annuitant dies before receiving in monthly annuity payments the total amount of the accumulated deductions, the balance of the total accumulated deductions less total annuity payments received shall be paid to the designated beneficiary without regard to the actual proportion the employer's share represents to the total monthly annuity payments actually received before death.

(c) Cross reference: Section 8347 of the Retirement Code.

§ 213.49. Payment of benefits.

(a) No annuity granted under the Retirement Code will be paid in other than equal monthly installments. Option 4 may provide for a lump sum payment of no more than the accumulated deductions to be paid to the member before equal monthly installments commence.

(b) If a beneficiary predeceases a member, or dies within 30 days of the member's death, or if there is no valid beneficiary designation on file to take effect at death, money payable from the account of the member shall be paid to the estate of the member or next of kin, under 20 Pa.C.S. § 3101 (relating to payments to family and funeral directors) as the case may be.

(c) As in the case of a member, an election by a beneficiary for an annuity, when made, shall be deemed to be irrevocable.

(d) Cross reference: Section 8349 of the Retirement Code (relating to payment of benefits).

**CHAPTER 215. GENERAL ADMINISTRATION
GENERAL PROVISIONS**

Sec.	
215.2.	Administrative duties of the Board.
215.3.	(Reserved).
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- 215.5. Duties of the Board.
 215.6. Duties of employers.
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MANAGEMENT OF FUND AND ACCOUNTS

- 215.21. (Reserved).
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MISCELLANEOUS PROVISIONS

- 215.31. (Reserved).
 215.33. Taxation, attachment and assignment of funds.
 215.34. (Reserved).
 215.35. General regulations.
 215.36. Optional alternate retirement programs.

§ 215.2. Administrative duties of the Board.

(a) The minutes and other supporting records of Board meetings will be available for public inspection at the offices of the Board during normal working hours. No other records of the Board will be available for inspection by the public except upon specific approval by the Secretary of the Board.

(b) The Board will furnish, to the extent required by Federal law, information to members concerning those provisions of the Internal Revenue Code which may impose a tax liability upon a member or beneficiary. The sole responsibility for the tax liability, including the tax computation, is imposed upon the member and not the Board and the member should consult tax counsel or legal counsel for advice in these matters since the Board is not qualified or required to offer advice.

(c) Under section 8502(g) of the Retirement Code (relating to administrative duties of board), an employer failing to comply with procedures as mandated in the Retirement Code dealing with duties imposed upon employers, shall pay for the cost of performing these duties, if the Board initiates action to perform the duties on behalf of the employer not doing so. If an employer is delinquent in the payment of contributions in accordance with section 8327 of the Retirement Code (relating to payments by employers), the Board will notify the Secretary of Education and the State Treasurer of the delinquency for the action as those officials are required to take hereunder, consistent with the billing and delinquency requirements in § 213.27(a) (relating to payments by employers).

(d) Regulations adopted and promulgated for the uniform administration of the System shall be subject to prior approval by the actuary with respect to all computational procedures used in the calculation of contributions, benefits and related matters.

(e) The Board will, each year, in addition to its itemized budget, which is submitted through the Governor's Office for General Assembly approval, also certify to the employers and the Commonwealth that percentage of total member's payroll necessary for the funding of prospective annuities for active members and the rates and amounts of normal accrued liability and supplemental contributions to be paid to the Fund, which actuarial certification will be regarded as final after Board approval. It is not subject to modification by the Budget Secretary or any other Commonwealth official.

(f) The Board will, in compliance with the percentage certifications in subsection (e), determine within 30 days following the end of each quarter the amount due based thereon, taking into consideration the member's total payroll and shall submit simultaneously therewith a requisition for the amount determined to be due from the Commonwealth.

(g) The Board will credit to the account of each member all amounts paid by the member into the fund, including the member's contributions for current service, payroll deductions for the purchase of service as otherwise provided in this part or lump sum payments for the purchase of service. A person or governmental employer may not make payments on behalf of the member unless authorized by the Retirement Code or this part. Member contributions shall be credited with statutory interest until the date of termination of service, except in the case of the vestee. In that event, statutory interest shall be credited until the effective date of retirement or until a return of the accumulated deductions, if the member so elects. In the case of a multiple service member, interest shall be credited to the member's accounts in each system until a termination of State or school service.

(h) Cross reference: Section 8502 of the Retirement Code (relating to administrative duties of Board).

§ 215.3. (Reserved).

§ 215.4. (Reserved).

§ 215.5. Duties of the Board.

(a) *Application, elections and disability annuities.* Duties of the Board regarding applications and elections of members and disability annuities include the following:

(1) Subsequent to the receipt of an application for a disability annuity based on physical and mental incapacity for the performance of a job for which the member is employed, the Board will, through its chief medical examiner, and other medical examiners it may engage, cause the applicant to be examined. On the basis of the medical evidence submitted, a recommendation shall be submitted to the Board stating whether a disability should be granted, together with a report as to the permanency of the disability or the need for periodic examinations as well as the time interval for the examinations. The Board will also establish an effective date of disability which shall be the day following the last day of compensation or the day the application is filed, whichever is later.

(2) A disability applicant who is required by the Board to furnish additional medical documentation to support the application, shall provide the documentation within 30 days of the request, or the Board may render the disability application void.

(3) The chief medical examiner, or other medical examiners the Board may engage, may recommend to the Board, on the basis of subsequent medical examinations, whether a disability annuitant should continue on disability or whether a finding of nondisability may be appropriate. In the latter event, the Board will establish the date of termination of disability, based on the recommendation of the medical examiner, whereupon the disability annuity shall be discontinued in excess of any annuity to which the member may be otherwise entitled under section 8342 of the Retirement Code (relating to maximum single life annuity).

(4) If the Board denies a disability applicant for insufficient medical evidence, the applicant may still file, within 90 days after notification of the denial, an application to vest or take an annuity, if the applicant is eligible. The filing shall be considered timely, as of the original eligibility date, for the purposes of payment of other benefits or vesting, as the case may be.

(5) A disability annuity may also be subject to a disability annuity adjustment depending upon the earned income of the annuitant, as provided in section 8505(c)(3)

of the Retirement Code (relating to duties of board regarding applications and elections of members).

(b) *Refund to members.* If the Board finds that a member is terminating service at the end of a school year intending to return the subsequent school year, following vacation periods, and to reinstate accumulated deductions, the Board may choose not to pay the deductions in the first instance. The Board may require certification from the employer that these events are not intended.

(c) *Payment of annuities.* Payment of annuities shall include tax information required by the Internal Revenue Code of 1986.

(d) *Miscellaneous duties.* Miscellaneous duties shall include the following:

(1) If a member dies in service and is eligible for a death benefit, the Board will, within 60 days after receipt of the necessary data and death certificate, pay the death benefit to the designated beneficiary or survivor annuitant, as the case may be.

(2) If the Board receives notification from an insurance carrier approved by the Board that an annuitant who has attained age 65, has elected appropriate hospitalization insurance coverage, the Board will deduct from the annuity payments the appropriate monthly installment and forward the deduction to the particular insurance carrier at such times as the Board and carrier mutually agree.

(3) In cases of doubt, the Board will determine whether any person is a school employe within the meaning of the Retirement Code. It may also determine whether a person is an independent contractor or a person compensated on a fee basis upon review of all the circumstances surrounding the employment of the person seeking membership in the program.

(e) Cross reference: Section 8505 of the Retirement Code (relating to duties of board regarding applications and elections of members).

§ 215.6. Duties of employers.

(a) The following procedures shall be employed for reporting salaried, per diem and hourly employes:

(1) *Salaried employes.* Reporting procedures for salaried employes shall comply with the following:

(i) Part time salaried employes, irrespective of the percentage of time employed, shall be reported based on the percentage of time employed, as it relates to full time salaried employes. If requested, the employer shall furnish, under section 508 of the Public School Code of 1949 (24 P. S. § 5-508), minutes of board meetings indicating the conditions of employment of the individuals.

(ii) This procedure does not affect the enrollment of salaried employes who are currently members of the System. The member's purchase of the previous part time salaried service in the 1975-76 school year shall be either a lump sum payment or a method agreed upon by the System and the member without application of interest.

(2) *Per diem and hourly employes.* Since a per diem or hourly employe is required to become a member of the System during a school year in which the employe works 80 days or 500 hours, an employer is responsible for determining if that person becomes eligible for membership during the fiscal year.

(i) If the employer anticipates that an employe shall become eligible for membership during the fiscal year, the employe shall be enrolled as a member at the

beginning of the fiscal year, or upon employment, and contributions shall be deducted on a current basis. This service shall be counted for retirement purposes.

(ii) If an employe is enrolled as a member at the beginning of the fiscal year, or when employed, and does not qualify during that fiscal year, the employe is then entitled to a refund of accumulated deductions. If an employe is not enrolled at the beginning of the fiscal year, or date of employment, but qualifies during the fiscal year, the school district shall make deductions from that time forward and the employe shall then purchase the first 500 hours or 80 days without application of interest.

(b) *Annuitants employed in an emergency.* The employer shall, upon the reemployment of an annuitant from the State Employees' Retirement System who has elected multiple service or this System, in an emergency, notify the Board of commencement and termination of the employment to insure that the 95-day period for a continued receipt of the annuity is not exceeded. If that limitation is exceeded in a school year, the employer shall reenroll the annuitant from the 96th day of employment as an active member of the System, whereupon an annuity adjustment shall be made, as the case may warrant.

(c) Cross reference: Section 8506 of the Retirement Code (relating to duties of employees).

§ 215.7. Rights and duties of school employes and members.

(a) *Information on new employes.* Each new school employe shall provide the employer with a complete record of previous school or State service, or creditable nonschool service, proof of date of birth, in the order of preference set forth in subsection (b), home address, current status in the system and in the System and other information the Board may require. Willful failure to provide the information required by this subsection, to the extent available, or the furnishing of erroneous information upon entrance into the System shall result in the forfeiture of the right of the member to subsequently assert any right to benefits based on the erroneous information or on any of the required information which the member failed to provide, intentionally or otherwise. If the Board finds that a member is receiving an annuity based on false, misleading or improper information, the additional amounts received predicated on the information together with statutory interest doubled and compounded shall be deducted from the present value of any remaining benefits to which the member is legally entitled and the remaining benefits shall be correspondingly decreased.

(b) *Proof of date of birth.* Proof of date of birth shall be accepted in the following order of preference:

- (1) Birth certificate.
- (2) Baptismal record.
- (3) Selective service record.
- (4) Armed forces discharge.
- (5) Passport.
- (6) School record.
- (7) Life insurance policy.
- (8) Naturalization record.
- (9) Alien registration record.

(10) Other records as may be submitted by the member, which are acceptable to the Board.

(c) *Election of multiple service.* An active member from and after the effective date of the Retirement Code who was formerly a member in the State Employees' Retirement System, may elect multiple service coverage if the election is made no later than 30 days after active membership in this System.

(d) *Beneficiaries.* Every member shall nominate a beneficiary and contingent beneficiary, if desired, on a form to be filed with the Board and supplied by the Board. In all these cases, the designated or contingent beneficiary, as the case may be, shall be the only one entitled to receive the accumulated deductions or the death benefit for those who die in service or those who would be entitled to a benefit under Option 1 under section 8345 of the Retirement Code (relating to member's options). If the beneficiary or designated contingent beneficiary fails to survive the member, the payment, subject to the limitation in 20 Pa.C.S. § 3101 (relating to payments to family and funeral directors) shall be paid to the next of kin. If the applicable limitation cannot be met, the payment, in the absence of a designated beneficiary, shall be paid to the estate upon the submission of documents required by the Board to authorize payment.

(e) *Termination.* Upon termination of service, a member, by written application, may elect to do one of the following:

(1) Withdraw the accumulated deductions, thereby forfeiting other benefit, to which the member would otherwise be entitled.

(2) Vest the retirement account, thereby making the member eligible for the vesting benefits as otherwise provided in this part. If the member is a joint coverage member, the member may elect to become a full-coverage member and to pay the lump sum required within 30 days subsequent to termination of service.

(3) Receive an immediate annuity and, in the case of joint coverage membership, pay the lump sum required to become a full-coverage member within 30 days of termination of service.

(f) *Rights of vestees.* A vestee may, subsequent to vesting, and at any time during the vesting period, withdraw the accumulated deductions, thereby forfeiting other benefits to which the vestee would be otherwise entitled, or apply for an annuity, if the vestee has at least ten eligibility points. The vestee shall also nominate a beneficiary to receive the vested benefits should the vestee fail to survive the receipt of the benefit.

(g) *Right of vestee at superannuation age.* For a vestee to be entitled to, and receive, an annuity, effective the date the vestee attains superannuation age, the vestee shall file an application no later than 90 days thereafter. An application subsequently filed shall be effective upon the date filed. If a vestee dies within the 90-day period subsequent to superannuation age, not having filed an application for benefits, the vestee shall be deemed to have elected the automatic death benefit Option 1. If the vestee fails to do anything within 7 years subsequent to superannuation age, the vestee shall be deemed to have elected to receive the accumulated deductions and shall, upon application, be entitled to receipt of the deductions, thereby forfeiting any other benefit.

(h) *Nomination of beneficiary or survivor annuitant.* A member in receipt of a reduced annuity, under any of the options, shall have the following rights with regard to designation of a beneficiary or survivor annuitant:

(1) If a member elects Option 1, the member may change the designated beneficiary at any time.

(2) If the member selects a survivor annuity option, a new survivor annuitant may not be named except when the survivor annuitant predeceases the member or there is a change in marital status subsequent to the election of the option. In these cases, the annuity shall be recomputed to be actuarially equivalent as of the date of recomputation to the annuity in effect immediately prior thereto. In this case, the member may elect a new option in addition to the new survivor annuitant. A benefit plan may not be changed by an annuitant.

(3) An annuitant having a right to reelect an option and name a new survivor annuitant under the circumstances in paragraphs (1) and (2), may do so at any time after the death of the beneficiary or change in marital status.

(i) Cross reference: Section 8507 of the Retirement Code (relating to rights and duties of school employees and members).

§ 215.8. (Reserved).

MANAGEMENT OF FUNDS AND ACCOUNTS

§ 215.21. (Reserved).

§ 215.23. **Member's savings account.**

(a) Interest is credited to each member's savings account during active or inactive service and also during the period a vestee retains vested credits. Interest is not credited to a member's savings account if the member has terminated service or has been an inactive member over 2 years and is not eligible for vested benefits. The rate of interest when credited is the statutory rate of 4% per annum.

(b) Cross reference: Section 8523 of the Retirement Code (relating to member's savings account).

MISCELLANEOUS PROVISIONS

§ 215.31. (Reserved).

§ 215.33. **Taxation, attachment and assignment of funds.**

(a) The exemption provided in this section also includes a spouse's election authorized under 20 Pa.C.S. §§ 6108 and 6111 (relating to designation of beneficiaries of insurance or employee death benefits not testamentary; and repealed) to the extent applicable. From and after the effective date of this law, the Board will not entertain an assignment from any credit union which, under prior law, was authorized to forward assignments to collateralize funds in the system to the extent of \$750. From and after 3 years from the effective date of the Retirement Code, the Board will not honor a credit union loan which had, under prior law, been forwarded to the Board under the provisions thereof. A credit union may not, directly or indirectly, use an existing assignment on record with the Board as a device to renew or reassign an existing loan to collateralize the funds in the System.

(b) Cross reference: Section 8533 of the Retirement Code (relating to taxation, attachment and assignment of funds).

§ 215.34. (Reserved).

§ 215.35. **General regulations.**

(a) Former annuitants who are active members of the System on the effective date of the Retirement Code are not subject to the recalculation of annuities of annuitants who return to school service thereafter.

(b) The rights of members of Class T-B, as provided in section 301(2)(c) and (d) of the Public School Employees' Retirement Code of 1959 (24 P. S. § 3301(2)(c) (repealed)) shall continue.

(c) The provisions relating to former teachers as provided in sections 303(3) and 407(1) of the Public School Employees' Retirement Code of 1959 (24 P. S. §§ 3303(3) and 3407(1) (repealed)), shall continue.

(d) As applicable to members terminating school service on or after March 1, 1974, the provisions relating to the purchase of credit for previous school or creditable nonschool service and the calculation of benefits shall be effective March 1, 1974.

(e) The provisions relating to the crediting of statutory interest to the accounts of members on leave without pay shall become effective on July 1, 1975.

(f) Part-time employe membership, as provided by the Retirement Code, shall become effective with the beginning of the school year 1975-76, subject to the limitations based upon qualification, as provided in this part.

(g) The provisions relating to eligibility for disability annuities, shall be effective, as applied to all active or inactive members, from December 1, 1974.

(h) Cross reference: Section 8535 of the Retirement Code (relating to payments to school entities by Commonwealth).

§ 215.36. Optional alternate retirement programs.

(a) Under section 8301(a)(1) of the Retirement Code (relating to mandatory and optional membership), certain school employes may elect not to join the System, or to depart from it in favor of an optional alternate retirement program approved by the employer, such as the Secretary of Education or the governing body of certain State institutions, including Pennsylvania State University, as the case may be. Therefore, the following are adopted by the Board to establish guidelines and procedures, insofar as the Board is authorized to so do, with respect to implementing such a program for certain eligible school employes:

(1) Section 8303(a)(1) of the Retirement Code (relating to eligibility points for retention and reinstatement of source credits) purports to authorize the existence of an optional alternate retirement program under the responsibility of the employer.

(2) Employes, including those employed on the effective date of the establishment of an optional alternate retirement program, who are eligible for membership therein, and who are active members of the System, have the option of continuing their active membership or of joining the optional alternate retirement program if they make the election within 9 months of the effective date of the establishment of the optional alternate retirement program. Every employe who subsequently becomes eligible for membership in the optional alternate retirement program shall make the election within 30 days of the first date of active employment. Employes not exercising the option to join the optional alternate retirement program shall be deemed to have chosen to commence or continue active membership in the System, unless they have elected membership in the State Employees' Retirement System, as otherwise provided by law.

(3) When an eligible employe, who is an active member of the System, elects to participate in the optional alternate retirement program in accordance with paragraph (2), the employe may elect to withdraw the accu-

mulated deductions from the fund as of the date of the election; or, if the employe is eligible for vesting in accordance with the Retirement Code, the employe may elect to leave the accumulated deductions credited to account of the employe in the Fund and receive a retirement allowance from the System upon separation from employment; or, at the employe's option, upon attainment of superannuation retirement age, if later. The retirement allowance shall be based upon credited service and final average salary while a contributing member to this System only.

(4) Notwithstanding provisions to the contrary, an eligible employe employed on the effective date of the establishment of the optional alternate retirement program, who is eligible for membership therein, who is an active member of the System, and who is not vested in the retirement system, has the option of joining the optional alternate retirement program within 60 days of the date upon which the employe becomes eligible for vesting in accordance with the applicable provisions of the Retirement Code, in which case the employe may vest and join the optional alternate retirement program under the same conditions as provided in paragraph (3).

(5) When an eligible employe elects to participate in the optional alternate retirement program in accordance with paragraph (2) or (4), the election is final and binding so long as the employe shall remain eligible to remain in the optional alternate retirement program. When an employe later is employed in a capacity which does not qualify for membership in the optional alternate retirement program, the employe shall, upon meeting the qualifications for membership in the System, resume making contributions to the fund or reinstate the former credited service for which contributions had been withdrawn, as the case may be, in accordance with the applicable provisions of the Retirement Code. Service, salary or other compensation paid to an employe while a member of the optional alternate retirement program will not be credited toward membership in this System.

(6) For employes who elect to join the optional alternate retirement program, the contribution of the Commonwealth to the optional alternate retirement program on behalf of the employes will be no more than 1/2 of the employer normal contribution rate and accrued liability rate as determined in accordance with section 8328(b) and (c) of the Retirement Code (relating to actuarial cost method).

(b) Cross reference: Section 8301 of the Retirement Code.

[Pa.B. Doc. No. 98-1704. Filed for public inspection October 16, 1998, 9:00 a.m.]

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF PHARMACY

[49 PA. CODE CH. 27]

Examination Fees

The State Board of Pharmacy (Board) amends §§ 27.21, 27.24 and 27.91, pertaining to examinations for licensure, to read as set forth in Annex A.

Under section 812.1 of The Administrative Code of 1929 (71 P. S. § 279.3a) and sections 3, 6(k) and 8.2 of the Pharmacy Act (act) (63 P. S. §§ 390-3, 390-6(k) and 390-8.2), examinations for licensure must be prepared and administered by a professional testing organization under contract to the Board. The Board utilizes the examinations of the National Association of Boards of Pharmacy (NABP). The NABP consists of the licensing boards of all 50 states, the District of Columbia and United States territories and possessions. The NABP has now developed a computer-based adaptive examination to replace the Federal Drug Law Examination (FDLE) on pharmacy jurisprudence. Beginning in November 1998, the NABP will offer in computerized format the Multistate Pharmacy Jurisprudence Examination (MPJE) as the National uniform examination to test entry-level knowledge in jurisprudence prerequisite to licensure as a pharmacist. A professional testing organization under contract with the NABP will offer the examination Monday through Friday, excluding holidays, at a network of computer-based test centers. Candidates who meet the eligibility requirements of §§ 27.21—27.25 will receive a schedule of available test dates, times and locations. Eligible candidates may then take the MPJE at a time convenient to them and the test center. The greater number of test centers and available test times will enhance scheduling flexibility for candidates. Additionally, candidates will receive test scores in a far more timely manner.

The amendments reflect the replacement of the FDLE with the computer-delivered MPJE. Section 27.91 (relating to fees) amends examination fees and examination nomenclature. The fees will be the actual charges of the NABP to schedule a candidate to take the examination. The minor fee increase of \$10 is the result of development costs spread over all licensing jurisdictions which embraced the computer test model. Amendments to § 27.21 (relating to application for examination and licensure) change examination nomenclature and delete application procedures no longer applicable. Section 27.24 (relating to examinations and passing scores) is amended to provide transition language, delete outdated examination provisions and clarify minimum passing scores.

Public notice of intention to amend the regulations under the procedures specified in sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (CDL) (45 P. S. §§ 1201 and 1202) has been omitted as authorized under section 204(3) of the CDL (45 P. S. § 1204(3)), because the Board finds that these procedures are, under the circumstances, unnecessary. Public comment is unnecessary because section 812.1 of The Administrative Code of 1929 requires that candidate fees cover the cost of the examination. All persons affected by the amendments, however, have been given actual notice of the Board's intention to amend the regulations in advance of final rulemaking under section 204(2) of the CDL.

Compliance with Executive Order 1996-1

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

Statutory Authority

These amendments are adopted under section 812.1 of The Administrative Code of 1929 and sections 3, 6(k) and 8.2 of the act.

Fiscal Impact and Paperwork Requirements

The amendments will have no fiscal impact on the Commonwealth or its political subdivisions. Candidates for licensure by examination will be required to pay a fee to cover contract costs for the required examinations.

Regulatory Review

Under section 5(f) of the Regulatory Review Act (71 P. S. § 745.5(f)), on September 1, 1998, a copy of the amendments with the proposed rulemaking omitted was submitted to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the Senate Committee on Consumer Protection and Professional Licensure and the House Committee on Professional Licensure. In addition, at the same time, the amendments were submitted to the Attorney General for review and comment under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

Under section 5(c) of the Regulatory Review Act, the amendments were deemed approved by the House and Senate Committees on September 21, 1998. IRRC met on September 24, 1998, and approved the amendments.

Additional Information

Individuals who desire information are invited to submit inquiries to the State Board of Pharmacy, Attention: Rita T. Solie, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-7156.

Findings

The Board finds that:

(1) Public notice of intention to amend the regulations as adopted by this order under the procedures specified in sections 201 and 202 of the CDL, has been omitted under the authority contained in section 204(3) of the CDL, because the Board has, for good cause, found that the procedures specified in sections 201 and 202 of the CDL are in this circumstance, unnecessary, because section 812.1 of The Administrative Code of 1929 requires that candidate fees cover the cost of examinations.

(2) Persons affected by the amendments adopted by this order have been given actual notice of the Board's intention to amend the regulations in advance of final rulemaking under section 204(2) of the CDL.

(3) The amendment of the regulations of the Board in the manner provided in this order is necessary and appropriate for the administration of the Board's authorizing statute.

Order

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

(a) The regulations of the Board, 49 Pa. Code Chapter 27, are amended by amending §§ 27.21, 27.24 and 27.91 to read as set forth in Annex A.

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

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

(d) This order shall become effective immediately upon publication in the *Pennsylvania Bulletin*.

PAULA L. CASTOR, R.Ph.,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 28 Pa. B. 5189 (October 10, 1998).)

Fiscal Note: 16A-547. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 27. STATE BOARD OF PHARMACY PHARMACISTS

§ 27.21. Application for examination and licensure.

(a) A candidate for licensure to practice pharmacy by examination applying to take the North American Pharmacist Licensure Examination (NAPLEX) and the Multistate Pharmacy Jurisprudence Examination (MPJE) shall obtain an application for licensure from the Board, complete the application and file the application with the Board.

(b) The applicant shall include in the application proof of graduation with a B.S. or advanced degree in pharmacy granted by an ACPE accredited school or college; affidavits of all internship experience gained prior to submitting the application; and the application fee.

(c) The applicant shall also complete and submit to the Board with the completed application the examination fees and examination registration forms provided by the test administrator.

(d) Affidavits of internship experience gained after the filing of the application shall be filed before the examination date.

§ 27.24. Examinations and passing scores.

On and after March 1, 1997, but before November 1, 1998, candidates for licensure by examination are required to pass both the North American Pharmacist Licensure Examination (NAPLEX) and the Federal Drug Law Examination (FDLE), developed and administered by the National Association of Boards of Pharmacy (NABP).

(b) On and after November 1, 1998, candidates for licensure by examination are required to pass both the

NAPLEX and the Multistate Pharmacy Jurisprudence Examination (MPJE), developed and administered by the NABP.

(c) The minimum passing score on each examination will be as determined by the NABP.

FEES

§ 27.91. Schedule of fees.

An applicant for a license, certificate, permit or service shall pay the following fees at the time of application:

Application for pharmacy intern certificate	\$35
Application for pharmacist license	\$25
Effective with the March 1997 examinations:	
North American Pharmacist Licensure Examination (NAPLEX)	\$250
Federal Drug Law Examination (FDLE)	\$75
Effective with the November 1, 1998, examinations:	
North American Pharmacist Licensure Examination (NAPLEX)	\$250
Multistate Pharmacy Jurisprudence Examination (MPJE)	\$85
Certification of examination scores or internship hours	\$15
Certification of current licensure	\$10
Assistant pharmacist biennial renewal	\$120
Registered pharmacist biennial renewal	\$120
Registered pharmacist late renewal penalty	\$25
New pharmacy permit application	\$145
Reinspection of new pharmacy after failure at first inspection	\$45
Pharmacy permit change without inspection	\$15
Pharmacy permit change when inspection required	\$50
Change in pharmacy ownership or Board of Directors	\$15
Certification of valid permit	\$10
Biennial renewal of pharmacy permit	\$75
Pharmacy permit late renewal penalty	\$25

[Pa.B. Doc. No. 98-1705. Filed for public inspection October 16, 1998, 9:00 a.m.]

PROPOSED RULEMAKING

DEPARTMENT OF AGRICULTURE

[70 PA. CODE CH. 9]

[CORRECTION]

Weights, Measures and Standards

A numbering error occurred in the document proposing to add Chapter 9 which appeared at 28 Pa. B. 5109, 5125 and 5127. The table of contents did not accurately reflect the numbering of the sections in this chapter. In addition, § 9.13 (relating to weighmaster's certificate required) should be numbered § 9.21. The correct table of contents is as follows:

CHAPTER 9. WEIGHMASTERS

GENERAL

Sec.	
9.1.	Purpose.
9.2.	Definitions.
9.3.	License required.
9.4.	Qualifications.
9.5.	Application for a public weighmaster's license.
9.6.	Term of license; subsequent licenses.
9.7.	Format of a public weighmaster's license.
9.8.	Display of license required.
9.9.	Commodities sold by weight.
9.10.	Weighmaster's certificate.
9.11.	Issuing a public weighmaster's certificate.
9.11.	Retention and inspection of certificates.

SOLID FUEL

9.21.	Weighmaster's certificate required.
9.22.	Sales by employer-producer to employees.
9.23.	Certificate affecting weighing.
9.24.	Limitations of certificate for anthracite.
9.25.	Responsibilities of weighmasters and shippers.
9.26.	Certificate of special transportation.
9.27.	Issuance of weighmaster certificates with respect to mine track scales and tipple scales.
9.28.	Reweighing and issuance of certificates.
9.29.	Reciprocity with New York.

The correct section number and heading is as follows with ellipses referring to the proposed text of the regulation:

§ 9.21. Weighmaster's certificate required.

* * * * *

[Pa.B. Doc. No. 98-1651. Filed for public inspection October 9, 1998, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CHS. 133, 145 AND 147]

Wildlife Classification, Hearing Procedures and Special Permits

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its July 14, 1998, meeting, proposed amendments to read as set forth in Annex A. The Commission is proposing to:

Amend § 133.21 (relating to classification of birds) to change the status of several species of birds of special concern in this Commonwealth.

Amend § 145.21 (relating to Deputy Game Protector hearing procedure) to make editorial changes to more accurately reflect the proper title for deputy wildlife conservation officers, and to provide for deputy wildlife conservation officer's trial board hearing procedures to be closed to the public.

Amend § 147.109 (relating to restrictions on taking raptors) to provide for a limited number of special permits for nonresident falconers from reciprocating states to take a raptor from the wild in this Commonwealth.

These proposed amendments will have no adverse impact on the wildlife resources of this Commonwealth.

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

These proposals were made public at the July 14, 1998, meeting of the Commission, and comments on these proposals may be sent to the Executive Director of the Pennsylvania Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until November 30, 1998.

Proposed Amendment to § 133.21

1. Introduction

To more effectively manage the wildlife resources of this Commonwealth, the Commission at its meeting held on July 14, 1998, proposed changing § 133.21 to change the endangered and threatened status of a number of birds. This proposed action resulted from a recommendation of the Ornithological Technical Committee of the Pennsylvania Biological Survey. The proposal is being made under authority contained in sections 322(c)(8) and 2102(a) of the code (relating to powers and duties of the Commission; and regulations).

2. Purpose and Authority

The Ornithological Technical Committee of the Pennsylvania Biological Survey reviews the status of birds on the list of birds of special concern in this Commonwealth every 5 years. The Committee recently completed a review and recommended to the Commission that the status of seven birds be changed. The status of five birds would be upgraded while the status of two birds, Osprey and Common Tern would be downgraded.

Section 322(c)(8) of the code authorizes the Commission to add to or change the classifications of any bird or wild animal. Section 2102(a) of the code directs the Commission to promulgate regulations it deems necessary and appropriate concerning game or wildlife. The proposed section would be adopted under this authority.

3. Regulatory Requirements

Since species that are endangered or threatened are essentially equally protected, the proposed changes in classification will make little difference, with one exception. The status of the Dickcissel is being changed from "undetermined" to "threatened." As such, it will receive increased protection.

4. Persons Affected

As was indicated under *Regulatory Requirements*, the changes in status should not have any practical impact. Those encountering Dickcissels or their nests would be affected by the change to threatened status.

5. *Cost and Paperwork*

The proposed change would not add any additional cost or paperwork.

Proposed Amendment to § 145.21

1. *Introduction*

To better administer the code, the Commission at its meeting held on July 14, 1998, proposed changing § 145.21 to update terminology and provide that the hearings be closed to the public. These changes are being proposed under powers conferred in section 304 of the code (relating to Deputy Game Commission Officers).

2. *Purpose of Authority*

With the adoption of the code, the designation of the Commission's officers was changed from "game protector" to "wildlife conservation officer." This terminology was never changed in § 145.21. The proposed change would rectify this situation.

In addition, hearings for deputy officers are usually disciplinary in nature which may involve disclosure of essentially private information. To protect the privacy and rights of the officers involved, the Commission has proposed that the hearings not be open to the public.

Section 304 of the code, authorizes the Commission to appoint deputy game commission officers. That section also makes those deputies "... subject to all requirements and regulations, either of the law or of the commission..."

3. *Regulatory Requirements*

The proposed changes would not impose any additional regulatory requirements.

4. *Persons Affected*

Wildlife conservation officers, Deputies and other individuals involved in deputy hearings would be affected by the proposed change.

5. *Cost and Paperwork Requirements*

The proposed change would not add any additional cost or paperwork.

Proposed Amendment to § 147.109.

1. *Introduction*

To more effectively manage the wildlife resources of this Commonwealth, the Commission, at its meeting held on July 14, 1998, proposed changing § 147.109 to allow nonresident falconers to apply for a permit to take a raptor in this Commonwealth if their home state reciprocates. The changes are proposed under the section 2901(b) of the code (relating to regulations for permits).

2. *Purpose and Authority*

With certain exceptions, prior to enactment of Act 19 of 1996, which amended section 2901 of the code, the Commission could not issue permits to nonresidents. This meant that Pennsylvania falconers could not take advantage of a wider variety of raptors available in other states because other states will only reciprocate in allowing the taking of raptors. Act 19 of 1996 changed this and authorizes the Commission to now reciprocate in allowing nonresidents to take raptors in this Commonwealth. The proposed changes are the implementing provisions for this reciprocity.

Section 2901(b) of the code authorizes the Commission to promulgate regulations "... for the issuance of any permit or to control the activities which may be per-

formed under authority of any permit issued..." This provision is the basis for the proposed changes.

3. *Regulatory Requirements*

Nonresident falconers wishing to take a raptor in this Commonwealth would need to be from a state that reciprocates in the taking of raptors and would be subject to a number of limitations.

4. *Persons Affected*

Nonresident falconers would be affected by the proposed changes. Resident falconers would benefit from the changes.

5. *Cost and Paperwork Requirements*

Nonresident falconers will need to submit an application and pay a nonrefundable fee of \$100. Given the fact that the total number of permits that will be issued is 20, the number of applications should be small.

6. *Effective Date*

These proposed changes would be effective on final publication in the *Pennsylvania Bulletin* and would remain in effect until changed by the Commission.

7. *Contact Person*

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

DONALD C. MADL,
Executive Director

Fiscal Note: 48-105. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 133. WILDLIFE CLASSIFICATION

Subchapter B. BIRDS

§ 133.21. Classification of birds

The following birds are classified:

(1) *Endangered.*

* * * * *

(ii) King Rail ([*Railus*] *Rallus elegans*)

* * * * *

(iv) Black Tern ([*Clidonias*] *Chlidonias niger*)

(v) [*Osprey (Pandion haliaetus)*] **Least Bittern (*Ixobrychus exilis*)**

* * * * *

(vii) Loggerhead Shrike (*Lanius ludovicianus [migrans]*)

(viii) **American Bittern (*Botaurus lentiginosus*)**

(ix) **Great Egret (*Casmerodius albus*)**

(x) **Yellow-crowned Night Heron (*Nycticorax violaceus*)**

(xi) **Common Tern (*Sterna hirundo*)**

(2) *Threatened.*

(i) [**Least Bittern (*Ixobrychus exilis*)**

(ii) American Bittern (*Botaurus lentiginosus*)] **Osprey (*Pandion haliaetus*)**

(ii) Dickcissel (*Spiza americana*)

* * * * *

(v) [Great Egret (*Casmerodius ulbus*)

(vi) Yellow-crowned Night Heron (*Nycticorax violaceus*)

(vii) [Yellow-bellied Flycatcher ([*Empidonax*] *Empidonax flaviventris*)

CHAPTER 145. HEARING PROCEDURES

Subchapter B. SPECIAL HEARING PROCEDURES

§ 145.21. Deputy [Game Protector] wildlife conservation officer hearing procedure.

(a) Deputy [Game Protectors] wildlife conservation officers will not be dismissed from Commission service without first being granted an opportunity for a hearing, unless the hearing is waived by the Deputy whose dismissal is proposed.

(b) A Deputy [Game Protector] wildlife conservation officer who is suspended and recommended for dismissal on the grounds of negligence, disregard of duties, conduct unbecoming an officer, unsatisfactory work or an indiscreet act will be cited for a hearing and dismissal on the grounds of inefficiency, indiscretion or insubordination.

(c) Charges against a [Deputy Game Protector] wildlife conservation officer for reason of negligence, disregard of duties, conduct unbecoming an officer, unsatisfactory work, or indiscreet act may be brought by a superior officer, in writing, and filed with the Director.

* * * * *

(e) If a hearing is requested, the Director will appoint a member of the staff as hearing officer to hear the charges. Hearings conducted under this subchapter are considered disciplinary matters and will be closed to the public.

* * * * *

CHAPTER 147. SPECIAL PERMITS

Subchapter F. FALCONRY

§ 147.109. Restrictions on taking raptors.

(a) Taking restrictions for residents are as follows:

* * * * *

(b) Taking restrictions for nonresidents are as follows:

(1) A nonresident possessing a current and active falconry permit in the General or Master Classification in a state listed in 50 CFR 21—29(k) (relating to Federal falconry standards), may apply for a special permit to take a raptor in this Commonwealth if the home state of the applicant allows the taking of raptors by nonresidents.

(2) The fee for a permit to take a raptor is \$100 and is not refundable.

(3) Applications for this permit shall be submitted directly to the Commissions' Bureau of Law Enforcement and shall state the applicants name, address, date of birth, telephone number and the species desired and whether a nestling (eyas) or passage bird is requested. Copies of the applicant's current state or Federal, or both, falconry permit along with a valid import permit or letter from the

applicant's home state authorizing the import of the raptor being requested shall accompany the application. A certified check or money order in the amount of \$100 payable to "Pennsylvania Game Commission" shall accompany the application.

(4) Applications may only be submitted between January 1 and February 28 annually.

(5) Periods for taking raptors as authorized under a nonresident take permit are May 8 to July 15 inclusive for nestling (eyas) birds or September 19 to December 31, inclusive for passage birds.

(6) A permittee may not take the last remaining nestling—eyas—from a nest.

(7) The number of permits issued annually will not exceed:

NUMBER	TYPE
5	Nestling (Eyas)
15	Passage

(8) Eyas Goshawk birds may not be taken.

(9) Permits will be issued under a first-come-first-served procedure until the annual allocation is exhausted.

(10) The acquisition of a raptor taken from the wild as authorized by the take permit shall be immediately reported to the Commission by completing a Form 3-186A (Migratory Bird Acquisition and Disposition Report) and forwarding a copy to the Bureau of Law Enforcement, Technical Services Division.

(11) Marking of certain raptors shall be as directed in 50 CFR 21.28(d)(7) (relating to falconry permits).

(12) Raptors taken under the authority of this permit shall be used for falconry purposes only.

[Pa.B. Doc. No. 98-1706. Filed for public inspection October 16, 1998, 9:00 a.m.]

INSURANCE DEPARTMENT

[31 PA. CODE CHS. 33 AND 67a]

Pennsylvania Assigned Risk Consumer Protection

The Insurance Department (Department) proposes to delete § 33.29 (relating to the Pennsylvania Automobile Insurance Plan (assigned risk)) and establish Chapter 67a (relating to Pennsylvania Assigned Risk Plan Consumer Protections) to read as set forth in Annex A. The Department proposes the amendments under the authority of the act of May 17, 1921 (P. L. 682, No. 284) (40 P. S. §§ 341—991); The Insurance Department Act of 1921 (40 P. S. §§ 1—321); sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 411 and 412); and 75 Pa.C.S. Chapter 17, Subchapter D (relating to Motor Vehicle Financial Responsibility Law).

Purpose

Section 33.29, was initially promulgated to address the Department's concerns regarding the method of payment and the manner in which premium moneys were collected and forwarded to the Pennsylvania Assigned Risk Plan. Additionally, the Department wanted to ensure that coverage in the market of last resort is provided as

expeditiously as possible so that the owners and operators of motor vehicles registered or operated in this Commonwealth can meet the requirements for compulsory automobile insurance in this Commonwealth. These guidelines were offered to assist the applicant, producer and the plan. The purpose of this proposed rulemaking is to delete § 33.29 and establish Chapter 67a by: 1) providing a new title and format to facilitate understanding of the terminology and the provisions in the proposal; 2) adding detail for clarity; 3) eliminating those items that should not be reflected in regulation but should be addressed in the Assigned Risk Plan rules; and 4) strengthening the provisions of the regulation continuing to ensure protections for those residents of this Commonwealth seeking automobile insurance through the market of last resort.

Explanation of Regulatory Requirements

The new provisions of § 33.29 have been moved to Chapter 67a. The format has been changed to reflect both the new definitions section and the section relating to consumer protections.

The title of the chapter "Pennsylvania automobile insurance plan (assigned risk)" has been changed to "Pennsylvania assigned risk plan Consumer protections" to more accurately describe the intent of the regulations.

Section 67a.1 (relating to definitions) has been added to explain the terms "Assigned Risk Plan," "producer," "producer of record" and "voluntary market" when used in the context of the regulations.

Section 67a.2 (relating to consumer protections) formerly § 33.29, has been renamed providing for a more accurate description of its purpose.

Section 67a.2(a) reflects the amendments to § 33.29(a) which enhance its clarity.

Section 67a.2(b) replaces § 33.29(b). This subsection has been added as a consumer protection measure, ensuring that coverage in the assigned risk plan is offered to the applicant, by the producer, only after a diligent search of the voluntary market has been conducted.

Section 67a.2(c) replaces § 33.29(c). Section 33.29(c) was deleted because it contains unnecessary language regarding the administration of commissions which should be addressed in the assigned risk plan rules. Sections 67a.2(c), 67a.2(d) and 67a.2(e) contain language previously found in § 33.29(d). Section 33.29(d) was split into three sections to emphasize the importance of each provision. However, these subsections were modified to eliminate unnecessary reference to conformance to the assigned risk plan rules. Section 67a.2(c) was also modified to allow for the acceptance of premium using other methods of premium payment approved by the Commissioner.

Section 67a.2(f), formerly § 33.29(e) has been modified to eliminate unnecessary language referencing the assigned risk plan rules.

Section 67a.2(g) has been added to reflect case law which upholds the Department's position regarding the prohibition against producers charging referral or other fees for placing or servicing any Assigned Risk Plan policy. See. *Park v. Chronister*, 617 A.2d 863 (Pa. Cmwlth. 1992).

Section 67a.2(h), formerly § 33.29(f), has been modified to clarify that the Department's authority to enforce the provisions of the Assigned Risk Plan rules, relating to the conduct of producers, is not limited to fiduciary matters.

Fiscal Impact

The proposed amendments will have no impact on costs associated with the Department, producers, Assigned Risk Plan, political subdivisions or the general public.

Paperwork

The proposed amendments impose no additional paperwork requirements on the Department, producers, Assigned Risk Plan or the general public.

Persons Regulated

The proposed amendments apply to agents or brokers authorized by the Department to conduct business of property and casualty insurance and are certified by the Assigned Risk Plan.

Contact Person

Questions or comments regarding the proposed rulemaking may be addressed, in writing, to Peter J. Salvatore, Regulatory Coordinator, 1326 Strawberry Square, Harrisburg, PA 17120, within 30 days following the publication of this notice in the *Pennsylvania Bulletin*.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on October 5, 1998, the Department submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Insurance Committee and the Senate Banking and Insurance Committee. In addition to the submitted proposal, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of that material is available to the public upon request.

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

M. DIANE KOKEN,
Insurance Commissioner

Fiscal Note: 11-171. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 31. INSURANCE

PART I. GENERAL PROVISIONS

Subpart C. AGENTS AND BROKERS

CHAPTER 33. LICENSING REQUIREMENTS

§ 33.29 [**Pennsylvania Automobile Insurance Plan (assigned risk)**] (Reserved).

[(a) An agent who submits an application to the assigned risk plan through the company for which he is a licensed agent is not required to be licensed as an insurance broker in order to handle the delivery of the policy of the company to which the risk is assigned.

(b) Commissions earned on the transaction shall be considered as having been earned in the normal

business of the agent with the company for which he holds an agent's license.

(c) An agent or broker through whom an assigned risk was placed is obligated to return, on a *pro rata* basis, his unearned commission to the insurance company to which the risk was assigned upon cancellation of a policy by the company. An agent or broker through whom an assigned risk was placed is obligated to return, on a short rate basis, as provided in the policy, his unearned commission to the insurance company to which the risk was assigned upon cancellation of a policy by an insured. In the absence of an explanation satisfactory to the Insurance Department, an agent or broker failing to return unearned commissions as provided in this subsection shall be deemed in violation of sections 633 and 639 of the Insurance Department Act of one thousand nine hundred and twenty-one (40 P. S. §§ 273 and 279) and other applicable laws and shall be subject to penalties as specified therein.

(d) Upon original applications, premium monies to the producer of record shall be in the form of a postal money order, cashier's check, certified check or personal check made payable to the "Pennsylvania Automobile Insurance Plan." The producer of record shall speedily remit such payment in conformance with the rules of the Plan. Upon receipt of such premium monies, the producer of record shall issue a receipt, certifying the date—day, month and year—and time—hour, a.m. or p.m., the applicant's name and address, the signature of the producer, and the following statement:

"Received for the Pennsylvania Automobile Insurance Plan."

The producer of record shall maintain appropriate records of original applications, noting the time and date of coverage and shall make available for inspection or photocopying such records by the Plan or by a company representative or the Insurance Department. A copy of such receipt will be sent to the Plan along with other forms in conformance with the rules of the Plan.

(e) If the applicant produces reasonable documentation of payment of the required premium to the producer of record and completion of an application for insurance under the Plan, payment to the producer of record shall be deemed payment to the Plan for the purposes of this subsection. Coverage shall be deemed effective as of the date and time specified in the application and according to sections 11, 12 and 14 of the Plan.

(f) An agent or broker failing to remit premium monies received under subsection (d) violates sections 633, 633.1 and 639 of The Insurance Department Act of one thousand nine hundred and twenty-one (40 P. S. §§ 273, 273.1 and 279) and other applicable laws and are subject to penalties as specified therein.]

(*Editor's Note.* The following chapter is proposed to be added. It is printed in regular type to enhance readability.)

CHAPTER 67a. PENNSYLVANIA ASSIGNED RISK PLAN CONSUMER PROTECTIONS

Sec.
67a.1. Definitions.
67a.2. Consumer protections.

§ 67a.1. Definitions.

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

Assigned Risk Plan—A mechanism for the equitable apportionment among insurers of good faith applicants who are unable to obtain insurance through the voluntary market.

Department—The Insurance Department of the Commonwealth.

Producer—An agent or broker authorized by the Department to conduct business and certified by the Assigned Risk Plan.

Producer of record—The agent or broker authorized by the Department to conduct business, certified by the Assigned Risk Plan and whose signature appears on the application for insurance.

Voluntary market—The market where a person obtains insurance without the assistance from government and through an insurer of the consumer's own selection.

§ 67a.2. Consumer protections.

(a) A producer may submit an application to the Assigned Risk Plan and may deliver the policy of the company to which the risk is assigned.

(b) A producer may submit an application to the Assigned Risk Plan only after having been unable to obtain coverage for the applicant, after a reasonable search of the voluntary market, within the time frame established by the Assigned Risk Plan rules.

(c) Upon completion of the original application, premium moneys from the applicant to the producer of record shall be in the form of a money order, cashier's check, certified check, personal check or other method approved by the Insurance Commissioner, made payable to the "Pennsylvania Assigned Risk Plan." The producer of record may not accept cash.

(d) Upon receipt of the premium moneys for an original application, the producer of record shall issue a receipt showing the amount received, and the date and time that the money was received. The receipt shall also contain the applicant's name and address, the signature of the producer of record and a statement indicating that it was received for the Pennsylvania Assigned Risk Plan. The electronic mail reference number shall be included, if applicable.

(e) A producer of record shall maintain appropriate records of original applications, including the electronic mail reference number, noting the date and time of coverage. The producer of record shall make these records available for inspection to the Assigned Risk Plan, a representative of the assigned company or the Department.

(f) If the applicant produces reasonable documentation of payment of the required premium to the producer of record in accordance with subsection (c) and a completed application for insurance under the Assigned Risk Plan, payment to the producer of record shall be deemed payment to the Assigned Risk Plan in accordance with the Assigned Risk Plan rules. Coverage shall be effective as of the date and time specified in the application in accordance with the Assigned Risk Plan rules.

(g) A producer may not charge referral fees or other fees for placing or servicing any coverage in the Assigned

Risk Plan. A producer's remuneration shall be limited to the method of compensation established by the Assigned Risk Plan rules.

(h) Producers shall comply with the Assigned Risk Plan rules. Violation of the Assigned Risk Plan rules may be construed to be a violation of section 604 of The Insurance Department Act of 1921 (40 P. S. § 234).

[Pa.B. Doc. No. 98-1707. Filed for public inspection October 16, 1998, 9:00 a.m.]

PENNSYLVANIA MUNICIPAL RETIREMENT BOARD

[16 PA. CODE CHS. 81, 83, 85, 87 AND 91]

Revisions to Rules and Regulations

Purpose of the Proposed Amendments

Under Executive Order 1996-1, the Pennsylvania Municipal Retirement Board (Board) has undertaken a review of its existing rules and regulations. Based on that review, the Board proposes a number of technical and substantive amendments to its rules and regulations to read as set forth in Annex A.

General Comments

1. *Gender neutral language.* The regulations have not been updated since 1976, and generally use the masculine tense. The proposed changes rewrite, where applicable, to gender neutral language.

2. *Deletions of language in the Pennsylvania Municipal Retirement Law (53 P. S. §§ 881.101—881.502) (Law).* Generally, where the regulatory provisions merely repeat or restate language already contained in the Law, the language was deleted as unnecessary.

3. *Consolidation.* Currently the regulations contain one chapter for each of the four articles of the Law. Much of Chapters 85 and 87 was repetitive simply referencing the previous chapters. The proposed revisions consolidate the regulations making all the regulations applicable to every article of the Law, and deleting the repetitious sections.

Section by Section Analysis

Chapter 81 (General Provisions)

§ 81.1 *Definitions*

"Active member"—Added to clarify plans which use this term.

"Actuarially equivalent"—Technical correction.

"Annuitant"—Deleted because language is substantially repetitive of the Law.

"Beneficiary"—Technical correction.

"Contributor"—Added to clarify that the term "contributor" includes members not required to make member contributions to the Pennsylvania Municipal Retirement System (System).

"Date of termination of service"—Technical corrections, and rewritten for clarity.

"Inactive member"—Added to clarify plans which use this term.

"Intervening military service"—Deleted because language is either substantially repetitive of the Law or is

outdated under the Uniformed Services Employment and Reemployment Rights Act (USERRA).

"Law"—Technical correction.

"Municipal employe"—Deleted as unnecessary.

"Municipal fireman"—Deleted as unnecessary.

"Municipal policeman"—Deleted as unnecessary.

"Municipality"—Deleted because language is either substantially repetitive of or inconsistent with the Law.

"New member"—Deleted because it is an unused term.

"Optional membership"—Technical corrections.

"Portability"—Definition added because term is commonly used in municipality contracts.

"System"—Technical correction.

"Vestee"—Changed to "vested member."

§ 81.2 *Applicability of regulations*—Because regulations are being consolidated to eliminate unnecessary repetition, this section is added to reflect that all regulations are applicable to all articles of the Law.

§ 81.3 *General powers of the Board*—Deleted language substantially repetitive of the Law and added clarification that the Board acts as an independent administrative board.

§ 81.4 *Actuarial investigation, tables, and rates*—Deleted outdated language and added language consistent with the Internal Revenue Code.

§ 81.5 *Information to municipalities*—Deleted because language was substantially repetitive of the Law.

§ 81.6 *Election by municipalities to join retirement system*—Deleted because language was either substantially repetitive of the Law or outdated.

§ 81.7 *Retirement funds and accounts*—Deleted language substantially repetitive of the Law and added language clarifying the various accounts maintained by the System, and clarifying a municipality's right upon withdrawal to a portion of the retired members' reserve account based upon *Pottstown v. PMRS*.

§ 81.9 *Management and investment of fund; interest credits*—Technical corrections and added language clarifying the Fund as a trust.

§ 81.10 *Withdrawal provisions*—Deleted municipal guarantee because language was substantially repetitive of the Law and consolidated portion of § 83.14 along with additional language clarifying a withdrawing municipality's responsibility to retired members and beneficiaries, and clarifying the use of the term "municipal employe" for withdrawal purposes only.

§ 81.11 *Contract provisions*—Added contract provisions clarifying how it is determined if a contract contains an increase or decrease of benefits, and limits thereon.

§ 81.12 *Existing local retirement systems*—Deleted because language is either substantially repetitive of the Law or outdated.

§ 81.13 *Monthly payments*—Deleted because language is either substantially repetitive of the Law or outdated.

§ 81.14 *Exemption of retirement allowance*—Deleted because language is substantially repetitive of the Law and conflicting with current Pennsylvania case law regarding domestic relations matters.

Chapter 83 (Municipal Employees)

§ 83.3 *Compulsory and optional membership*—Technical corrections.

§ 83.4 *Service allowance; change of employment; military service*—Deleted subsections (a)—(h) because language was either substantially repetitive of the Law or outdated. Deleted subsection (i) because language was substantially repetitive of the Law and conflicted with USERRA.

§ 83.5 *Determination of municipal liability*—Deleted because language was substantially repetitive of the Law.

§ 83.6 *Contributions by members*—Deleted subsections (a) and (b) because language was either substantially repetitive of the Law or outdated. Changed subsection (c) to comply with the Internal Revenue Code.

§ 83.7 *Purchase requirements for previous service*—Deleted subsections (a)—(d) because language was either substantially repetitive of the Law or outdated.

§ 83.8 *Superannuation retirement*—Deleted because language was substantially repetitive of the Law.

§ 83.9 *Death benefits*—Deleted because language was substantially repetitive of the Law.

§ 83.10 *Early retirement*—Deleted because language was substantially repetitive of the Law.

§ 83.11 *Options on superannuation or early retirement*—Deleted language substantially repetitive of the Law, and rewrote paragraphs (b) and (c) to reflect PMRS current policy and to note that the municipal portion of the benefit must be paid in a monthly annuity.

§ 83.12 *Disability retirement*—Deleted subsections (a), (c) and (d) because the language was substantially repetitive of the Law.

§ 83.13 *Vesting*—Deleted because language was substantially repetitive of the Law or outdated.

§ 83.14 *Withdrawal provisions*—Paragraphs (1)—(9) were deleted because the language was substantially repetitive of the Law. Paragraph (10) in substantial part has been moved to § 81.10 for consolidation purposes.

§ 83.15 *Procedures for amending contracts*—Deleted because language was substantially repetitive of the Law.

Chapter 85 Municipal Firemen and Municipal Police—Deleted and consolidated.

Chapter 87 Optional Retirement Plans—Deleted and consolidated.

Chapter 91 (Special Rules of Administrative Practice and Procedure)

§ 91.1 *Applicability of general rules*—Technical corrections.

Statutory Authority

The Board's authority to promulgate rules and regulations for the proper administration of the System is set forth in section 104(10) of the Law (53 P. S. § 881.104(10)). The Board has promulgated rules and regulations in Chapters 81, 83, 85, 87 and 91. The proposed rulemaking consists of technical and substantive amendments to the Board's existing rules and regulations.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Board submitted a copy of the notice of proposed rulemaking on October 1, 1998, to the

Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Local Government Committee and the Senate Finance Committee. In addition to submitting the proposed amendments, the Board has provided IRRC and the Committees with a copy of a detailed regulatory analysis form prepared by the Board in compliance with Executive Order 1996-1. A copy of this material is available to the public upon request.

If the Commission has objections to any portion of the proposed amendments, it will notify the agency within 10 days of the close of the Committees' comment 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 the agency, the Governor, and the General Assembly to review these objections before final publication of the amendments.

Fiscal Impact and Paperwork Requirements

The proposed amendments do not impose increased costs or increased paperwork requirements on the Commonwealth, local governments, the private sector or the general public.

Persons Affected

The proposed amendments affect all members of the System and municipalities with pension plans in the System.

Effective Date

The amended rules will be effective upon publication of the final-form regulation in the *Pennsylvania Bulletin*.

Sunset Date

A sunset date is not being established for these proposed amendments because they are necessary for the administration of the substantive provisions of the Retirement Law. The Board will closely monitor these regulations for their effectiveness.

Public Comments

Interested parties are invited to submit written comments, suggestions or objections regarding the proposed amendments to James B. Allen, Secretary, Pennsylvania Municipal Retirement System, P. O. Box 1165, Harrisburg, PA 17108-1165, within 30 days following the publication of the proposed amendments in the *Pennsylvania Bulletin*.

JAMES B. ALLEN,
Secretary

Fiscal Note: 49-1. No fiscal impact; (8) recommends adoption.

Annex A**TITLE 16. COMMUNITY AFFAIRS****PART III. MUNICIPAL RETIREMENT BOARD****CHAPTER 81. GENERAL PROVISIONS****§ 81.1. Definitions.**

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

* * * * *

Active member—A municipal employe, municipal fireman or municipal policeman who is earning credited service in a System pension plan as a result of employment with a municipality that has enrolled in the System.

Actuarially equivalent—Annuities or lump sum amounts of equal present value determined by [multiplying the annual amount of the annuity by the appropriate cost factor for an annuity of \$1.00] appropriate actuarial factors based on mortality tables and interest rates currently adopted and used by the Board.

[*Annuitant*—A former contributor in receipt of a superannuation retirement allowance or other annuity-related benefit.]

Beneficiary—A person last designated in writing by a contributor or [an annuitant.] a retired member, or if one is not so designated, [the recipient shall be] the estate of the member or next of kin[,] under 20 Pa.C.S. § 3101 (relating to payments to family and funeral directors), to the extent applicable.

* * * * *

Contributor—The term includes a member who has a member's account with the System, regardless of whether the account contains accumulated deductions.

Date of termination of service—[The] For an active member, the last day of [service for which a member makes contributions; or in the case of a member on leave without pay, the date of resignation or the date the employment is formally discontinued by the employer; or the date a member is placed on furlough] employment in a status covered by the eligibility requirements of the pension plan. For an inactive member, the date on which formal action is taken by the employer to separate the member from employment.

Fund—The Pennsylvania Municipal Retirement Fund created by the law.

* * * * *

Inactive member—A municipal employe, municipal fireman or municipal policeman who is enrolled in the System but is no longer earning credited service in a system pension plan as a result of separation from or leave from employment.

[*Intervening military service*—Active military service of a member who was a municipal employe immediately preceding his induction into the armed services or forces of the United States in order to meet a military obligation, excluding a voluntary extension of the service, but who becomes a municipal employe within 6 months of the expiration of the service. This excludes service of a member who leaves municipal employment in order to enter active military service, not in time of war or armed conflict, so long as no draft obligation exists under Federal law. It also excludes a municipal employe who voluntarily joins a National Guard reserve component requiring active military service, not in time of war or armed conflict, or as long as a Federal draft obligation does not exist.]

Law—The Pennsylvania Municipal Retirement Law (53 P. S. §§ 881.101—[881.413] 881.502.

[*Municipal employe*—In cases of doubt as to whether an individual is a municipal employe, for retirement purposes, the Board will, after consulta-

tion with the municipality, determine whether the individual is a municipal employe for membership eligibility.

Municipal fireman—In cases of doubt as to whether an individual is a municipal fireman, for retirement purposes, the Board will, after consultation with the municipality, determine whether the individual is a municipal fireman for membership eligibility.

Municipal policeman—In cases of doubt as to whether an individual is a municipal policeman, for retirement purposes, the Board will, after consultation with the municipality, determine whether the individual is a municipal policeman for membership eligibility.

Municipality—An institution substantially supported and maintained by a city, borough, town, township, county or jointly by any of these political subdivisions.

New member—This term applies to municipal employes or officers, whether elected or not, even though the person failed to join the system being in an optional category, and now is returning to the service of the municipality following a break in service.]

Optional membership—Shall be available to those categories of employes authorized by law, resolution or ordinance to elect or refrain from electing membership. If they choose not to join, the declination of membership shall apply for the period of time the [member serves] employes serve continuously in that optional category. If there is a break in service and the [optional member returns] employes return, the [member] members may not be permitted to purchase optional membership time previously declined, but may be [a member] members for future optional service, if the [member] employes so [chooses] choose. If the [member returns] employes return to service where there is mandatory membership, the [member] employe shall be required to join the [program] plan, on a prospective basis only.

Portability—The condition by which a member leaves the employ of a System administered plan and within 1 year of the date of termination of service enters into the employ of another System administered plan and the member elects to transfer previously accrued service credits to the new employer, subject to provision of municipalities' contracts.

* * * * *

Retired member—A former municipal employe, municipal fireman or municipal policeman, or the beneficiary or survivor annuitant of a municipal employe, municipal fireman or municipal policeman who is entitled to a monthly benefit payment from the retired member's reserve account of the System.

System—The Pennsylvania Municipal Retirement System created by the law [and as previously established by the Municipal Employes' Retirement Law (53 P. S. §§ 671—695) (Repealed), and the act of July 31, 1968 (P. L. 944, No. 291) (53 P. S. §§ 790.1—790.24) (Repealed)].

[*Vestee*] *Vested member*—A member after a stipulated age or with sufficient years of service, or both, based on the plan in which [*he*] *the member* is enrolled, who has terminated municipal service and has elected to leave [*his*] total accumulated deductions in the fund and to defer receipt of an annuity representing both the member's and municipal benefits, provided the election is made within 90 days after the effective date of termination of service.

§ 81.2. *Applicability of regulations.*

This chapter and Chapters 83, 85, 87 and 91 are equally applicable under all articles of the law.

§ 81.3. *General powers of the Board.*

[(a) The Board may contract for medical examiners who may review applications for disability allowances in order to determine whether the applicant is entitled, based on the medical evidence, to disability benefits under the law, whether service or nonservice-connected.

(b) The Board will approve an optional retirement plan for any category of municipal employe, provided the plan is not only actuarially sound but also the benefits derived therefrom are not in excess of the benefits authorized by the law or another existing retirement law pertaining to the particular class of municipality.]

The Board will act as an independent administrative board with all of the powers specified in section 104 of the law (53 P. S. § 881.104).

§ 81.4. [*Preliminary actuarial*] *Actuarial investigation, tables and rates.*

[The actuary shall perform a cost study, at no charge to the municipality, based on the tentative benefit plan which may be chosen by the municipality seeking to enroll in the system or, once enrolled in the system, to upgrade its benefits, which cost study shall form part of the basis of the contract with the Board supported by an ordinance or resolution, as the case may be, which shall be enacted by the municipal body.]

(a) Board adopted actuarial assumptions and tables shall be a part of and applied consistently to all System administered plans.

(b) In the preparation of actuarial studies intended to be used for the possible enrollment of plans into the System, the same actuarial assumptions and tables shall be used as are applied to existing, enrolled plans.

§ 81.5. [*Information to municipalities*] (Reserved).

[A circular of information distributed by the Board will be for informational and illustrative purposes only and will not prevent the Board from making changes therein. The contract between the Board and the municipality shall consist of an ordinance or resolution, as the case may be, plus an actuarial cost estimate based on the benefit plan selected.]

§ 81.6. [*Election by municipalities to join retirement system*] (Reserved).

[Even though employes, who are present members of an existing local retirement system, choose not to join the system, a municipality may never-

theless enroll based on the plan elected to cover employes of the municipality employed after the effective date of enrollment in the system. In this case, members of the existing local retirement plan may join the plan established under the law, within 3 years after enrollment in this system, but not thereafter, by a vote of 75% of the members of the existing local plan.]

§ 81.7. *Retirement funds and accounts.*

[In keeping separate accounts of each municipality for each separate class of employe enrolled by that municipality under any of the articles of the law, the Board will maintain, as a pooled account only, the total disability reserve account and reserve account of the retired member. In the event a municipality chooses to withdraw under provisions of the law and §§ 83.14, 85.16 or 87.12 (relating to withdrawal provisions), it may not be entitled to a refund or credit for moneys it has paid as a member municipality for the benefit of the pooled total disability reserve account.]

(a) The Board will consolidate for investment purposes the assets of the various plans. The Board will account separately for each plan's assets in a municipal account and each individual active member, inactive member and vested member's assets in a member's account. The Board maintains pooled accounts for retired members (the retired members' reserve account) and for the funding of disability benefits (the disability reserve).

(b) If a municipality withdraws the administration of its plan from the System, the municipality shall only be entitled to the assets credited to the plan's municipal account and the plan's members' accounts in accordance with the law. Assets that are actuarially determined by the Board's actuary to be matched to a withdrawing plan's retired members as of the effective date of withdrawal will also be returned to the plan in accordance with the law if there are sufficient funds in the retired member's reserve account to meet the actuarially determined liability of all retired members of the System, as of the date of withdrawal; otherwise payment shall be on a prorated basis.

§ 81.9. *Management and investment of fund; interest credits.*

(a) [As trustees of the fund, members of the] The Board will have the exclusive [*management and control of*] responsibility to manage the Fund with full power to invest [*and reinvest*] the moneys therein, subject [*only*] to [*those*] the terms, conditions, limitations and restrictions [*otherwise*] imposed by law [*on*] upon fiduciaries [*and may, in order to facilitate the purchase and sale of securities, establish a nominee registration procedure*]. The assets of the fund will be held in trust. No part of the assets of the fund may be used for or diverted to purposes other than for the exclusive benefit of the members, their spouses or the member's beneficiaries prior to the satisfaction of all liabilities of the fund with respect to them. The Fund will be used to pay reasonable administrative expenses of the System.

(b) To facilitate the purchase and sale of securities, the Board may establish a nominee registration process.

§ 81.10. [Municipal guarantee] Withdrawal provisions.

[In the event a municipality, which guarantees to make payments of the necessary reserves required to fund its obligations as a municipality member of the System, fails to submit payments within 90 days after billing, the Board may recover any sums due the fund by advising the appropriate Commonwealth official to withhold the payment of funds due the municipality for pension purposes, or may recover sums due by other appropriate legal remedy.]

(a) The Board may require an agreement to be entered into between the withdrawing municipality, if approval to withdraw is given, and the Board, terminating a contractual relationship previously entered into and fixing the respective rights of the parties. The Board may also require individual waivers or releases from affected members, if withdrawal is permitted, who will no longer be eligible for benefits from the System for the years of service rendered to the withdrawing municipality.

(b) Any plan withdrawing from the System that has retired members shall provide to the Board as a part of the withdrawal application an acknowledgment of the plan sponsor to assume responsibility for the providing of all future benefit payments for the existing retired members and beneficiaries effective with the withdrawal.

(c) The term "municipal employe" for the purpose of plan withdrawal includes active members, inactive member, vested members and retired members.

§ 81.11. Contract provisions.

(a) Plans enrolling or improving plan benefits under Article IV of the law (53 P. S. §§ 881.401—881.413) may not provide benefits in excess of or provide for member contribution rates less than those available to a municipality or a municipality's class of employes under existing law, including laws applicable to the establishment of pension plans.

(b) Plan improvements shall be determined on a total plan basis and not on a benefit by benefit comparison nor on an individual by individual comparison. An individual's accrued benefit may not be diminished by the implementation of an improved benefit plan contract.

§ 81.12. [Existing local retirement systems] (Reserved).

[(a) Section 81.6 (relating to election by municipalities to join retirement system) shall be equally applicable to this section. In the event that a municipality elects membership in the system, after the proper vote of its employes, the Board may, at its discretion, accept or reject, in whole or in part, the moneys or securities required to be provided by the municipality in order to finance its obligations as a member municipality of the system. The Board may create a subcommittee to review securities sought to be transferred, and may reject them in whole or in part, but an action of the subcommittee, shall be subject to Board approval. Securities not accepted may be converted into cash to help provide the required finances.

(b) Transfers made on a partially-funded basis may be completely liquidated within a period not in excess of 30 years.

(c) Except as otherwise provided in a contract between the Board and a municipality, no liability may attach to the fund created by the law for a retirement or pension benefit which shall be then paid by a municipality joining the system, having in existence a local plan. The liability, therefore, for continued pension payments shall attach against that municipality and not the fund created by the law.]

§ 81.13. [Monthly payments] (Reserved).

[Except in the event benefits under the law shall be paid in error, or contrary to the law or regulations, annuity payments, regardless of option chosen, shall be paid in equal monthly installments and may not be increased, decreased, revoked or repealed except as may be provided by specific statutory authority.]

§ 81.14. [Exemption of retirement allowance] (Reserved).

[Retirement allowances and contributions of members and moneys in the fund shall be exempt from a State or municipal tax and from a levy, attachment or other process whatsoever, including rights of the spouse, and shall be unassignable under circumstances except to a beneficiary properly designated in writing by a member to the Board.]

CHAPTER 83. MUNICIPAL EMPLOYES

§ 83.3. [Existing local retirement systems and compulsory] Compulsory and optional membership.

(a) [The provisions of §§ 81.6 and 81.12 (relating to election by municipalities to join retirement system; and existing local retirement systems) are equally applicable to this section.] Each municipality shall determine, subject to review and approval by the Board, the eligibility of its employes for membership in the System.

(b) [Municipalities may determine whether membership for elected officials and employes hired on a temporary and seasonal basis are compulsory, optional or prohibited. In the event that] If membership in a plan is optional, the [municipalities] municipality shall advise affected employes of the option and, within [90 days] 1 year after the optional membership is available to the employe, the [member] employe shall exercise the option or indicate in writing [his intention] that membership in the plan is not [desired] elected. The action is [deemed to be] irrevocable during the period of the continuous service of the employe.

(c) [Each municipality shall determine, subject to review and approval by the Board, the eligibility of its employes for membership in the System whether compulsory, optional or prohibited. Officers and employes paid wholly on a fee basis are not eligible to join the System.

(d) A municipality may establish a probationary period of no more than 1 year, in which it may elect

to refrain from enrolling employes in the System.] Each municipality shall supply the Board with its rules regarding a probationary period for plan membership and the period shall be uniform for all employes. An employe in the probationary status, if subsequently enrolled [in the System] may not be eligible for service credit for the time served in the probationary period.

[(e) Each municipality shall supply the Board with its rules regarding a probationary period and the period shall be uniform for employes.]

§ 83.4. [Service allowance; change of employment; military service] (Reserved).

[(a) An original member who was employed at the time the municipality joined the System is entitled to full credit for each year of service rendered to the municipality prior to its enrollment, regardless of whether the prior service was continuous and each original member shall receive a certificate indicating the amount of prior service.

(b) A member absent from service without pay is not entitled to service credit unless specially allowed by the municipality with the approval of the Board.

(c) In the event a member with prior service credits enters into the employment of another municipality, the credits shall remain unimpaired but the unpaid municipal liability therefore shall be prorated between municipalities on an equitable basis.

(d) An active member with credit of not less than 6 months service and who is inducted into active military service in times of war, armed conflict or national emergency is entitled to intervening military service credit during the continuance of the period of time provided he has returned to his employment within 6 months following his separation from active military service. The municipality shall continue making current service contributions toward the municipal annuity of an active member who is on intervening military service. An active member desiring to purchase credit toward the member's share of an annuity for the intervening military service shall file an application to purchase the credit. The contribution required for this purchase shall be computed by applying the contribution rate of the member to his compensation at the time of his entry into active military service, multiplying the same by the number of years and fractional parts thereof of the service together with the regular interest from the date the employe returns to his employment, which shall be within 6 months, to the date of purchase. The amount due may be paid through regular monthly payments during active military service or by lump sum within 30 days after billing is made. In the event these methods are not chosen, then payment shall be made through salary deductions amortized with regular interest through the repayment period of 1, 2, but not more than 3 years, with regular interest charged through the applicable repayment period chosen by the member and approved by the Board.

(e) A member may also purchase credit for nonintervening active military service for a period, not in excess of 5 years, provided that he has

completed at least 5 years of credited service for retirement purposes, with the municipality subsequent to the active military service. The service shall be determined by the date of entry of the municipality into the System. If the member's separation from active military service is prior to the date of the municipality's membership, it shall be treated, when credit is purchased, as prior service credit. The amount due for the purchase shall be computed by multiplying the sum of the basic contribution rate of the member and the current contribution rate of the municipality during its first year of entry into the System, based on the initial entry salary of the member, multiplied by the number of years, or fractional parts of a year, of service sought to be purchased together with regular interest from the date of employment of the member to the date of purchase. The amount will be certified by the Board in conformity with methods of calculation approved by the actuary and may be paid in a lump sum within 30 days after billing or through salary deductions amortized with regular interest through a repayment period of 1, 2, but not more than 3 years, with regular interest charged through the repayment period chosen by the member and approved by the Board.

(f) In the event the separation of the member from active military service occurred subsequent to the enrollment of the municipality in the System, the credit purchase for the nonintervening service shall be considered as current service credit. The amount due by the member for the current service credit for nonintervening service is computed by applying his basic contribution rate plus the normal rate of the member for current service in effect when the member entered the employ of the municipality, multiplied by the average annual rate of compensation over the first 5 years of his subsequent employment and multiplied again by the number of years, or fractional parts of a year sought to be purchased, plus regular interest from the date of employment to the date of purchase. The amount due will be certified by the Board in conformity with methods of calculation approved by the actuary, and may be paid in a lump sum within 30 days after billing, or through salary deductions amortized with regular interest through a repayment period of 1, 2, but not more than 3 years, with regular interest charged through the repayment period chosen by the member and approved by the Board.

(g) In cases in which military service is to be purchased, the interest charged shall be that in effect and being credited to the contribution accounts of the member on the date that the application for the service is filed with the Board.

(h) Requests for purchases may be granted only if the applicant's discharge or separation from service was granted under other than dishonorable conditions and proof of the nature of the discharge or separation must accompany the application for credit for military service, whether intervening or nonintervening.

(i) Limitations shall be as follows:

(1) A member is not eligible for credit for nonintervening military service if the service entitles him to receive now or in the future, or if he is receiving, a governmental pension based on the

nonintervening military service, irrespective of the fact that the member may have actual military service in excess of the minimum amount necessary to qualify him for the pension.

(2) The crediting of nonintervening military service shall also be unavailable to anyone who is in a reserve component of the Armed Forces or the National Guard of a state or territory, regardless when that person may actually be entitled to receive a Federal pension based on the service.

(3) A member who is receiving disability compensation based on a service-connected injury or illness as a result of active military service shall be eligible for credit for nonintervening military service.

(4) In all cases, military service shall be limited to active military service rendered only to the Armed Forces of the United States.

(5) In order to be eligible for the purchase of nonintervening military service, a member shall have rendered 5 years of subsequent service to the municipality, for which retirement credit is allowed, but he may purchase military service at a time prior to termination of service provided he pays the amount due, plus regular interest up to the date of purchase as elsewhere provided in this section. The service purchase shall be unavailable to those persons rendering service to the municipality subsequent to active military service if the service is not eligible for retirement credits.]

§ 83.5. [Determination of municipal liability] (Reserved).

[In order to insure that a future service liability may be fully funded on an actuarial basis, the municipal liability for prior service may be funded over a period not exceeding 30 years. A municipality may limit the purchase of prior service to 10 years for each original member toward the municipal annuity if it so chooses. The municipality shall also pay annually for current service costs.]

§ 83.6. Contributions by members[; consolidation of credits; change of employment].

(a) [The contributions made by members shall vary depending on the plan selected by the municipality but shall approximate sufficient contributions to acquire a member's annuity at superannuation retirement age of 1/250 of the final salary on which Social Security benefits are payable and 1/125 of the final salary in excess of the benefits for each year of credited service, after the municipality joined the System.

(b) To the extent that the municipality does not assume the responsibility of purchasing the prior service of the member to increase his annuity, the member has the option of making contributions for the purchase of the prior service.

(c)] Contributions required to be made by [the] a member may not[,] be paid by the municipality under any circumstances[, except the agreement of the municipality to purchase prior service under section 205 of the law (53 P. S. § 881.205) be made by the municipality on behalf of the member] other than the provisions of section 414(b)(2) of the Inter-

nal Revenue Code (26 U.S.C.A. § 414(h)(2)). If an employe is simultaneously employed by more than one municipality, [he may] or in positions that make the individual eligible for membership in more than one plan, the member shall receive credit for concurrent service [not to exceed 1 year of total service credit for each year served, although it is rendered to more than one municipality simultaneously, but he may be credited with the cumulative amount of compensation earned for that period. This portion of the annuity of the member shall be computed separately] for each plan, and the member's compensation for each plan shall be considered separately for benefit purposes.

§ 83.7. [Withdrawal; return to service; death in service; purchase] Purchase requirements for previous service.

[(a) A contributor who ceases to be a municipal employe may elect to receive his accumulated deductions and forfeit any benefit to which he would otherwise be entitled; or elect to vest his account, and receive a retirement allowance upon attaining superannuation retirement age provided that he has the requisite years of service to qualify for the vesting privilege; or elect to take a withdrawal allowance if he has the requisite years of service, irrespective of age; or to receive a superannuation retirement allowance if eligible.

(b) A former contributor electing to withdraw his accumulated deductions may, upon a subsequent return to service, restore to the fund his withdrawal accumulated deductions and have his annuity rights restored as they existed upon his previous separation from service. If an annuitant returns to full-time regular employment, his annuity payments shall cease. The person shall, for contributions made and service rendered thereafter, add to the entitlements on account of future retirement. If an annuitant is reemployed on a full-time basis and earns more than \$2500 or any amount as provided by law, or approved by the Board, as the case may be, his annuity shall be discontinued and he shall be required to repay the Board for the months during which he had earnings and received the annuity. He shall, however, be entitled to membership as an active employe during periods for which he was employed in a full-time category, whether membership was mandatory or optional.

(c) If an annuitant is reemployed on a temporary or seasonal basis, although in a full-time capacity, earning from the employment an annual amount less than \$2,520 or an amount as provided by law or approved by the Board, as the case may be, he shall be entitled to retain those earnings and receive his monthly annuity provided the municipality notifies the Board that the annuitant has not exceeded the limitations of section 207(c) of the law (53 P. S. § 881.207(c)).

(d) If a contributor dies in service prior to his eligibility for an annuity, his accumulated deductions shall be payable to his beneficiary or his estate, as the case may be, subject to the limitations of 20 Pa.C.S. § 3101 (relating to payments to family and funeral directors), with respect to next-of-kin payments, provided, however, that if there is less

than \$100 in the contributor's account, it may be paid to an undertaker or to a person paying the claim of the undertaker under the condition established by section 207(d) of the law (53 P. S. § 881.207(d)).

(e)] A former contributor who has withdrawn [his] total accumulated deductions may, upon a subsequent return to service, restore to the fund those accumulated deductions representing [his] that member's previous service and continue accruing service credits for service rendered subsequent to the return to service, provided [he] the member pays the amount due thereon plus regular interest up to the date of purchase in a lump sum within 30 days after billing, or through salary deductions amortized with regular interest through a repayment period of [1, 2, but] not more than [3] 5 years, provided [, further,] that regular interest is charged through the repayment period chosen by the member and approved by the Board.

§ 83.8. [Superannuation retirement] (Reserved).

[A member, eligible to retire, may do so by filing an application setting forth the date of retirement provided it is filed with the Board in a timely fashion. If an application is received after the date set forth in the application it shall take effect on the date specified in the application or the day immediately following the date of termination of service, whichever is later. If the application is filed with a prospective effective date it may not take effect until that date is reached. An application may not be filed with an effective date more than 90 days after the date of filing or the date deposited in the mail. Once a member has filed an application for benefits, which has already taken effect, and chosen the options provided by law, including a single-life annuity option, the option shall be deemed to be irrevocable, except where an annuitant returns to service and his annuity ceases, as otherwise provided in this part.]

§ 83.9. [Death benefits] (Reserved).

[(a) If a municipality elects to provide death benefit protection to members of its plan, a member having reached superannuation age or completed 24 years of service, may file an application for benefits with the Board to take effect as of the time of his death electing one of the options provided in section 211 of the law (53 P. S. § 881.211), which application will be held by the Board until a later application is appropriately filed or until the death of a contributor in service, at which time, the member is considered to have retired under the latest application on file as of the day immediately preceding death.

(b) If no application is filed by a member, having reached superannuation age or 24 years of total service, and he dies in service he shall, for purposes of death benefit protection, be considered as having elected Option 1. The benefits payable to the designated beneficiary or the estate, as the case may be, shall be paid in a lump sum. However, if the balance is \$5,000 or more, the beneficiary may elect to receive some or all of the benefits in the form of an annuity.]

§ 83.10. [Early retirement] (Reserved).

[A member may retire voluntarily after 24 years of service, or involuntarily after 8 years of service, not having achieved superannuation age, and be entitled to receive a withdrawal allowance; or vest under the applicable provisions of the law; or, by electing to receive a refund of his accumulated deductions, forfeit other benefits to which he would otherwise be entitled.]

§ 83.11. Options on superannuation or early retirement.

(a) [A member eligible to retire under the provisions of the law may only be entitled to select a single-life annuity payable throughout his life or the annuities similarly payable under Option 1, Option 2 or Option 3, as set forth in section 211 of the law (53 P. S. § 881.211).

(b) In no event may a member receive the present value of his account in a lump sum payment, in whole or in part, in his lifetime except to receive his accumulated deductions, in lieu of benefits to which he would otherwise be entitled.

(c) The filing of an effective application selecting the options provided in section 211 of the law (53 P. S. § 881.211) is deemed to be irrevocable.]

Once a member has filed an application for a benefit, and the member has received and cashed the first benefit payment check, the selected retirement benefit option of the member shall be irrevocable unless the retired member returns to active service to the plan from which the member retired. Only the member may change a benefit option.

(b) A plan enrolled in the system may not allow for the present value of a living member's benefit to be paid in one lump sum. The municipal portion of the annuity payment shall be paid in a monthly annuity payment option.

§ 83.12. Disability retirement.

(a) [Subject to the filing requirements of § 83.8 (relating to superannuation retirement), a member may be eligible for disability retirement if he has 10 or more years of total service or, if the disability is service-connected, no minimum period of service may be required. The contributor shall be determined to be medically disabled and unable to engage in gainful occupation. A disability benefit shall be reduced by the amount of payment made to a member under the provisions of The Pennsylvania Workmen's Compensation Act (77 P. S. §§ 1—1024) or The Pennsylvania Occupational Disease Act (77 P. S. §§ 1201—1603).

(b)] Disability applications shall be accompanied by medical documentation on forms supplied by the Board to enable the Board's medical examiners to review and determine whether the applicant is medically disabled and prohibited from engaging in a gainful occupation.

[(c) The Board may, if benefits are granted, require a disability annuitant, while still under superannuation age, to undergo annual medical examinations to determine whether the annuity shall be continued or discontinued. If an annuity is discontinued because of the annuitant's improving

medical condition and he has at least 8 years of service, he shall be entitled to an early retirement allowance.

(d) If a disability annuitant refuses to submit to a medical examination, if so requested, his annuity shall be discontinued until he agrees to submit to the examination. If his refusal to submit to an examination continues for one full year then his rights to a disability allowance or an early retirement benefit shall be forfeited.]

[(e)] (b) The Board may require the earnings reports as it may deem necessary to insure that a disability annuitant is unable to engage in a gainful occupation.

§ 83.13. [Vesting] (Reserved).

[(a) If a member terminates service with at least 12 years of total service, he may elect to vest his account, provided an application is filed with the Board within 90 days of termination. In lieu thereof, he may elect to receive his accumulated deductions and forfeit any other benefit to which he would otherwise be entitled or elect an early retirement allowance under section 208 of the law (53 P. S. § 881.208) or a regular retirement allowance on a deferred basis in accordance with the provisions of section 210 of the law (53 P. S. § 881.210).

(b) In the event that a contributor vests his account and elects a deferred annuity to take effect upon his attaining of superannuation age but dies before achieving that age, his estate or designated beneficiary shall be paid the total accumulated deductions standing to his credit at the date of his previous termination of service. In the absence of a timely election to vest, a terminated municipal employe may not be eligible to vest. At a later date, the member shall, however, be eligible to file for an annuity benefit or return of accumulated contributions as they stood at termination of service, but may not be eligible for death benefits beyond 90 days after termination of service or the accumulation of interest beyond the date of termination of service. In the event he applies for an annuity, being so eligible, it shall take effect upon filing of the application.]

§ 83.14. [Withdrawal provisions] (Reserved).

[A municipality desiring to withdraw from the system shall file an application for withdrawal, under section 214 of the law (53 P. S. § 881.214), under the following criteria:

(1) The municipality is a member of the system for a minimum of 5 years before the application is filed.

(2) The municipality shall state the reason for requesting the withdrawal.

(3) The municipality shall submit, with the withdrawal application, a valid ordinance or resolution, as the case may be, passed by the governing body, signifying its intention to withdraw.

(4) The application shall contain a certification that an affirmative vote, approving withdrawal from the system, has been obtained from at least 75% of the municipal employes affected.

(5) The Board shall then determine whether the municipality has met its financial obligations to the system.

(6) The liability for the continuation of retirement or disability allowances being paid from the fund shall attach against the withdrawing municipality and be paid from funds transferred to a retirement system established subsequent to its withdrawal from the system or from moneys appropriated annually from municipality tax revenues sufficient to pay the same.

(7) The Board will take action on withdrawal within 90 days from the receipt of the application filed by the municipality for permission to withdraw from the system.

(8) If the Board approves the application, the withdrawing municipality shall be entitled to receive a net refund of the amounts then standing to the credit of the municipality in the member's account, the municipal account and the retired member's reserve accounts of the system. In no event, may the total amount of the net refund to the municipality exceed the pro rata interest of the withdrawing municipality in the net assets of the entire fund based on the market value of the investments of the fund as of the date of receipt of the application for permission to withdraw.

(9) The Board may disapprove the application for permission to withdraw from the system within 90 days of the original filing and advise the municipality of its reason for disapproval.

(10) The Board may require an agreement to be entered into between the withdrawing municipality, if approval to withdraw is given, and the Board, terminating a contractual relationship previously entered into and fixing the respective rights of the parties. The Board may also require individual waivers or releases from affected employes, if withdrawal is permitted, who will no longer be eligible for benefits from the system for the years of service rendered to the withdrawing municipality.]

§ 83.15. [Procedures for amending contracts] (Reserved).

[Upon application, a municipality may upgrade its benefits under Article II of the law (53 P. S. §§ 881.201—881.215) by entering into a contract with the Board under the benefit provisions available under Article IV of the law (53 P. S. §§ 881.401—881.413). The Board will not, and the municipality may not, enter into a contract which decreases benefits or which provides benefits in excess of that available under the law or another existing law pertaining to that class of municipality. A plan to upgrade benefits shall, prior to its approval, be determined by the actuary to be actuarially sound. Additional costs or benefit increases shall be the responsibility of the municipality and its member employes based upon the benefit plan selected and approved by the Board.]

CHAPTER 85. MUNICIPAL FIREMEN AND MUNICIPAL POLICE

(Editor's Note: As part of this proposal, the Board is proposing to delete the existing text of §§ 85.1 and 85.3—85.17, which appears at 16 Pa. Code pages 85-1—85-4, serial pages (114281)—(114284).)

CHAPTER 85. (Reserved)**§ 85.1. (Reserved).****§§ 85.3—85.17. (Reserved).**

(Editor's Note: As part of this proposal, the Board is proposing to delete the existing text of §§ 87.1—87.13, which appears at 16 Pa. Code pages 87-1—87-4, serial pages (114285)—(114288).)

CHAPTER 87. (Reserved)**§§ 87.1—87.13. (Reserved).****CHAPTER 91. SPECIAL RULES OF
ADMINISTRATIVE PRACTICE AND PROCEDURE****§ 91.1. Applicability of general rules.**

Under 1 Pa. Code § 31.1 (relating to scope of part), 1 Pa. Code Part II (relating to general rules of administrative practice and procedure), is applicable to the activities of and proceedings before the [**Municipal Retirement**] Board.

[Pa.B. Doc. No. 98-1708. Filed for public inspection October 16, 1998, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Aging

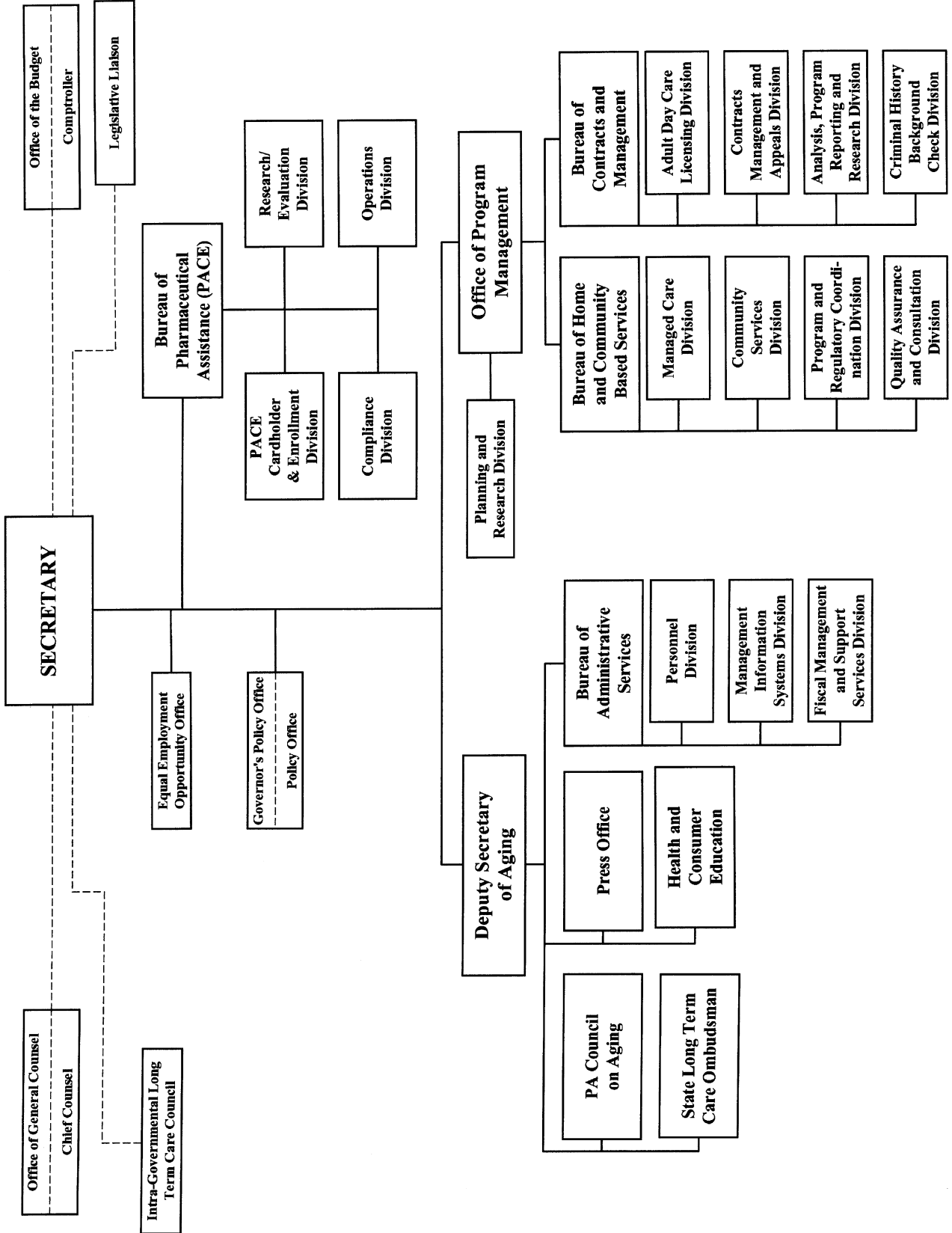
The Executive Board approved a reorganization of the Department of Aging effective September 29, 1998.

The organization chart at 28 Pa. B. 5260 (October 17, 1998) 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. 98-1709. Filed for public inspection October 16, 1998, 9:00 a.m.]

DEPARTMENT OF AGING



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 October 6, 1998.

BANKING INSTITUTIONS

New Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-1-98	The Philadelphia Trust Company Philadelphia Philadelphia County	Philadelphia	Approved
10-2-98	Allegiance Bank of North America Bala Cynwyd Montgomery County <i>Correspondent</i> C. Andrew Cook c/o Isdamer & Co., LLC Three Bala Plaza, Ste. 501 West Bala Cynwyd, PA 19004-4643	Bala Cynwyd	Filed

Conversions

<i>Date</i>	<i>Name of Institution</i>	<i>Location</i>	<i>Action</i>
9-30-98	Nesquehoning Savings Bank Nesquehoning Carbon County Application represents conversion from a State-chartered mutual savings bank to a State-chartered stock savings bank solely to facilitate the proposed merger with and into First Star Savings Bank, Bethlehem.	Nesquehoning	Filed
10-1-98	Northwood Savings Association Philadelphia Philadelphia County <i>To:</i> Northwood Savings Bank Philadelphia Philadelphia County Represents conversion from a State-chartered mutual savings association to a State-chartered mutual savings bank.	1500 E. Susquehanna Avenue Philadelphia Philadelphia County	Effective
10-1-98	United States National Bank in Johnstown Johnstown Cambria County <i>To:</i> U.S. Bank Johnstown Cambria County Represents conversion from national charter to a State charter. <i>Branches Acquired via Conversion:</i>	Johnstown	Effective
	101 South Main Street Carrolltown Cambria County 101 West High Street Ebensburg Cambria County	928 Roberts Street Nanty Glo Cambria County 1383 Shoemaker Street (Drive-Up) Nanty Glo Cambria County	

<i>Date</i>	<i>Name of Institution</i>	<i>Location</i>	<i>Action</i>
	179 Lovell Avenue Ebensburg Cambria County	900 Locust Street St. Michael Cambria County	
	110 Plaza Drive Johnstown Cambria County	Main Street Coalport Clearfield County	
	1404 Eisenhower Boulevard Johnstown Cambria County	104 Sunshine Avenue Central City Somerset County	
	1219 Scalp Avenue Johnstown Cambria County	108 West Main Street Somerset Somerset County	
	1059 Franklin Street Johnstown Cambria County	1501 Somerset Avenue Windber Somerset County	
	163 Fairfield Avenue Johnstown Cambria County	112 South Chestnut Street Derry Westmoreland County	
	Galleria Mall 500 Galleria Drive Johnstown Cambria County	#1 Roadway Plaza Seward Westmoreland County	
	180 St. Mary's Street Loretto Cambria County	Mobile Branch which circulates to various businesses and locations throughout the bank's service area on a scheduled basis.	

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-30-98	First Star Savings Bank, Bethlehem, and Nesquehoning Savings Bank, Nesquehoning Surviving Institution— First Star Savings Bank, Bethlehem	Bethlehem	Filed
10-5-98	Jersey Shore State Bank, Jersey Shore, and The First National Bank of Spring Mills, Springs Mills Surviving Institution— Jersey Shore State Bank, Jersey Shore	Jersey Shore	Filed

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-10-98	Founders' Bank Bryn Mawr Montgomery County	100 South Orange St. Media Delaware County (Approved as 300 W. State St.)	Opened
4-1-98	BankPhiladelphia Norristown Montgomery County	1535 Locust Street Philadelphia Philadelphia County	Opened
9-24-98	The Peoples Bank Of Oxford Oxford Chester County	103 Jennersville Road Penn Township Chester County (Approved as Baltimore Pike and Route 796)	Opened

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-28-98	PFC Bank Ford City Armstrong County	181 New Castle Road Butler Butler Township Butler County	Opened
10-1-98	Citizens & Northern Bank Wellsboro Tioga County	1085 South Main St. Mansfield Richmond Township Tioga County	Opened

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-31-98	United Savings Bank Philadelphia Philadelphia County	320 McDade Blvd. Folsom Delaware County	Effective

SAVINGS ASSOCIATIONS**Branch Relocations**

<i>Date</i>	<i>Name of Association</i>	<i>Location</i>	<i>Action</i>
10-2-98	Citizens Savings Association Mt. Pocono Monroe County	<i>To:</i> 335 Willow Avenue (Route 6) Honesdale Wayne County <i>From:</i> 815 Main Street Honesdale Wayne County	Filed

CREDIT UNIONS**Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
10-1-98	Diamond Credit Union, Pottstown, and Mrs. Smith's Pie Company Federal Credit Union, Pottstown Surviving Institution— Diamond Credit Union, Pottstown	Pottstown	Effective

RICHARD C. RISHEL,
Secretary

[Pa.B. Doc. No. 98-1710. Filed for public inspection October 16, 1998, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Application of Allegheny University of the Health Sciences for Approval of Amended Articles of Incorporation; Notice of Opportunity for Hearing and Invitation to Protest

Under 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department of Education (Department) will consider the application of Allegheny University of the Health Sciences for a Certificate of Authority approving the institution's amended articles of incorporation.

In accordance with 24 Pa.C.S. § 6503(e), the Department will act upon the application without hearing, unless within 15 days after the publication of this notice a written request for public hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protest) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Any interested party desiring to initiate hearing procedures must file a notice of intervention, petition to intervene or protest, and a request for hearing, within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

Petitions to intervene, protests and requests for hearing shall be filed with Dr. Warren D. Evans, Chartering/Governance/Accreditation Specialist, 333 Market Street, Harrisburg, PA 17126-0333, (717) 787-7572 on or before 4 p.m. on the due date prescribed by this notice. Persons wishing to discuss the application should phone the aforementioned office.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate, should contact Suzanne Markowicz at (717) 787-6576 to discuss how the Department of Education may best accommodate their needs.

EUGENE W. HICKOK,
Secretary

[Pa.B. Doc. No. 98-1711. Filed for public inspection October 16, 1998, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

[National Pollution Discharge Elimination System Program (NPDES)]

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

(Part I Permits)

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

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

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

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

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

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other 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 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 0026786. Sewage, **Pottstown Borough Authority**, 241 King Street, Pottstown, PA 19464-5599.

This application is for renewal of an NPDES permit to discharge treated sewage from Pottstown STP in Pottstown Borough, **Montgomery County**. This is an existing discharge to Schuylkill River.

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 12.85 mgd are as follows:

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD ₅			
(5-1 to 10-31)	20	30	40
(11-1 to 4-30)	25	40	50
Total Suspended Solids	30	45	60
Ammonia (as N)			
(5-1 to 10-31)	8	12	16
(11-1 to 4-30)	20	30	40
Total Residual Chlorine	0.5		1.6
Fecal Coliform	200 colonies/100 ml as a geometric average		
Dissolved Oxygen	minimum of 5.0 mg/l at all times		
pH	within limits of 6.0—9.0 standard units at all times		
Total Cadmium	monitor/report		
Total Copper	monitor/report		
Total Lead	monitor/report		
Total Silver	monitor/report		
Total Zinc	monitor/report		
Total Phenols	monitor/report		

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Vinyl Chloride	0.00127	0.0025	0.0032
Free Cyanide	0.056	0.1120	0.140
Bis2 Ethyhexyl Phthalate	monitor/report		

Other Conditions:

The EPA waiver is not in effect.

PA 0056073. Sewage, **Vreeland Russell H.**, 219 Valley Green Drive, Coatesville, PA 19320.

This application is for renewal of an NPDES permit to discharge treated sewage from Vreeland STP in West Caln Township, **Chester County**. This is an existing discharge to an unnamed tributary of Rock Run.

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 500 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅		
(5-1 to 10-31)	10	20
(11-1 to 4-30)	20	40
Suspended Solids	10	20
Ammonia (as N)		
(5-1 to 10-31)	3.0	6.0
(11-1 to 4-30)	9.0	18.0
Total Residual Chlorine	monitor/report	monitor/report
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 3.0 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.
 Conditions for future permit modification.
 Effective disinfection.

Northeast Region: Environmental Protection Manager, Water Management, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2553.

PA 0061484. Sewage, **Northrop Grumman Corporation**, P. O. Box 188, Fleetville, PA 18420.

This proposed action is for renewal of an NPDES permit to discharge treated sewage into an unnamed tributary to South Branch Tunkhannock Creek in Benton Township, **Lackawanna County**.

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

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing proposed downstream potable water supply (PWS) considered during the evaluation is Susquehanna Steam Electric Station on the Susquehanna River.

The proposed effluent limits for Outfall 001, based on a design flow of .0315 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
Total Suspended Solids	30	60
Dissolved Oxygen	a minimum of 5.0 mg/l at all times	
Fecal Coliform		
(5-1 to 9-30)	200/100 ml as a geometric mean	
(10-1 to 4-30)	2,000/100 ml as a geometric mean	
pH	6.0 to 9.0 standard units at all times.	
Total Residual Chlorine		
(First Month—24th Month)	monitor and report	monitor and report
(25th Month—Exp. Date)	1.2	2.8

The EPA waiver is in effect.

PA 0051594. Sewage, **Lois Owens**, 986 Woodland Drive, Walnutport, PA 18088.

This proposed action is for renewal of an NPDES permit to discharge treated sewage into an unnamed tributary of Bertsch Creek in Lehigh Township, **Northampton County**.

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

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Northampton Borough Water Authority on the Lehigh River.

The proposed effluent limits for Outfall 001, based on a design flow of 0.00035 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25.0	50.0
Total Suspended Solids	30.0	60.0
NH ₃ -N	20.0	40.0
Dissolved Oxygen	a minimum of 2.0 mg/l at all times	
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean	
pH	6.0 to 9.0 standard units 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 0085677. Industrial waste, SIC: 3751, **Harley-Davidson Motor Company** (groundwater treatment system discharge), 1425 Eden Road, York, PA 17402.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to unnamed tributary to Codorus Creek, in Springettsbury Township, **York County**.

The receiving stream is classified for warm water fishery, recreation, water supply and aquatic life. The nearest existing downstream potable water supply intake considered during the evaluation was the Wrightsville Water Company located just north of Wrightsville Borough, along the west bank of the Susquehanna River. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 003 for a design flow of 0.6652 mgd are:

<i>Parameter</i>	<i>Average Monthly (µg/l)</i>	<i>Maximum Daily (µg/l)</i>
pH (s.u.)	6.0 to 9.0 inclusive	
1,1-Dichloroethene	7.0	14.0
Tetrachloroethane	5.0	10.0
Trichloroethene	5.0	10.0

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

The EPA waiver is in effect.

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

PA 0006335, Amendment No. 1. Industrial waste, SIC: 3317. **Koppel Steel Corporation**, 23rd Street and Duss Avenue, Ambridge, PA 15003.

This application is for amendment of an NPDES permit to discharge treated process water and cooling water from the Ambridge Plant in Ambridge Borough, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, of the Ohio River, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is Midland Water Authority, 17.2 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.098 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	monitor and report				
Suspended Solids	119.07	317.52	15	40	
Oil and Grease		79.4		10	
Total Residual Chlorine			0.5		1.0
pH	not less than 6.0 nor greater than 9.0				

Other Conditions: Special condition "Pollution Reduction Report" is included.

The EPA waiver is not in effect.

PA 0203670. Sewage, **Frederick C. Schwartz, Jr. and Judith A. Krysa**, 2080 Old State Road, Gibsonia, PA 15044.

This application is for renewal and transfer of an NPDES permit to discharge treated sewage from the Schwartz and Krysa Single Residence Sewage Treatment Plant in Pine Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an unnamed tributary of Breakneck 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 Zelienople Municipal Water Works on Connoquenessing Creek.

Outfall 001: existing discharge, design flow of 0.0004 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			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

PA 0023213. Sewage. **Borough of Ridgway**, P. O. Box 149, Ridgway, PA 15853-0149.

This application is for renewal of an NPDES permit to discharge treated sewage to the Clarion River in Ridgway Borough, **Elk 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 intake on the Clarion River located at Clarion, approximately 55 miles below point of discharge.

The proposed effluent limits, based on a design flow of 2.2 mgd, are:

Outfall No. 001 (after the chlorine contact tank)

Parameter	Average Monthly (mg/l)	Weekly Average (mg/l)	Instantaneous Maximum (mg/l)
CBOD ₅	25	40	50
TSS	30	45	60
Acute Whole Effluent Toxicity (WET)	Refer to WET testing condition in Part C.		
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	38,000/100 ml as a geometric average		
Total Residual Chlorine	0.5		1.6
Copper			
(Interim)		monitor and report	
(Final)	0.014		0.028
Zinc			
(Interim)		monitor and report	
(Final)	0.2		0.4
pH	6.0—9.0 at all times		

Outfalls 101, 006 and 007—Stormwater runoff from plant site

1. Whole effluent toxicity tests
2. Pretreatment program
3. Submit toxic reduction evaluation

The EPA waiver is not in effect.

PA 0102270. Sewage. **Skyline Development, Inc.**, P. O. Box 806, Indianola, PA 15051.

This application is for renewal of an NPDES permit, to discharge treated sewage to Unnamed Tributary to Booth Run in West Salem Township, **Mercer 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 Sharpsville Municipal Water Authority on the Shenango River located at river mile 32.64 which is 12.03 miles below point of discharge.

The proposed discharge limits for Outfall No. 001, based on a design flow of 0.011 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅ (5-1 to 10-31)	10	20
(11-1 to 4-30)	20	40
TSS	30	60
Ammonia-Nitrogen (5-1 to 10-31)	8.5	17
(11-1 to 4-30)	25.5	17
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	2,000/100 ml as a geometric average	
Total Residual Chlorine	1.5	3.5
pH	6.0—9.0 at all times	

The EPA waiver is in effect.

PA 0101788. Sewage. **Eldred Division of Ethan Allen, Inc.**, Rt. 446, Eldred, PA 16731.

This application is for renewal of an NPDES permit, to discharge treated sewage to an Unnamed Tributary to Carpenter Creek in Eldred Township, **McKean County**. This is an existing discharge.

The receiving water is classified for the following uses: cold water fishery, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is State of New York on the Allegheny River located at River Mile 264.03, approximately 9 miles below point of discharge.

The proposed discharge limits for Outfall No. 001, based on a design flow of 0.0024 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
TSS	30	60
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	100,000/100 ml as a geometric average	
Total Residual Chlorine	1.5	3.5
pH	6.0—9.0 at all times	

The EPA waiver is in effect.

PA 0100838. Industrial waste, SIC: 4941. **Barkeyville Municipal Authority**.

This application is for renewal of an NPDES permit, to discharge treated industrial waste to an Unnamed Tributary to North Branch Slippery Rock Creek in Barkeyville Borough, **Venango 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 Slippery Rock Creek and Camp Allegheny-Salvation Army located at Wayne Township, approximately 35 miles below point of discharge.

The proposed discharge limits for Outfall No. 001, based on a design flow of 0.0063 mgd, are:

<i>Parameters</i>	<i>Monthly Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
(MO) Flow (mgd)			
(BPJ) TSS	30	60	75
(*) Aluminum	1.0	2.0	2.5
(BPJ) Iron	2.0	4.0	5.0
(BPJ) Manganese	1.0	2.0	2.5
pH	within limits of 6.0 to 9.0 standard units at all times		

Samples taken at the following locations: Outfall 001 (discharge from waste treatment facility prior to mixing with any other waste).

* Aluminum limit is from previous permit which is being met. TSS, iron, manganese and pH limits are from "Development of Technology Based Control Requirements for Water Treatment Plants in Pennsylvania."

The EPA waiver is in effect.

Proposed NPDES Permit Renewal Actions for Minor Sewage Discharges

The following parties have applied to renew their current NPDES permits to allow the continued discharge of controlled wastewater into the surface waters of this Commonwealth. The Department of Environmental Protection (Department) has made a tentative determination to renew these permits and proposes to issue them, subject to their current permit effluent limitations, and monitoring and reporting requirements, with appropriate and necessary updated requirements to reflect new or changed regulations and other requirements. The updates may include, but will not be limited to, applicable permit conditions and/or requirements addressing combined sewer overflows (CSOs), municipal sewage sludge management and total residual chlorine control (TRC). Any major changes to or deviations from the terms of the existing permit will be documented and published with the final Department actions.

The EPA, Region III, Regional Administrator has waived the right to review or object to these proposed permit actions under the waiver provision 40 CFR 123.6E.

Persons wishing to comment on the proposed permits are invited to submit a statement to the Field Operations

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

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

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

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

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Requirements</i>
PA0080918	Rick Long 101 Speedwell Forge Rd. Lititz, PA 17543	Lancaster Elizabeth Twp.	Kettle Run	TRC

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

Applications under the Pennsylvania Clean Streams Law

(Part II Permits)

The following permit applications and requests for plan approval have been received by the Department of Environmental Protection (Department). Persons objecting on the grounds of public or private interest to the approval of an application or submitted plan may file a written protest with the Department at the address indicated above each permit application or plan. Each written protest should contain the following: name, address and telephone number; identification of the plan or application to which the protest is addressed; and a concise statement in sufficient detail to inform the Department of the exact basis of the protest and the relevant facts upon which it is based. The Department may conduct a fact-finding hearing or an informal conference in response to any given protest. Each 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 *Pennsylvania Bulletin*. A copy of each permit application and proposed plan is on file in the office indicated and is open to public inspection.

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

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

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

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

WQM Permit No. 4698431. Sewerage. **Upper Moreland Hatboro Joint Sewer Authority**, P. O. Box 535, Willow Grove, PA 19090. This project is for the expansion of the Upper Moreland Hatboro Joint Sewer Authority wastewater treatment plant located in Upper Moreland Township, **Montgomery County**.

WQM Permit No. 4698432. Sewerage. **Bruce K. Entwisle**, 500 Swedesford Road, Ambler, PA 19002. This project is for the installation of a small flow treatment facility with stream discharge to serve the Entwisle residence located in Lower Gwynedd Township, **Montgomery County**.

WQM Permit No. 0998418. Sewerage. **Warrington Township**, 852 Easton Road, Warrington, PA 18976. This project is for the construction of a new pump station and force main to extend public sewer service to serve a proposed residential known as Legacy Oaks Pump Station located in Warrington Township, **Bucks County**.

WQM Permit No. 1598419. Sewerage. **London Grove Township**, 550 Baltimore Pike, West Grove, PA 19390.

This project is for the construction to install gravity sewers with a collection system connecting to a proposed pump station to serve Avonwheel Estates Mobile Home Park located in London Grove Township, **Chester County**.

WQM Permit No. 469830. Sewerage. **Horsham Township Sewer Authority**, 617B Horsham Road, Horsham, PA 19044. This project is for the construction and operation for sewer extension and pump station to serve Bevinino Tract located in Horsham Township, **Montgomery County**.

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

A. 4898402. Sewerage. **Easton Area Joint Sewer Authority**, Route 611, 50A South Delaware Avenue, Easton, PA 18042. Application to modify existing wastewater treatment plant, located in City of Easton, **Northampton County**. Application received in the Regional Office—September 23, 1998.

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. 0694418(98-1). Sewage amendment submitted by the **Borough of Kutztown**, 45 Railroad Street, Kutztown, PA 19530-1112 in Maxatawny Township and Kutztown Borough, **Berks County** to construct a chlorination/dechlorination and Floor Protection Project was received in the Southcentral Region on September 25, 1998.

A. 0798405. Sewage submitted by **Charter Behavioral Health System at Cove Forge**, New Beginnings Road, Williamsburg, PA 16693 in Woodbury Township, **Blair County** to construct a package sewer treatment system to correct malfunctioning onlot systems was received in the Southcentral Region on September 29, 1998.

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

A. 1198201. Industrial waste. **New Enterprise Stone & Lime Co., Inc.**, P. O. Box 77, New Enterprise, PA 16664-0077. Application for the construction and operation of a wastewater treatment plant to serve the Ebensburg Batch Plant located in Cambria Township, **Cambria County**.

A. 0298411. Sewerage. **South Fayette Municipal Authority**, P. O. Box 171, Morgan, PA 15064. Application for the construction and operation of approximately 17,000' of sanitary sewer, approximately 1,000' of sewage force main and a raw sewage pumping station located in South Fayette Township, **Allegheny 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. 3098405. Sewerage. **Rices Landing Borough**, P. O. Box 185, 100 Water Street, Rices Landing, PA 15357. Application for the construction and operation of a sewage treatment plant, pumping stations, force mains, sewer lines and appurtenances located in Rices Landing Borough, **Greene 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. 6398405. Sewerage. **Fallowfield Township Municipal Authority**, R. D. 1, Box 475, Charleroi, PA 15022. Application for the construction and operation of a sanitary sewerage system including nine pumping stations and approximately 160,000 lf of sewers and force mains located in Fallowfield Township, **Washington 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. 2098414. Sewage. **Faith Independent Baptist Church**, P. O. Box 863, Meadville, PA 16335. This project is for the construction and operation of a small flow treatment facility in Hayfield Township, **Crawford County**.

WQM Permit No. 1098408. Sewage, **David and Laurie McClevish, SRSTP**, 355 Sunbury Drive, Slippery Rock, PA 16057. This project is for the construction of a single residence sewage treatment plant in Clay Township, **Butler County**.

WQM Permit No. 2598415. Sewage, **Bill and Nadine Powell, SRSTP**, 6853 Katahdin Drive, Poland, OH 44514. This project is for the construction of a single residence sewage treatment plant in Harborcreek Township, **Erie County**.

INDIVIDUAL PERMITS (PAS)

NPDES Individual

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

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

Persons wishing to comment on the proposed permit are invited to submit a statement to the office noted above the application within 30 days from the date of this public notice. Comments reviewed within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the

Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the responsible office considers the public response significant.

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

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

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

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-PAS10-G342. Stormwater. **WWD, INC.**, 1244 West Chester Pike, Suite No. 402, West Chester, PA 19382, has applied to discharge stormwater from a construction activity located in East Goshen Township, **Chester County**, to Unnamed Tributary to Ridley Creek.

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

Monroe County Conservation District, District Manager, 8050 Running Valley Road, Stroudsburg, PA 18360, (717) 629-3060.

NPDES Permit PAS10S073. Stormwater. **Mountaintop Estates at Tunkhannock, KAL-TAC, Inc.**, P. O. Box 378, Brodheadsville, PA 18322, has applied to discharge stormwater from a construction activity located in Tunkhannock Township, **Monroe County**, to Poplar Creek.

Northampton County Conservation District, District Manager, R. R. 4, Greystone Building, Nazareth, PA 18064-9211.

NPDES Permit PAS10U100. Stormwater. **Jack Calahan**, 2767 Mill Road, Doylestown, PA 18901, has applied to discharge stormwater from a construction activity located in Forks Township, **Northampton County**, to Bushkill Creek.

NPDES Permit PAS10U101. Stormwater. **Richard Groff**, 3831 Forester Drive, Doylestown, PA 18901, has applied to discharge stormwater from a construction activity located in Forks Township, **Northampton County**, to Bushkill Creek.

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

Lancaster County Conservation District, District Manager, 1383 Arcadia Rd. Room 6, Lancaster, PA 17601, (717) 299-5361.

NPDES Permit PAS-10-O-074. Stormwater. **Lancaster County Turf Products**, P. O. Box 1037, 649 W. South Street, has applied to discharge stormwater from a

construction activity located in Little Britain Township, **Lancaster County**, to Reynolds Run.

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

NPDES Permit PAS10X093. Stormwater. **Highridge Water Authority**, 17 Maple Avenue, Blairsville, PA 15717 has applied to discharge from a construction activity located in Derry Township, **Westmoreland County** to Spruce Run.

SAFE DRINKING WATER

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

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

5498505. Public water supply. **Minersville Borough Municipal Authority**, 2 E. Sunbury Street, Minersville, PA 17954. This proposal involves conversion of the Minersville Slow Sand Filtration Plant to a Package Filtration Plant with associated system modifications. It is located in Cass Township, **Schuylkill County**. *Engineer: Michael J. Daschbach, P.E./Entech Engineering Inc.*

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

A. 1498504. The Department has received an operating/construction permit application from **Martha Furnace Mobile Home Park** (107 Peppermint Lane, Julian, PA 16844; Huston Township, **Clearfield County**) for revising the green sand filters, chlorination system and treated water storage tank; delete the upper well and add booster pumps.

Northwest Regional Office: Regional Manager, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6899.

A. 1698501. Public water supply. **Hartzell's Mobile Home Park**, R. D. 1, Box 115, Tionesta, PA 16353. Hartzell's Mobile Home Park owns and operates its own unpermitted public water supply system. A new source well was drilled in 1997. This application is to permit the existing system to utilize the new well and to modify the system in conformance with the Safe Drinking Water Act. This is a certified mobile home park located in Washington Township, **Clarion 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 and 303 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate identifies a site where a person proposes to, or has been required to, respond to a release

of a regulated substance at a site. Persons intending to use the background or Statewide health standard to remediate a site must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of the cleanup standards 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 and shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

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

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

East Penn Manufacturing Co., Richmond Township, **Berks County**. East Penn Manufacturing Co., Inc., Deka Road, Lyon Stations, PA 19536, has submitted a Notice of Intent to Remediate site soils contaminated with lead and heavy metals. The applicant proposes to remediate the site to meet the background standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Kutztown Patriot* on October 1, 1998.

James Reinhart Property, Richmond Township, **Berks County**. East Penn Manufacturing Co., Inc., Deka Road, Lyon Stations, PA 19536, has submitted a Notice of Intent to Remediate site soils contaminated with lead and heavy metals. The applicant proposes to remediate the site to meet the background standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Kutztown Patriot* on September 17, 1998.

Clarence H. Heffner Property, Richmond Township, **Berks County**. East Penn Manufacturing Co., Inc., Deka Road, Lyon Stations, PA 19536, has submitted a Notice of Intent to Remediate site soils contaminated with lead and heavy metals. The applicant proposes to remediate the site to meet the background standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Kutztown Patriot* on September 17, 1998.

Dean Kohler Property, Richmond Township, **Berks County**. East Penn Manufacturing Co., Inc., Deka Road, Lyon Stations, PA 19536, has submitted a Notice of Intent to Remediate site soils contaminated with lead and heavy metals. The applicant proposes to remediate the site to meet the background standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Kutztown Patriot* on September 17, 1998.

Consolidated Rail Corporation Right-of-Way, Richmond Township, **Berks County**. East Penn Manufacturing Co., Inc., Deka Road, Lyon Stations, PA 19536, has submitted a Notice of Intent to Remediate site soils contaminated with lead and heavy metals. The applicant proposes to remediate the site to meet the background

standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Kutztown Patriot* on September 17, 1998.

Former LeMac Foundry, Decatur Township, **Mifflin County**. PREDCO, Inc., 3900 River Road, Pennsauken, NJ 08110, has submitted a Notice of Intent to Remediate site soils contaminated with lead. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Lewistown Sentinel* on September 18, 21 and 23, 1998.

Northcentral Regional Office: Michael C. Welch, Environmental Cleanup Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (717) 321-6525.

Costy's Used Truck & Auto Parts, Inc., Richmond Township, **Tioga County**. Howard M. Rutledge, Jr., Brooks Petroleum Contracting Company, on behalf of David Kurzejewski, R. D. 1, Box 87, Mansfield, PA 16933 has submitted a Notice of Intent to Remediate soil and groundwater contaminated with BTEX, PHCs and PAHs. 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 *Wellsboro-Gazette* on September 16, 1998.

Northeast Regional Field Office: Joseph A. Brogna, Regional Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2511.

Pennsylvania Power & Light Company (PP&L)—Distribution pole # 71688N53690, Berlin Township, **Wayne County**. PP&L, 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 to be contaminated with PCBs (polychlorinated biphenyls). The applicant proposes to remediate the site to meet the Statewide human health standard.

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

Former Sears Roebuck Automotive Center and Retail Store, No. 1054. City of Pittsburgh, East Liberty Neighborhood, **Allegheny County**. John E. Coyne, Urban Redevelopment Authority of Pittsburgh, 200 Ross Street, Pittsburgh, PA 15219 and Scott M. Demuth, Sears Roebuck & Company, Department 824EV, A2-245A, 3333 Beverly Road, Hoffman Estates, IL 60179 has submitted a Notice of Intent to Remediate soil contaminated with lead, BTEX, PHCs and PAHs. 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 *Pittsburgh Post Gazette* on September 9, 1998.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 2

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 304 and 305 of the Land Recycling and Environmental Remediation Standards Act (act) require

the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use a site-specific standard or who intend to remediate a site in a Special Industrial Area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of the cleanup standards 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 and shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific cleanup standard, in whole or in part, and for sites determined to be located in Special Industrial Areas. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area by the person conducting remediation. For the sites identified, a municipality 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 a municipality may request that the person identified, as the remediator of a site, develop and implement a public involvement plan. Requests to be involved, and comments, should be directed to the remediator of a site. For further information concerning the content of a Notice of Intent to Remediate, contact the Department's Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

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

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

Defense Supply Center Philadelphia, City of Philadelphia, **Philadelphia County**. Kenneth N. Klass, Blank, Rome, Comisky & McCauley, LLP, One Logan Square, Philadelphia, PA 19103-6998, has submitted a Notice of Intent to Remediate site soil contaminated with PCBs, lead, heavy metals, pesticides, BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons; and groundwater contaminated with BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The site is located in a Special Industrial Area. The applicant's proposed remediation will address any immediate, direct or imminent threat to the public health and the environment and will be based on the results of the Baseline Remedial Investigation Report. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Daily News* on September 17, 1998.

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

Electric Motor Supply, East Hempfield Township, **Lancaster County**. Electric Motor Supply, 1000 Fifth Street, Altoona, PA 16601 has submitted a Notice of Intent to Remediate site groundwater contaminated with solvents. The applicant proposes to remediate the site to meet the site-specific standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Lancaster New Era/Intelligencer Journal* on September 30, 1998.

SOLID AND HAZARDOUS WASTE

BENEFICIAL USE DETERMINATIONS

Applications received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and municipal waste regulations for a General Permit to operate municipal waste processing facilities and the beneficial use of municipal waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Municipal and Residual Waste, 14th Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101-2301.

General Permit Application No. WMGM005. Teradyne Ceramics of Pennsylvania LLC, 405 North Providence Road, Media, PA 19063. An application for the processing and beneficial use of municipal waste ash or coal ash or a blend of municipal waste ash and coal ash, for production of frit to be used in the manufacturing of ceramic tile bodies. The municipal waste/coal ash processing facility is proposed to be located in New Morgan Borough, **Berks County**. Comments on the general permit application may be submitted to Ronald C. Hasinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, P. O. Box 8472, Harrisburg, PA 17105-8472. Persons interested in examining the application may make arrangements by calling the Division of Municipal and Residual Waste at (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984. Arrangements can also be made for persons with disabilities who wish to inspect the application. Public comments must be submitted to the Department within 60 days of the date of this notice and may recommend revisions to, and approval or denial of the application.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

Northwest Regional Office: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6848.

Permit No. 101187. An application to increase the average and maximum daily volume restrictions and to change the final site grades at the landfill was received from **County Landfill, Inc.**, State Route 36, Township Road 620, Leeper, PA 16233, located in Farmington Township, **Clarion County**. This application was deter-

mined to be administratively complete in the Regional Office on September 29, 1998.

AIR QUALITY

Plan Approval and Operating Permit Applications

Nonmajor Sources and Modifications

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

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

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

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

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

OPERATING PERMITS

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

Northeast Regional Office: Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (717) 826-2531.

39-321-011: HAB Industries Inc. (15 South Albert Avenue, Allentown, PA 18103) for operation of five finishing frames and one printer in Allentown, **Lehigh County**.

48-309-102: Keystone Cement Co. (P. O. Box A, Bath, PA 18014) for operation of Clinker Cooler # 2 in East Allen Township, **Northampton County**.

48-315-001A: Fort James Operating Co. (605 Kuebler Road, Easton, PA 18040) for operation of three cup trimming systems in Forks Township, **Northampton County**.

54-322-003: Commonwealth Environmental Systems (P. O. Box 249, Dunmore, PA 18512) for operation of a landfill gas collection system on Route 25 in Plainfield Township, **Schuylkill County**.

54-399-026: Gilberton Power Co. (50 Eleanor Avenue, Frackville, PA 17931) for operation of a bottom ash classifier in West Mahanoy Township, **Schuylkill County**.

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

36-320-014D: R. R. Donnelley & Sons Co. (1375 Harrisburg Pike, Lancaster, PA 17601) for operation of seven heatset web offset printing presses controlled by thermal oxidizers in Lancaster City, **Lancaster County**.

67-320-026A: GTY, Inc. (2075 Loucks Road, York, PA 17404) for the operation of vinyl wallcovering printing presses in West Manchester Township, **York County**. Two presses are subject to 40 CFR 60, Subpart FFF, New Source Performance Standards for flexible vinyl and urethane coating and printing.

Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (717) 327-3637.

60-318-009C: New Columbia Joist Co. (P. O. Box 31, New Columbia, PA 17856) for operation of a vacuum coating operation (bridging line) in White Deer Township, **Union County**.

47-310-002A: Royer Limestone Co. (c/o HRI, Inc., P. O. Box 155, State College, PA 16804) for operation of a stone crushing plant and associated air cleaning device (a water spray dust suppression system) previously owned and operated by Royer Lime Quarries in Limestone Township, **Montour County**.

49-399-021: Arcos Alloys (One Arcos Drive, Mt. Carmel, PA 17851) for operation of a welding electrode baking furnace and associated air cleaning device (a cartridge collector) in Mt. Carmel Township, **Northumberland County**.

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

04-00480: The Medical Center (1000 Dutch Ridge Road, Beaver, PA 15009) for operation of a hospital in Brighton Township, **Beaver County**.

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

10-310-011: North Washington Limestone (P. O. Box 305, Calico Road, West Sunbury, PA 16061) for operation of crushing/processing in Washington Township, **Butler County**.

20-232A: Meadville Plating Co. (10775 Franklin Pike, Meadville, PA 16335) for operation of six chrome plating tanks in West Mead Township, **Crawford County**.

25-028B: International Paper Co. (P. O. Box 10050, Erie, PA 16533) for operation of a lime silo and lime slaker in Erie, **Erie County**.

25-069A: Engelhard Corp. (1729 East Avenue, Erie, PA 16503) for operation of Blender # 3 Loader in Erie, **Erie County**.

25-978A: National Fabricators & Machining, Inc. (9209 West Main Street, North East, PA 16428) for operation of a heat stress oven in North East, **Erie County**.

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

PLAN APPROVALS

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

Northeast Regional Office: Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (717) 826-2531.

35-313-009: ATO Findley Inc. (11320 Watertown Plank Road, Wauwatosa, WI 53226) for construction of an adhesives manufacturing process at 1200 Griffin Pond Road in South Abington Township, **Lackawanna County**.

40-310-007B: American Asphalt Paving Co. (500 Chase Road, Shavertown, PA 18708) for modification of three stone crushers in Jackson Township, **Luzerne County**.

66-302-005A: Procter and Gamble Paper Products Co. (P. O. Box 32, Mehoopany, PA 18629) for modification of Boiler # 3 on Route 87 in Washington Township, **Wyoming County**.

Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (717) 327-3637.

47-310-002B: Royer Limestone Co. (c/o HRI, Inc., P. O. Box 155, State College, PA 16804) for construction of stone crushing and conveying equipment and associated air cleaning device (a water spray dust suppression system) in Limestone Township, **Montour County**. Some of the equipment is subject to Subpart OOO of the Federal Standards of Performance For New Stationary Sources.

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

10-028B: Armstrong Cement & Supply Co. (100 Clearfield Road, Cabot, PA 16023) for a minor modification to Plan Approval No. 10-028A to amend daily monitoring of baghouse magnehelic gauge monitoring (for ball-mill) from a daily schedule to weekly schedule in Cabot, **Butler County**.

10-028C: Armstrong Cement & Supply Co. (100 Clearfield Road, Cabot, PA 16023) for construction of a new cement pump (75 ton/hr) with baghouse control in Cabot, **Butler County**.

REASONABLY AVAILABLE CONTROL TECHNOLOGY

(RACT)

Proposed Revision to the State Implementation Plan for Nitrogen Oxides (NOx); Approval of a Reasonably Available Control Technology Plan and Operating Permit; Public Hearing

Dauphin County

The Department of Environmental Protection (Department) has made a preliminary determination to approve a Reasonably Available Control Technology (RACT) Plan and an amendment to the State Implementation Plan (SIP) for Hershey Chocolate USA's chocolate candy and confectionery manufacturing facility located in Derry Township, Dauphin County.

The proposed SIP revision does not adopt new regulations. It incorporates the provisions and requirements contained in RACT Operating Permit No. 22-2004A for the existing Hershey East Plant to comply with current regulations. Upon final approval, the operating permit will include emission limits, fuel usage restrictions, recordkeeping and reporting requirements for four boilers. The permit will also establish emission reduction credits (ERC) available to the company from the previous shutdown of one boiler and the reduced operation of two of the remaining boilers.

An appointment to review the pertinent documents at the Southcentral Regional Office may be scheduled by contacting Mary DiSanto at (717) 705-4732 between 8 a.m. and 3:30 p.m., Monday through Friday, except holidays.

A public hearing will be held for the purpose of receiving comments on the proposed operating permit and SIP revisions. The hearing will be held on December 2, 1998, at the Department's Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110 from 1 p.m. until all scheduled comments on the proposed action are received.

Those wishing to comment are requested to contact Sandra Roderick at (717) 705-4931 at least 1 week in advance of the hearing to schedule their testimony. Commentors are requested to provide two written copies of their remarks at the time of the hearing. Oral testimony will be limited to a maximum of 10 minutes per individual. Organizations are requested to designate an individual to present testimony on behalf of the organization. Written comments may be submitted to Gary Lenz, Air Pollution Control Engineer, DEP, 909 Elmerton Avenue, Harrisburg, PA 17110 during the 30-day period following publication of this notice.

Persons with a disability who wish to attend the hearing scheduled for December 2, 1998, at the DEP Southcentral Regional Office and who require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact Sandra Roderick directly at (717) 705-4931 or through the AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Proposed Revision to the State Implementation Plan for Oxides of Nitrogen (NOx) and Volatile Organic Compounds (VOC); Public Hearing

Approval of Reasonably Available Control Technology (RACT) Plans for: Stoney Creek Technologies, LLC (previously Witco Corp.) (Trainer Borough, Delaware County) Woodbridge Group/Cartex Corp. (Falls Township, Bucks

County) Superpac, Inc. (Upper Southampton Township, Bucks County) Congoleum Corp. (Trainer Borough, Delaware County) NVF Co. (Kennett Square Borough, Chester County)

The Department of Environmental Protection (Department) has made a preliminary determination to approve RACT plans as amendments to the State Implementation Plan (SIP) for the above facilities. The proposed SIP revisions do not adopt new regulations. They incorporate the provisions and requirements contained in RACT

approvals for these facilities to comply with current regulations.

These preliminary determinations, if finally approved, will be incorporated into Plan Approvals and/or Operating Permits for the facilities and will be submitted to the United States Environmental Protection Agency (EPA) as revisions to Pennsylvania's SIP.

The following is a summary of the preliminary RACT determinations for these facilities.

Stoney Creek Technologies, LLC (previously Witco Corp.) (Operating Permit OP-23-0002)

<i>Source</i>	<i>Emission Limit (tons/year)</i>	<i>Control Technique</i>	<i>Implementation Schedule</i>
Boilers 1 and 2	56 NOx	Fuel Switching	6 months after permit issuance
Severe Atmospheric Corrosion Inhibitor	14 VOC	Existing Flare	6 months after permit issuance
(SACI) Process Storage Tanks	5 VOC	Solvent Recovery Unit	6 months after permit issuance

Woodbridge Group/Cartex Corp. (Operating Permit OP-09-0076)

<i>Source</i>	<i>Emission Limit (tons/year)</i>	<i>Control Technique</i>	<i>Implementation Schedule</i>
Polyurethane Foam Line	49 VOC	Current Work Practices	Implemented
Cleanup Solvents	2.7 VOC	Commitment to Restrict Emissions	Implemented

The facility is not a major NOx emitter.

Superpac, Inc. (Operating Permit OP-09-0003)

<i>Source</i>	<i>Emission Limit (tons/year)</i>	<i>Control Technique</i>	<i>Implementation Schedule</i>
Hazardous Waste Storage Area, Cleaning Operations, Boilers and Heaters	2.7 VOC	Manufacturer Specifications and Good Work Practices	Implemented

The facility is not a major NOx emitter.

Congoleum Corp. (Operating Permit OP-23-0021)

<i>Source</i>	<i>Emission Limit (tons/year)</i>	<i>Control Technique</i>	<i>Implementation Schedule</i>
Ink Mixing Operation	12.6 VOC	Manufacturer Specifications and Good Work Practices	Implemented
Cleaning Operations	15.9 VOC	Manufacturer Specifications and Good Work Practices	Implemented

NVF Co. (Operating Permit OP-15-0030)

<i>Source</i>	<i>Emission Limit (tons/year)</i>	<i>Control Technique</i>	<i>Implementation Schedule</i>
Boiler	60 NOx	Presumptive	180 days after permit issuance
Thermal Oxidizer	67 NOx	Presumptive	Implemented
Cleanup Solvents	2.9 VOC	Good Housekeeping	Implemented

This facility also has the following de minimis categories for VOC: six storage tanks, seven hot presses and eight mixing tanks.

One public hearing will be held for the purpose of receiving comments on the proposed SIP revisions. The hearing will be held at 2 p.m. on November 10, 1998, at the DEP Southeast Regional Office, Lee Park, 555 North Lane, Suite 6010, Conshohocken, PA. The hearing will represent the opportunity for oral comment to the Department on the proposed SIP revisions and will not be a question and answer session. Persons wishing to present testimony at the hearing are encouraged to contact Clarke Rupert, DEP Community Relations Coordinator, at (610) 832-6020 to register prior to the hearing, but may also register at the hearing. Those unable to attend the

hearing but who wish to comment should send their written comments to Francine Carlini, Air Quality Program Manager, Department of Environmental Protection, Southeast Regional Office, Lee Park, 555 North Lane, Suite 6010, Conshohocken, PA 19428 on or before November 10, 1998.

Individuals in need of accommodations as provided for in the Americans With Disabilities Act who would like to attend the hearing should contact Clarke Rupert at (610) 832-6020 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department can meet their needs.

Copies of the pertinent documents are available for review at the Department's Southeast Regional Office.

Appointments for scheduling a review may be made by calling (610) 832-6268.

MINING

APPLICATIONS TO CONDUCT COAL AND NONCOAL ACTIVITIES

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

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

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

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into 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.

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

Coal Applications Received

56813006. Permit Renewal, NSM Coals, Inc. (P. O. Box 260, 1576 Stoystown Road, Friedens, PA 15541), commencement, operation and restoration of bituminous strip mine for reclamation, only in Stoneycreek Township, **Somerset County**, affecting 929.7 acres, receiving stream to unnamed tributaries to Clear Run and to Clear Run; and to Boone Run. Application received September 24, 1998.

56733038. Permit Renewal, PBS Coals, Inc. (P. O. Box 260, 1576 Stoystown Road, Friedens, PA 15541), commencement, operation and restoration of bituminous strip mine for reclamation, only in Somerset Township, **Somerset County**, affecting 518.6 acres, receiving stream unnamed tributary to East Branch Coxes Creek. Application received September 24, 1998.

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

33900116. Fairview Coal Company (P. O. Box R, Ridgway, PA 15853) Renewal of an existing bituminous surface strip and auger operation in Snyder Township, **Jefferson County** affecting 192.0 acres. Receiving streams: Unnamed tributary to Baghdad Run, Baghdad Run, Unnamed tributary to Walburn River and an unnamed tributary to West Branch of Walburn Run. Application received September 29, 1998.

24880105. Hepburnia Coal Company (P. O. Box I, Grampian, PA 16838) Renewal of an existing bituminous surface strip operation in Horton and Snyder Townships, **Elk and Jefferson Counties** affecting 241.4 acres. Receiving streams: Unnamed tributary to West Branch Little Toby Creek, West Branch Little Toby Creek, an unnamed tributary to Little Toby Creek and Little Toby Creek and an unnamed tributary to Rattlesnake Run and Rattlesnake Run. Application received October 1, 1998.

33820121. Terry Coal Sales, Inc. (P. O. Box 58, Disant, PA 16223) Renewal of an existing bituminous surface strip and auger operation in Knox Township, **Jefferson County** affecting 144.0 acres. Receiving streams: Unnamed tributaries to Sandy Lick Creek and Sandy Lick Creek. Application for reclamation only. Application received October 2, 1998.

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

Noncoal Applications Received

25980302. Afton Trucking, Inc. (8923 Wattsburg Road, Erie, PA 16509) Commencement, operation and restoration of a sand and gravel operation in Greene Township, **Erie County** affecting 100.7 acres. Receiving streams: An unnamed tributary to LeBoeuf Creek and LeBoeuf Creek. Application to include a stream encroachment application to upgrade and use an existing livestock crossing across an unnamed tributary to LeBoeuf Creek. Application received September 21, 1998.

Bureau of Deep Mine Safety Mountain Spring Coal Company

The Bureau of Deep Mine Safety has received a request for variance from Mountain Spring Coal Company. The following notification contains a summary of this request. Complete copies of the variance request may be obtained from Matthew A. Bertovich by calling (724) 439-7469.

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

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

Section 242(c) states that where belt conveyors are installed, main stoppings and regulators shall be so arranged as to reduce the quantity of air traveling in the belt conveyor entry to a minimum for effective ventilation and to provide an intake air split as an escapeway from the face area to the main air current.

Summary of the request: Mountain Spring Coal Company requests a variance to allow for the common ventilation of belt conveyor entries with other entries at the Mine No. 1.

Genesis, Inc.

The Bureau of Deep Mine Safety has received a request for variance from Genesis, Inc. The following notification contains a summary of this request. Complete copies of the variance request may be obtained from Matthew A. Bertovich by calling (724) 439-7469.

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

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Section 242(c) states that where belt conveyors are installed, main stoppings and regulators shall be so arranged as to reduce the quantity of air traveling in the belt conveyor entry to a minimum for effective ventilation and to provide an intake air split as an escapeway from the face area to the main air current.

Summary of the request: Genesis, Inc. Company requests a variance to allow for the common ventilation of belt conveyor entries with other entries at the Solar No. 7 Mine.

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

The following Dam Safety and Encroachment permit applications, requests for Environmental Assessment approval and requests for water quality certification have been received by the Department of Environmental Protection (Department). Section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)) requires the

State to certify that the involved projects will not violate the applicable provisions of 33 U.S.C.A. §§ 1311—1313, 1316 and 1317, as well as relevant State requirements. Initial requests for 401 certification will be published concurrently with the permit application. Persons objecting to approval of a request for certification under section 401 or to the issuance of a Dam Safety or Encroachment Permit or the approval of Environmental Assessments must submit any comments, suggestions or objections within 30 days of the date of this notice as well as 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.

Northeast Regional Office: Regional Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-5485.

E35-303. Encroachment. Pennsylvania Department of Transportation, Engineering District 4-0, P. O. Box 111, Scranton, PA 18501. To remove the existing structure and to construct and maintain a road crossing of Gardner Creek (CWF), consisting of an adjacent box beam bridge having a clear span of 84.5 feet and a minimum underclearance of 7.5 feet. The project includes channel cleaning, extending from approximately 100 feet upstream to 75 feet downstream of the structure. The bridge is located on S. R. 3007 (Evergreen Drive), Section 270, Segment 0020, Offset 2361, approximately 100 feet south of the intersection of S. R. 3007 and S. R. 3001 (Newton Ransom Boulevard) (Ransom, PA Quadrangle N: 6.1 inches; W: 8.5 inches), in Ransom Township, **Lackawanna County** (Baltimore District, U. S. Army Corps of Engineers).

E48-274. Encroachment. Pennsylvania Department of Transportation, Engineering District 5-0, 1713 Lehigh Street, Allentown, PA 18103. To remove the existing structure and to construct and maintain a prestressed concrete I-beam bridge having a single span of 59 feet and underclearance of approximately 18 feet on a 35° skew across Frya Run (HQ-CWF, MF). The project is located along S. R. 0611, Section 01B between Township Roads T409 (Coffetown Road) and T418 (Royal Manner Road) (Riegelsville, PA Quadrangle N: 21.6 inches; W: 10.8 inches), in Williams Township, **Northampton County** (Philadelphia District, U. S. Army Corps of Engineers).

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

E15-594. Encroachment. Michael A. Himsworth, 31 Longview Drive, Linfield, PA 19468. To excavate 0.23 acre of wetland (PEM) associated with the construction of a desiltation forbay area. The application also requests authorization for a modification of a nonjurisdictional dam which will impact 0.18 acre of wetland (PEM). The site is located approximately 900 feet east of the intersection of Conestoga Road (SR 0401) and Chester Springs

Road (LR 15216). (Downingtown, PA Quadrangle N: 18.5 inches; W: 3.5 inches) in West Vincent Township, **Chester County**.

E15-595. Encroachment. **Chester County**, 601 West-town Road, Suite 160, West Chester, PA 19382-2913. To replace the existing deteriorated Chester County Bridge No. 275 which spans Beaver Creek (TSF-MF) along Hadfield Road (T-415). The proposed single span, steel I-beam with concrete deck bridge will have 35 feet of clear span, 4.75 feet of minimum underclearance and 26 feet in roadway width providing two lane traffic. The abutments and wing walls will be from reinforced concrete and have rip-rap stone protection. Approximately 600 feet of roadway will be reconstructed at the bridge approaches. The project also includes construction of a temporary cofferdam structure. The site is located approximately 1,000 feet west from the intersection of Hadfield Road and Bondsville Road (Wagontown, PA Quadrangle N: 3.7 inches; W: 2.5 inches) in East Brandywine Township, **Chester County**.

E46-820. Encroachment. **Plymouth Township**, 2910 Jolly Road, Norristown, PA 19401-2325. To construct and maintain timber deck bridge with concrete abutments and wing walls across an unnamed tributary to Plymouth Creek (WWF). The proposed bridge will provide access to the Harriet Wetherill Park. The 22.5 foot clear span bridge will have a 15-foot roadway width, and have 4 feet 8 inches of minimum underclearance. The work also includes placing rip-rap stone protection along abutments and wing walls. A temporary road crossing of the aforementioned stream will also be installed. The site is located approximately 1,000 feet south from the intersection of Narcissa Road and Hickory Road at the entrance to Wetherill Park off Narcissa Road (Norristown, PA Quadrangle N: 21.4 inches; W: 3.2 inches) in Plymouth Township, **Montgomery County**.

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

E05-216. Encroachment. **Monroe Township**, Ron May, P. O. Box 38, Clearville, PA 15535. To reissue and extend the time limit on Permit No. E05-216 which authorized the realignment and maintenance of 90 feet of channel reach of an unnamed tributary to Elk Lick Creek located upstream of T-352 culvert and about 0.4 mile from its intersection with T-351 to redirect the flow into the culvert (Clearville, PA Quadrangle N: 3.5 inches; W: 11.05 inches) in Monroe Township, **Bedford County**.

E67-640. Encroachment. **Washington Township**, Daniel McGregor, 14 Creek Road, East Berlin, PA 17316. To remove an existing structure and to construct and maintain a 24-foot, 6-inch span concrete bridge having an average underclearance of 5 feet, 2 inches across an unnamed tributary to Bermudian Creek on Barren's Church Road (T-862) approximately 200 feet north of Mount Top Road (SR 4034) (Dillsburg, PA Quadrangle N: 7.9 inches; W: 2.4 inches) in Washington Township, **York County**.

E67-641. Encroachment. **Donald Rodger**, 139 Butter Road, York, PA 17404. To maintain approximately 50 linear feet of channelized stream section of Oak Run and an excavated de minimis area of wetlands equal to 0.02 acre of work that was done to create a pond at a site located on Butter Road 1.3 miles west of Copenhafer Road (Dover, PA Quadrangle N: 11 inches; W: 6 inches) in Conewago Township, **York County**.

E67-642. Encroachment. **Timothy F. Pasch**, 4535 Lincoln Hwy, York, PA 17406. To construct and maintain a

5-foot wide by 45-foot long pedestrian bridge over Kreutz Creek directly downstream of Old Church Road for the purpose of providing access and the proposed Stone Run Farms development (Columbia West, PA Quadrangle N: 0.4 inch; W: 16.7 inches) in Hellam Township, **York County**.

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

E47-065. Encroachment. **Pa. Dept. of Transportation**, P. O. Box 218, Montoursville, PA 17754. To remove the existing structure and to construct and maintain a 24 foot by 6 foot by 30 foot long precast reinforced concrete box culvert on a 90 degree skew, depressed one foot in the streambed with an effective waterway opening of 24 foot by 5 foot. The project is located on SR 3004 over Beaver Run approximately 0.5 mile west of the intersection of SR 3004 with RT 45 (Riverside, PA Quadrangle N: 19.0 inches; W: 17.2 inches) in Liberty Township, **Montour County**. Estimated stream disturbance is approximately 50 feet with no wetland impact; stream classification Warm Water Fishery.

E49-221. Encroachment. **Pa. Dept. of Transportation**, P. O. Box 218, Montoursville, PA 17754. To replace and maintain an existing 6.25' by 5' reinforced concrete box culvert with a 10' x 8' precast reinforced concrete box culvert in an unnamed tributary to the Susquehanna River located 1 mile north of the intersection of SR 147 and SR 405 along SR 405 (Northumberland, PA Quadrangle N: 12.5 inches; W: 15.95 inches) in West Chillisquaque Township, **Northumberland County**. Estimated stream disturbance is 50 linear feet with no wetland impact; stream classification Warm Water Fishery.

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

E26-247. Encroachment. **James W. Faith**, 101 Tanyard Hollow Road, Connellsville, PA 15425. To operate and maintain fill in the floodway of Breakneck Run (WWF) for the purpose of construction of Breakneck Road and Tanyard Hollow Road (Connellsville, PA Quadrangle N: 5.91 inches; W: 8.33 inches) in Bullskin Township, **Fayette County**.

E02-1252. Encroachment. **Allegheny County Department of Public Works**, 501 County Office Building, 542 Forbes Avenue, Pittsburgh, PA 15219-2904. To remove the existing bridge (Jacks Run Bridge No. 3) and to construct and maintain a culvert having a span of 10.0 feet with an underclearance of 9.0 feet in the channel of Jacks Run (WWF). The bridge is located on Brighton Road, just east from the intersection of Brighton Road and Farragut Street (Pittsburgh West, PA Quadrangle N: 20.92 inches; W: 6.35 inches) in Ross Township and Bellevue Borough, **Allegheny County**.

E04-259. Encroachment. **Brenda L. Tarbell**, 350 Rt. 30, Lot 2A, Clinton, PA 15026. To construct and maintain a bridge having a span of 42.0 feet with an underclearance of 3.0 feet across Service Creek (WWF) to provide access to applicant property. The bridge is located on the south side of Service Creek Road, approximately 3,000 feet west from the intersection of Service Creek Road and Parrish Road (Aliquippa, PA Quadrangle N: 14.8 inches; W: 10.5 inches) in Independence Township, **Beaver County**.

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

E24-206. Encroachment. **Mr. and Mrs. David Q. Steele**, R. D. 1, Box 96B, Wilcox, PA 15870. To construct and maintain a 3-inch diameter PVC outfall and rock rip rap from a small flow sewage treatment facility into the East Branch Clarion River (HQ-CWF, trout stocked, wild trout). The project is located on the eastern bank of the East Branch Clarion River approximately 2,000 feet north of the intersection of S. R. 1001 and S. R. 1004 in the village of Glen Hazel (Glen Hazel, PA Quadrangle N: 7.5 inches; W: 15.7 inches) located in Jones Township, **Elk County**.

E61-217. Encroachment. **National Fuel Gas Distribution Corporation**, P. O. Box 2081, Erie, PA 16512. To operate and maintain an 8-inch diameter natural gas pipeline across French Creek approximately 800 feet downstream of SR 322 bridge (Franklin, PA Quadrangle N: 4.75 inches, W: 10.75 inches) located in the City of Franklin, **Venango County**. Installation of this pipeline by directional drilling was authorized by DEP Emergency Permit No. EP6198602 issued September 10, 1998.

ACTIONS

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

[National Pollution Discharge Elimination System Program (NPDES)]

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

(Part I Permits)

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

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

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.

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

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

NPDES Permit No. PA0050504, Amendment No. 1. Sewage. **East Goshen Municipal Authority**, 1580 Paoli Pike, West Chester, PA 19380. Approval for an amendment to discharge 0.4 mgd to Ridley Creek located in East Goshen Township, **Chester County**.

NPDES Permit No. PA0055816. Sewage. **Walter W. Holmes**, 138 Kirk Road, Boothwyn, PA 19061 is authorized to discharge from a facility located in Concord Township, **Delaware County** into an unnamed tributary to Green Creek.

WQM Permit No. 4698428. Sewerage. **Borough of Ambler**, 122 East Butler Avenue, Ambler, PA 19002. Construction and operation of ultraviolet (U. V.) disinfection system at Borough of Ambler Wastewater treatment plant located in Upper Dublin Township, **Montgomery County**.

WQM Permit No. 0998413. Sewerage. **Warrington Township**, 852 Easton Road, Warrington, PA 18976. Construction and operation of a sewage pump station and force main to serve Stauffer Tract Subdivision located in Warrington Township, **Bucks County**.

WQM Permit No. 2398401. Sewerage. **Middletown Township Delaware County Sewer Authority**, P. O. Box 9, Lima, PA 19037-0009. Approval to upgrade an existing pump station known as Fair Acres pump station located in Middletown Township, **Delaware County**.

WQM Permit No. 2398404. Sewerage. **Pantos Corporation**, 202 Black Mat Road, Douglassville, PA 19518. Approval for the installation of dechlorination system to existing Coventry Crossing STP located in Chester Heights Borough, **Delaware County**.

WQM Permit No. 0998409. Sewerage. **William P. Adams**, 452 Stone Bride Road, Perkasio, PA 18944. Approval for the construction and operation of the small flow STP to serve the Adams Residence located in Haycock Township, **Bucks County**.

WQM Permit No. 0997411. Sewerage. **Lower Bucks County Joint Municipal Authority**, 7811 New Falls Road, P. O. Box 460, Levittown, PA 19058-0460. Approval for the construction and operation of Laurel Bend Sewage Pump Station to serve existing residential dwelling units located in Bristol Township, **Bucks County**.

WQM Permit No. 4698426. Sewerage. **William J. Irvin**, 26 Juniper Court East, Harleysville, PA 19438. Approval for the construction and operation of the small flow STP to serve a duplex dwelling located in Upper Salford Township, **Montgomery County**.

WQM Permit No. 1598418. Sewerage. **Willistown Township**, 688 Sugartown Road, Malvern, PA 19355. Approval for the construction and operation of an alternative sewer system to serve 12 single family residences and one commercial building in the Waynesbrook Subdivision located in Willistown Township, **Chester County**.

NPDES Permit No. PA0057533. Industrial waste. **Jack Schmidt**, 405 West County Line Road, Hatboro, PA 19040 is authorized to discharge from a facility located in Horsham Township, **Montgomery County** to an unnamed tributary to Pennypack Creek.

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

NPDES Permit No. PA-0034631. Sewerage. **One Time, Inc.**, 3400 Birchwood Drive, East Stroudsburg, PA 18301 is authorized to discharge from a facility located in Pocono Township, **Monroe County**, to Cranberry Creek.

NPDES Permit No. PA-0060356. Sewerage. **Camp Wayne for Boys, Inc.**, 55 Channel Drive, Port Washington, NY 11050-1604 is authorized to discharge from a facility located in Buckingham Township, **Wayne County**, to Lower Twin Lake.

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

NPDES Permit No. PA0222551. Sewerage. **Woodberry Development, Inc.**, Tannery Road Subdivision, 4720 Wattsburg Road, Erie, PA 16504 is authorized to discharge from a facility located in Fairview Township, **Erie County** to an unnamed tributary to Brandy Run.

NPDES Permit No. PA0222691. Industrial waste. **United Refining Company**, P. O. Box 780, Warren, PA 16365 is authorized to discharge from a facility located in Glade Township, **Warren County** to Glade Run.

NPDES Permit No. PA0220841. Sewerage, **Dale E. Wellman**, 13621 Arneman Rd., Edinboro, PA 16412 is authorized to discharge from a facility located in Washington Township, **Erie County** to an Unnamed Tributary to Conneauttee Creek.

WQM Permit No. 3393404. Sewerage. **DCNR, Bureau of Facility Design and Construction**, Clear Creek State Park, P. O. Box 387, Prospect, PA 16052-0387. This project is for the modification of an existing wastewater treatment system in Barnett Township, **Jefferson County**.

WQM Permit No. 1069205. Industrial waste. **Witco Corporation**, 100 Witco Lane, Petrolia, PA 16050-0335. This project is for the addition of an ultraviolet disinfection unit to an existing wastewater treatment plant in Fairview Township, **Butler County**.

WQM Permit No. 6298407. Sewerage. **Glade Township, Front Street Pump Station**, 99 Cobham Road, Warren, PA 16365. This project is for a sanitary sewer along Front Street in Glade Township, **Warren County**.

WQM Permit No. 6298408. Sewerage, **Howard P. Jones, SRSTP**, R. R. 1, Box 19, Bear Lake, PA 16402. Construction of Howard P. Jones SRSTP located in Freehold Township, **Warren County**.

WQM Permit No. 6298409. Sewerage, **April M. and Daniel Helmuth, SRSTP**, R. R. 2, Box 258, Corry, PA 16407. Construction of April M. and Daniel Helmuth SRSTP located in Columbus Township, **Warren County**.

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER FROM OIL AND GAS ACTIVITIES

Southwest Regional Office: Regional Oil and Gas Manager, 400 Waterfront Drive, Pittsburgh, PA 15222, (412) 442-4024.

NPDES Permit No. PA0206075. Industrial, **Canton Oil and Gas Company**, 22811 Titusville Road, Pleasantville, PA 16341. Approval granted to discharge treated industrial waste from a facility in Burrell Township, **Indiana County** into Blacklick Creek.

INDIVIDUAL PERMITS (PAS)

The following approvals for coverage under NPDES Individual Permit for discharges of stormwater from construction activities have been issued.

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 Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS102511	Byzantine Inc. 1198 Mulberry St. Bridgewater, PA 15009	Elk County St. Marys	Tributary to South Fork, West Creek, and Unnamed Tributary to Elk Creek

INDIVIDUAL PERMITS (PAR)

The following parties have submitted Notices of Intent (NOIs) for Coverage under (1) General NPDES Permit(s) to discharge wastewater into the surface waters of this Commonwealth. The approval for coverage under these general NPDES permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions set forth in the general permit; (2) General Permit(s) for Beneficial Use of Sewage Sludge or Residential Septage by Land Application in Pennsylvania. The approval of coverage for land application of sewage sludge or residential septage under these general permits is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective general permit. The Department of Environmental Protection approves the following coverages under the specified General Permit.

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

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

List of NPDES and/or other General Permit Type

PAG-1	General Permit For Discharges From Stripper Oil Well Facilities
PAG-2	General Permit For Discharges of Stormwater From Construction Activities
PAG-3	General Permit For Discharges of Stormwater From Industrial Activities
PAG-4	General Permit For Discharges From Single Residence Sewage Treatment Plant

*List of NPDES and/or other
General Permit Type*

PAG-5	General Permit For Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit For Wet Weather Overflow Discharges From Combined Sewer Systems
PAG-7	General Permit For Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit For Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-9	General Permit For Beneficial Use of Residential Septage By Land Application to Agricultural Land, Forest or a Land Reclamation Site

General Permit Type—PAG-2

<i>Facility Location</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Hilltown, West Rockhill, and Richland Townships Bucks County	PAR-10-D400	PA DOT 200 Radnor-Chester Rd. St. Davids, PA 19087	East Branch Perkiomen Creek	Bucks County CD 924 Town Center New Britain, PA 18901 (215) 345-7577
Solebury Township Bucks County	PAR-10-D376	George E. Michael, Inc. 328 S. Main Street New Hope, PA 18938	Mill Creek	Bucks County CD 924 Town Center New Britain, PA 18901 (215) 345-7577
Bedminster Township Bucks County	PAR-10-D371	Kathleen James 1211 Kellers Church Road P. O. Box 162 Bedminster, PA 18910	Wolf Run	Bucks County CD 924 Town Center New Britain, PA 18901 (215) 345-7577
Warrington Township Bucks County	PAR-10-D346	Pickertown Partnership GP 2421 Bristol Rd. Warrington, PA 18976	Tributary to Mill Creek	Bucks County CD 924 Town Center New Britain, PA 18901 (215) 345-7577
Lower Makefield Township Bucks County	PAR-10-D334	Elliot Building Group 10 Kingswood Drive New Hope, PA 18938	Tributary to Buck Creek	Bucks County CD 924 Town Center New Britain, PA 18901 (215) 345-7577
Dublin Borough Bucks County	PAR-10-D336	Heritage Building Group 3326 Old York Road Furlong, PA 18925	Morris Run Creek	Bucks County CD 924 Town Center New Britain, PA 18901 (215) 345-7577
Durham and Nockamixon Townships Bucks County	PAR-10-D338	Lachlan Pitciarn P. O. Box 25 Bryn Athyn, PA 19009	Gallows Run	Bucks County CD 924 Town Center New Britain, PA 18901 (215) 345-7577
Radnor Twp. Delaware County	PAR-10-J121	Goshen Holding Company 110 Gallagher Rd. Wayne, PA 19087	Darby Creek	Delaware County CD Rose Tree Park—Hunt Club 1521 N. Providence Road Media, PA 19063 (610) 892-9484

<i>Facility Location</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Newtown Township Delaware County	PAR-10-J126	Brandywine Operating Partnership 500 North Gulph Road, Ste. 220 King of Prussia, PA 19406	Preston Run	Delaware County CD Rose Tree Park—Hunt Club 1521 N. Providence Road Media, PA 19063 (610) 892-9484
Erie County Millcreek Township	PAR10K116	Sesler, Inc. 107 East 10th St. Erie, PA 16502	Millers Run Lake Erie	Erie Conservation District 12723 Route 19 P. O. Box 801 Waterford, PA 16441 (814) 796-4203
Centre County Patton Township	PAR10F062-1	Williamsburg Square Shaner Family Partners, LLC 303 Science Park Rd. State College, PA 16803	Unt. Spring Creek (Big Hollow)	Centre County CD 414 Holmes Ave. Suite 4 Bellefonte, PA 16823 (814) 355-6817
Centre County Patton Township	PAR10F073	K-Mart Plaza F&W Partnership c/o Leonard Fiore R. 5506 Sixth Ave. Altoona, PA 16602	Unt. to Big Hollow	Centre County CD 414 Holmes Ave. Suite 4 Bellefonte, PA 16823 (814) 355-6817
<i>General Permit Type—PAG-3</i>				
<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Washington County Cecil Township	PAR206103	Clad Metals, Inc. All-Clad Metalcrafters, Inc. 424 Morganza Road Canonsburg, PA 15317	Chartiers Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
<i>General Permit Type—PAG-4</i>				
<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Beaver County Economy Borough	PAG046159	Martin Diel 713 Timberidge Drive Bethel Park, PA 15102	North Fork of Big Sewickley Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Columbus Twp. Warren County	PAG048539	April M. and Daniel Helmuth R. R. 2, Box 258 Corry, PA 16407	Unnamed Tributary of Brokenstraw Creek	Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335-3481 (814) 332-6942
Freehold Township Warren County	PAG048537	Howard P. Jones R. R. 1, Box 19 Bear Lake, PA 16402	Unnamed Tributary to Little Brokenstraw	Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-6**Facility Location**County and**Municipality**Permit No.**Applicant Name
and Address**Receiving Stream
or Body of Water**Contact Office and
Telephone No.*

Northampton County PAG062201
City of Easton

City of Easton
City Hall, Government
Center
One South Third Street
Easton, PA 18042

Delaware River
Lehigh River

Northeast Regional
Office
Water Management
Program
2 Public Square
Wilkes-Barre, PA
18711
(717) 826-2553

**SEWAGE FACILITIES ACT
PLAN APPROVAL**

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

The Department of Environmental Protection (Department) has taken actions on municipal requests for Act 537 Plan Approval.

Persons aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Market Street State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure 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.

Southeast Regional Office: Sewage Planning Specialist Supervisor, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

The Plan Approval is granted for a revision to the Official Sewage Facilities Plan of **Upper Pottsgrove Township, Montgomery County** to provide for:

To incorporate the recently built Pine Ford Road Pump Station and associated sewers into the Upper Pottsgrove Township sewer system.

The Pine Ford Road Pump Station is permitted for sewage flows of 52,000 gallons per day. It was built to service the Greengate Development, the Chestnut Grove Development and seven additional homes on Pine Ford Road.

The Pine Ford Road Pump Station pumps sewage by way of a force main along Pine Ford Road to the sewer on Farmington Avenue, at Halfway House, and ultimately to the Pottstown Borough Wastewater Treatment Facility.

The Plan Approval is granted for a revision to the Official Sewage Facilities Plan of **Sadsbury Township, Chester County** to provide for:

1) The immediate implementation of the proposed collection/conveyance system with ultimate treatment at the City of Coatesville Authority's wastewater treatment plant.

2) The separation of the project's financing and construction into several phases.

3) The implementation of sewage management program.

SAFE DRINKING WATER

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

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

Permit No. 1598507. Public water supply. **Philadelphia Suburban Water Company**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010-3489. A permit has been issued to the Philadelphia Suburban Water Company granting permission to install a corrosion control treatment system at the Manorwood Well Station in West Bradford Township, **Chester County**.

Type of Facility: Public Water Supply System

Consulting Engineer: Philadelphia Suburban Water Company, 762 W. Lancaster Avenue, Bryn Mawr, PA 19010-3489

Permit to Construct Issued: September 22, 1998

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

Public water supply. Transfers of **Jim Thorpe Municipal Authority** to the **Borough of Jim Thorpe** for the East Side PWS facilities and for the West Side Filtration Plant were issued for operations of these facilities. Both facilities are located in **Carbon County**.

Permit to Operate: September 14, 1998.

Permit No. 3130030. Public water supply. An operations permit was issued to the **D's Water Company**, Frank DePaulo, President, 264 Harvard Avenue, Palmerton, PA 18071, for water system serving D-Estates, Borough of Palmerton, **Carbon County**.

Permit to Operate: September 4, 1998.

Permit No. 2359008. Public water supply. An operations permit was issued to **Pennsylvania American Water Company**, David Kaufman, Operations Manager, 20 East Union Street, Wilkes-Barre, PA 18701, for the Scranton Area Water Treatment Plant/Glen Maura Corporation Center Pumping Station, Moosic Borough, **Lackawanna County**.

Permit to Operate: September 1, 1998.

Minor Permit Amendment for a construction permit was issued to **PAWC** for modifications to an existing

public water supply system located in Delaware Township, **Pike County**. System modifications concern rebuilding well No. 5's PWS facilities in PAWC's Hickory Water System.

Permit for Construction: September 2, 1998.

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

Application No. M.A. The Department issued an operation permit to **Ralston Area Joint Authority** (P. O. Box 93, Ralston, PA 17763; McIntyre Township, **Lycoming County**) for operation of the distribution lines for the Ralston Area Joint Authority.

Northwest Regional Office: Regional Manager, 230 Chestnut Street, Meadville, PA, (814) 332-6899.

Permit No. 1098502. Public water supply. **Shelbourne Inc.**, 296 Dinnerbell Road, Butler, PA 16002, has been issued a construction permit for two new ion exchange water softeners; and an ultraviolet (UV) light has replaced the previously permitted chlorination system in Penn Township, **Butler County**.

Type of Facility: Community Water Supply

Consulting Engineer: Don A. Gilmore, Dakota Engineering Assoc., Inc., 35 Wilson St., Suite 200, Pittsburgh, PA 15223.

Permit to Construct Issued: October 2, 1998

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 3

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

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

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

The Department has received the following final reports:

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

Grove North America, Antrim Township, **Franklin County**. Grove North American, 1565 Buchanan Trail East, Shady Grove, PA 17256 has submitted a Final Report concerning remediation of site soils and groundwater contaminated with BTEX. The report is intended to document remediation of the site to meet the Statewide health standard.

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

Graphic Controls Corporation (Pittsburgh Facility), Borough of Wilmerding, **Allegheny County**. Graphic Controls Corporation, 189 Van Renffelaer Street, P. O. Box 1271, Buffalo, NY 14240 and Harry Klodowski, Suite 3321 Grant Building, 330 Grant Street, Pittsburgh, PA 15219 has submitted a Final Report addressing soil and groundwater contaminated with BTEX. The report is intended to document remediation of the site to meet the Statewide health standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 4

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908) and Chapter 250 Administration of Land Recycling Program.

Provisions of 25 Pa. Code § 250.8 Administration of Land Recycling Program requires the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the Act 2 (Land Recycling and Environmental Remediation Standards Act) remediation standards. Plans and reports required by provisions of Act 2 for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of reuse of the property, and in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. A cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed, and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program in the

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

The Department has acted upon the following plans and reports:

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

The Korman Company, West Norriton Township and Norristown Borough, **Montgomery County**. Darryl D. Borrelli, Manko, Gold & Katcher, 401 City Avenue, Suite 500, Bala Cynwyd, PA 19004 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The final report demonstrated attainment of the Statewide health standard and was approved by the Department on September 15, 1998.

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

Burle Industries, Inc., City of Lancaster, **Lancaster County**. Burle Industries, Inc., 1000 New Holland Avenue, Lancaster, PA 17601 has submitted remedial investigation, risk assessment and cleanup plan reports concerning remediation of site groundwater contaminated with solvents. The site is being remediated to meet the site-specific standard. The remedial investigation, risk assessment and cleanup plan reports were approved by the Department on September 30, 1998.

SOLID AND HAZARDOUS WASTE

RESIDUAL WASTE PROCESSING FACILITIES

Permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and the residual waste regulations for a general permit to operate residual waste processing facilities.

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

Permit No. 301165. Domino Salvage Tire Division, Inc., 1251 Conshohocken Road, Conshohocken, PA 19428. This permit was issued for the 10-year renewal and modification, under the residual waste regulations, of the existing tire processing facility located in Plymouth Township, **Montgomery County**. Permit was issued in the Southeast Regional Office on September 29, 1998.

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

Permit ID No. 301225. Thermal-Clean Services Corp., 896 East National Pike, Washington, PA 15301-7175. Operation of the Thermal-Clean Residual Waste Processing and Recycling Facility in Amwell Township, **Washington County**. Permit issued in the Regional Office on September 30, 1998.

Permit revoked under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and the residual waste regulations for a general permit to operate residual waste processing facilities.

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

Permit No. 300694. Republic Environmental Systems (PA) Inc. (RESPA), 2337 North Penn Road, Hatfield, PA 19440. This permit has been revoked as the permit was never renewed, nor reissued, to RESPA, the successor to Waste Conversion, the original permittee. Also, the permit is no longer necessary as residual waste activities are managed under RESPA's permit no. PAD085690592. The permit was revoked in the Southeast Regional Office on October 1, 1998.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

Permit No. 400633. Wheelabrator Falls, Inc., 1201 New Ford Mill Road, Morrisville, PA 19067. This permit was amended to include the acceptance of Form R (Residual) and Form S (Municipal-Like Residual) wastes, increase allowable waste storage volumes and approval of additional ash storage facilities. The permit was amended in the Southeast Regional Office on September 25, 1998.

Northcentral Regional Office: Regional Solid Waste Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701, (717) 327-3653.

Permit No. 101217. Major Modification. Wellsboro Area Transfer Station, Casella Waste Management of PA, Inc. (16 State St., Montpelier, VT 05601). Permit modification for acceptance of municipal-like residual waste for transfer through the Wellsboro Area Transfer Station located in Delmar Township, **Tioga County**, with ultimate disposal at the Hyland Facility Associates' Landfill in Angelica, Allegheny County, New York. Modification received on May 14, 1998, and issued in the regional office on October 1, 1998.

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

Permit ID No. 100620. BFI Waste Systems of North America, Inc., 11 Boggs Road, P. O. Box 47, Imperial, PA 15126. This permit modification approves revisions to the final elevations and corresponding increase in the disposal capacity of the BFI—Imperial Landfill in Findlay Township, **Allegheny County**. Permit issued in the Regional Office on October 1, 1998.

AIR QUALITY OPERATING PERMITS

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

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

32-000-200: Indiana University of Pennsylvania (425 Pratt Drive, Indiana, PA 15705) issued September 24, 1998, for operation of a cogeneration facility at S. W. Jack Cogeneration Facility in Indiana Borough, **Indiana County**.

63-399-002: McGrew Welding & Fabricating Inc. (P. O. Box 87, Donora, PA 15033) issued September 28, 1998, for operation of materials handling at Donora Site in Donora Borough, **Washington County**.

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

10-319A: Main Steel Polishing Co., Inc. (6 Whitney Drive, P. O. Box 277, Harmony, PA 16037) issued August 31, 1998, for operation of a steel polishing process in Jackson Township, **Butler County**.

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

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

46-0013A: Hatfield, Inc. (2700 Funks Road, Hatfield, PA 19440) issued October 1, 1998, for Facility VOC/NOx RACT in Hatfield Township, **Montgomery 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, (717) 826-2531.

39-321-011: HAB Industries Inc. (15 South Albert Street, Allentown, PA 18103) issued September 23, 1998, for modification of five finishing frames and one printer in Allentown, **Lehigh County**.

54-399-026: Gilberton Power Co. (50 Eleanor Avenue, Frackville, PA 17931) issued September 21, 1998, for construction of a bottom ash classifier in West Mahanoy Township, **Schuylkill County**.

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

65-817A: Davison Sand & Gravel Co. (400 Industrial Blvd., New Kensington, PA 15068) issued September 24,

1998, for installation of recycled asphalt pavement system at Davison Asphalt Supply in Lower Burrell City, **Westmoreland County**.

30-089A: CNG Transmission Corp. (CNG Tower, 625 Liberty Avenue, Pittsburgh, PA 15222) issued September 24, 1998, for construction of natural gas turbine no. 1 at Crayne Station in Franklin Township, **Greene County**.

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

10-293A: Quality Aggregates, Inc., Tiche Mine (R. D. 1, Boyers, PA 16020) issued September 24, 1998, for modification to the crushing and washing operations in Marion Township, **Butler County**.

10-047B: Mine Safety Appliances Co., Callery Chemical Division (1420 Mars-Evans City Road, Evans City, PA 16033) issued September 24, 1998, for installation of a scrubber/flare emission abatement system in Forward Township, **Butler County**.

37-300A: North American Forgemasters, Inc. (Moravia Street, New Castle, PA 16101) issued September 24, 1998, for construction of a steel forging operation in New Castle, **Lawrence County**.

37-264A: Ellwood Quality Steels Co. (700 Moravia Street, New Castle, PA 16101) issued September 24, 1998, for installation of a ladle furnace and baghouse in New Castle, **Lawrence County**.

25-981A: Thunder Port Industries, Inc. (Pennsylvania Avenue, Corry, PA 16407) issued September 29, 1998, for construction of a paint booth in Corry, **Erie County**.

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

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

09-320-044: Moore Business Forms (100 American Drive, Quakertown, PA 18951) issued September 30, 1998, for operation of three web offset printing presses in Quakertown Borough, **Bucks County**.

23-313-044: Rhone-Poulenc Surfactants Specialties (Blue Ball Avenue and 2nd Street, Marcus Hook, PA 19061) issued September 30, 1998, for operation of a surfactants manufacturing in Marcus Hook Borough, **Delaware County**.

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

21-317-056A: ADM Milling Co. (Box 3100, Camp Hill, PA 17011) issued October 1, 1998, to authorize temporary operation of the Grain Processing Plant, under this Plan Approval until January 28, 1999, in Camp Hill Borough, **Cumberland County**.

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

56-307-001F: FirstMiss Steel, Inc. (230 Box 509, Hollsopple, PA 15935) issued September 24, 1998, for operation of oxygen converter at Creek Plant in Quemahoning Borough, **Somerset County**.

MINING

APPROVALS TO CONDUCT COAL AND NONCOAL ACTIVITIES

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

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

Coal Applications Issued:

07920101, Permit Renewal. Cooney Brothers Coal Company (Box 246, Cresson, PA 16630) commencement, operation and restoration of a bituminous strip mine in Allegheny Township, **Blair County**, affecting 474.0 acres, receiving stream two unnamed tributaries to and Sugar Run. Application received July 17, 1998. Permit issued September 28, 1998.

11823003, Permit Renewal. Cooney Brothers Coal Company (Box 246, Cresson, PA 16630), commencement, operation and restoration of a bituminous strip mine in Summerhill Township, **Cambria County**, affecting 125.6 acres, receiving stream Beaverdam Run. Application received July 17, 1998. Permit issued September 28, 1998.

11860107, Permit Renewal. Cooney Brothers Coal Company (Box 246, Cresson, PA 16630), commencement, operation and restoration of a bituminous strip mine in Dean Township, **Cambria County**, affecting 201.0 acres, receiving stream Clearfield Creek and two unnamed tributaries to Clearfield Creek and Brubaker Run and one unnamed tributary to Brubaker Run. Application received July 17, 1998. Permit issued September 28, 1998.

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

16980103. Milestone Crushed, Inc. (521 South Street, Clarion, PA 16214) Commencement, operation and restoration of a bituminous strip operation in Ashland Township, **Clarion County** affecting 48.1 acres. Receiving streams: Little East Sandy Creek and unnamed tributary to Little East Sandy Creek. Application received February 9, 1998. Permit issued September 23, 1998.

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

54941303T. D.J.T. Coal Company (R. R. 4, Box 358D, Pine Grove, PA 17963), transfer of an existing underground mine operation in Frailey Township, **Schuylkill County** affecting 3.0 acres, receiving stream—Rausch Creek. Transfer issued September 29, 1998.

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

Noncoal Permits Issued

6275SM2C2. Milestone Materials, Inc. (P. O. Box 231, 1900 Sullivan Trail, Easton, PA 18044-0231), correction to an existing quarry operation in Limestone and

Liberty Townships, **Montour County** affecting 285.5 acres, receiving stream—Chillisquaque Creek. Correction issued September 28, 1998.

45980301. Sonie's Mine, Inc. (R. R. 2, Box 2206A, Stroudsburg, PA 18360), commencement, operation and restoration of a quarry operation in Hamilton Township, **Monroe County** affecting 57.9 acres, receiving stream—none. Permit issued October 2, 1998.

ACTIONS TAKEN UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT ENCROACHMENTS

The Department of Environmental Protection (Department) has taken the following actions on previously received Dam Safety and Encroachment permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

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

Actions on applications filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and sections 5 and 402 of The Clean Streams Law (35 P.S. §§ 691.5 and 691.402) and notice of final action for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)). (*Note: Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description.*)

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

E46-815. Encroachment Permit. **Upper Dublin Township Commissioners**, 801 Losh Alsh Avenue, Fort Washington, PA 19034. To remove an existing pedestrian bridge and to construct and maintain a 76.5 foot long prefabricated bridge, with an underclearance of 10.5 feet, which spans Sandy Run (TSF) at a point just upstream of the Jenkintown Road culvert crossing (Ambler, PA Quadrangle N: 0.5 inch; W: 5.8 inches) in Upper Dublin Township, **Montgomery County**.

Northeast Regional Office, Regional Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-5485.

E40-492. Encroachment. **Dale E. and Colleen C. Fitch**, R. R. 1, Box 284A, Dallas, PA 18612. To enlarge and maintain a pile-supported dock/boathouse in Harveys Lake. The proposed structure has overall dimensions of

50 feet (lakeward) x 66 feet, and a total area coverage of approximately 2,060 square feet. The project is located at Pole No. 12, Lakeside Drive (Harveys Lake, PA Quadrangle N: 18.5 inches; W: 5.4 inches), in Harveys Lake Borough, **Luzerne County**.

E45-354. Encroachment. **S.I.D.E. Corporation**, P. O. Box 1050, Blakeslee, PA 18610. To construct and maintain an aluminum box culvert, having a span of 9.6 feet and underclearance of approximately 4.1 feet across Goose Run, to regrade a 40-foot long section of stream channel upstream of the proposed culvert and to construct and maintain a 15-inch stormwater outfall structure and associated energy dissipator. The project is located at New Ventures Park industrial subdivision along proposed Park Avenue, northeast of the intersection of S. R. 0080 and S. R. 0115 (Blakeslee, PA Quadrangle N: 14.4 inches; W: 11.0 inches) in Tobyhanna Township, **Monroe County**.

E45-357. Encroachment. **Eldred Township**, P. O. Box 600, Kunkletown, PA 18058. To remove the existing structure and to construct and maintain an open-bottom, corrugated aluminum box culvert having a span of 22'-1" and underclearance of approximately 4.5 feet in Princess Run. The project is located along Township Road T369 (Beagle Run Road) (Kunkletown, PA Quadrangle N: 22.3 inches; W: 6.3 inches) in Eldred Township, **Monroe County**.

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

E07-292. Encroachment. **PA Department of Transportation, District 9-0**, Robert Heim, 1620 N. Juniata Street, Hollidaysburg, PA 16648. To remove a single span bridge and to construct and maintain a single span prestressed adjacent box beam bridge having a clear span of 48.40 feet and an underclearance of 8.64 feet over Sinking Run for purposes of highway maintenance located on S. R. 1013, Section 008, Segment 0330, Offset 0000, about 1.0 mile from its intersection with S. R. 0453 (Spruce Creek, PA Quadrangle N: 20.2 inches; W: 8.7 inches) in Tyrone Township, **Blair County**. This permit also includes 401 Water Quality Certification.

E07-294. Encroachment. **PA Department of Transportation, Engineering District 9-0**, Robert Heim, 1620 N. Juniata Street, Hollidaysburg, PA 16648. To remove an existing bridge and to construct and maintain a single span prestressed concrete adjacent box beam bridge having a normal clear span of 77.29 feet and an underclearance of 11.1 feet across Sinking Run located on S. R. 1013, Section 009, Segment 0350, Offset 0000 about 0.3 mile west of the Blair and Huntingdon County line (Spruce Creek, PA Quadrangle N: 20.7 inches; W: 7.1 inches) in Tyrone Township, **Blair County**. 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.

E14-323. Encroachment. **Pa. Dept. of Transportation**, 1924-30 Daisy St., Clearfield, PA 16830. To remove the existing structure and to construct and maintain a prestressed concrete box beam bridge with a span of 80 feet and underclearance of 8 feet across Spring Creek

located on S. R. 3006, Section A01 just west of S. R. 0150 (Bellefonte, PA Quadrangle N: 6.6 inches; W: 4.3 inches) in Bellefonte Borough, **Centre County**.

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

E03-371. Encroachment. **Armstrong County Commissioners**, Administration Building, 450 Market Street, Kittanning, PA 16201. To remove the existing structure and to construct and maintain a single span bridge having a normal span of 19.2 meters and a minimum underclearance of 2.5 meters across South Branch Plum Creek for the purpose of improving transportation safety and roadway standards. The project is located on T-666, approximately 0.3 mile south of its intersection with S. R. 2004 (Elderton, PA Quadrangle N: 18.0 inches; W: 3.65 inches) in Plumcreek Township, **Armstrong County**.

E02-1211. Encroachment. **Dominic and Maria Gigliotti**, 11279 Perry Highway, Suite 509, Wexford, PA 15090. To amend Permit E02-1211 to revise Special Condition D which required monitoring of all private water supply wells within 2,000 feet of the Manor Plaza Development. An alternate groundwater monitoring plan has been approved and is incorporated into the permit as revised Special Condition D. This project is located on the west side of S. R. 19 approximately 700 feet north of its intersection with Manor Road (Mars, PA Quadrangle N: 8.5 inches; W: 1.1 inches) in Pine Township, **Allegheny County**.

Permits Issued and Actions on 401 Certification

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

E16-105. Encroachment. **PA Department of Transportation, District 10-0**, P. O. Box 429, Route 286 South, Indiana, PA 15701. To remove the existing bridge and to construct and maintain a 58 meter long, twin 4.5 meter wide by 2.7 meter high concrete box culvert on a 56.5 degree skew with each barrel being depressed 0.3 meter into the stream bed and one barrel having a 0.3 meter high baffle in Brush Run, and to fill 0.89 acre of wetland associated with the stream enclosure and roadway realignment on S. R. 0068, Segment 0540, Offset 0570, approximately 1.4 kilometers south of I-80 (Clarion, PA Quadrangle N: 8.8 inches; W: 3.3 inches) located in Monroe Township, **Clarion County**. Project includes construction of 0.89 acre of replacement wetland on site.

E42-258. Encroachment. **Crosby Dairy Products, Inc.**, 495 South Kendall Avenue, Bradford, PA 16701. To fill 0.19 acre of wetland for the construction of Crosby MiniMart, a commercial development, along Owen's Way approximately 800 feet east of the intersection of S. R. 0219, South Avenue (S. R. 4007) and T-330 (Bradford, PA-NY Quadrangle N: 9.8 inches; W: 3.45 inches) located in Bradford Township, **McKean County**. Project includes contribution to the Pennsylvania Wetland Replacement Fund for replacement of 0.19 acre of wetland.

WATER ALLOCATIONS

Actions taken on Permit issued 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.

Wilkes-Barre Regional Office, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2511.

Change of Ownership

WA13-69B. Succession to Water Rights. The Department has acknowledged that the **Borough of Jim Thorpe, Carbon County**, has given notice that succeeded to all rights and obligations under the Water Allocation Permit issued to the former Jim Thorpe Municipal Authority, Borough of Jim Thorpe, Carbon County on June 16, 1998.

SPECIAL NOTICES**Notice of Denial to Perform Radon-Related Activities in Pennsylvania**

In the month of September 1998, the Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code § 240.201, denied the person or persons listed from performing radon-related activities in Pennsylvania.

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Nick Gromicko	501 Eland Village Phoenixville, PA 19460	Testing

Notice of Certification to Perform Radon-Related Activities in Pennsylvania

In the month of September 1998, the Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed to perform radon-related activities in Pennsylvania. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (800) 23RADON.

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Alan Aulson The Aulson Co., Inc.	49 Danton Drive Methuen, MA 01844	Mitigation
James Bucciarelli Certified Testing Services, Inc.	474 Easton Road Horsham, PA 19044	Testing Mitigation
Roger Burens, Jr.	241 King Manor Drive, Suite D King of Prussia, PA 19406	Mitigation
Stephen Fiorelli	506 Sylvan Avenue Glenolden, PA 19036	Testing
Gregory Foust	244 High Street, Suite 103 New York Plaza Pottstown, PA 19464	Testing
John Gogal Keystone Inspection Service	P. O. Box 204 Sciota, PA 18354	Testing
Dennis Huson	P. O. Box 23 Mifflinburg, PA 17844	Testing
J. L. Camp Inspection Services, Inc.	6028 Forest Drive Monaca, PA 15061	Testing
Kenneth Leath	P. O. Box 10095 State College, PA 16805-0095	Mitigation
Austin O'Toole	502 West 7th Street Erie, PA 16502	Testing
Warren Riddle	11210 East Dishman-Mica Road Spokane, WA 99206	Mitigation Testing
Raymond Rowe	735 Municipal Street Pittsburgh, PA 15204	Mitigation
Ronald Simon	2 Hayes Street Elmsford, NY 10523	Mitigation
Edmund Springer	120 South Jefferson Circle, Suite A Oak Ridge, TN 37830	Testing Mitigation
Mark Tafeen, M.D. MTMM, Inc.	1040 Weston Road, Suite 316 Weston, FL 33326	Laboratory

Availability of Revised NPDES Permit and Related Permit Handbooks for Municipal, Nonmunicipal and Industrial Wastewater Dischargers

The Department of Environmental Protection's Process Improvement Team (PIT) comprised of individuals from public and private interests has completed review and proposed revisions to the Department's NPDES permit and developed two detailed explanatory NPDES Permit Handbooks to be distributed with all new and renewed NPDES permits.

A notice requesting public comments on the proposed permit revisions and handbooks was published in the *Pennsylvania Bulletin* on July 25, 1998 for a 30-day comment period. The Department requested comments on the following PIT proposed revisions and/or additions to NPDES documents.

1. *NPDES Permit for Wastewater Discharges (3620-PM-WQ0003 Rev 10/98)*. Final draft of a one permit format system that will be used for municipal, nonmunicipal and industrial discharges. This new permit document will replace the current permit (*3600-PM-WQ0003 Rev 8/95*).

2. *Permittee Handbook for POTW and Nonmunicipal Wastewater Dischargers (2000-0300-005 Rev 10/98)*. This handbook contains information related to POTW dischargers.

3. *Permittee Handbook for Industrial Wastewater Dischargers (2000-0300-006 Rev 10/98)*. This handbook contains information related to industrial dischargers.

Before publishing these documents, PIT made extensive efforts to carefully prepare and review them internally within the Department, EPA and some outside groups through a special NPDES Advisory Committee set up by SRBC under contract to the Department to help write the documents. In addition, PIT set up a display booth at the June 14-17, 1998, WEF/PWEA Annual Conference at Seven Springs, PA and distributed over 125 permits and handbooks to the conference attendees to provide exposure of these documents to municipal government officials and consultants.

The 30-day comment period ended on August 24, 1998. All comments received were reviewed and considered. Many useful suggestions and editorial changes have been incorporated. Several of the comments dealt with clarifying the terminology used in the revised permit or permit handbooks. The revised documents are simple, easy to read and understand while providing detailed explanations and regulatory citations within the permit handbooks.

The final permit documents package will be available for downloading from the Department's Web Site at: <http://www.dep.state.pa.us>. The documents are also available by contacting the appropriate Department Regional Office having jurisdiction over the county with the proposed discharge.

Implementation of New Permit Documents

Three training sessions are being scheduled for the Department central and field office staff on processing and use of the new permit documents. Use of the new documents will not begin until this training is completed. The tentative date for implementation of the new documents is January 1, 1999, with a full transition to the new forms by April 1, 1999.

Intent to Reissue Pennsylvania General NPDES Permit for Wastewater Discharges from Single Family Residence Sewage Treatment Plants (PAG#4)

In compliance with the provisions of the Federal Clean Water Act, The Pennsylvania Clean Streams Law (35 P. S. §§ 691.1-691.1001), sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-5, 510-17 and 510-20), the Department of Environmental Protection (Department) by this notice announces its intent to review and reissue the Pennsylvania General NPDES Permit for Wastewater Discharges from Single Family Residence Sewage Treatment Plants (PAG#4) for a 5 year period. The general permit was initially issued on February 4, 1994, and is scheduled to expire on February 4, 1999. The current general permit is valid until revised and issued in final after reviewing and addressing comments from this public notice.

The Department has reviewed and updated the general permit and related documents with only minor editorial changes reflecting the Department's name change and the Water Management reorganization. The NOI and instructions have been reformatted to the standard of other general permits used by the Department. No technical or substantive changes have been made to the documents.

The proposed draft permit documents are available for downloading from the Department's Web Site at: <http://www.dep.state.pa.us>. The documents can also be obtained by writing or contacting the Division of Wastewater Management, Bureau of Water Quality Protection, Rachel Carson State Office Building (RCSOB), 11th Floor, Harrisburg, PA 17105-8774, (717) 787-8184, fax: (717) 772-5156.

By this notice, the Department is requesting public comments on the proposed permit documents. All comments must be received no later than 30 days from the date of this notice. Written comments and suggestions on the proposed documents can also be sent to Dan Helfrich at the above address or emailed at Daniel@a1.dep.state.pa.us.

Persons with a disability with questions regarding the general permit or seeking information about the general permit or copy of the general permit and associated materials, may use the AT&T Relay Service by calling (800) 654-5984 (TDD Users) or (800) 654-5988 (voice users).

Following the comment period, the Department will consider all comments received and prepare the final set of permit documents. The final availability of the documents will be announced through a public notice in the *Pennsylvania Bulletin*.

[Pa.B. Doc. No. 98-1712. Filed for public inspection October 16, 1998, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are on DEP's World Wide Web site (<http://www.dep.state.pa.us>) at the Public Participation Center. The "July 1998 Inventory" heading is the Governor's List of Non-regulatory Documents. The "Search the Inventory of Technical Guidance Documents" heading is a database of the Inventory. The "Final Documents" heading is the link to a menu of the various DEP bureaus and from there to each bureau's final

technical guidance documents. The "Draft Technical Guidance" heading is the link to DEP's draft technical guidance documents.

DEP will continue to revise its documents, as necessary, throughout 1998.

Ordering Paper Copies of DEP Technical Guidance

Persons can order a bound paper copy of the latest Inventory or an unbound paper copy of any of the final documents listed on the Inventory by calling DEP at (717) 783-8727.

In addition, bound copies of some of DEP's documents are available as DEP publications. Persons should check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

Here is the current list of recent changes. Persons who have any questions or comments about a particular document should call the contact person whose name and phone number is listed with each document. Persons who have questions or comments in general should call Joe Sieber at (717) 783-8727.

Final Technical Guidance

DEP ID: 391-2000-023 Title: Design Stream Flows Description: This document acts to assist in establishing the assimilation capacity in the mass balance equation of the PENTOXSD model. This guidance will be used by the Department in the analyzing wasteload allocations and NPDES effluent limitations. Effective Date: September 14, 1998 Contact: Clarence E. Yingling, Jr. at (717) 787-9637

Draft Technical Guidance

DEP ID: 012-0900-004 Title: Revised General Permit Guidance Description: This document provides the general guidelines to be used by DEP staff to develop, receive, review and approve general permits. This process includes public notice of Department decisions and procedures to facilitate greater public accessibility to general permits. This document also provides the process for receiving and issuing authorization to operate under a DEP general permit. Anticipated Effective Date: December 17, 1998, Deadline for Submittal of Comments: November 17, 1998 Contact: Joe Sieber at (717) 783-8727

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 98-1713. Filed for public inspection October 16, 1998, 9:00 a.m.]

Final Section 111(d)/129 State Plan for Hospital/Medical/Infectious Waste Incinerators

On September 15, 1997, the United States Environmental Protection Agency (EPA) promulgated new source performance standards (NSPS) for new Hospital/Medical/Infectious Waste Incinerators (HMIWI) and emission guidelines (EG) for existing HMIWI under sections 111 and 129 of the Federal Clean Air Act (CAA). The standards of performance for new stationary sources and the Emission Guidelines for existing HMIWI are codified at 40 CFR Part 60, Subpart Ec and Subpart Ce, respectively (62 FR 48348). The Emission Guidelines apply to incinerators that combust any amount of medical, infectious or hospital waste as defined in 40 CFR 60.51c. Each indi-

vidual existing HMIWI constructed on or before June 20, 1996 must comply with the Subpart Ce requirements.

According to 40 CFR Part 60, Subparts B and Ce, states are required to prepare and submit a State Plan to the EPA to implement the Emission Guidelines for Hospital/Medical/Infectious Waste Incinerators. The State Plans for HMIWI should have been submitted to EPA for approval by September 15, 1998.

The Pennsylvania Department of Environmental Protection (PADEP) has developed a Section 111(d)/129 State Plan for existing designated Hospital/Medical/Infectious Waste Incinerators in accordance with 40 CFR Part 60 Subparts B and Ce. A public hearing notice and opportunity to provide written comments on the HMIWI State Plan was published in the following newspapers of general circulation on June 12, 1998: *Philadelphia Inquirer*, *Patriot News*, *Pittsburgh-Post Gazette*, *Wilkes-Barre Times Leader*, *Erie Daily Times* and the *Williamsport Sun-Gazette*. On June 13, 1998, PADEP published a notice of public hearings on the State Plan and provided a 30-day public comment period in the *Pennsylvania Bulletin* (28 Pa. B. 2728). The hearings were held in Conshohocken, PA on July 15, 1998, Harrisburg, PA on July 16, 1998, and Pittsburgh, PA on July 21, 1998.

The Section 111(d)/129 State Plan was submitted to EPA for approval on September 18, 1998. New or revised Federally enforceable state operating permits (FESOPs) will be issued to designated HMIWI facilities, incorporating the applicable requirements in 40 CFR Part 60, Subparts A, B, Ce, and Ec. The Department will submit FESOPs, as revisions to the State Plan, to EPA no later than March 30, 1999.

In Pennsylvania, at least 61 existing designated HMIWI facilities including incinerators located in Philadelphia County must comply with the Subpart Ce requirements. The designated HMIWI facilities located in Allegheny County will be covered by a separate HMIWI plan developed by Allegheny County Health Department. All the designated existing HMIWI must comply with the emission standards no later than 1 year after EPA approval of the State Plan. Designated existing HMIWI facilities may apply for an extension for up to 3 years after EPA approval of the State Plan for retrofit of emissions controls or shut-down, but no later than September 15, 2002, whichever occurs first.

To obtain a copy of the State Plan for HMIWI, including the comment/response document, contact Kimberly Maneval, Bureau of Air Quality, Division of Permits, P. O. Box 8468, Harrisburg, PA 17105, (717) 787-4325 or by e-mail at maneval.kimberly@a1.dep.state.pa.us.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 98-1714. Filed for public inspection October 16, 1998, 9:00 a.m.]

Pennsylvania Wetland Replacement Project; Public Notice of Wetland Restoration Projects

The Department of Environmental Protection (Department) has approved the following wetland restoration projects for funding under the Pennsylvania Wetland Replacement Project (PWRP). The PWRP is a jointly managed fund between the Department and the National Fish and Wildlife Foundation established to offset wetland losses. Construction for the three projects is

anticipated to begin in early fall, 1998. Further information may be obtained by contacting Kelly Heffner, Department of Environmental Protection, Division of Waterways, Wetlands and Erosion Control, P. O. Box 8775, Harrisburg, PA 17105-8775; (717) 787-6827 or E-mail Heffner.Kelly@a1.dep.state.pa.us.

Project No. P13D01-001

Sponsored by Mr. and Mrs. Charles Skopic, the primary objective of the 5-acre wetland restoration in Subbasin 13D (the Potomac Watershed) is wildlife habitat. An additional benefit is water quality improvement to Marsh Creek by intercepting runoff from adjacent farm fields buffering the tributary to Marsh Creek by detaining sediment and nutrients associated with agriculture. Also, in the area adjacent to the creek, trees and shrubs will be planted to create a wooded floodplain. The project is located in Adams County.

Project No. D03H15-001

Sponsored by the Piersol family and in conjunction with the construction of the Honey Brook Golf Club, the primary objective of the 1.5 acre wetland restoration in Subbasin 3H (the Lower Delaware Watershed) is wildlife habitat. This project will restore wetlands previously drained by agricultural activities. The site will be seeded with an emergent wetland seed mix. The project is located in Honey Brook Township, Chester County.

Project No. S07J36-001

Sponsored by Lititz Run Watershed Alliance, the objective of the 1.9 acre wetland restoration in Warwick Township, Lancaster County in Subbasin 7, the Lower Susquehanna River Watershed, is to improve water quality. The Lititz Run Watershed is identified as impaired waters on the Commonwealth's Section 303(d) list as a stream that does not meet water quality standards. The goal of this project is to improve the water quality of the Santo Domingo Creek by polishing stormwater from adjacent stormwater basins and trapping nutrients from adjacent agricultural land runoff. The restored wetlands will be part of a riparian buffer restoration and will provide wildlife habitat and educational opportunities within an industrial setting. The project is located in Warwick Township, Lancaster County.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 98-1715. Filed for public inspection October 16, 1998, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Decrease in the Food Stamp Heating and Nonheating Standard Utility Allowances

Regulations at 55 Pa. Code § 501.7(a)(2), establish the amounts for the heating and nonheating standard utility allowances (SUAs) for the Food Stamp Program and provide for the revision of these amounts by publication of a notice in the *Pennsylvania Bulletin*. Decreases for these allowances have been approved by the Food and Nutrition Service of the United States Department of Agriculture and are effective October 1, 1998.

The heating and nonheating SUAs are established in accord with the requirements of 7 CFR 273.9(d)(6)(iii) and (iv). Notice is hereby given that the Department of Public Welfare (Department) is decreasing the heating SUA from \$289 to \$287 and the nonheating SUA from \$158 to \$156.

The Department recommends these revisions for codification in 55 Pa. Code § 501.7(a)(2).

Public comments may be made by contacting Edward J. Zogby, Acting Director, Bureau of Policy, Office of Income Maintenance, Room 431, Health and Welfare Building, Harrisburg, PA 17120.

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

FEATHER O. HOUSTOUN,
Secretary

[Pa.B. Doc. No. 98-1716. Filed for public inspection October 16, 1998, 9:00 a.m.]

Intent to Amend the Medicaid State Plan for Payments to Federally Qualified Health Centers

The purpose of this announcement is to provide prior public notice of the Department of Public Welfare's (Department) intent to amend the Medicaid State Plan for payments to Federally Qualified Health Centers (FQHCs).

The Department intends to make a correction to the Medicaid State Plan to reflect the Department's historic rate setting practice for FQHCs. Under the State Plan, payments to FQHCs are made on the basis of an all-inclusive visit fee, which represents 100% of the FQHC's reasonable costs. The visit fee is calculated using the FQHC's audited cost report submitted to the Department. This method of payment meets the Federal reimbursement requirements for FQHCs. The Department's payment method and standards are not changed by this correction.

The current State Plan states that the visit fee is calculated by the Medicare carrier, rather than by the Department which actually makes this calculation. The State Plan will be corrected to reflect that the Department, rather than the Medicare carrier, is responsible for calculating the FQHC's visit fee according to the methods and standards described in the State Plan.

Fiscal Impact

There will be no fiscal impact as a result of this amendment because it is a technical correction, and it does not represent a significant change in the payment methods or standards.

Contact Person

A copy of this notice is available for review at local County Assistance Offices. Interested persons are invited to submit written comments to this notice within 30 days of this publication. These comments should be sent to the Department of Public Welfare, c/o Deputy Secretary's Office, Attention: Regulations Coordinator, Room 515 Health and Welfare Building, Harrisburg, PA 17120.

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-179. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 98-1717. Filed for public inspection October 16, 1998, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Addendum and Revision of the Listing of Approved Speed-Timing Devices and Appointment of Maintenance and Calibration Stations

Addendum

The Department of Transportation, Bureau of Motor Vehicles, under the authority of Section 3368 of the Vehicle Code (75 Pa.C.S. § 3368), published at 28 Pa. B. 167 on January 10, 1998, a notice of approved speed-timing devices and maintenance and calibration stations for use until the next comprehensive list is published.

Addition

As an addendum to the listing of approved Official Speedometer Testing Stations, the Department hereby gives notice of the addition of a mobile unit to the following station:

Powl's Speedometer Service, Incorporated, 2340 Dairy Road, Lancaster, Lancaster County, Pennsylvania 17601—Also authorized to use mobile units (Appointed: 06/09/97, Station S82).

Comments, suggestions or questions may be directed to Barb Tomassini, Manager, Inspection Processing Section, Vehicle Inspection Division, Bureau of Motor Vehicles, Third Floor, Riverfront Office Center, 1101 South Front Street, Harrisburg, PA 17104 or by telephoning (717) 787-2895.

Other approved speed-timing devices and appointment of maintenance and calibration stations appear at 28 Pa. B. 167 (January 10, 1998), 28 Pa. B. 2327 (May 16, 1998), 28 Pa. B. 4576 (September 5, 1998) and 28 Pa. B. 4677 (September 12, 1998).

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 98-1718. Filed for public inspection October 16, 1998, 9:00 a.m.]

Retention of Engineering Firms

Armstrong, Butler, Clarion, Indiana and Jefferson Counties

Project Reference No. 08430AG2253

The Department of Transportation will retain an engineering firm for an Open-End Contract for various engineering and/or environmental services on various projects located in Engineering District 10-0, that is Armstrong, Butler, Clarion, Indiana and Jefferson Counties. The

Contract will be for a sixty (60) month period with projects assigned on an as-needed basis. The maximum amount of the Open-End Contract will be \$1.0 million.

The Department will establish an order of ranking of a minimum of three (3) firms for the purpose of negotiating an Open-End Contract based on the Department's evaluation of the letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- a. Ability to package and present the Letter of Interest in accordance with the "General Requirements and Information" section.
- b. Preference will be given to a small business as described on Standard Form 254.
- c. Past record of performance with respect to cost control, work quality, ability to meet schedules and previous experience on Open-End Contracts.
- d. The specific experience of individuals who constitute the firm.
- e. Available staffing for this assignment related to workload.
- f. Location of consultant in respect to the District.

The work and services required under this Contract may encompass a wide range of environmental studies and engineering efforts with the possibility of several different types of projects with short completion schedules being assigned concurrently. The anticipated types of projects include, but not limited to, bridge replacements or bridge rehabilitation with minor approach work, environmental studies, roadway betterments (3R type,) minor capital improvement projects (bridges or roadway), railroad grade crossing projects, and minor location studies, etc.

The engineering work and services which may be required under this Contract include, but are not limited to, perform field surveys; plot topography and cross sections; prepare submission for utility verification and relocations engineering; prepare all pertinent submissions and materials necessary for the Department to prepare the application to PUC and for the PUC field conference; attend and supply any required information for all PUC meetings and hearings during the design of the project; develop erosion control details and narrative; prepare right of way plans; complete structure designs including type, size and location reports, core boring layouts and foundation designs and reports; develop traffic control plans with narratives; conduct soils investigations and prepare soils reports; investigate utility involvement on projects; provide material for and participate in value engineering reviews; coordinate contacts with railroad officials and procure railroad related costs, permits, and insurance; collect signal timing, accident data and other traffic flow data; document engineering study findings and activities; alternative analysis to assess impacts and mitigation; and prepare construction plans, specifications, and estimates.

The areas of environmental study required under the Contract may include, but are not limited to: air quality; noise; energy; vibration; hazardous waste; surface water and ground water quality; surface water and ground water hydrology; terrestrial ecology including threatened

and endangered species; wetlands; soils; geology; farmlands; visual quality; socio-economic resources; cultural resources; Section 4(f) Evaluations; early coordination and; scoping correspondence; meeting minutes; public meeting and hearing presentations; visualization materials, handouts and displays; technical basis reports (TBRs) and/or technical files; NEPA environmental documents; Section 106 documents; mitigation plans and reports; wetland and floodplain findings; and preliminary engineering plans, and remote sensing/mapping innovations. The format and content of all documents will be consistent with applicable State and Federal regulations, policies and guidelines.

The engineering services and environmental studies identified above are the general work activities that can be expected under this Open-End Contract. A more specific and project-related Scope of Work will be outlined for each individual Work Order developed under this Open-End Contract.

The second copy of the letter of interest and required forms (see "General Requirements and Information" section) shall be sent to: Mr. Richard H. Hogg, P.E., District Engineer, District 10-0, P. O. Box 429, Route 286 South, Indiana, PA 15701.

Any technical questions concerning the requirements for this project should be directed to: Mr. Craig Chelednik, P.E., District 10-0, at (724) 357-2842.

Any questions concerning the submittal of the letter of interest for this Open-End Contract can be directed to the Consultant Agreement Division at (717) 783-9309.

Fayette, Greene, Washington and Westmoreland Counties

Project Reference No. 08430AG2254

The Department of Transportation 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 12-0, that is Fayette, Greene, Washington and Westmoreland Counties. 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 \$750 thousand dollars.

It is anticipated that a maximum supplementary construction inspection staff of twenty (20) inspectors will be required for this assignment.

The Department will establish an order of ranking of a minimum of three (3) firms for the purpose of negotiating an Engineering Agreement based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting acceptable letters of interest:

- a. Ability to package and present the Letter of Interest in accordance with the "General Requirements and Information" section.
- b. Number of available inspectors in each payroll classification.
- c. Number of NICET certified inspectors in each payroll classification.
- d. Previous experience.

- e. Understanding of Department's requirements, policies and specifications.
- f. Ability to provide CDS operators.
- g. Past performance.

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 (3)
Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent)	12 (8)
Technical Assistant (TA) (NICET Highway Construction Level 1 or equivalent)	4 (0)

The number(s) in parenthesis above indicate the number of inspectors in each Classification that must meet at least one of the following requirements:

1. Be certified by the National Institute for Certification in Engineering Technologies (NICET) in the field of Transportation Engineering Technology, subfield of Highway Construction, or subfield of Highway Materials, at the Level required for the Inspection Classification.
2. Be registered as a Professional Engineer by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
3. Be certified as an Engineer-in-Training by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
4. Hold a Bachelor of Science Degree in Civil Engineering or a Bachelor of Science Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.
5. Hold an Associate Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

The maximum reimbursement per hour of inspection for each Department Payroll Classification for calendar year of 1998:

<i>Payroll Classification</i>	<i>Maximum Straight Time Reimbursement Per Hour Of Inspection</i>
(TCM-1)	\$44.93
(TCIS)	\$39.36
(TCI)	\$34.43
(TA)	\$23.67

The maximum reimbursement per hour of inspection includes all costs for providing construction inspection services at the project site during the normal work week.

Maximum reimbursement per hour of inspection for subsequent calendar years, if applicable, will be established at the scope of work meeting.

The firm selected may be required to attend a pre-construction conference with the Department and the construction contractor for this project. Under the supervision and direction of the Department, the selected firm will be required to keep records and document the construction work; prepare current and final estimates for payment to the construction contractor; assist the Department in obtaining compliance with the labor standards, safety and accident prevention, and equal opportunity provisions of the contract item; and perform other duties as may be required. Firms applying must have qualified personnel capable of climbing structures during painting, rehabilitation, or construction.

The maximum number of resumes to be included in the letter of interest shall be as follows:

<i>Classification</i>	<i>No. of Resumes</i>
TCM-1	2
TCIS	4
TCI	15

No resumes are required for the TA Classification.

The second copy of the letter of interest and required forms, (see general requirements and information section shall be sent to: Mr. Michael H. Dufalla, P.E., District Engineer, District 12-0, P. O. Box 459, Uniontown, PA 15401, Attention: Mr. Anthony M. Dzurko, P.E.

Any technical questions concerning the requirements for this project should be directed to: Mr. Anthony M. Dzurko, P.E., District 12-0, at (724) 439-7137.

Any questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

General Requirements and Information

Firms interested in providing the above work and services are invited to submit two copies of a Letter of Interest are required information for each Project Reference Number for which the applicant wishes to be considered.

The first copy of the Letter of Interest and required information must be submitted to:

Mr. Charles W. Allwein, P.E., Chief
 Consultant Selection Committee
 7th Floor, Forum Place
 555 Walnut Street
 P. O. Box 3060
 Harrisburg, Pennsylvania 17105-3060

Note: The Zip Code for express Mailing is 17101-1900

The Letter of Interest and required information must be received within twenty (20) calendar days of this Notice. The Deadline for receipt of a Letter of Interest at the above address is 4:30 P.M. prevailing time of the twentieth day.

The second copy of the letter of interest and required information must be submitted to the appropriate District Engineer/Administrator or the Bureau Director as indicated in the individual advertisement. This copy must be postmarked or delivered on or before the deadline indicated above.

If an individual, firm, or corporation not authorized to engage in the practice of engineering desires to submit a Letter of Interest, said individual, firm, or corporation may do so as part of a Joint Venture with an individual, firm, or corporate which is permitted under the state law to engage in the practice of engineering.

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 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 Intermodal Surface Transportation Efficiency Act of 1991 and currently certified by the Department of Transportation shall have the maximum opportunity to participate in any subcontracting or furnishing supplies or services approved under Form 442, Section 1.10(a). The Act 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 were defined prior to the act, WBEs or combinations thereof.

Proposing DBE firms must be certified at the time of submission of the Letter of Interest. If the selected firm fails to meet the established DBE participation goal, it shall be required to demonstrate its good faith efforts to attain the goal.

Responses are encouraged by small firms, Disadvantaged Business Enterprise (DBE) firms, and other firms who have not previously performed work for the Department of Transportation.

The Department requests that each Letter of Interest include the following information and that the information be packaged and presented in the order indicated below to facilitate the Department's review and evaluation.

The firm's ability and willingness to package and present the requested information in the above order to facilitate the Department's review and evaluation will be the first factor considered in the evaluation process.

1. Transmittal Letter (Maximum of two (2) 8 1/2" x 11" typed pages, one side)

2. A fact sheet that includes the project reference number for which the applicant wishes to be considered, the firm's legal name, fictitious name (if applicable), and the firm's federal identification number. If the project advertisement indicated the Department will retain an engineering firm for the project, the applicant should indicate on this fact sheet the names and Professional Engineer License Number of individuals who are directing heads or employees of the firm who have responsible charge of the firm's engineering activities, and whose names and seals shall be stamped on all plans, specifications, plats, and reports issued by the firm. If the project advertisement indicated the Department will retain an Land Surveying firm for the project, the applicant should indicate on this fact sheet the names and Professional Land Surveyor Registration Number of individuals who

are directing heads or employees of the firm who have responsible charge of the firm's land surveying activities, and whose names and seals shall be stamped on all plans, plats, and reports issued by the firm.

3. Project Organizational Chart (one page, one side, maximum size 11" x 17")

This Chart should show key staff from the prime and each subconsultant and their area of responsibility.

4. Standard Form 255, "Architect-Engineer and Related Services Questionnaire for Specific Project" (one Form 255 for the project team)

The Standard Form 255 should be signed, dated, and filled out in its entirety, including Item No. 6 listing the proposed subconsultants and the type of work or service they will perform on the project.

Under Item 4 of this form, Column A must specify only the number of subconsultant personnel and Column B should specify only the number of prime consultant personnel to be assigned to work on this project reference number. Do not include the total personnel for either the subconsultant or prime consultant under Item 4 unless the total personnel are necessary to provide the required work and services.

The prime and each subconsultant should not include more than one page each for Items 10 and 11.

If a Disadvantaged Business Enterprise (DBE) goal is specified for the project, the DBE must be currently certified by the Department of Transportation, and the name of the DBE and the work to be performed must be indicated in Item No. 6. If a Woman Business Enterprise (WBE) firm is substituted for the DBE, the WBE firm must also be presently certified by the Department of Transportation and indicated in Item 6.

5. Standard Form 254, "Architect-Engineer for Related Services Questionnaire" A Standard Form 254, not more than one (1) year old as of the date of this advertisement, should accompany each Letter of Interest for the firm, each party to a Joint Venture, and for each subconsultant the firm or Joint Venture is proposing to use for the performance of professional services regardless of whether the subconsultant is an individual, a college professor, or a Company, unless an acceptable Standard Form 254 for the prime and each subconsultant/subcontractor is on file in both the Bureau of Design and the Engineering District Office or Central Office Bureau identified in the individual project advertisement.

These Forms should be assembled with the prime's form first, followed by the form for each subconsultant in the same order as the subconsultants appear in Item 6 of Standard Form 255.

6. Authorization Letters (if required)

If the advertisement requires a letter signed by individuals giving their approval to use their name in the Letter of Interest, the letters from proposed prime employees should be first, followed by subconsultant employees, in the same order as shown in Item 6 of Standard Form 255.

7. Registration To Do Business

Firms with out-of-state headquarters or corporations not incorporated in Pennsylvania must include, with each Letter of Interest, a copy of their registration to do business in the Commonwealth as provided by the Department of State. Firms who are not registered to do business in Pennsylvania at the time of this advertisement must document that they have applied for registra-

tion to the Department of State, Corporation Bureau. The telephone number for the Corporation Bureau is (717) 787-1057 or (717) 787-2004.

8. Overhead Rates (one page)

A single page summary should indicate the latest audited overhead rate developed in accordance with Federal Acquisition Regulations (FAR) for the prime consultant and each subconsultant. If a FAR rate is not available, the latest rate available from a Certified Public Accountant must be indicated. New firms should indicate how long the firm has been in existence and when an audited overhead rate would be available.

9. Additional Information

Additional information, not to exceed ten (10) one sided 8 1/2" x 11" pages or five (5) double sided 8 1/2" x 11" pages may be included at the discretion of the submitting firm.

Letters of Interest will be rejected for the following reasons:

1. Received after the cut-off time and date specified above.
2. Failure to identify a Department Certified Disadvantaged Business Enterprise (DBE) if a DBE participation goal is identified in the advertised project.
3. Failure to include a copy of the registration to do business in the Commonwealth, if applicable.

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. 98-1719. Filed for public inspection October 16, 1998, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Welch Foods Inc., a Cooperative v. DEP and North East Borough, Permittee; EHB Doc. No. 98-188-R; 8/20/98 NPDES Permit

Welch Foods, Inc., a Cooperative has appealed the denial by the Department of Environmental Protection of an NPDES permit to Same for a facility in North East Borough, Erie County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by an interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at

(717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.62. Copies of the Board's rules of practice and procedure are available upon request from the Board.

GEORGE J. MILLER,
Chairperson

[Pa.B. Doc. No. 98-1720. Filed for public inspection October 16, 1998, 9:00 a.m.]

HOUSING FINANCE AGENCY

1999 Low-Income Housing Tax Credit Program; Public Hearing

The Housing Finance Agency (Agency) will conduct hearings in accordance with the Internal Revenue Code of 1986, as amended, to which all interested persons are invited. The Agency will conduct a public hearing at the following location:

<i>Location</i>	<i>Date</i>	<i>Time</i>
Pennsylvania Housing Finance Agency 2101 North Front Street Harrisburg	October 28, 1998	9 a.m.

Purpose

The purpose of the hearing is to solicit public comments concerning the proposed Pennsylvania 1999 Low-Income Housing Tax Credit Allocation Plan (Allocation Plan) for the Statewide distribution of the Federal low-income rental housing tax credits for projects to be placed-in-service after December 31, 1998.

The Allocation Plan contains changes and program amendments. A copy of the Allocation Plan may be requested through the Agency as noted below. Interested persons are invited to submit written comments before or at the public hearing and to present oral comments at the public hearing regarding the Allocation Plan. Individuals desiring to comment on the Allocation Plan, but unable to attend the public hearing, should provide written comments prior to or at the public hearing. Persons with a disability who wish to attend the above hearing and require an auxiliary aid service or other accommodation, should contact the Tax Credit Program at (717) 780-3948. Oral comments will only be accepted at the public hearing. Written comments and requests for a copy of the proposed Allocation Plan may be submitted to:

Manager, Tax Credit Program
Pennsylvania Housing Finance Agency
P. O. Box 8029
Harrisburg, PA 17105-8029
(717) 780-3948
TDD for Hearing Impaired: (717) 780-1869

Please contact the Agency at (717) 780-3948 if you are planning on attending the public hearing.

WILLIAM C. BOSTIC,
Executive Director

[Pa.B. Doc. No. 98-1721. Filed for public inspection October 16, 1998, 9:00 a.m.]

HUMAN RELATIONS COMMISSION

Public Hearing Opinion

The Human Relations Commission, under section 7(o) of the Pennsylvania Human Relations Act (act) (P. L. 744, No. 222) announces the publication of the stipulations of fact, findings of fact, conclusions of law, final decision and order, made after a public hearing under section 9(e)—(g) of the act, in the following case:

Nancy Flaherty v. Cloverleaf Mobile Home Sales, David P. Miller, James Codispotti, and James and Anna Palumbo, Owners; Doc. No. H5973 (Pennsylvania Human Relations Commission, September 29, 1998); Gender-based harassment; Ruling for Respondents, 7-0 decision; 15 pages.

The final order in the above-listed case is subject to appeal to Commonwealth Court, and if appealed is subject to being affirmed, reversed or modified, in whole or in part.

A copy of the opinion listed in this notice may be obtained by mailing a request indicating the opinions desired, accompanied by a check or money order in the amount of 10¢ per page (the number of pages in the opinion is set forth at the end of the case listing), to Laura J. Treaster, Information Director, Human Relations Commission, 101 South Second Street, Suite 300, Harrisburg, PA 17101. The check or money order should be made payable to the "Commonwealth of Pennsylvania."

HOMER C. FLOYD,
Executive Director

[Pa.B. Doc. No. 98-1722. Filed for public inspection October 16, 1998, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Filing of Final-Form Rulemakings

The Independent Regulatory Review Commission received, on the dates indicated, the following final-form regulations for review. To obtain the date and time of the meeting, interested parties may contact the office of the Commission at (717) 783-5417. To obtain a copy of the regulation, interested parties should contact the agency promulgating the regulation.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
7B-1	Department of Conservation and Natural Resources State Forests	10/5/98
16A-642	State Board of Auctioneer Examiners Biennial Renewal Fees	10/6/98
7-330	Environmental Quality Board New Motor Vehicle Emissions Control Program (NMVECP)	10/5/98

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 98-1723. Filed for public inspection October 16, 1998, 9:00 a.m.]

INSURANCE DEPARTMENT

Capital Blue Cross and Pennsylvania Blue Shield; Rating Factors—Comprehensive Major Medical Program for Experience-Rated Groups; Filing No. 98-Y

By Filing No. 98-Y, Capital Blue Cross and Pennsylvania Blue Shield have requested to update administrative expenses, costs and utilization trends and other retention elements for the Comprehensive Major Medical Program available to experience-rated groups of 51 or more contracts. An effective date of January 1, 1999, is proposed.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 98-1724. Filed for public inspection October 16, 1998, 9:00 a.m.]

Capital Blue Cross and Pennsylvania Blue Shield; Rating Factors—CustomBlue Program for Experience-Rated Groups; Filing No. 98-V

By Filing No. 98-V, Capital Blue Cross and Pennsylvania Blue Shield have requested to update administrative expenses, cost and utilization trends and other retention elements for the CustomBlue Program available to experience-rated groups of 51 or more contracts. An effective date of January 1, 1999, is proposed.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry

Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 98-1725. Filed for public inspection October 16, 1998, 9:00 a.m.]

Capital Blue Cross and Pennsylvania Blue Shield; Rating Factors—Major Medical Program for Experience-Rated Groups; Filing No. 98-U

By Filing No. 98-U, Capital Blue Cross and Pennsylvania Blue Shield have requested to update pure premium trends, administrative expenses and other retention elements for the Major Medical Program available to experience-rated groups of 51 or more contracts. An effective date of January 1, 1999, is proposed.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 98-1726. Filed for public inspection October 16, 1998, 9:00 a.m.]

Capital Blue Cross and Pennsylvania Blue Shield; Rating Factors—Point of Service HealthOne Program for Experience-Rated Groups; Filing No. 98-W

By Filing No. 98-W, Capital Blue Cross and Pennsylvania Blue Shield have requested to update pooling levels and other retention elements for the Point of Service HealthOne Program available to experience-rated groups of 51 or more contracts. An effective date of January 1, 1999, is proposed.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 98-1727. Filed for public inspection October 16, 1998, 9:00 a.m.]

Capital Blue Cross and Pennsylvania Blue Shield; Rating Factors—Wraparound Major Medical Program for Experience-Rated Groups; Filing No. 98-Z

By Filing No. 98-Z, Capital Blue Cross and Pennsylvania Blue Shield have requested to update administrative expenses and other retention elements for the Wrap-around Major Medical Program available to experience-rated groups of 51 or more contracts. An effective date of January 1, 1999, is proposed.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 98-1728. Filed for public inspection October 16, 1998, 9:00 a.m.]

Capital Blue Cross; Rate Factors for Basic Blue Cross Program for Experience-Rated Groups; Filing No. 98-T

By Filing No. 98-T, Capital Blue Cross is requesting to update administrative expenses, cost and utilization trends and other retention elements for the Basic Blue Cross Program available to experience-rated groups of 51 or more contracts. An effective date of January 1, 1999, is proposed.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 98-1729. Filed for public inspection October 16, 1998, 9:00 a.m.]

Capital Blue Cross; Rating Factors for Prescription Drug Program for Experience-Rated Groups; Filing No. 98-X

By Filing No. 98-X, Capital Blue Cross is requesting to update administrative expenses and cost and utilization trends for the Prescription Drug Program available to experience-rated groups of 51 or more contracts. An effective date of January 1, 1999, is proposed.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 98-1730. Filed for public inspection October 16, 1998, 9:00 a.m.]

Medical Professional Liability Catastrophe Loss Fund; Surcharge Filing

The Medical Professional Liability Catastrophe Loss fund has filed for a 55% surcharge under the Health Care Services Malpractice Act (40 P. S. §§ 1301.101—1301.1006), commonly known as Act 111, as amended by Act 135 of 1996. This represents a change from the 1997 surcharge of 64%.

The filing indicates the following:

"This year's surcharge percentage calculation is premised on the rates reflected in the Joint Underwriting Association (JUA) underwriting manual effective January 1, 1997, as amended by:

1. The JUA's September 26, 1997 filing, with respect to Partnerships, Associations and Corporations, effective January 1, 1999.

2. The JUA's May 1, 1998 filing, with respect to rate changes for orthopedic surgeons, otolaryngologists, gynecologists, on-surgical podiatrists, and non-institutional Montgomery County health care providers, description changes for radiologists, and limit changes to \$400,000 in primary coverage for all health care providers.

The filing also continues the reduction for part-time practice previously adopted by the Fund and includes a hospital experience modification plan as provided for by Act 135 of 1996.

The filing does not incorporate the following changes to the JUA underwriting manual:

1. The JUA's September 26, 1997 filing, with respect to colorectal surgeons and new physicians, and residents and fellows.

2. The JUA's November 25, 1997 filing, with respect to psychoanalysts."

The hospital experience modification plan would result in an average 13.7% revenue impact for hospitals over the expected 1999 hospital surcharge level.

The surcharge applies to any new policies effective on or after January 1, 1999.

Copies of the rate filing will be available for public inspection during normal working hours at the Insurance Department's offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit comments, suggestions or objections to Nabila Audi, Actuary, Insurance Department, Bureau of Property and Casualty Insurance, 1311 Strawberry Square, Harrisburg, PA 17120,

or by e-mail at naudi@ins.state.pa.us, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 98-1731. Filed for public inspection October 16, 1998, 9:00 a.m.]

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their company's termination of the insured's policies. 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 in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Carl and Brenda Bortz; file no. 98-121-06461; State Farm Fire and Casualty Insurance Company; doc. no. P98-09-028; October 29, 1998, at 1 p.m.

Both parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files and other necessary evidence. The insured must bring all documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) and the regulations set forth at 31 Pa. Code § 59.7(e) (relating to appeal procedures). Under 31 Pa. Code § 59.7(e)(5), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is given.

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative 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. 98-1732. Filed for public inspection October 16, 1998, 9:00 a.m.]

LEGISLATIVE REFERENCE BUREAU

Documents Filed But Not Published

The Legislative Reference Bureau accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of Bulletin). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no such documents have been received. For questions concerning or copies of documents filed, but not published, please call (717) 783-1530.

Department of Community Affairs

Home Rule Charter Amendment (May 19, 1998) for (County of Northampton).

Home Rule Charter two Amendments (May 19, 1998) for (West Deer Township) (Allegheny County).

Executive Board

Resolution #CB-98-231, Dated September 16, 1998, the Commonwealth of Pennsylvania entered into a side letter with the American Federation of State, County, and Municipal Employees (AFSCME); this side letter established classification specifications and other conditions for employment for the classifications Real Estate Appraiser and Chief Real Estate Appraiser.

Resolution #CB-98-236, Dated September 16, 1998, the Commonwealth of Pennsylvania entered into a side letter with the American Federation of State, County, and Municipal Employees, AFL-CIO, to include the Game Conservation Officer Manager 1 and Wildlife Conservation Officer Manager 2 classifications in the Game Commission Act 111 Unit, collective bargaining agreement effective April 9, 1997 through June 30, 1999 by approving the 37.5 hour Game Conservation Officer Pay Schedule (Y). This side letter was previously approved by Resolution #CB-98-205, dated August 18, 1998.

Governor's Office

Manual M210.3 Index of Issuances—Directives Management System—Amended August 18, 1998.

Manual M310.2 Definitions of Major and Minor Objects of Expenditures—Amended August 27, 1998.

Management Directive No. 515.20—Reemployment of Commonwealth Annuitants—Amended September 3, 1998.

Management Directive No. 530.11—Benefit Rights of Permanent and Temporary Employees—Amended September 3, 1998.

Administrative Circular No. 98-28—1999-00 Program Policy Guidelines—Dated August 31, 1998.

GARY R. HOFFMAN,
Director,
Pennsylvania Bulletin

[Pa.B. Doc. No. 98-1733. Filed for public inspection October 16, 1998, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Applications

Motor Carrier Applications—Property, Excluding Household Goods in Use

The following applications for the authority to transport property, excluding household goods in use, between points in Pennsylvania, have been filed with the Pennsylvania Public Utility Commission. Public comment to these applications may be filed, in writing with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265 on or before November 9, 1998.

A-00115345 Donald F. & Jeffrey J. Andrews, Copts, t/a
Andrews Trucking
R. R. 2, Box 170, Forest City, PA 18421

A-00115344 Audrey O. Nolan, t/a JR's Sales and Parts
46801 Dutch Lane, St. Clairsville, OH
43950

*Pennsylvania Public Utility Commission, Bureau of
Transportation and Safety v. Roland Curtis Lawrence,
t/a Lawrence's Limousine Service; Doc. No. A-
00106558C98*

Complaint

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania, empowered to regulate motor carriers and brokers within this Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Roland Curtis Lawrence, t/a Lawrence's Limousine Service, respondent, maintains a principal place of business at 282 Meadow Street, Meadville, PA 16335.

2. That all times relevant to this Complaint, respondent held a certificate of public convenience issued by this Commission at Application Docket No. A-00106558.

3. That pursuant to Section 512 of the Public Utility Code, 66 Pa.C.S. § 512, and 52 Pa. Code Chapter 32; respondent is required to maintain evidence of current insurance on file with this Commission.

4. That respondent has failed to maintain evidence of bodily injury and property damage liability insurance, in violation of the Public Utility Code and regulations cited in Paragraph 3 of this complaint.

5. That as a result of failure to maintain evidence of current insurance on file with this Commission, the Bureau of Transportation and Safety Prosecutory Staff requests that the Secretary of the Commission revoke respondent's certificate of public convenience.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Secretary of the Commission revoke the certificate of public convenience held by Roland Curtis Lawrence, t/a Lawrence's

Limousine Service at Docket No. A-00106558, for failure to maintain current evidence of insurance on file with the Commission.

Respectfully submitted,

George T. Mahan, Director
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

Verification

I, George T. Mahan, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

George T. Mahan

Notice to Plead

A. You must file an answer within twenty (20) days of the date of service. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice to plead. 52 Pa. Code § 1.56(a). The answer must raise all factual and legal arguments that you wish to claim in your defense and must include the docket number of this Complaint. Your answer must be verified and the original and two (2) copies sent to:

James J. McNulty, Acting Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days of the date of service as identified in Paragraph A. above, the Bureau of Transportation and Safety will request that the Commission enter an order revoking your certificate of public convenience; contract carrier permit; or brokerage license or imposing such other remedy as may be appropriate.

C. In lieu of an answer, you may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations. The proof of insurance must be filed with the Secretary of the Commission at the address set forth in Paragraph A. Upon receipt of the proof of insurance from your insurer, the complaint proceeding shall be closed.

D. If you file an answer which either admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request that the Commission enter an order revoking your certificate of public convenience, contract carrier permit; or brokerage license.

E. If you file an answer which contests the complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

*Pennsylvania Public Utility Commission, Bureau of
Transportation and Safety v. Triple R. Haulers, Inc.;*
Doc. No. A-00110389C9801

Complaint

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania, empowered to regulate motor carriers and brokers within this Commonwealth. The Commission

has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Triple R. Haulers, Inc., respondent, maintains a principal place of business at 125 Hamburg Turnpike, Riverdale, NJ 07457.

2. That all times relevant to this Complaint, respondent held a certificate of public convenience issued by this Commission at Application Docket No. A-00110389.

3. That pursuant to Section 512 of the Public Utility Code, 66 Pa.C.S. § 512, and 52 Pa. Code Chapter 32; respondent is required to maintain evidence of current insurance on file with this Commission.

4. That respondent has failed to maintain evidence of cargo insurance, in violation of the Public Utility Code and regulations cited in Paragraph 3 of this complaint.

5. That as a result of failure to maintain evidence of current insurance on file with this Commission, the Bureau of Transportation and Safety Prosecutory Staff requests that the Secretary of the Commission revoke respondent's certificate of public convenience.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Secretary of the Commission revoke the certificate of public convenience held by Triple R. Haulers, Inc. at Docket No. A-00110389, for failure to maintain current evidence of insurance on file with the Commission.

Respectfully submitted,

George T. Mahan, Director
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

Verification

I, George T. Mahan, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

George T. Mahan

Notice to Plead

A. You must file an answer within twenty (20) days of the date of service. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice to plead. 52 Pa. Code § 1.56(a). The answer must raise all factual and legal arguments that you wish to claim in your defense and must include the docket number of this Complaint. Your answer must be verified and the original and two (2) copies sent to:

James J. McNulty, Acting Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days of the date of service as identified in Paragraph A. above, the Bureau of Transportation and Safety will request that the Commission enter an order revoking

your certificate of public convenience; contract carrier permit; or brokerage license or imposing such other remedy as may be appropriate.

C. In lieu of an answer, you may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations. The proof of insurance must be filed with the Secretary of the Commission at the address set forth in Paragraph A. Upon receipt of the proof of insurance from your insurer, the complaint proceeding shall be closed.

D. If you file an answer which either admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request that the Commission enter an order revoking your certificate of public convenience; contract carrier permit; or brokerage license.

E. If you file an answer which contests the complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. World Wide Delivery, Inc.; Doc. No. A-00110883C9801

Complaint

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania, empowered to regulate motor carriers and brokers within this Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That World Wide Delivery, Inc., respondent, maintains a principal place of business at 8681 Cherry Lane, Laurel, MD 20707.

2. That all times relevant to this Complaint, respondent held a certificate of public convenience issued by this Commission at Application Docket No. A-00110883.

3. That pursuant to Section 512 of the Public Utility Code, 66 Pa.C.S. § 512, and 52 Pa. Code Chapter 32; respondent is required to maintain evidence of current insurance on file with this Commission.

4. That respondent has failed to maintain evidence of cargo insurance, in violation of the Public Utility Code and regulations cited in Paragraph 3 of this complaint.

5. That as a result of failure to maintain evidence of current insurance on file with this Commission, the Bureau of Transportation and Safety Prosecutory Staff requests that the Secretary of the Commission revoke respondent's certificate of public convenience.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Secretary of the Commission revoke the certificate of public convenience held by World Wide Delivery, Inc. at Docket No. A-00110883, for failure to maintain current evidence of insurance on file with the Commission.

Respectfully submitted,

George T. Mahan, Director
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

Verification

I, George T. Mahan, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

George T. Mahan

Notice to Plead

A. You must file an answer within twenty (20) days of the date of service. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice to plead. 52 Pa. Code § 1.56(a). The answer must raise all factual and legal arguments that you wish to claim in your defense and must include the docket number of this Complaint. Your answer must be verified and the original and two (2) copies sent to:

James J. McNulty, Acting Secretary
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days of the date of service as identified in Paragraph A. above, the Bureau of Transportation and Safety will request that the Commission enter an order revoking your certificate of public convenience; contract carrier permit; or brokerage license or imposing such other remedy as may be appropriate.

C. In lieu of an answer, you may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations. The proof of insurance must be filed with the Secretary of the Commission at the address set forth in Paragraph A. Upon receipt of the proof of insurance from your insurer, the complaint proceeding shall be closed.

D. If you file an answer which either admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request that the Commission enter an order revoking your certificate of public convenience; contract carrier permit; or brokerage license.

E. If you file an answer which contests the complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 98-1734. Filed for public inspection October 16, 1998, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Proposals

The Philadelphia Regional Port Authority (PRPA) will accept sealed proposals for Project #9827.9, Maintenance Dredging at PAMT, P96S, P84S, P82S, P80S, TMT-II & TMT-I until 2 p.m. on Thursday, November 5, 1998. The

bid documents can be obtained from the Procurement Administrator, PRPA, 210 West Washington Square, 13th Floor, Philadelphia, PA 19106, (215) 928-9100 and will be available October 20, 1998. The cost of the bid documents is \$35 (includes 7% PA Sales Tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Contractor must comply with all applicable equal opportunity laws and regulations.

Mandatory prebid job site meeting will be held October 29, 1998, 10 a.m. at PRPA, Port of Philadelphia Administrative Building, Room 201, 3460 N. Delaware Avenue, Philadelphia, PA 19134. The PRPA will consider only those bids received from parties who attend the prebid meeting.

JAMES T. MCDERMOTT,
Executive Director

[Pa.B. Doc. No. 98-1735. Filed for public inspection October 16, 1998, 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:

November 13, 1998	Phyllis M. Strawn (Disability Eligibility)	10:30 a.m.
	Shawn P. Troast (D) (Payment of Death Benefit)	1:00 p.m.
	Larry O. LeBlanc (D) (Payment of Death Benefit)	2:30 p.m.
November 18, 1998	Michael J. Ciliberti (Purchase of Service)	1:00 p.m.
	Francis B. Lorson (Multiple Service Membership)	2:30 p.m.

Persons with a disability who wish to attend the above-listed hearings, and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact Arthur J. Granito, Assistant Executive Director, at (717) 783-5613 to discuss how the Public School Employees' Retirement System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501-508 and 701-704 (relating to the Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matters will be in conformance with

1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

JAMES A. PERRY,
Secretary

[Pa.B. Doc. No. 98-1736. Filed for public inspection October 16, 1998, 9:00 a.m.]

STATE BOARD OF NURSING

Commonwealth of Pennsylvania v. Sandra K. Shirk, L.P.N.

Notice to Sandra K. Shirk, L.P.N.:

On July 31, 1998, the Commonwealth of Pennsylvania, State Board of Nursing instituted a formal administrative action against you, alleging that you have violated certain provisions of the Pennsylvania Practical Nurse Law. Under 1 Pa. Code § 33.31 and Pa.R.C.P. Rule 430 providing for service of process upon you by publication:

If you wish to defend against the allegations in the order to show cause, or to present evidence on your behalf in mitigation of any penalties which may be imposed upon you or your license, certification, registration, permit or other authorization to practice your profession, the procedures for doing so are set forth in the order to show cause. You have the right to be represented by an attorney in this matter. Although you may represent yourself, you are advised to seek the advice of an attorney. All proceedings are conducted in accordance with the administrative agency law and the general rules of administrative practice and procedure.

You are directed to respond by filing an answer in writing within 30 days of the date of the order to show cause. An original and two copies must be submitted. Also, you must send a separate copy of the answer, and any other pleadings or documents, to the prosecuting attorney named in this document. If you do not file an answer, disciplinary action may be taken against you without a hearing.

Answers and any other pleadings should be filed with: Deanna S. Walton, Prothonotary, Bureau of Professional and Occupational Affairs, 124 Pine Street, Suite 200, Harrisburg, PA 17101.

M. CHRISTINE ALICHNIE, Ph.D., R.N.,
Chairperson

[Pa.B. Doc. No. 98-1737. Filed for public inspection October 16, 1998, 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, 5th Floor, Harrisburg, PA 17108:

October 21, 1998	George Soukup (Non-Intervening Military Service)	1 p.m.
October 29, 1998	Francis J. Hudak (Graduate Assistant)	1 p.m.
November 4, 1998	Yashpaul S. Parmar (Pension Forfeiture)	1 p.m.
November 18, 1998	Community College of Phila. (SERS Membership)	1 p.m.
December 2, 1998	John E. Merryman (Final Average Salary)	1 p.m.
December 14, 1998	Roslyn V. Harris (Disability)	1 p.m.
December 16, 1998	Patricia L. Sikora (Multiple Service)	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 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

JOHN BROSIUS,
Secretary

[Pa.B. Doc. No. 98-1738. Filed for public inspection October 16, 1998, 9:00 a.m.]

TURNPIKE COMMISSION

Request for Proposals

Sealed proposals will be received by Jeffrey L. Hess, Purchasing Manager, at the Administration Building, Harrisburg-East Interchange near Highspire, PA (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676) and publicly opened and read at the date and time indicated for the following contract:

Contract No. 98-018-RQ08—Rehabilitation of Bridge No. NB-703 at M.P. A-099.3 in Lackawanna Co., PA

Bid Opening Date—November 17, 1998, 11 a.m.

Bid Surety—5%

Plans, specifications and contract documents will be available and open for public inspection at the Administration Building. Copies may be purchased upon payment of \$25 per set by check or P. O. Money Order (No Cash) payable to the Pennsylvania Turnpike Commission, Attention: Secretary-Treasurer's Office, P. O. Box 67676, Harrisburg, PA 17106-7676. No refund for any reason will be made for plans, specifications and contract documents.

A Prequalification Certification and Maximum Capacity Rating assigned by the Prequalification Committee of the Pennsylvania Department of Transportation is a necessary prerequisite for bidding on this project.

Direct any questions for this project to Donald Klingensmith at (717) 939-9551, Ext. 5850.

Contact the Purchasing Manager for a listing of other locations where plans and specs can be inspected.

JAMES F. MALONE, III,
Chairperson

[Pa.B. Doc. No. 98-1739. Filed for public inspection October 16, 1998, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". A qualified small business concern is an independently owned, operated for profit, business employing 100 or fewer employes and is not a subsidiary or affiliate of a corporation otherwise not qualified.

Such penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter. The small business concern must include on every invoice submitted to the Commonwealth: "(name of vendor) is a qualified small business concern as defined at 4 Pa. Code § 2.32".

For information on the required payment date and annual interest rate, please call the Pennsylvania Department of Commerce, Small Business Action Center, 483 Forum Building, 783-5700.

Reader's Guide

Legal Services & Consultation—26

- ① Service Code Identification Number
- ② Commodity/Supply or Contract Identification No.

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services
 Location: Harrisburg, Pa.
 Duration: 12/1/93-12/30/93
 Contact: Procurement Division
 787-0000

③ Contract Information

④ Department

⑦

⑤ Location

(For Commodities: Contact:)
 Vendor Services Section
 717-787-2199 or 717-787-4705

⑥ Duration

REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, "Frequently Asked Questions About State Contracts," explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**
 Pennsylvania State Treasury
 Room G13 Finance Building
 Harrisburg, PA 17120
 717-787-2990
 1-800-252-4700

BARBARA HAFER,
State Treasurer

Online Subscriptions At <http://www.statecontracts.com> 1-800-334-1429 x340

Commodities

1295208 Aircraft and airframe structural components—2 each Global Positioning Sys Informer Delux w/voice and switching, Orion Model No. ST602TDK no substitute; 1 each Skytrack USA Professional software, Orion Model No. SK600TK no substitute; 2 each cellular base station Orion Model No. ST616CBS no substitute; 2 each Can Track 4000 RF System T12-P4 Orion Model No. CN-4000 no substitute; 2 each battery pack external 16 "AA" Orion Model No. ST100BP no substitute; 2 each battery pack, external 8 "D" Orion Model No. ST300BP no substitute.

Department: State Police
Location: Hershey, Dauphin County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

0888-07 Annual Contract—DPW envelopes (DPW).

Department: Public Welfare
Location: Various
Duration: 02/01—01/31
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

5610-36 Annual Contract—Bituminous material, plant mixed, District 1-12 (DOT).

Department: Transportation
Location: Various
Duration: 02/01—01/31
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

6810-04 Annual Contract—Chemicals, mine water treatment.

Department: Various
Location: Various
Duration: 03/01—02/28
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

7520-10 Annual Contract—Wastebaskets, desk trays/organizers.

Department: Various
Location: Various
Duration: 02/01—01/31
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

7810-01 Annual Contract—Recreation equipment.

Department: Various
Location: Various
Duration: 02/01—01/31
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

8305-03 Annual Contract—Textiles (CI).

Department: Corrections
Location: Various
Duration: 05/01—04/30
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

8730-01 Annual Contract—Seeds, grass, forbs.

Department: Various
Location: Various
Duration: 02/01—10/31
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

8118400 Chemicals and chemical products—9 each furnish and set-up tank storage (capacity 5,000 gallons each tank) for liquid magnesium chloride to include catwalk.

Department: Transportation
Location: Somerset, Somerset County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1235148 Communication equipment—2 each disguised microwave pole camera surveillance system.

Department: Attorney General
Location: Newtown, Bucks County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1289118 Construction and building materials—2 each vendor to furnish and set up two sliding pedestrian gates approximately 8' x 8' to fit existing opening fence.

Department: Corrections
Location: Dallas, Luzerne County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

8231710 Containers, packaging and packing supplies—5 each furnish and set up 5,000 gallon poly tanks.

Department: Transportation
Location: Hyde, Clearfield County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1259118 Hardware and abrasives—Various quantity stock on replacement parts, for various lock hardware, door hardware, key blanks and other hardware needed to maintain essential security throughout State Correctional Institution Greene.

Department: Corrections
Location: Waynesburg, Greene County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1262118 Hardware and abrasives—30 each Best Cores No. 5C-7-E-1-W-606 no substitutes, must match existing locks; 50 each Best Caps No. SECP7; 15 each Best Lock No. 21-B-7-22-L-M-R-WC; 15 each Best Lock No. 11-B-7-22-L-M-R-WC; 30 each Best Cores No. 1-C-7-E-1-606; 50 each Best Lock No. 21B-7-70-T locks to be keyed to MA-64; 30 each Best Deadbolt No. 5C-7-E-1-606 high security; 20 each Best Lock No. 5C-7-E-1-606 high security; 9 each Best Lock No. 83T-7-K-STK-626; 10 each Best Deadbolt Tube Assy No. 82TDB; 10 each Best Lock No. 83T-7-K-STK-626 keyed to MA-60; 10 each Best Lock No. 21B-22-T keyed to T-41-T42, T-42-T44-T45-T46-T48-T49-T50-T51; 30 each Best Lock No. 21B-22-T keyed to N4; 10 each Bestlock No. 1C-7-E-2-606 keyed to N4; 50 each Best Lock No. 1C-7-E-606 uncombined; 30 each Best Padlock No. 21B-7-22-T-M-R-MCB-6; 40 each Best Lock 21B-7-22-L not keyed; 10 each Best Lock 21B-7-22-T MA-60; 50 each Best Padlock No. 21B-7-22-L-M-WC cored to B-4; 20 each Best Padlock No. 217-22-L-M-WC cored to B-5.

Department: Corrections
Location: Camp Hill, Cumberland County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1302308 Lumber, millwork, plywood and veneer—1,920 BD Ft Douglas Fir, 1,920 board feet; clear, vertical grain; boat planking, rough cut, kiln dried to 20% or less moisture content.

Department: Erie Maritime Museum
Location: Erie, Erie County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1261158 Materials handling equipment—1 each latest model scissors lift w/options Ref. Model Genie Model GS-1930 or approved equal.

Department: Historical and Museum Commission
Location: Strasburg, Lancaster, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1228118 Metal bars, sheets and shapes—3,000 each cold roll sheet steel size 48" x 96" x 18 GA lightly oiled and free from rust.

Department: Correctional Industries
Location: Pittsburgh, Allegheny County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1199388 Prefabricated structures and scaffolding—411 each Heritage Model H75P-2-50/30/20 pedestal; 13 each Siemens Model W3030MB 1400CU 400 AMP load center (30 space); 5 each Siemens Model W4242MB 1400CU 400 AMP load center (42 spaces); 6 each Siemens Model W2040MB 1200CU 200 AMP load center; 28 each Siemens Model Q1250B 2 pole 150 AMP breaker; 4 each Siemens QPJ2150 2 pole 150 AMP breaker; 62 each Siemens Model Q2125B 2 pole 125 AMP breaker; 4 each Siemens Model QPJ2125 2 pole 125 AMP breaker; 18,500 each Senator Model 250 MCM use paralleled wire; 28,000 each Senator 4/0 Al Triplex URD wire; 46,500 each Senator No. 2 use ground wire; 500 each Senator No. 6 3UF (copper) wire; 96 each Penn Union crimp reducer nipples; 17 each Landis & Gyr Model 44704320 AMP meter socket; 7 each Landis and GYP UAS877-PPZ 200 AMP meter socket; 29 each Billows Model GRDCUO 48 x 8" x 5/8 grounding rods.

Department: Hickory Run State Park
Location: Perkasio, Bucks County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1191358 Textiles—1 LS furnish materials and installation for pond liner; 1 LS furnish material only geomembrane liner.

Department: Environmental Protection
Location: Ebensburg, Cambria County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

Advertising—01

X3405 Provide approximately 5,000 recycled tote bags with imprinting for the Department of Environmental Protection.

Department: Environmental Protection
Location: Harrisburg, PA
Duration: Must be delivered by November 30, 1998
Contact: Ally Hubler, (717) 787-2471

Construction—09

DGS 948-35, PH. 7, P.T.C Project Title: Fire Safety Code Improvements. Brief description: Work includes a sprinkler system, fire alarm system on floors 5 through basement, and HVAC and basic electrical work, including installation and renovation of walls and ceilings, cutting and patching for the 17th floor down through the Labor and Industry Building. General, HVAC and electrical construction. Plans deposit: \$400 per set. Payable to: Brinjac Kambic & Associates. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: Brinjac, Kambic & Associates, 114 North Second Street, Harrisburg, PA 17101-1401, (717) 233-4502. Bid date: Wednesday, November 4, 1998 at 2 p.m. Prebid conference has been scheduled for Thursday, October 22, 1998 at 10 a.m. Meeting to be held in Corporate Board Room, 18th and Herr Streets, Harrisburg, PA. All contractors who have secured contract documents are invited and urged to attend.

Department: General Services
Location: Labor and Industry Building, Capitol Complex, Harrisburg, Dauphin County, PA
Duration: 720 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS A 207-11 Project Title: Replacement of Underground Gasoline Storage Tank. Brief description: Remove three underground gasoline storage tanks (1—10,000 gallon; 1—1,500 gallon and 1—500 gallon), one 10,000 gallon underground fuel oil tank, concrete pads, dispenser, piping and replace with one new 10,000 gallon below grade vaulted gasoline storage system with dispenser, card reader, software, a fuel management system, related piping, electrical work, site assessment, sampling and testing. Electrical and UST/AST construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, November 4, 1998 at 1 p.m.

Department: General Services
Location: PA State Police, Troop "K" Headquarters, Philadelphia, Philadelphia County, PA
Duration: 150 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS A 225-7 Project Title: Replacement of Underground Gasoline Storage Tank. Brief description: Remove one 10,000 gallon underground gasoline storage tank, concrete pads, dispenser and piping. Replace with one new 10,000 gallon below grade vaulted gasoline storage system with dispenser, card reader, software, a fuel management system, related piping, electrical work, site assessment, sampling and testing. Furnish and install a new 4' x 8' aluminum storage shed. Electrical and UST/AST construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, November 4, 1998 at 11 a.m.

Department: General Services
Location: PA State Police, "D" Headquarters, Butler, Butler County, PA
Duration: 150 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS A 251-444 (Rebid) Project Title: Fuel Conversion from Oil to Natural Gas. Brief description: Convert two fuel oil burners on the existing boilers to new natural gas fuel burners including all related work. Replace the domestic hot water heater, furnish and install a new natural gas service and connect to the gas-fired equipment in the building. Mechanical construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, October 28, 1998 at 2 p.m.

Department: General Services
Location: PennDOT County Maintenance District 2-5 Building, Cyclone, McKean County, PA
Duration: 120 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS A 251-469 Project Title: New Fuel Facility. Brief description: Remove six fuel/waste oil tanks. Install two 8,000 gallon diesel underground storage tanks (UST) with fuel island and canopy associated control, monitor systems, associated electrical equipment and install one 2,000 gallon (1,500/500) UST for waste oil. Electrical and UST/AST construction. Plans deposit: \$25 per set. Payable to: Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, November 4, 1998 at 2 p.m. A prebid conference has been scheduled for Wednesday, October 14, 1998 at 10 a.m., at PennDOT Maintenance Building, Chambersburg, Franklin County, PA. Report to Main Building, Front Office. Contact: Norman Klimkowski, (717) 783-2593. All contractors who have secured contract documents are invited and urged to attend this prebid conference.

Department: General Services
Location: PennDOT Maintenance Building, Chambersburg, Franklin County, PA
Duration: 115 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS A 251-518 Project Title: Install Sewer Lines. Brief description: Work consists of separation of roof drains from the garage floor drains and diverted to the existing storm sewer and provide an oil/water separator for the floor drain discharge to the existing sanitary sewer. Plumbing construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, November 4, 1998 at 11 a.m.

Department: General Services
Location: PennDOT Maintenance Building, Meadville, Crawford County, PA
Duration: 90 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

Project No. KU 99-12 Kutztown University is seeking qualified contractors for the replacement of the exterior entrance at Schaeffer Auditorium at Kutztown University. Work to include, but is not limited to: Installation of new exterior aluminum clad wood entrances, including window transoms, selective demolition, cutting and patching, staining the interior of the new entrances and wood molding and removing and reinstalling existing light fixtures. Bid packages are available for a nonrefundable fee of \$35 from: Entech Engineering, Inc., 4 South Fourth Street, P. O. Box 32, Reading, PA 19503, (610) 373-6667. Bid packages are available October 12, 1998 through prebid. A prebid meeting has been scheduled for Tuesday, October 20, 1998 at 10 a.m. Bids must be received on November 3, 1998 by 2 p.m. in Room 229, Office of Planning and Construction, South Campus Drive, Kutztown, PA 19530. Bids will be opened on November 4, 1998 at 2 p.m. in the Office of Planning and Construction.

Department: State System of Higher Education
Location: Kutztown University, Kutztown, PA 19530
Duration: 90 days from Notice to Proceed
Contact: Barbara Barish, Contract Specialist, (610) 683-4602

SP401309 Services required to install snowmobile trail bridge, including all labor and materials, in Forest District 15, West Branch Township, Potter County.

Department: Conservation and Natural Resources
Location: Bureau of Facility Design and Construction, Forest District 15, West Branch Township, Potter County, PA
Duration: Work to be completed 60 days after Notice to Proceed
Contact: Cory Gaiski, (717) 783-0760

Engineering Services—14

RFP No. 409-ED-AE Architectural Design Services. Lock Haven University of PA, part of the State System of Higher Education, will select a firm to provide professional design services, through all phases of construction for a new Student Recreation Center (approximately 40,150 gsf). Interested professionals should contact Todd Webber at (717) 893-2019 prior to October 30, 1998 to obtain a request for proposal package. A preproposal meeting will be held October 20, 1998. The proposal packages will be available by October 12, 1998, and all required information including bid response date and information related to the responses will be included in that package. The System encourages responses from small firms, minority firms, women-owned firms, and firms which may have not previously performed work for the System. Nondiscrimination and Equal Opportunity are the policies of the Commonwealth and of the State System of Higher Education.

Department: State System of Higher Education
Location: Lock Haven University of PA, Main Campus, Lock Haven, PA 17745
Duration: Approximately 2 1/2 years
Contact: Todd D. Webber, (717) 893-2019

08430AG2253 Open-end contract for various engineering and/or environmental services on various projects located in Engineering District 10-0, that is Armstrong, Butler, Clarion, Indiana and Jefferson Counties.

Department: Transportation
Location: Engineering District 10-0
Duration: Sixty (60) months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2254 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 12-0, that is, Fayette, Greene, Washington and Westmoreland Counties.

Department: Transportation
Location: Engineering District 12-0
Duration: Sixty (60) months
Contact: Consultant Agreement Division, (717) 783-9309

Food—19

Inquiry No. 22 Provide for a vending machine service to the patients and staff of the Allentown State Hospital. Services shall include hot drink machines, canned soda machines, candy machines, cold buffet machines and coin machines. A copy of the bid proposal can be obtained by contacting the Purchasing Department of the Allentown State Hospital at (610) 740-3428 or fax (610) 740-3424.

Department: Public Welfare
Location: Allentown State Hospital, 1600 Hanover Avenue, Allentown, PA 18103-2498
Duration: July 1, 1999 to June 30, 2003
Contact: T. F. Snyder, Purchasing Agent, (610) 740-3428

C-2 Fresh produce—to be delivered 2x's weekly during contract period.

Department: Military Affairs
Location: Southeastern PA Veterans Center, Spring City, Chester County, PA 19475
Duration: January 1, 1999 through March 31, 1999
Contact: Theresa Barthel, Purchasing Agent, (610) 948-2493

C-3 Bread and rolls—to be delivered 3x's weekly during contract period.

Department: Military Affairs
Location: Southeastern PA Veterans Center, Spring City, Chester County, PA 19475
Duration: January 1, 1999 through March 31, 1999
Contact: Theresa Barthel, Purchasing Agent, (610) 948-2493

C-5 Meat—to be delivered weekly during contract period.

Department: Military Affairs
Location: Southeastern PA Veterans Center, Spring City, Chester County, PA 19475
Duration: January 1, 1999 through March 31, 1999
Contact: Theresa Barthel, Purchasing Agent, (610) 948-2493

C-6 Poultry—to be delivered weekly during contract period.

Department: Military Affairs
Location: Southeastern PA Veterans Center, Spring City, Chester County, PA 19475
Duration: January 1, 1999 through March 31, 1999
Contact: Theresa Barthel, Purchasing Agent, (610) 948-2493

C-7 Frozen foods—to be delivered weekly during contract period.

Department: Military Affairs
Location: Southeastern PA Veterans Center, Spring City, Chester County, PA 19475
Duration: January 1, 1999 through March 31, 1999
Contact: Theresa Barthel, Purchasing Agent, (610) 948-2493

LBP-97-089 Meat and meat products—quantities, specifications and delivery dates may be obtained from the Northeastern PA Veterans Center.

Department: Military and Veterans Affairs
Location: Northeastern PA Veterans Center, 401 Penn Avenue, Scranton, PA 18503-1213
Duration: January 1, 1999 through March 31, 1999
Contact: Joseph Libus, Purchasing Agent II, (717) 961-4318

LBP-97-090 Miscellaneous frozen food items—quantities, specifications and delivery dates may be obtained from the Northeastern PA Veterans Center.

Department: Military and Veterans Affairs
Location: Northeastern PA Veterans Center, 401 Penn Avenue, Scranton, PA 18503-1213
Duration: January 1, 1999 through March 31, 1999
Contact: Joseph Libus, Purchasing Agent II, (717) 961-4318

Fuel Related Services—20

AE-1930 Install new above ground storage tank. Fax (717) 783-7971.

Department: Transportation
Location: PennDOT Maintenance Building, Allentown, Lehigh County, PA
Duration: 90 calendar days—proposed bid November, 1998
Contact: Valentina Chubb, (717) 787-7001

AE-2019	Install new above ground storage tank. Fax (717) 783-7971. Department: Transportation Location: PennDOT, Doylestown, Bucks County, PA Duration: 90 calendar days—proposed bid November, 1998 Contact: Valentina Chubb, (717) 787-7001
AE-2294	Install new above ground storage tank. Fax (717) 783-7971. Department: Transportation Location: PennDOT Maintenance Building, Easton, Northampton County, PA Duration: 90 calendar days—proposed bid November, 1998 Contact: Valentina Chubb, (717) 787-7001
AE-3017	Install new above ground storage tank. Fax (717) 783-7971. Department: Transportation Location: PennDOT Maintenance Building, Ebensburg, Cambria County, PA Duration: 90 calendar days—proposed bid November, 1998 Contact: Valentina Chubb, (717) 787-7001
AE-5221	Install new above ground storage tank. Fax (717) 783-7971. Department: Transportation Location: PennDOT Maintenance Building, West Chester, Chester County, PA Duration: 90 calendar days—proposed bid November, 1998 Contact: Valentina Chubb, (717) 787-7001
AE-5243	Install new above ground storage tank. Fax (717) 783-7971. Department: Transportation Location: PennDOT Maintenance Building, 355 Dewart Street, Sunbury, Northumberland County, PA Duration: 90 calendar days—proposed bid November, 1998 Contact: Valentina Chubb, (717) 787-7001
AE-5253	Install new above ground storage tank. Fax (717) 783-7971. Department: Transportation Location: PennDOT Maintenance Building, Kittanning, Armstrong County, PA Duration: 90 calendar days—proposed bid November, 1998 Contact: Valentina Chubb, (717) 787-7001
AE-5341	Install new above ground storage tank. Fax (717) 783-7971. Department: Transportation Location: PennDOT Maintenance Building, Fox Chapel Road, Aspinwall, Allegheny County, PA Duration: 90 calendar days—proposed bid November, 1998 Contact: Valentina Chubb, (717) 787-7001
AE-5343	Install new above ground storage tank. Fax (717) 783-7971. Department: Transportation Location: PennDOT Maintenance Building, Montrose, Susquehanna County, PA Duration: 90 calendar days—proposed bid November, 1998 Contact: Valentina Chubb, (717) 787-7001
AE-5348	Install new above ground storage tank. Fax (717) 783-7971. Department: Transportation Location: PennDOT Maintenance Building, Hollidaysburg, Blair County, PA Duration: 90 calendar days—proposed bid November, 1998 Contact: Valentina Chubb, (717) 787-7001

Hazardous Material Services—21

HSCP 06-011-101.1 Waste Remediation, Dupont/New Castle Junk Yard site involves 61,400 c. y. of excavation, backfilling and grading of China waste; 5 tons of asbestos-containing debris disposal; 3,000 tons of handling and disposal of debris piles; 92,250 tons of waste material stabilization; 7 acres of soil cover placement; 1,200 l. f. of grass lined swale construction; 200 l. f. of riprap lined swale construction; 8.5 acres of revegetation and 3 acres of wetlands replacement. A mandatory prebid conference is scheduled; failure to attend the prebid conference will be cause for rejection of the bid.

Department: Environmental Protection
Location: New Castle, Lawrence County, PA
Duration: 360 days after Notice to Proceed
Contact: Construction Contracts Section, (717) 783-7994

HVAC—22

FM08799802 Replacement of boiler blow down piping, Heat Plant Building No. 30.
Department: Public Welfare
Location: Selinsgrove Center, Box 500, Route 522, Selinsgrove, Snyder County, PA 17870
Duration: Indeterminate 1998—99
Contact: Arletta K. Ney, Purchasing Agent, (717) 372-5070

Janitorial Services—23

DES-007 Provide janitorial services every Monday, Wednesday and Friday at Norristown Driver Exam Site, 2101 Swede Road, Norristown, PA. To obtain a bid package contact Carol Crum (include ID No. DES 007) by fax (717) 772-8282. Include name, address and phone.
Department: Transportation
Location: Norristown Driver Exam Site, 2101 Swede Road, Norristown, PA
Duration: Two year with three 1-year renewals
Contact: Carol Crum, (717) 783-8912

Medical Services—29

Inquiry No. 23 This service provides for magnetic resonance imaging requested by the attending physicians. A copy of the bid proposal can be obtained by contacting the Purchasing Department of the Allentown State Hospital by phone (610) 740-3428 or by fax at (610) 740-3424.

Department: Public Welfare
Location: Allentown State Hospital, 1600 Hanover Avenue, Allentown, PA 18103-2498
Duration: July 1, 1999 to June 30, 2003
Contact: T. F. Snyder, Purchasing Agent, (610) 740-3428

Inquiry No. 24 This service will provide for pathology services on an as needed basis. A copy of the bid proposal can be obtained by contacting the Purchasing Department of the Allentown State Hospital at (610) 740-3428 or by fax at (610) 740-3424.

Department: Public Welfare
Location: Allentown State Hospital, 1600 Hanover Avenue, Allentown, PA 18103-2498
Duration: July 1, 1999 to June 30, 2003
Contact: T. F. Snyder, Purchasing Agent, (610) 740-3428

Inquiry No. 25 To provide for the services of an orthopedic consultant to include monthly on-ground orthopedic clinic for routine evaluations and follow-up. All emergency evaluations to be done in orthopedists' office or in community hospital emergency room. A copy of the bid proposal can be obtained by contacting the Purchasing Department of the Allentown State Hospital at (610) 740-3428 or by fax at (610) 740-3424.

Department: Public Welfare
Location: Allentown State Hospital, 1600 Hanover Avenue, Allentown, PA 18103-2498
Duration: July 1, 1999 to June 30, 2003
Contact: T. F. Snyder, Purchasing Agent, (610) 740-3428

Inquiry No. 26 This contract provides for the services of an ophthalmologist including consultations, follow-ups and screening tests. A copy of the bid proposal can be obtained by contacting the Purchasing Department of the Allentown State Hospital at (610) 740-3428 or by fax at (610) 740-3424.

Department: Public Welfare
Location: Allentown State Hospital, 1600 Hanover Avenue, Allentown, PA 18103-2498
Duration: July 1, 1999 to June 30, 2003
Contact: T. F. Snyder, Purchasing Agent, (610) 740-3428

Moving Services—30

L&I-10-98 Casual labor services: moving the office furniture and equipment from the Labor and Industry Building to the Boas School Building at 909 Green Street, Harrisburg, PA 17102.

Department: Labor and Industry
Location: Labor and Industry Building, Seventh and Forster Streets, Harrisburg, Dauphin County, PA 17120
Duration: November 01, 1998—January 31, 1999
Contact: Beverly Fenton, Administrative Assistant, (717) 787-2560

L&I-11-98 Casual labor services: moving the office furniture and equipment from the Labor and Industry Building to 02 Kline Plaza, Market and 28th Streets, Harrisburg, PA.

Department: Labor and Industry
Location: Labor and Industry Building, Seventh and Forster Streets, Harrisburg, Dauphin County, PA 17120
Duration: November 01, 1998—January 31, 1999
Contact: Beverly Fenton, Administrative Assistant, (717) 787-2560

Property Maintenance and Renovation—33

030-0301 Tree removal and trimming in Tioga County, 2.0 miles on S.R. 287. Contractor to provide all equipment, labor, material and traffic control necessary to complete contract according to bid specification. Job is to be bid on per mile basis. Payment will be made lump sum. All requests for bid packages must be received by fax at (717) 368-4343 (Attn: Lyndon Mink).

Department: Transportation
Location: PennDOT, Tioga County, PA
Duration: 5 months
Contact: Lyndon B. Mink, (717) 368-4224

Project No. 9938 Overhead door repair/replacement.

Department: Military and Veterans Affairs
Location: PAARNG Armory, 23 South 23rd Street, Philadelphia, Philadelphia County, PA
Duration: November 1, 1998—June 30, 1999
Contact: Emma Schroff, (717) 861-8518

SPC 401578 Repair eight masonry walls at Delaware Canal State Park, 11 Lodi Hill Road, Upper Black Eddy, PA 18972-9540.

Department: Conservation and Natural Resources
Location: Bureau of State Parks, Delaware Canal State Park, 11 Lodi Hill Road, Upper Black Eddy, Bucks County, PA 18972-9540
Duration: June 30, 1999
Contact: Regional Park Office No. 4, (215) 453-5016

Real Estate Services—35

011 Consulting Service. Independent Fee Appraisers are to be solicited to prepare real estate appraisals for Right-of-way damages in Montgomery and Chester Counties for 0202 Sections 400, 404. Department policy requires that only fee bids from Commonwealth Pre-Qualified Appraisers be considered.

Department: Transportation
Location: Engineering District 6-0
Duration: FY 98
Contact: Bruce A. Hattersley, (610) 768-3013

Security Services—37

00721-000-98-FSR Fire and Security System Replacement. Installation of new fire and security panel and equipment as manufactured by Ademco, including new wiring and devices in up to seven outbuildings at the Drake Well Museum. A mandatory prebid meeting and sign-in will be held on November 4, 1998 at 11 a.m. in the Museum Building at Drake Well Museum. No bids will be accepted by any contractors who do not make the mandatory prebid. For directions, please contact the site at (814) 827-2797. All interested bidders should submit a \$25 check (nonrefundable) made payable to PHMC at the mandatory prebid meeting. No bids will be accepted by any contractors who do not make the mandatory prebid. Bids are due on Thursday, November 19, 1998 at 1:30 p.m. Bid opening will be held in Room 526 of The State Museum of PA, corner of 3rd and North Streets, Harrisburg, PA.

Department: Historical and Museum Commission
Location: Bureau of Historic Sites and Museums, Drake Well Museum, R. D. 3, Box 7, Titusville, PA 16354-8902
Duration: November 18, 1998 to October 31, 1999
Contact: Judi Yingling or Ron Follygen, (717) 772-2401

Vehicle, Heavy Equipment—38

Inquiry No. 19 This service provides for the repair and maintenance of front cutting tractors. A copy of the bid proposal can be obtained by contacting the Purchasing Department of the Allentown State Hospital, (610) 740-3428 or fax number (610) 740-3424.

Department: Public Welfare
Location: Allentown State Hospital, 1600 Hanover Avenue, Allentown, PA 18103-2498
Duration: July 1, 1999 to June 30, 2003
Contact: T. F. Snyder, (610) 740-3428

Miscellaneous—39

Inquiry No. 18 Provide for the services of a sign language interpreter on an as needed basis, for 4 years. A copy of the bid proposal can be obtained by contacting the Allentown State Hospital, (610) 740-3428 or fax (610) 740-3424, Purchasing Department.

Department: Public Welfare
Location: Allentown State Hospital, 1600 Hanover Avenue, Allentown, PA 18103-2498
Duration: July 1, 1999 to June 30, 2003
Contact: T. F. Snyder, (610) 740-3428

Inquiry No. 20 The service will consist of repairs, calibration, testing and balancing of combustion control panels. A copy of the bid proposal can be obtained by contacting the Purchasing Department of the Allentown State Hospital, (610) 740-3428 or fax number (610) 740-3424.

Department: Public Welfare
Location: Allentown State Hospital, 1600 Hanover Avenue, Allentown, PA 18103-2498
Duration: July 1, 1999 to June 30, 2003
Contact: T. F. Snyder, (610) 740-3428

Inquiry No. 21 This service provides for the repair and maintenance of all Adler, IBM, Brother, and all Adler CRT screens. A copy of the bid proposal can be obtained by contacting the Purchasing Department of the Allentown State Hospital, (610) 740-3428 or fax number (610) 740-3424.

Department: Public Welfare
Location: Allentown State Hospital, 1600 Hanover Avenue, Allentown, PA 18103-2498
Duration: July 1, 1999 to June 30, 2003
Contact: T. F. Snyder, (610) 740-3428

98-101 Exterior Campus Signage Program for Mansfield University Campus. Mansfield University will furnish the successful contractor with clean black and white camera ready art (computer disc) with the school logo and seal. The successful contractor will be required to submit a drawing package with all product specifications to be based on the bid drawing and corresponding written specifications. Drawing package is to include one sheet on each sign location with the location and drawing number noted accordingly. Bid packages may be obtained from Peg Chapel, Purchasing Agent I, Purchasing Department, Mansfield University, Brooks Maintenance Building, Mansfield, PA 16933, or call (717) 662-4148.

Department: State System of Higher Education
Location: Mansfield University Campus, Mansfield, PA 16933
Duration: 120 days after notice to proceed
Contact: Peg Chapel, Purchasing Department, (717) 662-4148

25-1644382 Office of Administration, Bureau of Equal Employment Opportunity will issue an RFP in 60 days for Prevention of Sexual Harassment Training. Multiple contracts may be awarded. Initial contract period: 2 years, with three 1-year renewal options. Services to be provided Commonwealth-wide.

Department: Office of Administration
Location: Bureau of Equal Employment Opportunity, 508-B Finance Building, Harrisburg, PA 17120-0018
Duration: Indeterminate 1998—99
Contact: Denise Motley-Brownlee, (717) 783-1148

00703/00697-000-98-AS-1 Install flag pole. Installation of one new flagpole at Eckley Miner's Village, Luzerne County and one new flagpole at Scranton Iron Furnaces, Lackawanna County, PA. For directions, please contact the sites at : Eckley Miner's Village, (717) 636-2070; Scranton Iron Furnaces, (717) 963-3208. All interested bidders should submit a request for a bid package in writing to: PA Historical and Museum Commission, P. O. Box 1026, Room 526, Harrisburg, PA 17108-1026, Attention: Judi Yingling or fax request to (717) 783-1073. Proposals are due on Monday, November 16, 1998 at 1:30 p.m. Proposals will be received in Room 526 of The State Museum of PA, corner of 3rd and North Streets, Harrisburg, PA.

Department: Historical and Museum Commission
Location: Bureau of Historic Sites and Museums, Eckley Miners Village, R. R. 2, Box 236, Weatherly, PA 18255
Duration: December 1, 1998 to June 30, 1999
Contact: Judi Yingling or Kent Steinbrunner, (717) 772-2401

FM08799806 Sewer line survey and evaluation throughout sewer collection system. Approximately 18,000 feet of sewer pipes and 70 manholes.

Department: Public Welfare
Location: Selinsgrove Center, Box 500, Route 522, Selinsgrove, Snyder County, PA 17870
Duration: Indeterminate 1998—99
Contact: Arletta K. Ney, Purchasing Agent, (717) 372-5070

ITQ 357013 PennDOT is inviting contractors to qualify for a "Facilities Design, Construction, and Renovation" contract. Contractors may indicate the type of service and the county in which they wish to perform the work. Work will be available on an as-needed basis. All contractors who meet pre-qualification requirements will be awarded a contract. Types of service include architectural, mechanical, electrical and structural such as general construction, HVAC, fuel tanks, asbestos removal, vehicle exhaust systems, doors, windows, ceilings, masonry, and the like. To request an Invitation to Qualify, fax name, address and phone number to Tina Chubb at (717) 783-7971.

Department: Transportation
Location: Statewide
Duration: 60 months
Contact: Joseph DeSantis, (717) 787-7971

SP 381700 Vendor to provide maintenance for KIP/SHACOH, Model 1880 engineering copier. A bid package with additional details included may be obtained by contacting the Procurement Office.

Department: Public Welfare
Location: Division of Management Services, 1401 North 7th Street, 2nd Floor, P. O. Box 2675, Harrisburg, PA 17105-2675
Duration: November 01, 1998 through October 31, 2001
Contact: Ed Blandy, Purchasing Agent, (717) 772-4883

[Pa.B. Doc. No. 98-1740. Filed for public inspection October 16, 1998, 9:00 a.m.]

DESCRIPTION OF LEGEND

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| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,
Secretary

Contract Awards

The following awards have been made by the Department of General Services, Bureau of Purchases:

Requisition or Contract #	Awarded On	To	In the Amount Of
5610-25 and 5610-25 RIP No. 1	10/01/98	American As- phalt Paving Co.	112,515.00
5610-25 and 5610-25 RIP No. 1	10/01/98	Atlantic States Materials of PA	36,500.00
5610-25 and 5610-25 RIP No. 1	10/01/98	Berks Prod- ucts Corp.	73,650.00
5610-25 and 5610-25 RIP No. 1	10/01/98	Better Materi- als Corp.	30,761.00
5610-25 and 5610-25 RIP No. 1	10/01/98	Carbon Fuel Resources, Inc.	25,075.00
5610-25 and 5610-25 RIP No. 1	10/01/98	Carmeuse Pennsylva- nia	96,400.00
5610-25 and 5610-25 RIP No. 1	10/01/98	Commercial Stone Co., Inc.	29,550.00
5610-25 and 5610-25 RIP No. 1	10/01/98	Common- wealth Stone	5,000.00
5610-25 and 5610-25 RIP No. 1	10/01/98	Compass Quarries, Inc.	103,780.00
5610-25 and 5610-25 RIP No. 1	10/01/98	Conneaut Lake Sand and Gravel, Inc.	5,000.00
5610-25 and 5610-25 RIP No. 1	10/01/98	County Line Quarry, Inc.	96,915.00
5610-25 and 5610-25 RIP No. 1	10/01/98	Culver Con- struction	90,280.00
5610-25 and 5610-25 RIP No. 1	10/01/98	Davison Sand and Gravel Co.	150,002.00
5610-25 and 5610-25 RIP No. 1	10/01/98	Dick Corpora- tion	15,500.00
5610-25 and 5610-25 RIP No. 1	10/01/98	Eastern Indus- tries, Inc.	141,704.00
5610-25 and 5610-25 RIP No. 1	10/01/98	Eureka Stone Quarry, Inc.	41,125.00
5610-25 and 5610-25 RIP No. 1	10/01/98	G. F. Edwards, Inc.	23,130.00

Requisition or Contract #	Awarded On	To	In the Amount Of
5610-25 and 5610-25 RIP No. 1	10/01/98	G. L. McKnight, Inc.	70,445.00
5610-25 and 5610-25 RIP No. 1	10/01/98	Glacial Sand and Gravel Co.	62,891.00
5610-25 and 5610-25 RIP No. 1	10/01/98	Glasgow, Inc.	14,940.80
5610-25 and 5610-25 RIP No. 1	10/01/98	Glenn O. Hawbaker, Inc.	74,425.00
5610-25 and 5610-25 RIP No. 1	10/01/98	Global Stone Penroc, Inc.	105,875.00
5610-25 and 5610-25 RIP No. 1	10/01/98	Grannas Bros. Stone and Asphalt Co.	22,500.00
5610-25 and 5610-25 RIP No. 1	10/01/98	Greer Lime- stone Co.	29,050.00
5610-25 and 5610-25 RIP No. 1	10/01/98	H. B. Mellott Estate, Inc.	10,000.00
5610-25 and 5610-25 RIP No. 1	10/01/98	Hasbrouck Sand and Gravel	55,013.00
5610-25 and 5610-25 RIP No. 1	10/01/98	Hempt Broth- ers, Inc.	48,950.00
5610-25 and 5610-25 RIP No. 1	10/01/98	Hoover Sand and Gravel Co.	78,830.00
5610-25 and 5610-25 RIP No. 1	10/01/98	I. A. Construc- tion	117,958.00
5610-25 and 5610-25 RIP No. 1	10/01/98	International Mill Service, Inc.	405,305.00
5610-25 and 5610-25 RIP No. 1	10/01/98	Jay Fulkroad and Sons	5,000.00
5610-25 and 5610-25 RIP No. 1	10/01/98	Keystone Ag- gregate Products Co.	37,880.00
5610-25 and 5610-25 RIP No. 1	10/01/98	Keystone Lime Co., Inc.	10,000.00
5610-25 and 5610-25 RIP No. 1	10/01/98	Latrobe Con- struction Co.	5,000.00
5610-25 and 5610-25 RIP No. 1	10/01/98	Martin Lime- stone, Inc.	62,390.00
5610-25 and 5610-25 RIP No. 1	10/01/98	Martin Stone Quarries, Inc.	146,400.00

Requisition or Contract #	Awarded On	To	In the Amount Of	Requisition or Contract #	Awarded On	To	In the Amount Of
5610-25 and 5610-25 RIP No. 1	10/01/98	Medure Aggre- gates Co., Inc.	43,000.00	5610-25 and 5610-25 RIP No. 1	10/01/98	White Haven Red Rock Sales Co.	21,000.00
5610-25 and 5610-25 RIP No. 1	10/01/98	M & M Stone Co.	22,050.00	5610-25 and 5610-25 RIP No. 1	10/01/98	Wyoming Sand and Stone Co.	161,283.00
5610-25 and 5610-25 RIP No. 1	10/01/98	Milestone Ma- terials, Inc.	926,496.00	5610-25 and 5610-25 RIP No. 1	10/01/98	Listed Sources	
5610-25 and 5610-25 RIP No. 1	10/01/98	National Limestone Quarry, Inc.	5,000.00	5610-25 and 5610-25 RIP No. 1	10/01/98	Buffalo Lime- stone, Inc.	10,000.00
5610-25 and 5610-25 RIP No. 1	10/01/98	New Enter- prise Stone and Lime Co., Inc.	424,697.00	5610-25 and 5610-25 RIP No. 1	10/01/98	Codorus Stone and Supply Co., Inc.	10,000.00
5610-25 and 5610-25 RIP No. 1	10/01/98	PBS Coals, Inc.	25,000.00	5610-25 and 5610-25 RIP No. 1	10/01/98	E. F. Lippert & Co., Inc.	10,000.00
5610-25 and 5610-25 RIP No. 1	10/01/98	Penn/MD Ma- terials, Div. of Haines	8,400.00	5610-25 and 5610-25 RIP No. 1	10/01/98	H & H Materi- als	10,000.00
5610-25 and 5610-25 RIP No. 1	10/01/98	Pennsy Sup- ply, Inc.	208,875.00	5610-25 and 5610-25 RIP No. 1	10/01/98	Hunlock Sand and Gravel	10,000.00
5610-25 and 5610-25 RIP No. 1	10/01/98	Porters Con- crete Ser- vice, Inc.	51,335.00	5610-25 and 5610-25 RIP No. 1	10/01/98	Huss Contractor- ing Co., Inc.	10,000.00
5610-25 and 5610-25 RIP No. 1	10/01/98	Rohrers Quarry, Inc.	17,500.00	5610-25 and 5610-25 RIP No. 1	10/01/98	Jamico Materi- als	10,000.00
5610-25 and 5610-25 RIP No. 1	10/01/98	Russell Miner- als, Inc.	121,965.00	5610-25 and 5610-25 RIP No. 1	10/01/98	Lancaster Stone Prod- ucts Corp.	10,000.00
5610-25 and 5610-25 RIP No. 1	10/01/98	Slippery Rock Materials, Inc.	49,290.00	5610-25 and 5610-25 RIP No. 1	10/01/98	M & M Lime Co.	10,000.00
5610-25 and 5610-25 RIP No. 1	10/01/98	Small Moun- tain Quarry, Inc.	46,960.00	5610-25 and 5610-25 RIP No. 1	10/01/98	Meckleys Limestone Prod., Inc.	10,000.00
5610-25 and 5610-25 RIP No. 1	10/01/98	State Aggre- gates, Inc.	213,655.00	5610-25 and 5610-25 RIP No. 1	10/01/98	Pikes Creek Sand and Stone, Inc.	10,000.00
5610-25 and 5610-25 RIP No. 1	10/01/98	Tri-Mark Min- erals Corp.	5,000.00	5610-25 and 5610-25 RIP No. 1	10/01/98	Plumstead Materials, Div. of Naceville Materials	10,000.00
5610-25 and 5610-25 RIP No. 1	10/01/98	Valley Quar- ries, Inc.	168,527.00	5610-25 and 5610-25 RIP No. 1	10/01/98	Pottstown Trap Rock Quarries, Inc.	10,000.00
5610-25 and 5610-25 RIP No. 1	10/01/98	Waste Man- agement and Processors	48,550.00	5610-25 and 5610-25 RIP No. 1	10/01/98	Rhinehart Sand and Gravel, Inc.	10,000.00
5610-25 and 5610-25 RIP No. 1	10/01/98	Waylite Corp.	116,485.00	5610-25 and 5610-25 RIP No. 1	10/01/98	Tarmac America	10,000.00
5610-25 and 5610-25 RIP No. 1	10/01/98	Wayne Gravel Products	5,000.00				

STATE CONTRACTS INFORMATION

5317

Requisition or Contract #	Awarded On	To	In the Amount Of	Requisition or Contract #	Awarded On	To	In the Amount Of
5610-25 and 5610-25 RIP No. 1	10/01/98	York Building Prod. Co., Inc.	10,000.00	5820-02	09/30/98	AMP Incorporated, M/A Com. Div.	250,000.00
5610-25 and 5610-25 RIP No. 1	10/01/98	RNS Services Inc.	10,000.00	5820-02	09/30/98	Havis Shield Equipment Corp.	100,000.00
5820-02	09/30/98	Kenwood Com- munications Corp.	750,000.00	5820-02	09/30/98	Maxrad, Inc.	50,000.00
5820-02	09/30/98	Midland USA	500,000.00	5820-02	09/30/98	Pyramid Power Sys- tems, A Div. of Pyramid Industries, Inc.	50,000.00
5820-02	09/30/98	Motorola, Inc.	750,000.00	5820-02	09/30/98	Kuhn's Radio Communica- tions, LLC	50,000.00
5820-02	09/30/98	Sound Com- munications, Inc.	500,000.00	5820-02	09/30/98	K & C Com- munications	75,000.00
5820-02	09/30/98	Relm Commu- nications, DBA BK Ra- dio	250,000.00	5820-02	09/30/98	Orbacom Sys- tems, Inc.	50,000.00
5820-02	09/30/98	Link Commu- nications, Inc.	250,000.00	1153228-01	10/06/98	Campbells As- phalt Prod- ucts, Inc.	29,197.00
5820-02	09/30/98	Transcrypt	250,000.00	1188228-01	10/06/98	Harrington Mfg. Corp. dba/Ultra- Tech Engi- neering	6,840.00
5820-02	09/30/98	Vertex Radio Communica- tions A Div. of Yaesu Musen USA, Inc.	250,000.00	1240228-01	10/06/98	K-B Offset Printing, Inc.	35,280.00
5820-02	09/30/98	Advanced Charger Technology, Inc.	50,000.00	8249700-01	10/06/98	F & S Supply Company, Inc.	6,600.00
5820-02	09/30/98	Energy Source Distributing Co.	50,000.00	8504590-01	10/06/98	Fleet Parts and Electri- cal Service, Inc.	8,340.48
5820-02	09/30/98	Bay Batteries, Inc.	50,000.00				
5820-02	09/30/98	Multiplier In- dustries Corp.	50,000.00				
5820-02	09/30/98	Communica- tions Mktg. Assocs.	50,000.00				

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 98-1741. Filed for public inspection October 16, 1998, 9:00 a.m.]