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# PENNSYLVANIA BULLETIN

Volume 28  
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**Agencies in this issue:**

The General Assembly  
The Courts  
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Department of Conservation and Natural  
Resources  
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Department of General Services  
Department of Health  
Department of Public Welfare  
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Insurance Department  
Pennsylvania Intergovernmental Cooperation  
Authority  
Pennsylvania Public Utility Commission  
Public School Employes' Retirement Board  
State Board of Pharmacy  
State Registration Board for Professional  
Engineers, Land Surveyors and Geologists  
Turnpike Commission

**Detailed list of contents appears inside.**

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

**No. 287, October 1998**

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**PENNSYLVANIA**



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## ***Pennsylvania Bulletin***

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

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

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

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

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

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

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

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

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

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

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

## ***Pennsylvania Code***

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

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

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

## **How to Find Documents**

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

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

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

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### Printing Format

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

### Fiscal Notes

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

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

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# List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 1998.

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 2950 ..... 2026  
 3000 ..... 2026  
 4000 ..... 2026, 2131, 4175

**Proposed Rulemaking**

200 ..... 3253  
 1910 ..... 1216  
 4000 ..... 2032, 3253

**234 Pa. Code (Rules of Criminal Procedure)**

**Adopted Rules**

50 ..... 1126  
 100 ..... 1126  
 300 ..... 4624  
 1100 ..... 4883  
 1400 ..... 480  
 6000 ..... 4625  
 Unclassified ..... 5330

**Proposed Rulemaking**

20 ..... 475, 1505  
 50 ..... 1510  
 100 ..... 1505, 3931  
 300 ..... 475, 3931, 5089  
 305 ..... 276  
 1100 ..... 475  
 6000 ..... 3931

**246 Pa. Code (Minor Court Civil Rules)**

**Proposed Rulemaking**

100 ..... 2685  
 300 ..... 2685

**249 Pa. Code (Philadelphia Rules)**

Unclassified (with correction) .....997, 1516, 2919, 2920,  
 3021, 3373, 3586, 3935, 4627, 5336

**252 (Allegheny County Rules)**

Unclassified ..... 133, 135, 1936, 3373, 5479

**255 Pa. Code (Local Court Rules)**

Unclassified .....8, 9, 10, 135, 136, 277, 481,  
 482, 646, 795, 796, 798, 1000, 1128,1132, 1233, 1312,  
 1516, 1750, 1751, 1834,1835, 1939, 2033, 2132, 2283,  
 2285, 2403, 2404, 2405, 2499, 2578, 2685, 2686,  
 2806,2808, 2921, 2922, 2923, 3024, 3048, 3255,  
 3257, 3258, 3504, 3587, 3752, 3936,3937, 4176,  
 4177, 4178, 4179, 4243, 4509, 4627, 4891, 5092,  
 5093, 5225, 5338, 5339

# THE GENERAL ASSEMBLY

## Recent Actions During the 1998 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 1998 Regular Session.

### 1998 ACTS—ACTS 92 through 98 (numerical)

<i>Act No.</i>	<i>Enactment Date</i>	<i>Bill No.</i>	<i>Printer's No.</i>	<i>Effective Date</i>	<i>Subject Matter</i>
1998-92	Oct. 6	HB2328	PN3614	Immediately	Pennsylvania Keystone Opportunity Zone Act—enactment
1998-93	Oct. 15	SB254	PN2218	90 days	Public Officers (65 Pa.C.S.)—enactment
1998-94	Oct. 16	SB283	PN2060	60 days	Agriculture Code (3 Pa.C.S.)—aquacultural development and powers and duties of Department of Agriculture
1998-95	Oct. 16	SB996	PN2024	90 days	Health Care Facilities Act—hospice services
1998-96	Oct. 16	SB1163	PN2168	Immediately*	Military and Veterans Code (51 Pa.C.S.)—advisory councils for veterans' homes, pay of members on special duty and charitable status of veterans' organizations
1998-97	Oct. 16	HB591	PN2587	60 days	Pennsylvania Municipalities Planning Code—joint municipal curative amendments
1998-98	Oct. 16	HB656	PN2505	120 days	Insurance Company Law of 1921—reimbursement for diabetic supplies and hearing aid coverage

### 1998 Appropriations—Act 44A (numerical)

<i>Act No.</i>	<i>Enactment Date</i>	<i>Bill No.</i>	<i>Printer's No.</i>	<i>Effective Date</i>	<i>Subject Matter</i>
1998-44A	Oct. 16	HB2361	PN3980	Immediately	Lincoln University—operation, instruction, accounting methods and fiscal information disclosure, etc.

\* with exceptions

### Effective Dates of Statutes

The effective dates specified above for laws and appropriation acts were contained in the applicable law or appropriation act. Where no date is specified of where the effective date specified is prior to the date of enactment, the effective date is 60 days after final enactment except for statutes making appropriations or affecting budgets of political subdivisions. See 1 Pa.C.S. §§ 1701—1704 (relating to effective dates of statutes).

### Advance Copies of Statutes

Section 1106 of Title 1 of the Pennsylvania Consolidated Statutes provides that the prothonotaries of each county shall file advance copies of statutes in their offices for public inspection until the Laws of Pennsylvania are generally available. Section 2406(h) of The Administrative Code of 1929 provides that the Department of General Services shall distribute advance sheets of the Laws of Pennsylvania to each law judge of the courts, to every county and public library of this Commonwealth, and to each member of the General Assembly. These copies shall be furnished without charge. The Department shall also mail one copy of each law enacted during any legislative session to any person who pays to it the sum of \$20.

Requests for annual subscriptions for advance copies of statutes should be sent to the State Bookstore, State Records Center Building, 1825 Stanley Drive, Harrisburg, PA 17103, accompanied by a check or money order in the sum of \$20, payable to the "Commonwealth of Pennsylvania."

### Legislative Bills and Documents

Copies of Senate Bills and Documents may be obtained from: Document Room, Senate of Pennsylvania, Room 34A, Main Capitol Building, Harrisburg, PA 17120, (717) 787-6732.

Copies of House Bills and Documents may be obtained from: Document Room, House of Representatives, 35 Main Capitol Building, Harrisburg, PA 17120, (717) 787-5320.

CARL MEASE,  
Director Legislative Reference Bureau

[Pa.B. Doc. No. 98-1782. Filed for public inspection October 30, 1998, 9:00 a.m.]

# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART V. PROFESSIONAL ETHICS AND CONDUCT

[204 PA. CODE CH. 81]

Amendment of Rule 1.15(g) of the Rules of Professional Conduct; No. 474 Disciplinary Doc. No. 3

#### Order

*Per Curiam:*

*And Now*, this 15th day of October, 1998, Rule 1.15(g) of the Rules of Professional Conduct is amended to read as follows hereto.

To the extent that notice of proposed rulemaking would be required by Rule 103 of the Pennsylvania Rules of Judicial Administration or otherwise, the immediate amendment of Rule 1.15(g) is hereby found to be required in the interest of justice and efficient administration.

This Order shall be effective immediately and shall be processed in accordance with Rule 103(b) of the Pennsylvania Rules of Judicial Administration.

#### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART V. PROFESSIONAL ETHICS AND CONDUCT

##### Subpart A. PROFESSIONAL RESPONSIBILITY

#### CHAPTER 81. RULES OF PROFESSIONAL CONDUCT

##### Subchapter A. RULES OF PROFESSIONAL CONDUCT

#### CLIENT-LAWYER RELATIONSHIP

#### § 81.4. Rules of Professional Conduct.

\* \* \* \* \*

#### Rule 1.15. Safekeeping Property.

\* \* \* \* \*

(g) There is hereby created the Pennsylvania Interest On Lawyers Trust Account Board (herein called the IOLTA Board), which shall administer the IOLTA program. The IOLTA Board shall consist of nine members who shall be appointed by the Supreme Court. **Two of the appointments shall be made [exclusively]** from a list provided to **[it] the Supreme Court** by the Pennsylvania Bar Association in accordance with its own rules and regulations. **[The] With respect to these two appointments, the Pennsylvania Bar Association shall submit three names to the Supreme Court [for every vacancy on the IOLTA Board],** from which the Court shall make its final selections. The term of each member shall be three years and no member shall be appointed for more than two consecutive three year terms. The Supreme Court shall appoint a Chairperson. In order to administer the IOLTA program, the IOLTA Board shall promulgate rules and regulations consistent with this Rule for approval by the Supreme Court. Additionally, upon approval of the Supreme Court, the

IOLTA Board shall distribute and/or expend IOLTA funds for the purpose set forth in this Rule. The IOLTA Board shall comply with the following:

\* \* \* \* \*

[Pa.B. Doc. No. 98-1783. Filed for public inspection October 30, 1998, 9:00 a.m.]

## Title 252—ALLEGHENY COUNTY RULES

### ALLEGHENY COUNTY

Rules of Court of Common Pleas; No. 2 of 1998  
Rules Docket

#### Order

*And Now*, to wit, this 13th day of October, 1998, pursuant to action of the Board of Judges and effective thirty days after publication in the *Pennsylvania Bulletin*, the following Allegheny County rules of civil procedure are hereby amended by this court:

General Docket:

1531. Special Relief. Injunctions.

Arbitration:

1303. Hearing. Notice.

Administrative Order of March 9, 1989 of this court, dealing with arbitration continuances, is hereby vacated, as its subject matter is now covered by Rule 249.

The following new Allegheny County rules of civil procedure are hereby adopted by this court:

General Docket:

212.1. Pre-trial Procedure for all actions in the Civil Division of the Court of Common Pleas of Allegheny County. Notice of Earliest trial date. Authorizations. Time for completing discovery and filing Pre-trial Statement.

212.2. Pre-trial Statement.

212.3. Conduct of Pre-trial Conference.

Current Rule 212 of this court is hereby rescinded, effective as of the date on which the three new pre-trial rules take effect.

Rule 209 of this court is hereby rescinded, as its subject matter is now covered by Rule 206.7.

Copies of the above new rules and amendments follow.

*By the Court*

ROBERT E. DAUER,  
*President Judge*

**Rule 212.1. Pre-Trial Procedure for All Actions in the Civil Division of the Court of Common Pleas of Allegheny County. Notice of Earliest Trial Date. Authorizations. Time for Completing Discovery and Filing Pre-Trial Statement.**

(a) Pa. R.Civ.P. 212.1 through 212.3 and Local Rules 212.1 and 212.3 shall apply to all civil actions, both jury and non-jury to be tried in the civil division with the exception of appeals from arbitration.

## (b) Definitions.

In these rules, the following words shall have the following meanings:

(1) "pre-trial conference"—a conference scheduled by the Court in accordance with Pa.R.Civ.P. 212.3, in which in addition to matters set forth in Pa.R.Civ.P. 212.3, the Court shall:

(i) determine whether the parties have complied with this Rule; and

(ii) attempt an amicable settlement of the case;

(2) "Conciliating Judge"—the judge assigned to conduct the pretrial conference.

(c) Notice of Earliest Trial Date. Time for Completing Discovery and Filing Pre-Trial Statement.

Notices required by Pa.R.Civ.P 212.1 shall be given by publication in the daily edition of the Pittsburgh Legal Journal and notice shall be provided to unrepresented parties and to those out-of-county counsel who submitted notice of their address to the Calendar Control section of the Civil Division at the time the action was placed at issue.

## (d) Authorizations.

Plaintiff, on or before the date set forth for the completion of discovery in the notice accompanying the publication of the trial list, upon request of any defendant, shall furnish defendant (to the extent he/she has not done so already) with written authorization to copy the records of any health care provider by whom plaintiff was treated for injuries or disabilities complained of, or prior injuries or disabilities, where the same may be relevant.

**Rule 212.2. Pre-Trial Statement.**

Each party, on or before the date set forth in the notice accompanying the publication of the trial list, shall file and serve upon all other parties a written statement in conformity with the requirements of Pa.R.Civ.P. 212.2.

**Rule 212.3. Conduct of Pre-Trial Conference.**

(a) The conduct of the pre-trial conference shall be in conformity with Pa.R.Civ.P. 212.3.

(b) Notice of the time, date and conciliating judge for the pre-trial conference shall be provided by publication in the daily edition of the Pittsburgh Legal Journal and notice shall be provided to unrepresented parties and to those out-of-county counsel who submitted notice of their address to the Calendar Control section of the Civil Division at the time the case was placed at issue.

(c) Any application for rescheduling a pre-trial conference shall be addressed to the Conciliating Judge before whom the pre-trial conference is scheduled.

*Note:* See Local Rule 249 regarding applications to continue the trial of the case.

(d) Unless excused by the Conciliating Judge, each party must be present, except where the real party in interest is an insurance company, common carrier, corporation or other similar entity, in which event, a representative thereof must be present with full authority to settle the case.

(e) The Judge presiding at the pre-trial conference shall transfer to arbitration all cases in which the amount actually in controversy does not exceed the jurisdictional limits of arbitration, except actions which involve title to

realty and such other actions and proceedings as are set forth from time to time in Local Rule 1301.

(f) The Judge presiding at the pre-trial conference may impose such sanctions as he/she deems appropriate against counsel and/or the party(s) for failure to comply with this rule.

*Note:* Pre-trial conferences and other pre-trial procedures in class actions, equity cases, complex cases, or any other cases assigned for trial to a particular Judge may be conducted according to the procedures directed by that Judge.

**Rule 1303. Hearing. Notice. Continuances.**

(a) (1) Hearings shall be held in the Court House or other County facility. The Prothonotary shall affix the date, time and place of hearing before a Board of Arbitrators by placing said information on the Complaint which is filed and on the copies of the Complaint which are to be served upon all other parties.

(2) The Arbitration Clerk shall assign cases to each Board of Arbitrators and shall designate the room in which the cases are to be heard.

*Note:* As to Continuances, see Rule A249.

**Rule 1531. Special Relief. Injunctions.**

\* \* \* \* \*

*Note:* As to subsequent hearings and enforcement, see Rule A249.

[Pa.B. Doc. No. 98-1784. Filed for public inspection October 30, 1998, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Disbarment

Notice is hereby given that Edward Keith Rodgers, having been disbarred from the practice of law in the State of New Jersey, the Supreme Court of Pennsylvania issued an Order dated October 15, 1998 disbaring Edward Keith Rodgers from the practice of law in this Commonwealth. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 98-1785. Filed for public inspection October 30, 1998, 9:00 a.m.]

### Notice of Suspension

Notice is hereby given that on October 15, 1998, pursuant to Rule 214(d)(1) of the Pa.R.D.E., Leonard Charles Guzzino, III, who resides outside the Commonwealth of Pennsylvania, was placed on temporary suspension by the Supreme Court until further Order of the Court. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the

Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 98-1786. Filed for public inspection October 30, 1998, 9:00 a.m.]

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### Notice of Suspension

Notice is hereby given that Richard B. Slosberg, having been suspended from the practice of law in the State of Maine for a period of one (1) month, the Supreme Court

of Pennsylvania issued an Order dated October 15, 1998, suspending Richard B. Slosberg from the Bar of this Commonwealth for a period of one (1) month. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 98-1787. Filed for public inspection October 30, 1998, 9:00 a.m.]

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# RULES AND REGULATIONS

## Title 31—INSURANCE

### INSURANCE DEPARTMENT

[31 PA. CODE CH. 67]

#### Catastrophic Loss Benefits Continuation Fund

The Insurance Department (Department), by this order, adopts amendments to Chapter 67, Subchapter A (relating to Catastrophic Loss Trust Fund) to read as set forth in Annex A. This rulemaking is necessary due to the repeal of the Catastrophic Loss Trust Fund and the subsequent implementation of the Catastrophic Loss Benefits Continuation Fund.

##### *Purpose*

Sections 67.1—67.15 were originally promulgated to provide guidance for the handling of claims under the Catastrophic Loss Trust (CAT) Fund created in 1984 under 75 Pa.C.S. §§ 1761—1769, which was repealed effective December 12, 1988, by the act of December 12, 1988 (P. L. 1120, No. 144) (Act 144). Subsequently, the act of April 26, 1989 (P. L. 13, No. 4) (Act 4) added 75 Pa.C.S. Chapter 17, Subchapter I (relating to miscellaneous provisions). Section 1798.4 of Act 4 established the Catastrophic Loss Benefits Continuation Fund (Fund) to provide funds necessary to pay catastrophic loss benefits to individuals who suffered a catastrophic loss after October 1, 1984, and prior to June 1, 1989, or during the December 1988-89 registration year for which payment for CAT Fund coverage was made in accordance with former 75 Pa.C.S. § 1762.

Section 1798.2 of Subchapter I contains a “savings provision” providing that despite the repeal of Subchapter F by Act 144, persons experiencing catastrophic losses during the time the CAT Fund was in effect (October 1, 1984, through June 1, 1989) or during the December 1988-89 vehicle registration year for which a fee was paid, shall continue to receive, or will be eligible to receive, catastrophic loss benefits as if Subchapter F had not been repealed. Because of the repeal of Subchapter F and the addition of Subchapter I allowing claimants to continue to receive Fund benefits, it is necessary to modify various sections of Chapter 67 as well as add a new section to reflect these statutory changes and provide a more accurate reflection of current Fund needs.

##### *Statutory Authority*

These amendments are published under the authority of sections 506 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 186 and 412).

##### *Comments*

Notice of the proposed rulemaking was published at 27 Pa.B. 6229 (November 29, 1997) as a proposed rulemaking with a 30-day public comment period.

No comments were received from the Standing Committees or the public. On January 30, 1998, the Independent Regulatory Review Commission (IRRC) submitted its comments and recommendations to the Department. The following is a summary of the comments and the Department's response in its final rulemaking.

Section 67.18 (relating to coordination of benefits), provided that an eligible CAT Fund claimant shall cooperate in providing coordination of benefit information to the Fund and the Fund's administrator. The section as pro-

posed further provided that a claimant's failure to cooperate in providing this information will result in a claimant's suspension of benefits.

IRRC questioned the Department's statutory authority to suspend claimant benefits under this section and recommended that if this section remains, the Department clarify what would be considered a “failure to cooperate.” In accord with IRRC's concerns, the Department has deleted the suspension of benefits language from the regulations. Section 67.18 now reads “an eligible claimant shall cooperate in providing coordination of benefit information to the Administrator and the Fund.” Because the Department deleted the suspension of claimant benefits language from the regulations, it is unnecessary to clarify “failure to cooperate.”

In § 67.1 (relating to purpose), IRRC recommended that the Department add “after October 1, 1984, but” before “prior to June 1, 1989” in § 67.1 to clarify the inclusive dates during which claimants may have suffered catastrophic losses. The Department agrees and has revised § 67.1 to respond to IRRC's clarity concern.

In § 67.2 (relating to definitions), the Department agreed with IRRC's comments and has revised § 67.2 to incorporate “limitations provided in the act” into the regulations since the act has been repealed. The act's limitations on eligibility are contained in 75 Pa.C.S. §§ 1761 and 1766. Because of the repeal of the act, and the resultant difficulty for claimants to reference the act, 75 Pa.C.S. §§ 1761 and 1766 (now repealed) will be appended to the regulations as Appendix A. The definition of “benefits” in § 67.2 has been revised.

In § 67.6 (relating to appeals), IRRC questioned whether the date of the “written determination” is the same as the mailing date, and if not, recommended that the Department calculate the 30-day time period for appeal from the date of mailing.

The Department considered IRRC's recommendation but finds that use of the mailing date to calculate the 30-day time period will be administratively difficult. As an alternative, the Department suggests that the date of the written determination continue to be utilized to calculate the appeal period, but that the 30-day time period be increased to 33 days to allow time for claimants to receive the written determination through the mail. The additional 3 days will benefit claimants because it should afford the full 30-day time-frame during which to file an appeal, and the Department will know the specific date from which the 33-day appeal period will begin to run.

##### *Fiscal Impact*

##### *State Government*

These amendments will not have an impact on costs of the Fund or the Department.

##### *General Public*

These amendments are not expected to have a fiscal impact upon the general public.

##### *Political Subdivisions*

These amendments have no impact on costs to political subdivisions.

*Private Sector*

These amendments have no impact on costs to the private sector.

*Paperwork*

These amendments impose no additional paperwork requirements on the Department or the Fund.

*Persons Regulated*

These amendments apply to claimants who are currently receiving benefits from the Fund, catastrophically injured claimants who are not currently eligible to receive benefits from the Fund but who may be eligible in the future, the Administrator for the Fund and the Fund itself.

*Contact Person*

Questions or comments regarding the amendments may be addressed in writing to Peter J. Salvatore, Regulatory Coordinator, Office of Special Projects, 1326 Strawberry Square, Harrisburg, PA 17120, (717) 787-4429.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on November 29, 1997, the Department submitted a copy of these amendments 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 amendments, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." In compliance with section 5(c) of the Regulatory Review Act, the Department also provided IRRC and the Committees with copies of the comments received. A copy of that material is available to the public upon request.

Under section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), these final-form regulations were deemed approved by the House and Senate Committees on September 15, 1998. Under section 5.1(e) of the Regulatory Review Act, IRRC met on September 24, 1998, and approved the final-form regulations.

*Findings*

The Insurance Commissioner finds that:

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

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

*Order*

The Insurance Commissioner, acting under the authorizing statutes, orders that:

(a) The regulations of the Department, 31 Pa. Code Chapter 67, are amended by amending §§ 67.3—67.5 and adding §§ 67.16 and 67.17 to read as set forth at 27 Pa.B. 6229 (November 29, 1997); and by amending §§ 67.1, 67.2, 67.6 and by adding § 67.18 and Appendix A to read as set forth in Annex A.

(b) The Commissioner shall submit this order, 27 Pa.B. 6229 and Annex A to the Office of General Counsel and

Office of Attorney General for approval as to form and legality as required by law.

(c) The Commissioner 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*.

M. DIANE KOKEN,  
*Insurance Commissioner*

*(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 11-160 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 31. INSURANCE**

**PART II. AUTOMOBILE INSURANCE**

**CHAPTER 67. CATASTROPHIC LOSS BENEFITS CONTINUATION FUND**

**§ 67.1. Purpose.**

The purpose of this subchapter is to provide procedures for the establishment and administration of the Fund, which continues the Catastrophic Loss Trust Fund eligibility determinations for certain individuals suffering catastrophic losses on or after October 1, 1984, but prior to June 1, 1989, or who may have suffered a catastrophic loss during the December 1988 to December 1989 vehicle registration year for which payment for Catastrophic Loss Trust Fund coverage was made in accordance with former section 1762 of the act (repealed).

**§ 67.2. Definitions.**

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

*Act*—75 Pa.C.S. §§ 1701—1798 (relating to the Motor Vehicle Financial Responsibility Law).

*Administrator*—The person or entity designated by the Fund to review claims for catastrophic loss benefits, determine the eligibility of the claimant and make payment where appropriate.

*Benefits*—Payments by the Fund for reasonable, necessary and accident-related expenses for medical treatment and rehabilitative services which exceed \$100,000, subject to limitations provided in sections 1761 and 1766 of the act (now repealed). Reference may be made to sections 1761, 1762 and 1766, in Appendix A.

*Claims manager*—The Department employe designated by the Commissioner to manage the daily activities of the Fund.

*Department*—The Insurance Department of the Commonwealth.

*Eligible claimant*—An individual who meets the requirements of § 67.16 (relating to eligible claimant for fund benefits).

*Fund*—The Catastrophic Loss Benefits Continuation Fund established to provide benefits required by the act.

*Surcharge*—The amount to be paid by drivers upon conviction of any traffic violation, exclusive of parking offenses, to fund the Fund.

**§ 67.6. Appeals.**

(a) A claimant who disputes a determination by the Administrator or Fund concerning eligibility for or allowance of benefits, may file a written complaint with the claims manager. The written determination by the Fund or Administrator shall advise the claimant how to file a complaint with the claims manager. A complaint is timely filed by the claimant if received by the claims manager no later than 33 days after the date of the written determination from the Administrator or the Fund denying eligibility for or allowance of benefits.

(b) The claims manager will issue a written determination notifying the claimant of the results of the claims manager's review. If the claimant is not satisfied with the results of the claims manager's review, the claimant may request in writing a formal administrative hearing before the Commissioner. The written determination by the claims manager will advise the claimant how to request a hearing. A request for hearing is timely if received by the Department no later than 33 days after the date of the written determination from the claims manager.

(c) Appeals are conducted in accordance with 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) as applicable to the Department and in accordance with Chapter 56 (relating to special rules of administrative practice and procedure).

**§ 67.18. Coordination of benefits.**

An eligible claimant shall cooperate in providing coordination of benefit information to the Administrator and the Fund.

**APPENDIX A**

## Section

1761.	Definitions (Repealed).
1762.	Funding (Repealed).
1766.	Benefits (Repealed).

**§ 1761. Definitions (Repealed).**

The following words and phrases when used in this subchapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

*"Administrator."* The administrator designated by the Catastrophic Loss Trust Fund Board.

*"Board."* The Catastrophic Loss Trust Fund Board.

*"Catastrophic loss."* An injury, arising out of the maintenance or use of a motor vehicle, for which the reasonable and necessary expenses for medical treatment and rehabilitative services, as described in section 1712(1) (relating to availability of benefits), exceed \$100,000.

*"Catastrophic loss benefit."* Payments by the Catastrophic Loss Trust Fund for those reasonable and necessary expenses only for medical treatment and rehabilitative services which, as described in section 1712(1), exceed \$100,000, subject to the limitations provided in section 1766 (relating to benefits). Catastrophic loss benefits shall not duplicate any other payments for medical treatment and rehabilitative services.

*"Eligible claimant."* Except as provided in the definition of ineligible claimant, eligible claimant includes a resident of this Commonwealth who suffers injury on or after the effective date of this subchapter arising out of the maintenance or use of a motor vehicle in the United States, its territories or possessions and Canada. The estate of an eligible claimant shall be entitled to receive catastrophic loss benefits pursuant to section 1766 to the

extent that financial obligations for reasonable and necessary medical treatment and rehabilitative services were incurred by the eligible claimant prior to the death of that person. Otherwise eligible claimants shall not be disqualified from participating in or receiving benefits from the Catastrophic Loss Trust Fund for injuries suffered after the effective date of this subchapter but prior to their first registration renewal after the effective date of this subchapter.

*"Executive director."* The executive director of the Catastrophic Loss Trust Fund Board.

*"Fund."* The Catastrophic Loss Trust Fund.

*"Fund charge."* The fund charge established under this subchapter.

*"Ineligible claimant."* Any of the following:

(1) A person who is the owner of a motor vehicle who has not complied with the registration requirements of Chapter 13 (relating to registration of vehicles).

(2) A person who is the driver or occupant of a recreational vehicle not intended for highway use, a motorcycle, a motorized pedalcycle, a motor-driven cycle or like type vehicle required to be registered under this title but not subject to the charge levied in section 1762 (relating to funding).

*"Manager."* The manager designated by the Catastrophic Loss Trust Fund Board.

**§ 1762. Funding (Repealed).**

The Catastrophic Loss Trust Fund shall be funded by levying an initial charge of \$5 upon all motor vehicles required to be registered under Chapter 13 (relating to registration of vehicles) except trailers, recreational vehicles not intended for highway use, motorcycles, motor-driven cycles, motorized pedalcycles or like type vehicles. This charge shall be remitted to an insurance company or other party as may be designated by the Insurance Department. Upon receipt of the charge, the insurance company or other designated party shall remit it to the Insurance Department for deposit in the trust fund. The Catastrophic Loss Trust Fund Board shall by regulation determine by January 1 of each calendar year the amount of the fund charge for each registration year subsequent to the initial registration year and shall notify the Insurance Department which shall notify the insurance companies or other designated parties to collect the charge.

**§ 1766. Benefits (Repealed).**

(a) *General rule.*—Subject to the limitations set forth in subsection (b), the Catastrophic Loss Trust Fund shall provide catastrophic loss benefits to eligible claimants only for the payment of expenses for medical treatment and rehabilitative services in excess of \$100,000. No payment shall be made by the fund for the first \$100,000 of expense for medical treatment and rehabilitative services incurred by an eligible claimant.

(b) *Maximum benefit.*—The maximum catastrophic loss benefit which shall be paid by the fund on behalf of any one eligible claimant shall be \$50,000 per year and \$1,000,000 lifetime aggregate. During the first 18 months of eligibility, the administrator may approve payments on behalf of a claimant without regard to the \$50,000 per year limit but subject to the \$1,000,000 lifetime aggregate.

(c) *Effect of other benefits.*—Except for workers' compensation, catastrophic loss benefits paid or payable by the fund shall be primary to any other available source of accident or health benefits including any program, group contract or other private or public source of benefits unless the law authorizing or providing those benefits makes the benefits primary to the benefits provided under this subchapter.

(d) *Structured settlements.*—The administrator may enter into structured settlements to pay benefits under this subchapter. Where it appears the settlement will be both cost effective to the fund and in the best interest of the claimant, the restrictions in subsection (b) shall not apply to this subsection, but in no event shall the cost of the structured settlement exceed the present value of the future annual payments up to the maximum lifetime aggregate benefit remaining calculated at 6% simple interest.

(e) *Preclusion of pleading, proving and recovering benefits.*—In any action for damages against a tortfeasor arising out of the maintenance or use of a motor vehicle, a person who is eligible to receive catastrophic loss benefits shall be precluded from pleading, introducing into evidence or recovering the amount of medical and rehabilitative expenses for which catastrophic loss benefits were paid or are payable. This preclusion applies only to catastrophic loss benefits.

(f) *Subrogation.*—There shall be no subrogation or reimbursement from a claimant's tort recovery with respect to catastrophic loss benefits.

[Pa.B. Doc. No. 98-1788. Filed for public inspection October 30, 1998, 9:00 a.m.]

## Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF PHARMACY  
[49 PA. CODE CH. 27]

[CORRECTION]

### Corrective Amendment to 49 Pa. Code § 27.26

The State Board of Pharmacy has discovered a discrepancy between the agency text of 49 Pa. Code § 27.26 (relating to pharmacy internship) as deposited with the Legislative Reference Bureau, and the official text as published at 28 Pa.B. 4532 (September 5, 1998), and as scheduled to appear in the November 1998 *Pennsylvania Code Reporter* (Master Transmittal Sheet No. 288). Text following subsection (h)(3) was inadvertently omitted.

Therefore, under 45 Pa.C.S. § 901: The State Board of Pharmacy has deposited with the Legislative Reference Bureau a corrective amendment to 49 Pa. Code § 27.26. The corrective amendment to 49 Pa. Code § 27.26 is effective September 5, 1998, the date the defective official text was printed in the *Pennsylvania Bulletin*.

The correct version of 49 Pa. Code § 27.26 appears in Annex A, with ellipses referring to the existing text of the regulation.

### 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

#### § 27.26. Pharmacy internship.

\* \* \* \* \*

(h) The requirements for registration as a pharmacist preceptor are as follows:

(1) A pharmacist preceptor may not have been convicted of a criminal offense relating to the practice of pharmacy.

(2) An applicant shall hold a license without restriction to practice pharmacy in this Commonwealth and shall be engaged in the active practice of pharmacy in this Commonwealth.

(3) An applicant shall be working on a full-time basis in a pharmacy approved for intern training.

(4) A pharmacist preceptor may not direct the training of more than two pharmacy interns at any one time, unless the program has been approved by the Board for a greater number.

(5) A pharmacist preceptor shall be willing to cooperate with the Board in developing an intern program and shall apply to the Board signifying the desire to do so.

(6) A pharmacist preceptor shall certify to the commencement and completion of intern training and may make recommendations to the Board concerning the competency of the intern under his supervision.

(7) A pharmacist preceptor shall report to the Board, as required by the Board, on the progress of an intern under the pharmacist's supervision.

(8) A pharmacist preceptor shall be charged with the responsibility for seeing that his intern receive proper pharmaceutical training and experience, always keeping in mind the objections of the practical training program.

(i) Credit shall be granted for practical experience gained in pharmacies outside this Commonwealth upon presentation of evidence satisfactory to the Board to indicate that the experience gained is substantially equivalent to that required by this chapter.

(j) The pharmacy internship may not be deemed satisfactorily completed until the intern has filed affidavits with the Board certifying that the intern has obtained a total of 1,500 hours of practical experience since registration as a pharmacy intern.

(k) When a candidate receives his first certificate and identification card to practice as a pharmacist, his certificate as an intern terminates.

[Pa.B. Doc. No. 98-1789. Filed for public inspection October 30, 1998, 9:00 a.m.]

# Title 58—RECREATION

## GAME COMMISSION

### [58 PA. CODE CHS. 139 AND 141]

#### Seasons and Bag Limits

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its October 6, 1998, meeting, adopted the following changes:

Amend § 139.4 (relating to seasons and bag limits for the license year) by removing the pound sign (#), footnote and language that is applicable to the Spring Turkey hunting season and bag limit. This change will keep the season limit for turkey during the spring gobbler season of May 1, 1999, to May 29, 1999 as 1.

Amend § 141.43 (relating to deer) to require archers to wear or display fluorescent orange-colored material only during the time when the dates of the fall turkey hunting season and the fall archery season run concurrent.

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

#### *Amendment to § 139.4*

##### 1. Introduction

When it adopted the hunting and furtaking seasons and bag limits for 1998-1999 at its April 21, 1998 meeting, the Commission included some language providing for a two bird limit during the spring turkey season contingent upon Legislative approval of a spring turkey license or stamp. This adoption has caused great confusion and opposition. As a result, the Commission at its July 14, 1998, meeting proposed, and at its October 6, 1998, meeting finally adopted, removing the contingency language. This change is adopted under sections 322(c)(1) and 2102(b)(1) of the code, relating to powers and duties of the Commission and regulations.

##### 2. Purposes and Authority

As is stated previously, the contingency provision contained in the spring turkey season bag limit created a great deal of confusion and opposition. It links two issues which, on hindsight, should not be linked, namely, a spring turkey license or stamp and the taking of two turkeys in the spring. Removal of the contingent language will remove this link. The Commission will continue to pursue both issues separately.

Section 322 of the code specifically empowers the Commission to "... fix seasons . . . and daily, season and possession limits for any species of game or wildlife." Section 2102(b) of the code mandates that the Commission promulgate regulations relating to seasons and bag limits.

##### 3. Regulatory Requirements

The change will limit the spring season turkey bag limit to one turkey with no contingency.

##### 4. Persons Affected

Hunters wishing to hunt turkeys in the spring 1999 season will be affected by the change.

##### 5. Comment and Response Summary

A number of comments were received criticizing the original proposal for having a two turkey bag limit

contingent upon Legislative approval of a spring turkey license or permit. The adopted change will eliminate this contingency.

#### *Amendment to § 141.43*

##### 1. Introduction

To better provide for the safety of hunters in the field while minimizing impact on hunting effectiveness, the Commission at its July 14, 1998, meeting proposed, and at its October 6, 1998, meeting finally adopted, changing § 141.43, to require archery deer hunters to wear fluorescent orange-colored material during the period that season overlaps the fall turkey season rather than the general small game season. These changes are adopted under the authority contained in section 2102(a) of the code, relating to regulations.

##### 2. Purpose and Authority

At its April 21, 1998, meeting, the Commission extended the general small game season to coincide with the start of the early small game season. Since § 141.43 currently requires archery deer hunters to wear fluorescent orange during the period that their season overlaps the general small game season, this meant an increase in the fluorescent orange requirement and some reduced effectiveness. The adopted changes will reduce the requirement accordingly.

Section 2102(a) of the code directs the Commission to "... promulgate such regulations as it deems necessary and appropriate concerning . . . the ways, manner, methods, and means of hunting or furtaking and the health and safety of persons who hunt or take wildlife . . ." This provision provides the authority for the changes.

##### 3. Regulatory Requirements

The changes relax an existing requirement.

##### 4. Persons Affected

Archery deer hunters hunting during the fall turkey season will be affected by the adopted changes.

##### 5. Comment and Response Summary

No official comments were received with regard to the changes.

#### *Cost and Paperwork Requirements*

The changes will not result in any additional cost or paperwork.

#### *Effective Date*

The change will be effective on filing by the Legislative Reference Bureau.

#### *Contact Person*

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

#### *Findings*

The Commission finds that:

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

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

*Order*

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

(a) The regulations of the Commission, 58 Pa. Code Chapters 139 and 141, are amended by amending §§ 139.4 and 141.43 to read as set forth at 28 Pa.B. 3804 (August 8, 1998).

(b) The Executive Director of the Game Commission shall submit this order and 28 Pa.B. 3804 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order amending § 139.4 and § 141.43, shall become effective upon final publication in the *Pennsylvania Bulletin*.

DONALD C. MADL,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-104 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 98-1790. Filed for public inspection October 30, 1998, 9:00 a.m.]

[58 PA. CODE CH. 143]

**Hunting and Furtaker Licenses; Antlerless Deer Licenses**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its October 6, 1998 meeting, adopted the following changes:

Amend §§ 143.42 and 143.51 (relating to definitions; and application and issuance of surplus tags) to provide for the issuance of unsold antlerless deer licenses by amending these sections to reflect the Commission's changes in this process. These amendments will provide for the issuance of surplus tags in the counties of Armstrong, Beaver, Cambria, Fayette, Greene, Indiana, Somerset, Washington and Westmoreland.

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

*Amendment to Chapter 143*

1. *Introduction*

To more effectively manage the wildlife resources of this Commonwealth, the Commission at its meeting held on April 21, 1998, proposed changes to Chapter 143 to modify provisions and procedures for issuing surplus antlerless deer licenses. At its July 14, 1998, meeting, the Commission finally adopted only a change to § 143.45 (relating to completing and submitting applications) to allow over the counter issuance of unsold antlerless deer licenses starting on the first Monday in November. At its October 6, 1998, meeting, the Commission finally adopted changes to allow for the issuance of surplus antlerless licenses above those issued to muzzleloaders and in special regulation areas only in counties included in the Commission's Southwest Region. These changes were adopted under authority contained in section 2722(g) of the code, relating to regulations.

2. *Purpose and Authority*

As a result of the elimination of bonus antlerless deer licenses and their replacement by surplus licenses, which involved issuance only by mail, many of the allocated

antlerless deer licenses were not sold in 1997. This fact could severely impact the Commission's ability to manage deer populations in this Commonwealth. After much deliberation, the Commission, at its October 6, 1998, meeting decided to expand the issuance of surplus antlerless licenses only in those counties included in the Commission's Southwest Region which includes Armstrong, Beaver, Cambria, Fayette, Greene, Indiana, Somerset, Washington and Westmoreland Counties. Allegheny County, as a county in a special regulation area, is already authorized to issue surplus licenses. It is in these counties that deer population control is most needed.

Section 2722(g) of the code directs the Commission to adopt regulations for the administration, control and performance of license issuance. The change is made under this authority.

3. *Regulatory Requirements*

The change will relax current regulatory requirements.

4. *Persons Affected*

County treasurers in the Southwest Region and their employes and persons wishing to hunt antlerless deer in counties in the Southwest Region will be affected by the changes.

5. *Comment and Response Summary*

No official comments were received with regard to the proposed changes but the Commission has continued to receive expressions of concern about deer populations in parts of this Commonwealth.

6. *Cost and Paperwork Requirements*

The changes will not result in any additional cost or paperwork except to the extent of increasing sales of already allocated licenses.

7. *Effective Date*

The change will be effective on filing by the Legislative Reference Bureau.

8. *Contact Person*

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

*Findings*

The Commission finds that:

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

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

*Order*

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 143, are amended by amending § 143.42 to read as set forth at 28 Pa.B. 2814 (June 20, 1998), and by amending § 143.51 to read as set forth in Annex A.

(b) The Executive Director of the Commission shall submit this order, 28 Pa.B. 2814 and Annex A and deposit

them with the Legislative Reference Bureau as required by law.

(c) This order amending §§ 143.42 and 143.51, shall become effective upon final publication in the *Pennsylvania Bulletin*.

DONALD C. MADL,  
*Executive Director*

*(Editor's Note: Amendments to §§ 141.6, 141.62, 141.63, 143.45, included in the proposal at 28 Pa.B. 2814 were adopted at 28 Pa.B. 3801 (August 8, 1998). The proposal to amend §§ 143.52 and 143.55, included in the proposal at 28 Pa.B. 2814, has been withdrawn.)*

**Fiscal Note:** 48-103A. No fiscal impact; (8) recommends adoption.

#### Annex A

### TITLE 58. RECREATION

#### PART III. GAME COMMISSION

#### CHAPTER 143. HUNTING AND FURTKER LICENSES

#### Subchapter C. ANTLERLESS DEER LICENSES

#### § 143.51. Application and issuance of surplus tags.

(a) County treasurers shall accept and process surplus applications from applicants in possession of a current flintlock muzzleloader license stamp beginning the third Monday in August. Surplus applications accepted by county treasurers on the third Monday in August shall have the applicant's flintlock muzzleloader license number written in the upper corners of the surplus application. The applicant shall write or indicate "Flintlock/Muzzleloader" in the lower left corner of the official envelope.

(b) Except as provided in subsection (a) and § 143.52 (relating to procedures for unlimited antlerless licenses), beginning on the fourth Monday in August, residents and nonresidents of this Commonwealth shall be eligible to receive a surplus tag in one of the following counties: Armstrong, Beaver, Cambria, Fayette, Greene, Indiana, Somerset, Washington and Westmoreland.

(c) An applicant for this tag may not use the regular antlerless deer license application. An applicant shall only use the surplus application contained in the "Hunting and Trapping Digest" or a reasonable facsimile thereof.

(d) The applicant shall use the official antlerless deer license application envelope.

(e) Remittance in the form of a negotiable check or money order for the total amount due as specified in the act, payable to "County Treasurer," shall accompany the application.

(f) Surplus tags shall be validated by the addition of the county treasurer's signature or signature stamp, date of issue and the applicant's regular hunting license back tag number. The county treasurer shall write in ink the applicant's regular hunting license back tag number on the antlerless deer ear tag.

[Pa.B. Doc. No. 98-1791. Filed for public inspection October 30, 1998, 9:00 a.m.]

## Title 61—REVENUE

### DEPARTMENT OF REVENUE

#### [61 PA. CODE CHS. 9 AND 47]

#### Public Transportation Assistance Fund Taxes and Fees

The Department of Revenue (Department), under the authority contained in section 506 of The Administrative Code of 1929 (71 P.S. § 186), by this order adopts amendments by adding § 47.19 (relating to Public Transportation Assistance Fund taxes and fees) and by deleting § 9.4 (relating to Public Transportation Assistance Fund taxes and fees).

#### *Purpose of Amendments*

Currently, the Department's interpretation of section 3 of the act of July 1, 1994 (P.L. 413, No. 67) section 2301 of the Tax Reform Code of 1971 (TRC) (72 P.S. § 9301), which replaced 74 Pa.C.S. § 1314 (repealed by the act of June 16, 1994 (P.L. 279, No. 48)) relating to Public Transportation Assistance Fund taxes and fees, is set forth as a pronouncement and codified in § 9.4. Under the notice of proposed rulemaking, the Department received a comment from an interested party and the Independent Regulatory Review Commission (IRRC). As set forth in greater detail as follows, the Department has addressed the comments, and several revisions are reflected in this final rulemaking. Therefore, in addition to adopting § 47.19, the Department is deleting the pronouncement which appears in § 9.4.

#### *Explanation of Regulatory Requirements*

Subsection (a) provides general information regarding the authorizing tax statute; registration; returns; payment of taxes and fees; imposition of tax; exemption certificates; direct payment permit and applicability of the TRC.

Details regarding the tire fee are explained in subsection (b). Paragraph (1) provides definitions for use in the subsection of the terms "highway use" and "sale." Paragraph (2) establishes the scope of taxation effective October 1, 1991. Paragraph (3) enumerates transactions that are excluded from tax. Paragraph (4) sets forth examples of sales subject to the tire fee and paragraph (5) sets forth examples of sales not subject to the tire fee.

Subsection (c) provides information regarding motor vehicle lease tax. Paragraph (1) provides definitions for use in the subsection of the terms "lease," "lease price" and "motor vehicle." Paragraph (2) details the scope of taxation effective October 1, 1991. It also provides that lease payments made on or after April 1, 1995, for the use of trucks in Class 4 or higher as defined in 75 Pa.C.S. § 1916(a)(1) of the TRC are not subject to the tax. Paragraph (3) relating to exclusion provides that if the lease of a motor vehicle is exempt from Sales and Use Tax imposed by section 202 of the TRC (72 P.S. § 7202), the lease is exempt from the tax imposed under this subsection.

Information regarding motor vehicle rental fee is in subsection (d). Definitions of "motor vehicle" and "rental" for use in this subsection are in paragraph (1). Paragraph (2) provides the scope of taxation effective October 1, 1991. If the rental of a motor vehicle is exempt from sales

and use tax imposed by 72 P. S. § 7202, paragraph (3) relating to exclusions, provides that the rental is exempt from the fee imposed under this subsection. Examples of rentals subject to the rental fee are enumerated in paragraph (4).

#### *Comment and Response Summary*

Notice of proposed rulemaking was published at 26 Pa.B. 2919 (June 22, 1996). This rulemaking is being adopted with changes to the proposed rulemaking to read as set forth in Annex A.

The Department received one comment from the public during the public comment period. The Department also received comments from IRRC. No comments were received from the House or Senate Finance Committees.

The amendments to the proposed rulemaking in response to comments are as follows:

(1) IRRC's initial comment stated that general citations to Article II of the TRC (72 P. S. §§ 7201—7282) that reference numerous sections do not provide sufficient guidance to the public and that where possible, the Department should reference only the specific applicable statutory citation. The Department has amended the statutory references in § 47.19(a)(2), (b)(1), (c)(2) and (3), (d)(2) and (3) and (e)(1)—(4) accordingly.

(2) In its comments, IRRC stated that the phrase, "unless otherwise specifically noted" as it is used in § 47.19(a)(8) and (e)(4) is unnecessary and in as much as there is nothing that is specifically noted as an exception to these Articles of the TRC, the phrase should be deleted. The Department agrees with IRRC's comment and has deleted the phrase from both paragraphs.

(3) IRRC's comments suggested that a more specific citation to the Vehicle Code in § 47.19(b)(1) would be more helpful to the public. The Department has therefore amended the citation to specifically reference the appropriate chapter of the Vehicle Code.

(4) The definition of "rental" in § 47.19(d)(1) provides in part, "... and the rental payments continue to be subject to the tax until the rental contract is terminated." IRRC suggested that the Department use the term "fee" instead of "tax" to more closely tract the statute. The Department has amended the section accordingly. In addition, IRRC believed that the second sentence in the definition of "rental," is a substantive provision. The Department agrees with this comment and has moved the sentence to § 49.19(d)(2). IRRC also suggested the addition of an example at § 47.19(d)(4) which mirrors the practice in the car rental industry of treating the rental period that extended beyond the original period as a separate contract. The Department has added an example in subsection (d)(4)(iii) to address this type of situation.

(5) In § 49.19(e)(1), IRRC noted that the subsection does not define the specific entities covered by the regulation. To address this concern, the Department has amended the paragraph by replacing the term "entity" with "public utility, as defined in section 1101-A of the TRC (72 P. S. § 8101-A)." As referenced, the Department amended statutory references in paragraphs (1)—(4) to reference specific statutory sections.

(6) Both IRRC and the public comment questioned the need for the provision set forth in subsection (f) relating to periodicals. When the Department initially drafted the proposal, there was a concern that the information should be preserved for historical and auditing purposes. The passage of time has diminished this need; therefore, the Department is deleting the subsection.

Comments that did not result in amendments to the regulation are as follows:

(1) IRRC indicated that part of the introductory phrase in § 47.19(b)(1), (c)(1) and (d)(1) "unless the context clearly indicates otherwise" promotes uncertainty and should be deleted. This phrase is from language that is set forth in all definition sections within the *Pennsylvania Code*. If the Department did not include the phrase in a regulation, it would be added by the *Pennsylvania Code* and *Bulletin* when the document was published.

(2) In its comments, IRRC indicated that it believes that the definition of "lease price" in § 47.19(c)(1) contains substantive information in subparagraphs (i)—(v) and the provisions should be removed from the definition. It is the Department's position that standing alone, the introductory paragraph is inadequate and would provide an incomplete definition to the public. The provisions in subparagraphs (i)—(v) further explain and define what a "lease price" is under subsection (c).

(3) In the definition of "lease price" in § 47.19(c)(1), IRRC questioned the Department's authority to state in subparagraph (v), "If the lessor fails to separately state the lease price of other property, such as a trailer, from the lease of a motor vehicle, the total lease price is subject to tax." It is IRRC's opinion that the statute limits the tax to the lease of a motor vehicle and does not mention a tax on other properties.

It is the Department's position that statutory authority is found in 72 P. S. § 9301(d)(1) which provides that "... an additional tax of three per cent of the total lease price charged." The key is that the tax is imposed on the total lease price not simply the lease of a motor vehicle.

(4) IRRC raised a number of concerns regarding § 47.19(d). The first concern related to the necessity of the second sentence in the definition of "rental," which the Department has agreed is substantive and should be moved to § 49.19(d)(2). IRRC believed that there could be confusion if a rental goes beyond the 29-day period, in that the lessee could believe he would be subject to both the rental fee and the lease tax. It is not the Department's intention to tax a transaction as both a rental and a lease. If a rental goes beyond the 29-day period, the original rental contract remains controlling until it is terminated and the lessee remains liable for the \$2 per day rental fee. To further clarify this point, the Department has added a sentence to § 47.19(d)(2).

IRRC also indicated that the Department needed to include an exclusion that provides a rental contract for more than 29 days is a lease contract by definition, and that such a contract is not subject to the daily fee; instead, it is subject to the 3% tax on motor vehicles. The terms "rental" and "lease" are clearly defined in the regulation; the Department does not ascertain a need to reiterate these definitions in a separate paragraph.

IRRC also wanted the Department to specifically exclude rentals from the lease tax when the rental contract was originally for less than 29 days and subsequently the vehicle was used for more than 29 days. This issue is addressed in the sentence that the Department is removing from the definition of "rental" and adding to paragraph (2); therefore, no further revision is necessary.

In its comments, IRRC asked that the Department explain the basis for the regulation's definitions of "lease" in subsection (c) and "rental" in subsection (d) since the enabling statute does not define either term. The Department relied on industry guidelines in formulating the



subject definitions which were later confirmed by the passenger car rental tax legislation which defined the term "rental."

(5) In response to IRRC's suggestion that the Department amend § 31.29 (relating to books, printed matter and advertising materials), the Department notes that this section is currently being revised in a separate proposed rulemaking.

During its final review of the regulation, the Office of Attorney General directed the Department to make the following revisions to the final-form regulation:

(1) The first sentence in § 47.19(b)(3) has been moved to (b)(2) because it modifies and further explains the scope of the regulation. The remaining sentence in paragraph (3) has been amended to more accurately introduce the examples that follow in subparagraphs (i)—(v).

(2) The definition of "motor vehicle" in § 47.19(c)(1) and (d)(1) has been amended to bring it into conformity with the definition of "motor vehicle" in the Statutory Construction Act, 1 Pa.C.S. § 1991.

(3) To make § 47.19(d)(2) consistent with the authorizing statute, the phrase "lessor charges the lessee for rental of the vehicle" has been deleted and replaced with "vehicle is rented."

(4) Subsection (e) of § 47.19 relating to utility realty additional tax is deleted because its placement in § 47.19, a regulatory section under 61 Pa. Code, Article II. Sales and Use Tax, is inappropriate because Public Utility Realty Tax is not a part of Sales Tax. Its inclusion in this regulatory section would, at a minimum, make the language difficult to find.

#### *Fiscal Impact*

The Department has determined that the amendments will have no significant fiscal impact on the Commonwealth.

#### *Paperwork*

The amendments will not generate additional paperwork for the public or the Commonwealth.

#### *Effectiveness/Sunset Date*

The amendments will become effective upon final publication in the *Pennsylvania Bulletin*. The amendments are scheduled for review within 5 years of final publication. No sunset date has been assigned.

#### *Contact Person*

The contact person for an explanation of the final-form regulations is Anita M. Doucette, Office of Chief Counsel, Department of Revenue, Dept. 281061, Harrisburg, PA 17128-1061.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on June 12, 1996, the Department submitted a copy of the notice of proposed rulemaking, published at 26 Pa.B. 2919 (June 22, 1996) to IRRC and the Chairpersons of the House and Senate Committees on Finance for review and comment. In compliance with section 5(c) of the Regulatory Review Act, the Department also provided IRRC and the Committees with copies of all comments received, as well as other documentation.

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

These final-form regulations were deemed approved by the House and Senate Committees on March 23, 1998. IRRC met on March 26, 1998, and approved the final-form regulations in accordance with section 5.1(e) of the Regulatory Review Act (71 P. S. § 745.5a(e)).

#### *Findings*

The Department finds that:

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

(2) The regulations are necessary and appropriate for the administration and enforcement of the authorizing statute.

#### *Order*

The Department acting under the authorizing statute, orders that:

(a) The regulations of the Department, 61 Pa. Code Chapters 9 and 47, are amended by adding § 47.19 and deleting § 9.4 to read as set forth in Annex A.

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

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

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

ROBERT A. JUDGE, Sr.,  
*Secretary*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 28 Pa.B. 1806 (April 11, 1998).)*

**Fiscal Note:** Fiscal Note 15-373 remains valid for the final adoption of the subject regulations.

#### **Annex A**

#### **TITLE 61. REVENUE**

#### **PART I. DEPARTMENT OF REVENUE**

#### **Subpart A. GENERAL PROVISIONS**

#### **CHAPTER 9. REVENUE**

#### **PRONOUNCEMENTS—STATEMENTS OF POLICY**

#### **§ 9.4. (Reserved).**

#### **Subpart B. GENERAL FUND REVENUES**

#### **ARTICLE II. SALES AND USE TAX**

#### **CHAPTER 47. RENTALS**

#### **§ 47.19. Public Transportation Assistance Fund taxes and fees.**

##### *(a) General provisions.*

(1) *General.* This section is promulgated to administer section 2301 of the TRC (72 P. S. § 9301).

(2) *Registration.* A person who makes sales, rentals or leases subject to a tax or fee under subsection (b), (c) or (d) is required to apply for a Public Transportation Assistance Tax License Number on a form prescribed by the Department. The registration is separate from sales tax registration required under section 208 of the TRC (72 P. S. § 7208).

(3) *Returns.* The taxes and fees collected under subsection (b), (c) or (d) shall be reported on a return prescribed by the Department. The returns shall be filed under sections 217—220 of the TRC (72 P. S. §§ 7217—7220) and § 34.3 (relating to tax returns).

(4) *Payment.* Payment of the taxes and fees under subsection (b), (c) or (d) shall be made under sections 221—224 of the TRC (72 P. S. §§ 7221—7224).

(5) *Imposition of tax.* The taxes and fees imposed under subsection (b), (c) or (d) are in addition to Sales or Use Tax and are excluded from the computation of tax for Sales and Use Tax purposes.

(6) *Exemption certificates.* Claims for exemption from the taxes and fees imposed under subsection (b), (c) or (d) shall be supported by the use of a valid Pennsylvania Exemption Certificate.

(7) *Direct payment permit.* A direct payment permit issued under § 34.4 (relating to direct payment permit) may be used in conjunction with the taxes and fees imposed under this section.

(8) *Applicability of TRC.* Article II of the TRC (72 P. S. §§ 7201—7282) and regulations promulgated thereunder apply to the taxes and fees imposed under subsection (b), (c) or (d).

(b) *Tire fee.*

(1) *Definitions.* The following words and terms, when used in this subsection, have the following meanings, unless the context clearly indicates otherwise:

*Highway use*—The use of a tire on a vehicle which is required to be licensed for highway use. If a tire is of the type used on a vehicle normally required to be licensed for highway use under 75 Pa.C.S. §§ 1301—1318 (relating to general provisions), the tire shall be presumed to be for highway use.

*Sale*—A transfer of the ownership of new tires for a consideration whether the transfer is absolute or conditional and by whatever means the transfer has been effected. The term does not include a rental or lease.

(2) *Scope.* Effective October 1, 1991, the sale of a new tire which is delivered to a location in this Commonwealth for highway use is subject to a \$1 fee. The fee shall be collected by the vendor from the purchaser. If the vendor fails to collect, report or remit the tire fee, the vendor shall be assessed the fee. If the purchaser does not pay the fee to the vendor, the purchaser shall be assessed the tire fee. The sale of new tires in conjunction with the sale of other property shall be subject to the tire fee. There is no exclusion for exempt organizations or businesses engaged in manufacturing, processing, farming, dairying, printing, mining or rendering a public utility service.

(3) *Exclusions.* The following transactions are excluded from tax:

- (i) The sale of tires not for highway use.
- (ii) The sale of new tires to governmental entities.
- (iii) The rental or lease of new tires. The lessor is required to pay the tire fee on the purchase of tires to be rented or leased.
- (iv) The sale of used tires including retreads or recaps.
- (v) The sale of tires when delivered to the purchaser at an out-of-State location. The subsequent use of the tires within this Commonwealth is not subject to the tire fee.

(4) *Examples of sales subject to the tire fee.*

(i) A purchaser buys a new or used automobile with four new tires and one spare tire. A tire fee of \$5 is due on the sale of five new tires.

(ii) A leasing company buys new tires to use as replacements on its leased licensed vehicle fleet. Since the tires are for highway use, the purchase of the tires by the leasing company is subject to the tire fee.

(iii) A church buys a new tire to replace a tire on a vehicle registered in the name of the church. The purchase of the tire by the church is subject to the tire fee.

(iv) A trucking company buys tires from an out-of-State vendor. The tires are delivered to the trucking company in this Commonwealth. The sale of the tires is subject to the tire fee.

(v) A new car dealer withdraws an automobile from inventory and makes a taxable use of the automobile for sales and use tax purposes. The dealer is required to pay the tire fee directly to the Department.

(vi) A garage replaces a tire in connection with the repair of a damaged motor vehicle. The sale of the tire is subject to the tire fee regardless of whether the cost of the repair is covered by an insurance contract.

(5) *Examples of sales not subject to the tire fee.*

(i) A used car dealer buys new tires to place on a vehicle to be resold. The purchase of tires by the dealer is not subject to the tire fee. The subsequent sale of the vehicle with the new tires to a purchaser for highway use is subject to the tire fee.

(ii) A lessee rents a vehicle with new tires from a leasing company. A tire fee is not due on the rental. The lessor is liable for paying the tire fee on the purchase of the tires.

(iii) A manufacturer purchases new tires for use on forklifts not required to be licensed for highway use. The purchase is not subject to the tire fee.

(iv) A trucking company buys new tires from an out-of-State vendor. The tires are delivered to the trucking company at an out-of-State location. The sale or use of the tires is not subject to the tire fee even though the tires are subsequently used in this Commonwealth.

(v) A retail tire dealer purchases tires from a tire manufacturer for resale. As the retail tire dealer is not purchasing the tires for highway use, the purchase is not subject to the tire fee. The retail tire dealer's subsequent sale of the tire to a customer for highway use is subject to the tire fee.

(c) *Motor vehicle lease tax.*

(1) *Definitions.* The following words and terms, when used in this subsection, have the following meanings, unless the context clearly indicates otherwise:

*Lease*—A contract for the use of a motor vehicle for 30 days or more.

*Lease price*—Full consideration paid or delivered or promised to be paid or delivered to the lessor for a lease period under a lease agreement, whether it is money or otherwise, even though the consideration is separately stated and designated as a payment for downpayment, service, maintenance, insurance, repairs, depreciation, excess mileage fees or similar charges.

(i) The term also includes an accelerated lease payment or buy out purchase price whether or not made in connection with the termination of the lease.

(ii) The term does not include the option purchase price, penalty fees for early termination of lease, damage fees or similar charges.

(iii) The term does not include Sales Tax imposed on the lease price.

(iv) Credits or refunds which reduce the lease price reduce the amount subject to tax even though the credits or refunds are issued after termination of the lease.

(v) If the lessor fails to separately state the lease price of other property, such as a trailer, from the lease of a motor vehicle, the total lease price is subject to tax.

*Motor vehicle*—A self-propelled device in, upon or by which a person or property is or may be transported or drawn upon a public highway, except tractors, power shovels, road machinery, agricultural machinery and vehicles which move upon or are guided by a track or trolley. The term does not include trucks in Class 4 or higher as defined in 75 Pa.C.S. § 1916(a)(1) (relating to trucks and truck tractors). Title 75 Pa.C.S. § 1916(a)(1) currently defines trucks in Class 4 as those having a registered gross or combination weight between 9,001 and 11,000 pounds.

(2) *Scope*. Effective October 1, 1991, each lease of a motor vehicle subject to the tax imposed by section 202 of the TRC (72 P. S. § 7202) is subject to an additional tax of 3% of the total lease price charged. This tax will be imposed upon lease payments due on or after October 1, 1991, regardless of the date upon which the lease was executed. Lease payments made on or after April 1, 1995, for the use of trucks in Class 4 or higher as defined in 75 Pa.C.S. § 1916(a)(1) are not subject to the tax. The tax shall be collected by the lessor from the lessee. If the lessor fails to collect, report or remit the tax, the lessor shall be assessed the tax. If the lessee does not pay the tax to the lessor, the lessee shall be assessed the tax.

(3) *Exclusions*. If the lease of a motor vehicle is exempt from Sales and Use Tax imposed by section 202 of the TRC, the lease is exempt from the tax imposed under this subsection.

(d) *Motor vehicle rental fee*.

(1) *Definitions*. The following words and terms, when used in this subsection, have the following meanings, unless the context clearly indicates otherwise:

*Motor vehicle*—A self-propelled device in, upon or by which a person or property is or may be transported or drawn upon a public highway, except tractors, power shovels, road machinery, agricultural machinery and vehicles which move upon or are guided by a track or trolley.

*Rental*—A contract for the use of a motor vehicle for less than 30 days.

(2) *Scope*. Effective October 1, 1991, each rental of a motor vehicle subject to the tax imposed by section 202 of the TRC is also subject to a fee of \$2 for each day or part of a day for which the vehicle is rented. The fee shall be collected by the lessor from the lessee. If the lessor fails to collect, report or remit the fee, the lessor shall be assessed the fee. If the lessee does not pay the fee to the lessor, the lessee shall be assessed the fee. If a motor vehicle is rented for less than 30 days, and the use of the motor vehicle subsequently extends beyond a 29-day period, the transaction remains a rental, and the rental payments continue to be subject to the fee until the rental contract is terminated. With respect to lease payments

paid in accordance with a lease contract, lease payments are subject to tax at the rate of 3%.

(3) *Exclusions*. If the rental of a motor vehicle is exempt from Sales and Use Tax imposed by section 202 of the TRC (72 P. S. § 7202), the rental is exempt from the fee imposed under this subsection.

(4) *Examples of rentals subject to the rental fee*.

(i) A lessee rents a motor vehicle from a rental company for 5 hours. The rental is subject to a \$2 rental fee.

(ii) A lessee rents a motor vehicle from a rental company for 1 day. The vehicle is returned to the lessor 5 hours after the end of the rental period. If the lessee is charged the daily rental rate plus an additional charge for the period after the end of the rental period, a rental fee of \$4 is due.

(iii) A lessee rents a motor vehicle from a rental company under a daily rental contract. The rental is subject to a \$2 per day rental fee. The lessee returns the motor vehicle to the lessor at the end of the 15th day and enters into a lease contract. During the first 15 days, the lessee is required to pay a rental fee of \$2 per day. For the period after the 15th day, the lessee is required to pay a tax of 3% of the lease payment.

[Pa.B. Doc. No. 98-1792. Filed for public inspection October 30, 1998, 9:00 a.m.]

## [61 PA. CODE CHS. 9 AND 47]

### Vehicle Rental Tax

The Department of Revenue (Department), under the authority set forth in section 270 of the Tax Reform Code of 1971 (TRC) (72 P. S. § 7270), by this order adopts amendments by adding § 47.20 (relating to vehicle rental tax) and by deleting § 9.14 (relating to passenger car rental tax).

#### *Purpose of Amendments*

Currently, the Department's interpretation of Article XVI-A of the TRC (72 P. S. §§ 8601-A—8604-A) relating to passenger car rental tax (now known as Vehicle Rental Tax (VRT)) is set forth as a pronouncement and codified at § 9.14. Under the notice of proposed rulemaking, the Department received comments from the Independent Regulatory Review Commission (IRRC). As set forth in greater detail as follows, the Department has addressed the comments, and several revisions are reflected in this final rulemaking. Therefore, in addition to adopting § 47.20, the Department is deleting the pronouncement relating to passenger car rental tax which appears at § 9.14.

#### *Explanation of Regulatory Requirements*

Subsection (a) relates to definitions. The Department has developed several definitions to assist in the interpretation of this section.

Subsection (b) relates to general provisions. This subsection provides taxpayers with information regarding statutory authority for the collection of vehicle rental tax, registration, returns, payments, including direct payment permits and the applicability of the TRC.

Subsection (c) relates to scope. In accordance with section 1604-A of the TRC, paragraph (1) provides that, with respect to rental contracts involving motor vehicles designed to transport 15 or fewer passengers, a tax of 2%

is imposed upon the rental payments. With respect to rental contracts involving trucks, trailers and semitrailers used in the transportation of property other than commercial freight, entered into on or after July 1, 1997, a tax of 2% is imposed upon the rental payments made on or after July 1, 1997. Paragraph (2) sets forth examples of transactions that are and are not subject to the VRT.

Subsection (d) relates to exclusions and provides that, if the rental of a motor vehicle is exempt from State Sales or Use Tax, the rental is also exempt from VRT. The subsection also details the use of an exemption certificate to support a claim for exemption.

In accordance with section 1603-A of the TRC, subsection (e) provides in paragraph (1) that an annual reconciliation report shall be filed on or before February 15 of the subsequent calendar year. Paragraph (2) provides for the date of filing, paragraph (3) sets forth the information the reconciliation report must contain, paragraph (4) details the particulars regarding refunds and paragraph (5) provides an example of how the refund process works.

*Affected Parties*

Persons and businesses responsible for collecting and remitting VRT may be affected by the amendments.

*Comment and Response Summary*

Notice of proposed rulemaking was published at 26 Pa.B. 2007 (April 27, 1996). These amendments are being adopted with changes to the proposed rulemaking to read as set forth in Annex A.

The Department did not receive comments from the public, the House Finance Committee or the Senate Finance Committee. The Department did receive comments from IRRC.

As a result of the act of May 7, 1997 (P. L. 85, No. 7) (Act 7), which in part amended Article XVI-A of the TRC, the Department is amending the proposed rulemaking as follows:

- (1) The name of § 47.20 and all references in the regulation are changed from "passenger car rental tax" or "PCRT" to "VRT."
- (2) The definition of "rental vehicle" was added and utilized throughout the regulation.
- (3) Subsection (c) of § 47.20 relating to scope was amended to set forth the incidence of tax prior to and on or after July 1, 1997.

During its internal review of the proposal, the Department determined that an explanatory sentence should be added to § 47.20(e)(2) to specify that when an envelope containing the annual reconciliation report does not reflect a United States Postal Service postmark date, the date of receipt by the Department shall determine the date of filing.

The amendments to the proposed rulemaking in response to comments from IRRC are as follows:

- (1) In response to IRRC's comment that the Department should provide a specific statutory cite within the Vehicle Code relating to licensing and title fees, the definition of "licensing and title fees" is amended to reference 75 Pa.C.S. §§ 1912, 1916(a), 1920 and 1952(a). A statutory reference was also added to the definition of "PTA" in response to an IRRC comment.
- (2) Though the Department explained in the proposal that it created the term "passenger car" instead of using the term "motor vehicle" because the term "motor vehicle" has a specific meaning and using it in this section could

create confusion, IRRC recommended that the Department only use a term defined and used in the authorizing statute for consistency with the statute and to improve the clarity of the regulation. The Department agrees with this; however, in accordance with Act 7, the term "rental vehicle" not "motor vehicle" will be used throughout the regulation.

(3) In response to a concern raised by IRRC that the definition of "rental contract" contained substantive regulatory provisions, the Department is amending the definition by deleting the phrase "and the rental payments continue to be subject to the PCRT until the rental contract is terminated." The definition is also amended by deleting the phrase "less than 30" and adding "29 or fewer consecutive" to more closely track the statute. Finally, the Department amended the definition to clarify that if a vehicle is rented for 29 or fewer consecutive days and the use of the rental vehicle extends beyond a 29-day period without entering into a new written contract, the transaction remains a rental unless the parties enter into a written lease agreement.

(4) Within the definition of "vehicle rental company" IRRC questioned the use of the phrase "... owns or ..." stating that its reading of the statute requires the reporting of owned or leased vehicles when those company motor vehicles are used for rental. Based on this rationale, IRRC also suggested that the Department amend subsection (e)(4) by deleting the word "owns." Finally, IRRC suggested that the phrase "which owns or has available for rental five or more passenger cars" be moved to subsection (b)(2). In response to these comments, the Department is amending the definition of "vehicle rental company" by deleting the phrase "which owns or has available for rental five or more passenger cars," and adding the phrase "five or more" to the first sentence in the definition. Also, subsection (e)(4) is amended by deleting the phrase "passenger cars that the vehicle rental company owns or has available for rental."

(5) Within subsection (b)(3), IRRC questioned the need to retain the reference to October 20, 1994 (the due date of the initial PCRT (now VRT) return) given the passage of time. The Department agrees with IRRC's observation and has deleted the date.

(6) In response to IRRC's comment regarding the applicability of the phrase "unless otherwise specifically noted" in subsection (b)(6), the phrase is deleted.

(7) Subsection (c)(1) provides that if a rental company fails to collect the tax, the purchaser shall pay the tax directly to the Department. IRRC indicated that though it understands the Department's concern in ensuring that all taxes are collected and remitted to the Commonwealth, it feels that in reality this requirement is unenforceable. IRRC further indicated that since most purchasers are tourists and will have no notice of the requirement, the Department should delete the sentence from the final-form regulations. IRRC did suggest, if the Department retains the sentence, that some procedure should be provided to make the remittances. Because there is no exclusion in law for tourists, the Department is unable to delete the sentence; however, a phrase is added that provides that the purchaser shall pay the tax directly to the Department on a form prescribed by the Department.

(8) IRRC indicated in its comments that the example in subsection (c)(2)(i)(A) as written, is inconsistent with the authorizing statute. IRRC stated that at the point the 14-day period of the rental agreement was exceeded (a

taxable transaction), the original contract ended and the purchaser essentially entered into a new agreement for an additional 22 days, also a taxable transaction. IRRC stated that if an individual wishes to keep the vehicle longer than the time of the original contract, the rental company will close-out the original rental agreement and enter into a new agreement. It is the Department's position that not only is the example consistent with the statute but it also mirrors the reality of the market place and provides a degree of flexibility for a rental company. As written, the rental company is not required to close-out the original contract, it can simply extend it to cover the additional time period requested by the client. To clarify the Department's position, the second sentence of the example is amended to specify that the parties did not enter into a new contract.

(9) IRRC believes that since the collection of the PCRT (now VRT) has been in effect since July, 1994, there is no need for the example in subsection (c)(2)(ii)(C) that provides that the rental is not subject to VRT because the rental was entered into prior to the effective date of the PCRT now VRT. The Department agrees with IRRC and has deleted the example that was proposed at clause (C) and added a new example interpreting the new definition of rental vehicle.

IRRC comments that did not result in amendments to the regulation are as follows:

(1) IRRC indicated that part of the introductory phrase in subsection (a) "unless the context clearly indicates otherwise" promotes uncertainty and should be deleted. This phrase is from language that is set forth in all definition sections within the *Pennsylvania Code*. If the Department did not include the phrase in a regulation, it would be added by the *Pennsylvania Code* and *Bulletin* when the document was published.

(2) IRRC recommended that the Department include statutory citations in various definitions in subsection (a). All citations that were set forth in the proposal published in the *Pennsylvania Bulletin* will be included in the final rulemaking. It was noted in IRRC's comments that the term "PTA," though defined, is not used in the regulation and should be deleted. The term is used in the definition of "rental payment." With regard to IRRC's suggestion that the Department define the term "TRC" and provide a statutory citation, the Department references IRRC to 61 Pa. Code § 1.1 (relating to definitions) which defines specific terms, including "TRC," that are used throughout Part I, of which this chapter is a part.

(3) Within subsection (b)(3) and (4), IRRC questioned the Department's use of the term "return" and suggests using the term "report" which is used in the authorizing statute. It is the Department's position that the term "return" has a historical meaning which the public is oriented to and that the use of the term "report" would cause unnecessary confusion.

(4) In the example set forth in subsection (c)(2)(i)(B), IRRC disagreed with the Department's interpretation that a vehicle damage waiver, a child's car seat and a car top carrier are part of the rental payment and therefore subject to the VRT. The Department's position is governed by section 201(g)(4) of the TRC (72 P. S. § 7201(g)(4)) which provides: "Where there is a transfer or retention of possession or custody, whether it be termed a rental, lease, service or otherwise, of tangible personal property including, but not limited to linens, aprons, motor vehicles, trailers, tires, industrial office and construction equipment, and business machines the full consideration

paid or delivered to the vendor or lessor shall be considered the purchase price, even though such consideration be separately stated and be designated as payment for processing, laundering, service, maintenance, insurance, repairs, depreciation or otherwise." Under this definition, the full value of the rental contract is subject to the VRT regardless of how it is designated. Therefore, a vehicle damage waiver fee, a child's car seat or a car top carrier that is included in the rental contract is also included in the purchase price subject to the vehicle rental tax. There is no statutory basis to exclude these items from tax.

(5) A final comment from IRRC suggests that the Department consider putting all of the reporting and exemption requirements in one section or area of the regulation to improve organization and ease of reference. In addition, IRRC recommended that the Department incorporate provisions which allow vehicle rental companies to remit the VRT and the \$2 fee (PTA) together. The Department considers the three areas mentioned to be separate and not able to be put together in one section. Returns are used to remit the amount of tax due. Annual reconciliation reports are used to claim a refund equal to licensing and title fees. Exemptions apply to the rental customer, not the entity reporting the tax or seeking the refund. For administrative reasons, the VRT and PTA can not be remitted together. Each remittance goes into a different fund and refunds/credits are handled from separate accounts.

Finally, in subsection (d), the proposal provided that if the rental of a rental vehicle is exempt from State sales or Use Tax, the rental is also exempt from the VRT. IRRC the Department explain this position and provide a statutory citation for the exclusion. 72 P. S. § 8603-A(c) states, "Unless otherwise noted, the provisions of Article II of this act shall apply to the tax required under this article." Within Article II is section 204 (72 P. S. § 7204) that provides specific exclusions from tax. These exclusions also apply to VRT.

#### *Fiscal Impact*

The Department has determined that the amendments will have no significant fiscal impact on the Commonwealth.

#### *Paperwork*

The amendments will not generate additional paperwork for the public or the Commonwealth.

#### *Effectiveness/Sunset Date*

The amendments will become effective upon final publication in the *Pennsylvania Bulletin*. The amendments are scheduled for review within 5 years of final publication. No sunset date has been assigned.

#### *Contact Person*

The contact person for an explanation of the final-form regulations is Anita M. Doucette, Office of Chief Counsel, Department of Revenue, Dept. 281061, Harrisburg, PA 17128-1061.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on April 11, 1996, the Department submitted a copy of the notice of proposed rulemaking, published at 26 Pa.B. 2007 (April 27, 1996) to IRRC and the Chairpersons of the House and Senate Committees on Finance for review and comment. In compliance with section 5(c) of the Regulatory Review Act, the Department also provided IRRC and the Committees with copies of all comments received, as well as other documentation.

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

These final-form regulations were deemed approved by the House and Senate Committees on June 10, 1998. IRRC met on June 18, 1998, and approved the final-form regulations in accordance with section 5.1(e) of the Regulatory Review Act (71 P. S. § 745.5a(e)).

*Findings*

The Department finds that:

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

(2) The final-form regulations are necessary and appropriate for the administration and enforcement of the authorizing statute.

*Order*

The Department acting under the authorizing statute, orders that:

(a) The regulations of the Department, 61 Pa. Code Chapters 9 and 47, are amended by deleting § 9.14 and by adding § 47.20 to read as set forth in Annex A.

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

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

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

ROBERT A. JUDGE, Sr.,  
Secretary

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 28 Pa.B. 3338 (July 11, 1998).)*

**Fiscal Note:** 15-376. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 61. REVENUE**

**PART I. DEPARTMENT OF REVENUE**

**Subpart A. GENERAL PROVISIONS**

**CHAPTER 9. REVENUE PRONOUNCEMENTS—  
STATEMENTS OF POLICY**

**§ 9.14. (Reserved).**

**Subpart B. GENERAL FUND REVENUES**

**ARTICLE II. SALES AND USE TAX**

**CHAPTER 47. RENTALS**

**§ 47.20. Vehicle Rental Tax.**

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

*Licensing and title fees*—Licensing and title fees imposed by 75 Pa.C.S. §§ 1912, 1916(a), 1920 and 1952(a) and collected by the Department of Transportation. The term does not include encumbrance fees.

*Local sales or use tax*—Sales or Use Tax imposed by a county of this Commonwealth or the city of Philadelphia and administered by the Department.

*PTA*—The Public Transportation Assistance Fund created by Article XXIII of the TRC (72 P. S. § 9301).

*Purchaser*—A person who acquires, for money or other consideration, the custody or possession of a rental vehicle under a rental contract.

*Rental contract*—A contract between a purchaser and a vehicle rental company for the use of a rental vehicle for 29 or fewer consecutive days. If a rental vehicle is rented for 29 or fewer consecutive days, and the use of the rental vehicle extends beyond a 29-day period without entering into a new written contract, the transaction remains a rental unless the parties enter into a written lease agreement.

*Rental vehicle*—A motor vehicle designed to transport 15 or fewer passengers or a truck, trailer or semitrailer used in the transportation of property other than commercial freight, that is rented without a driver. The term does not include a motorcycle, motor-driven cycle, school bus, hearse, motor home, camper or mobile home.

*Rental payment*—Full consideration paid or delivered or promised to be paid or delivered to the vehicle rental company under a rental contract, excluding charges for local sales or use tax, State Sales or Use Tax and PTA fees.

*State Sales or Use Tax*—Sales or Use Tax imposed by Article II of the TRC (72 P. S. §§ 7201—7281.2).

*VRT—Vehicle Rental Tax*—The tax authorized under Article XVI-A of the TRC (72 P. S. §§ 8601-A—8604-A).

*Vehicle rental company*—A business entity engaged in the business of renting five or more rental vehicles in this Commonwealth.

(b) *General provisions.*

(1) *General.* This section is promulgated to administer Article XVI-A of the TRC relating to the VRT.

(2) *Registration.* A vehicle rental company renting rental vehicles that are subject to the VRT shall register with the Department.

(3) *Returns.* A vehicle rental company shall report the VRT on a return prescribed by the Department. The return is due on a quarterly basis.

(4) *Payment.* A vehicle rental company shall make payment with the return.

(5) *Direct payment permit.* A purchaser cannot use a direct payment permit issued under § 34.4 (relating to direct payment permit) in conjunction with the VRT because the vehicle rental company may be entitled to a refund of the tax collected.

(6) *Applicability of TRC.* Article II of the TRC and regulations promulgated thereunder apply to the VRT.

(c) *Scope.*

(1) *General.* With respect to rental contracts involving motor vehicles designed to transport 15 or fewer passengers, a tax of 2% is imposed upon the rental payments. With respect to rental contracts involving trucks, trailers and semitrailers used in the transportation of property other than commercial freight, entered into on or after July 1, 1997, a tax of 2% is imposed upon the rental payments made on or after July 1, 1997. If the vehicle rental company fails to collect the applicable tax, the

purchaser shall pay the tax directly to the Department on a form prescribed by the Department.

(2) *Examples.*

(i) The following are examples of transactions that are subject to the VRT:

(A) "A" rents a rental vehicle from a vehicle rental company for 14 days. Due to circumstances unforeseen at the commencement of the rental, "A," without entering into a new contract, continues to use the car on a day by day basis and eventually returns the car on the 36th day. Because the transaction continues to be governed by the rental contract for the entire 36-day period, the rental payment is subject to the VRT.

(B) "B" rents a rental vehicle from a vehicle rental company for 10 days. The rental contract provides for an additional charge for excess mileage as well as a pick up and drop off fee. In addition, under the rental contract, "B" elects to obtain a vehicle damage waiver, a child's car seat and a car top carrier. Because the charges for excess mileage, a pick up and drop off fee, a vehicle damage waiver, a child's car seat and a car top carrier are all part of the rental payment, the cost of these items is subject to the VRT.

(C) "P" rents a rental vehicle for 7 days from "R." "R" owns two and leases 28 of the 30 rental vehicles that it rents to others. Because "R" has five or more rental vehicles available for rental, "R" is a vehicle rental company, and the rental payment made by "P" is subject to the VRT.

(D) "R" rents a truck to transport a used living room set to "R's" hunting camp. The rental payments are subject to VRT as the living room set does not qualify as commercial freight.

(ii) The following are examples of transactions that are not subject to the VRT:

(A) "Y" rents a rental vehicle from "E" vehicle rental company for 28 days. Due to circumstances unforeseen at the commencement of the rental, "Y" wishes to use the car for a longer period of time. After using the car for 28 days, "Y" returns the car to "E," and pays the VRT on the rental payment, and the parties terminate the rental contract. They then enter into a lease agreement under which "Y" leases the same car from "E" for 2 years. Because the second transaction is a lease agreement and not a rental, the lease payments are not subject to the VRT.

(B) "Z" rents a rental vehicle from "D" car dealership, which has only three rental vehicles available for rental. Because "D" has fewer than five rental vehicles available for rental, "D" is not a vehicle rental company and the rental payment is not subject to the VRT.

(C) "M" manufacturer rents a truck used exclusively to deliver "M's" own manufactured products to "M's" customers. The rental payments are not subject to VRT as "M's" products qualify as commercial freight.

(d) *Exclusions.* If the rental of a rental vehicle is exempt from State Sales or Use Tax, the rental is also exempt from the VRT. A purchaser shall support a claim for exemption from the VRT by submitting a completed Pennsylvania exemption certificate setting forth a valid basis for exemption. A purchaser may use the same

exemption certificate used to claim an exemption from State sales or use tax, but the exemption certificate shall clearly indicate that the purchaser is claiming an exemption from the VRT. The purchaser shall make that indication either by checking the appropriate blocks for the VRT on the exemption certificate form or by checking the paragraph labeled "other" on the older exemption certificate form and explaining that an exemption is being claimed from the VRT.

(e) *Annual reconciliation reports.*

(1) *General.* A vehicle rental company that has remitted the VRT and is claiming a refund shall file an annual reconciliation report. An annual reconciliation report shall be on a form prescribed by the Department. An annual reconciliation report is not required if the vehicle rental company is not claiming a refund. An annual reconciliation report shall be filed on or before February 15 of the subsequent calendar year.

(2) *Date of filing.* The United States Postal Service postmark date will be used to determine the date of filing of an annual reconciliation report. When the envelope containing the report does not reflect a United States Postal Service postmark date, the date of receipt by the Department shall determine the date of filing.

(3) *Contents.* An annual reconciliation report shall set forth the amount of both:

(i) The VRT remitted during the previous calendar year.

(ii) The total amount of licensing and title fees imposed by the Commonwealth on a vehicle rental company's rental vehicles and paid to the Department of Transportation by the vehicle rental company in the previous calendar year.

(4) *Refund.* The Department will refund to a vehicle rental company that has remitted the VRT an amount, not including interest or penalties that may have been paid by the vehicle rental company, equal to the total amount of licensing and title fees paid to the Department of Transportation on the rental vehicles. The amount of refund cannot exceed the amount of the VRT remitted by the vehicle rental company in the previous calendar year.

(5) *Example.* "R" owns a vehicle rental company that "R" sells to "S" on July 30, 1995. Prior to the sale, "R" pays licensing and title fees on a portion of its fleet of vehicles. "R" also files tax returns and remits the VRT on January 20, April 20 and July 20, 1995. Under paragraph (4), "R" may claim a refund up to the amount of the VRT remitted by "R" with the three tax returns. After acquiring ownership of the vehicle rental company, "S" pays the licensing and title fees due between August 1 and December 31, 1995, on the other vehicles in the fleet, and remits the VRT for the third quarter on October 20, 1995. "S" may claim a refund of the licensing and title fees paid from August to December. The amount of the refund to "S" may not exceed the amount of the VRT "S" remitted in October. To claim a refund, both "R" and "S" shall file their respective annual reconciliation reports on or before February 15, 1996.

[Pa.B. Doc. No. 98-1793. Filed for public inspection October 30, 1998, 9:00 a.m.]

# STATEMENTS OF POLICY

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 69]

[L-980137]

### Resolution of Complaints Involving 66 Pa.C.S. § 1529.1 (Relating to Duties of Owners of Rental Property)

The Pennsylvania Public Utility Commission (Commission) adopted a proposed policy statement for comment. The proposed policy statement sets forth generic policy determinations that will be applied to resolve issues common to many foreign load complaints. The proposed policy also sets forth Commission notice and service procedures for processing informal and formal foreign load complaints. Foreign load is utility service usage that is registered by a customer's meter, but is provided to another dwelling unit, or a common area of a building. The contact persons are Patricia Krise Burket, Law Bureau, (717) 787-3464 and David Lewis, Bureau of Consumer Services, (717) 783-5187.

*Commissioners Present:* John M. Quain, Chairperson; Robert K. Bloom, Vice Chairperson; David W. Rolka; Nora Mead Brownell; Aaron Wilson, Jr.

Public Meeting held  
September 17, 1998

*Resolution of Issues Common to Complaints Involving 66 Pa.C.S. § 1529.1 (relating to duty of owners of rental property); Doc. No. L-00980137*

#### Proposed Policy Statement

*By the Commission:*

The term "foreign load" describes a situation where a ratepayer's meter registers usage for utility service provided to another person or other persons, or for use in a common area shared by others, for example, hallway lighting, furnace fan, laundry room appliances. Consequently, a ratepayer whose meter registers foreign load usage may be billed and pay for utility service that he or she did not use.

Cases involving foreign load are not new to this Commission. Typically, a customer who files a complaint alleging the existence of foreign load has first called the utility questioning a high bill, and upon investigation, the utility discovers the foreign load wired to the customer's meter.

Prior to 1993, these complaints were generally resolved by the Commission's directing the utility to remove the charges attributable to the foreign load from the bill, and to issue a bill for the foreign load in the building owner's name until the foreign load situation was corrected. The direction was given by the Commission under its statutory power to reform contracts under 66 Pa.C.S. § 508 (relating to power of the Commission to vary, reform and revise contracts). See *Columbia Gas of Pennsylvania, Inc. v. Pa. Public Utility Commission*, 535 A. 2d 1246 (Pa. Cmwlth. 1988). Under this arrangement, the tenant had the responsibility to contact the utility to discover a possible foreign load, and to prosecute a Commission

complaint to have the charges attributable to the foreign load removed from his or her bill.

In 1993, the Public Utility Code was amended to include section 1529.1, 66 Pa.C.S. § 1529.1<sup>1</sup>. This section transfers the responsibility for foreign load from the tenant to the building owner<sup>2</sup>. This is accomplished by placing a duty on the building owner to disclose to the utility the existence of foreign load. This is a more equitable arrangement as a building owner is in a better position to know about the existence of a foreign load situation than a tenant in the building. Section 1529.1 reads as follows:

#### § 1529.1. Duty of owners of rental property.

(a) **Notice to public utility.**—It is the duty of every owner of a residential building or mobile home park which contains one or more dwelling units, not individually metered, to notify each public utility from whom utility service is received of their ownership and the fact that the premises served are used for rental purposes.

(b) **History of account.**—Upon receipt of the notice provided in this section, if the mobile home park or residential building contains one or more dwelling units not individually metered, an affected public utility shall forthwith list the account for the premises in question in the name of the owner, and the owner shall thereafter be responsible for payment for the utility services rendered thereunto. In the case of individually metered dwelling units, unless notified to the contrary by the tenant or an authorized representative, an affected public utility shall list the account for the premises in question in the name of the owner, and the owner shall be responsible for the payment for utility services to the premises.

(c) **Failure to give notice.**—Any owner of a residential building or mobile home park failing to notify affected public utilities as required by the section shall nonetheless be responsible for payment of the utility services as if the required notice had been given.

Numerous complaints involving foreign load have been filed since the enactment of section 1529.1. Because the complaints involve recurring issues, we believe that it is appropriate to develop a policy statement to provide guidance to interested parties on these issues<sup>3</sup>.

#### *I. Proposed Policy Defining "A Dwelling Unit, Not Individually Metered" To Exclude Situations Involving Minimal Foreign Load.*

Since the enactment of section 1529.1, the Commission has been faced with several cases where there was more than one dwelling unit in a building, and although each dwelling unit was individually metered, there was foreign load attached to the meter of one dwelling unit. Although in some cases, the foreign load was characterized as de

<sup>1</sup> Section 1529.1 does not utilize the term "foreign load." However, this Commission has construed the term "dwelling unit not individually metered" to mean that the utility meter for the unit is registering "foreign load," which is defined as usage that is not exclusive to the dwelling unit or its occupants.

<sup>2</sup> Section 1529.1 also removes from the utility the monthly burden of computing the charges attributable to the foreign load and billing the building owner separately for that amount.

<sup>3</sup> On June 12, 1997, the Commission, in conjunction with its review of *Elizabeth Santos v. Metropolitan Edison Company*, C-00967757, passed a motion proposed by Commissioner David W. Rolka, that directed that Commission Staff prepare a policy statement interpreting 66 Pa.C.S. § 1529.1 in foreign load complaints.



minimis<sup>4</sup>, the ultimate resolution was to place that account in the building owner's name. Two reasons support this resolution: (1) the difficulty of developing a definition of de minimis foreign load that can be readily applicable to all situations; and (2) the adverse effect on one or more of the building's other tenants resulting from termination of service to the foreign load.

Such a strict interpretation of the law has proven harsh for small building owners who have been forced to rewire or replumb an entire building to separately meter such things as hall lights, an electric fan on a furnace, a water pump, and the like, to remove foreign load from an individual dwelling unit. This can be onerous where a building owner has already rewired a building to provide an individual meter for each dwelling unit.

The Commission's Bureau of Consumer Services (BCS) has employed in its informal proceedings a policy whereunder a dwelling unit would be considered to be individually metered where only minimal foreign load is registered by that unit's meter. Under this policy, wiring and piping for a unit would not need to be reconfigured to remove foreign load where, after a reasonable investigation of all circumstances, the foreign load was found to be minimal. Also, under this policy, where after a reasonable investigation the amount of foreign load is found to be minimal, the utility or BCS may determine that the account does not need to be transferred into the building owner's name. A customer who did not want to be responsible for the foreign load could file civil suit against the building owner or could file a formal Commission complaint against the utility.

The Commission believes that under specific circumstances allowing minimal foreign load to be recorded by the meter (without affecting a dwelling unit's status of being individually metered) is not contrary to the intent of the statute. Therefore, the Commission proposes adopting a broader definition of "an individually metered dwelling unit," consistent with BCS usage, so as to include those units with meters that register minimal foreign load<sup>5</sup>.

#### II. Proposed Policy Allowing a Tenant To Notify the Utility of Willingness to Accept Financial Responsibility for Foreign Load Service.

Under section 1529.1(b), a utility is not required to place an account for an individually metered dwelling unit in the name of the building owner where the tenant has notified the utility to the contrary. Thus, the operation of the statute is effectively superseded by the tenant's notifying the utility of a willingness to accept financial responsibility for a utility account even if charges for foreign load are billed to the account.

Accordingly, for purposes of applying section 1529.1(b), the Commission proposes to adopt a policy expressly recognizing the tenant's prerogative to agree to be billed for foreign load.

This policy is consistent with past decisions where the Commission has recognized that a tenant may agree to accept financial responsibility for a foreign load that was disclosed. See *Kim Blackwell v. Equitable Gas Company*, 55 Pa. PUC 647 (1982) (tenant, who was listed as the account holder and collected from other tenants moneys

<sup>4</sup> *Equity Residential Properties Trust v. Pennsylvania Power & Light Co., Petition for Settlement* approved by Order entered March 14, 1995 at C-00946452; *Herbert Leisy v. Pennsylvania Power & Light Co.*, Order entered December 12, 1996 at C-00967641.

<sup>5</sup> The Commission declines to define a minimal foreign load but references its decision in *Marisa L. Grissett v. Duquesne Light Company*, 67 Pa. PUC 722 (1988) where the Commission stated that \$6.00 per month was a charge for a modest foreign load.

to pay the building's utility account, was financially responsible for a joint utility bill for three apartments). Compare *Bureau of Consumer Services and Hannah Rebel v. Pennsylvania Gas & Water Company*, 67 Pa. PUC 380 (1988) (residential tenant who was the utility account holder was not responsible for natural gas service provided to two storefronts and a water heating system for the entire building as she did not have notice, nor agree to accept responsibility for the commercial foreign load).

A problem could arise when a tenant who is financially responsible for the foreign load service wanted to move or discontinue service, thereby jeopardizing the benefits enjoyed by all tenants. However, this problem would be remedied by the utility treating the tenant's account as the building owner's account for purposes of providing notice of a termination of service to other tenants consistent with 66 Pa.C.S. § 1523 (notices before service to landlord terminated). There would be no additional burden on the utility as the notice that is statutorily required to be given would be the same as if the building owner<sup>6</sup> had requested to discontinue service. Furthermore, if the tenant requested discontinuance of service or if the account is threatened with termination for nonpayment, the foreign load account should be placed back into the building owner's name so as to avoid the loss of service to any other tenants.

#### III. Proposed Policy On the Transfer of the Tenant's Account and the Date of Transfer of Financial Responsibility for the Account.

To remove any uncertainty as to the procedure expected for the transfer of utility accounts that include charges for foreign load, the Commission expects that upon discovery of a foreign load that had not been disclosed to the tenant and for which the tenant had not accepted financial responsibility, the utility will notify the building owner and place the utility account for that dwelling unit in the building owner's name. The account is to remain in the building owner's name until the foreign load is removed, or until the tenant notifies the utility of an agreement to accept responsibility for the account.

The building owner has the responsibility of notifying both the utility and the tenant when the foreign load is removed from the tenant's meter. At that time the account may be placed back into the tenant's name. A tenant who wishes to dispute the matter may file a claim against the building owner in civil court in accordance with appropriate landlord/tenant laws, or can pursue Commission dispute resolution processes through Chapter 56.

#### IV. Proposed Policy Requiring the Same Tariff Rate to Be Charged for a Residential Account Transferred into the Name of the Building Owner.

The situation has arisen in Commission cases where a building owner that had a tenant's individually metered residential account transferred into his name because of the presence of foreign load charges on the account was charged for service at a commercial rate.<sup>7</sup> The Commission believes that under these circumstances, it is unfair for the building owner to be charged the higher commercial rate rather than the lower residential rate for service. Charging the higher rate imposes a financial hardship on the building owner who will more than likely charge the

<sup>6</sup> The Commission recognizes that the building owner may not always be the same as the landlord. See *Stoltzhus v. Pennsylvania Power & Light Company*, Dkt. No. C-00946351. However, recognizing that often, the landlord is also the owner of the residential building, the two terms are used interchangeably in this order.

<sup>7</sup> *Bernard Frey v. The Peoples Natural Gas Company*. Docket No. C-00946276, Commission order entered April 26, 1995.

tenant higher rent to compensate for the higher utility rate. No one is benefited by this action. Accordingly, the Commission proposes that where an individually metered residential account contains charges for foreign load and the service is placed in the name of the building's owner, service should be billed at the residential, not the commercial rate.

*V. Proposed Policy Regarding Refunds to Tenants; Responsibility for Unpaid Tenant Balance on an Account Transferred to Building Owner; Responsibility for Account When a Building is Sold to a New Owner; and Establishment of a Date for Backbilling Building Owner.*

Issues relating to billing, customer refunds and back billing of owners of buildings have also been a source of much Commission litigation. ALJ Allison K. Turner in her Initial Decision in *Metropolitan Edison Co. v. Elizabeth Santos*, C-00967757, formulated rules at the request of utility complainant Metropolitan Edison Company and intervenor Pennsylvania Power & Light Company. In our proposed policy statement, the original text of the ALJ's rules has been expanded to limit the rules so that it is clear that they are not applicable to factual situations that do not involve foreign load.

Under the statute and Commission expectations, the utility is relieved of the duty to refund amounts paid by a tenant to the utility for service that was rightfully the responsibility of the building owner because of the presence of foreign load charges. This also eliminates the need for the utility to rebill and attempt to collect these same amounts from the building owner. In the case of the sale of the involved building, the possibility that a new building owner would be held responsible for foreign load that he himself is unaware of until a utility investigation discovers it is eliminated. The Commission will use a reasonableness standard in applying this policy as it would be incredible, except under extraordinary circumstances, for a long-term building owner not to be aware of the existence of a foreign load until the utility discovers it.

The Commission believes that this fairly balances the competing interests of the parties involved and proposes to adopt them as policy that will be applied in all such cases. Under this policy, the utility can transfer unpaid balances to the building owner from the date that the building owner had effective constructive notice of the foreign load.

*VI. Proposed Policy Requiring Notice of a BCS Informal or Formal Complaint to Be Sent to Essential Parties.*

In his Initial Decision in *Reber v. UGI Utilities, Inc.*, Dkt. No. C-00967802, Order dated January 15, 1997, ALJ Michael C. Schnierle expressed concern over the lack of notice to the building owner when a tenant had filed an informal complaint with the BCS. The Commission agrees that the outcome of an informal complaint involving foreign load may adversely affect a building owner who may be held responsible for a tenant's utility account. Fairness dictates that the building owner should be provided with notice of the informal complaint filed by the tenant and that the building owner be afforded the opportunity to be included in the complaint's investigation.

Accordingly, whenever an informal or formal complaint alleging the presence of foreign load is submitted, the proposed policy statement provides that the complainant must provide the name, address and telephone number of his or her building owner so that a copy of the complaint

can be provided to the building owner. Upon petition, a building owner will be granted intervenor status as an essential party to the complaint. Documents provided to the Commission are served on or provided to the building owner regardless of whether the building owner has requested to participate in the Commission proceeding. The Commission will provide copies of a BCS determination on an informal complaint, and all orders issued in a proceeding to all parties including the building owner.

These procedures apply equally to notification to the tenant where a building owner initiates the complaint process.

*VII. Policy Issues Related to the Restructuring of the Electric and Gas Industries.*

With the enactment of Chapter 28 electric industry restructuring, and the possibility of gas industry restructuring, consideration must be given to the mechanics of identifying foreign load, and assigning financial responsibility for the residential account where the utility service is unbundled. When electric or natural gas service is unbundled, the consumer purchases electric generation or natural gas from a supplier and that generation or natural gas is transported or delivered by an electric or natural gas distribution company.

To stimulate comment on these issues, the proposed policy statement includes provisions for the processing of foreign load complaints where the tenant has been receiving unbundled utility service. These provisions include, inter alia, the identification of start dates for building owner financial responsibility for the natural gas or electric generation and transmission and distribution accounts, the preservation of the tenant's choice of supplier if responsibility for the accounts are returned to the tenant, and the establishment of building owner responsibility for unpaid balances on a tenant's unbundled service accounts.

The Commission encourages comment on the proposed policy statement following this order as Annex A and invites interested parties to provide alternative interpretative language. The Commission recognizes that it may not have addressed all of the issues that are commonly raised in foreign load complaint proceedings. However, to the extent that other generic issues can be resolved as policy, comments should identify these issues and offer appropriate policy solutions; *Therefore,*

*It is Ordered that:*

1. The proposed policy statement re: resolution of issues common to complaints involving 66 Pa.C.S. § 1529.1 (relating to duty of owners of rental property) as set forth in Annex A to the order is hereby promulgated for comment.

2. This order and Annex A shall be published in the *Pennsylvania Bulletin*, as written under 45 Pa.C.S. § 727 (relating to matter not required to be published). Interested persons may submit written comments, an original and 15 copies, to Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, and shall have 30 days from the date that the order and Annex are published in the *Pennsylvania Bulletin* to submit comments. Commentators are strongly encouraged, if suggesting changes or additions to the proposed policy statement, to supply alternative interpretive language. A diskette containing the comments in electronic format should also be provided to the Commission.

3. A copy of this order and Annex A, and any accompanying statements of the Commissioners, be served upon

the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, all jurisdictional electric distribution companies, all jurisdictional natural gas and Class A water utilities, all licensed electric generation suppliers, the Public Utility Law Project, the Pennsylvania Gas Association, the Pennsylvania Electric Association, the National Association of Water Companies, the Pennsylvania Residential Property Owners Association and be made available to all other interested parties.

4. The Secretary submit this order and Annex A to the Governor's Budget Office for review of fiscal impact.

JAMES J. MCNULTY,  
Secretary

**Fiscal Note:** 57-199. No fiscal impact; (8) recommends adoption.

#### Annex A

### TITLE 52. PUBLIC UTILITIES

#### PART I. PUBLIC UTILITY COMMISSION

##### Subpart C. FIXED SERVICE UTILITIES

#### CHAPTER 69. GENERAL ORDERS, POLICY STATEMENTS AND GUIDELINES ON FIXED UTILITIES

#### RESOLUTION OF GENERIC ISSUES INVOLVING 66 PA.C.S. § 1529.1

##### § 69.271. Purpose.

(a) The term "foreign load" describes a situation where an individually-metered dwelling unit's utility meter registers usage for service provided to another person or other persons in the building, for example, a shared water heater or space heating system, or for use in a common area of the building such as hallway lighting, a furnace fan or laundry room appliances.

(b) In enacting 66 Pa.C.S. § 1529.1 (relating to duty of owners of rental property), the Legislature has transferred the responsibility for foreign load from the residential tenant to the building owner. Sections 69.272—69.278 and this section (relating to resolution of generic issues involving 66 Pa.C.S. § 1529.1 and this section) set forth generic policy determinations that will be applied to resolve certain issues common to many foreign load complaints. These sections also set forth Commission notice and service procedures for use in processing informal and formal foreign load complaints.

##### § 69.272. Definitions.

The following words and terms when used in § 69.271, this section and §§ 69.273—69.278, have the following meanings, unless the content clearly indicates otherwise:

*Acceptable foreign load*—The foreign load that has been disclosed in writing to a tenant and for which the tenant has notified the utility that the tenant will accept financial responsibility. See § 69.273(b) (relating to transfers of account and financial responsibility for the account notice prior to discontinuation of service).

*Bundled utility service*—Electric, natural gas, water and steam service provided by a jurisdictional public utility.

*Distribution company*—A company that delivers, transports or transmits electric generation, or natural gas to an end use customer.

*Foreign load*—A situation where a ratepayer's meter registers usage for utility service provided to a dwelling unit or dwelling units occupied by a person or persons

other than the ratepayer, or for use in a common area of a building, for example, hallway lighting, furnace fan and laundry room appliances.

*Individually metered dwelling unit*—A dwelling unit where utility service usage registered by the utility meter is exclusive to that unit. The recording by a dwelling unit's meter of usage for an acceptable foreign load will not affect the individually metered status of a dwelling unit.

*Supplier*—A company that provides electric generation or natural gas to an end-user.

*Unbundled utility service*—A service under which natural gas or electric generation is purchased from a supplier which is transported or delivered or transmitted to an end-use customer by a distribution company.

##### § 69.273. Transfers of the account and financial responsibility for the account; notice prior to discontinuance of service.

(a) Upon discovery of a foreign load that had not been disclosed to the tenant and for which the tenant had not accepted financial responsibility, the utility should notify the building owner and place the utility account for that dwelling unit in the building owner's name. The building owner is responsible for notifying both the utility and the tenant when the foreign load is removed from the tenant's meter. The account should remain in the building owner's name until the foreign load is removed. At that time the account may be placed back into the tenant's name. A tenant who wishes to dispute the matter may file a claim against the building owner in civil court in accordance with appropriate landlord/tenant laws, or pursue Commission dispute resolution processes through Chapter 56 (relating to standards for billing practices for residential utility service).

(b) A utility is not expected to place a utility account in the building owner's name where the owner has disclosed the foreign load in writing to the tenant, and the tenant has notified the utility of its acceptance of responsibility for the foreign load. If, after the disclosure of the foreign load, the tenant does not agree to be responsible for the foreign load, the building owner has the duty to contact the utility, and maintain financial responsibility for the account.

(c) If the tenant, who has accepted financial responsibility for disclosed foreign load wishes to discontinue service or when the utility threatens termination of the a tenant's account for nonpayment, the tenant's account should be treated the same as the building owner's account in that notice upon discontinuance or for termination for nonpayment should be provided consistent with 66 Pa.C.S. § 1523 (notices before service to landlord terminated). When the tenant's account is discontinued or terminated, the utility is expected to place the account into the building owner's name.

##### § 69.274. Account to be charged at the residential rate.

When an individually metered residential account contains charges for foreign load and the service is placed in the name of the building owner, service should be billed at the residential, and not the commercial rate.

##### § 69.275. Refunds to tenants not required.

When the tenant has paid the utility bills for service rightfully the responsibility of the building owner because of the presence of foreign load charges, the utility is not expected to refund that amount to the tenant and back-bill the building owner.

**§ 69.276. Responsibility for unpaid tenant balances on accounts; date for backbilling building owner/building owner.**

(a) When the tenant has accrued unpaid bills for service rightfully the responsibility of the building owner because of the presence of foreign load charges, the utility should pursue collection from the building owner, not the tenant.

(b) When the building owner sells the building, the utility should proceed against the individual that owned the building during the time that the unpaid utility charges were incurred to collect unpaid bills for utility service rightfully the responsibility of the building owner because of the presence of foreign load charges.

(c) Unpaid balances for utility service rightfully the responsibility of the building owner because of the presence of foreign load that accrued since the date the building owner received constructive notice of the foreign load should be transferred to the building owner.

**§ 69.277. Proposed policy requiring notice to the building owner of informal and formal complaints alleging foreign load.**

(a) Procedures for informal complaints under Chapter 56 (relating to standards and billing practices for residential utility service) alleging the presence of foreign load are as follows:

(1) A tenant filing an informal complaint involving foreign load provides to the Bureau of Consumer Services (BCS) investigator the name, address and telephone number of the building owner.

(2) The BCS provides a copy of the informal complaint to the utility and the building owner with a cover letter stating that participation in the BCS investigation is in the building owner's best interest and that failure to participate could result in a decision that could be adverse to the building owner's interest.

(3) The BCS investigator will make a reasonable effort to contact the building owner.

(4) A copy of each document received by the BCS investigator will be provided to each party, regardless of whether they chose to participate in the investigation on the informal complaint.

(5) The BCS will provide a copy of the investigator's decision to each party, and advise each party of the opportunity to file a formal complaint if a party disagrees with the BCS investigator's decision.

(b) Procedures for formal complaints alleging the presence of foreign load are as follows:

(1) The tenant provides the name, address and telephone number of the building owner in the formal complaint.

(2) The complainant sends or serves a copy of the complaint on the building owner when it is filed with the Commission. When a complaint is not served on the building owner, the Commission presiding officer will direct that the service be completed prior to the first prehearing conference, and that proof of this service be provided to the Commission and the respondent utility.

(3) Upon petition, a building owner will be granted intervenor status as an essential party to the complaint.

(4) The complainant and respondent utility serves a copy of each document that is filed with the Commission on the building owner, regardless of whether the building owner has been granted intervenor status.

(5) A copy of each Commission order issued in regard to the proceeding will be served on the building owner, regardless of whether the building owner has been granted intervenor status.

(c) These procedures apply equally to the tenant when a building owner initiates the complaint process.

**§ 69.278. Foreign load issues after restructuring of the electric and gas industries.**

(a) Foreign load investigations should be conducted by the distribution company. A charge should not be assessed for a foreign load investigation, or for meter testing.

(b) When the tenant is receiving bundled natural gas or electric service, the procedures outlined in §§ 69.273—69.277 apply.

(c) When a tenant is receiving unbundled utility service, the following procedures apply:

(1) Upon complaint of a tenant, the distribution company notifies the tenant, the building owner, and the tenant's supplier of the identified foreign load within 5 business days of its discovery.

(i) The distribution company places the tenant's account for transmission and distribution charges in the building owner's name, and the supplier places the tenant's electric generation or natural gas account for the dwelling unit in the building owner's name. These accounts remain in the building owner's name until the foreign load is removed.

(ii) The building owner has the duty to notify the tenant, the distribution company and the supplier when the foreign load has been removed. At that time, the accounts may be placed back into the tenant's name. A tenant who wishes to dispute the matter may file a claim against the building owner in civil court in accordance with appropriate landlord/tenant laws, or pursue Commission dispute resolution processes through Chapter 56 (relating to standards and billing practices for residential utility service).

(2) When a tenant's existing contract or agreement for electric generation or natural gas supply expires during the period that the account is in the building owner's name, and the building owner intends to remove the foreign load so that financial responsibility for the utility service may be transferred back to the tenant, the building owner may consult with the tenant on the choice of suppliers, or the building owner may obtain supply from the provider of last resort so that the tenant can choose a supplier when the tenant is again financially responsible for the utility service.

(d) When the tenant has paid the utility bills for service rightfully the responsibility of the building owner because of the presence of foreign load charges, the distribution company or the supplier is not expected to refund that amount to the tenant and back-bill the building owner.

(e) When the tenant has accrued unpaid bills for service rightfully the responsibility of the building owner because of the presence of foreign load charges, the distribution company and the supplier should pursue collection from the building owner, not the tenant.

(1) The supplier may transfer to the building owner unpaid balances for electric generation or natural gas supply accrued since the effective date of an existing tenant-supplier agreement or contract, but no earlier than the date of constructive notice of the foreign load to the building owner. The supplier may transfer to the

building owner unpaid balances on previous tenant-supplier agreements or contracts, accrued since the date of each prior agreement or contract, but no earlier than the date of constructive notice of the foreign load to the building owner.

(2) The distribution company may transfer to the building owner unpaid balances for transmission and distribution charges accrued since November 1, 1997, but no earlier than the date of constructive notice of the foreign load to the building owner.

(3) Unpaid balances for bundled electric or natural gas service accrued prior to November 1, 1997, but no earlier than the date of constructive notice of the foreign load to the building owner may be transferred to the building owner.

(f) When the foreign load has been disclosed to the tenant and the tenant agrees to accept the foreign load and has chosen to receive unbundled service, the tenant's account should be treated the same as the building owner's account in that notice upon discontinuance of service or for termination of service for nonpayment should be provided consistent with 66 Pa.C.S. § 1523 (relating to notices before service to landlord terminated). Both the distribution company and the supplier should supply the appropriate notices to both the building owner and the tenants.

[Pa.B. Doc. No. 98-1794. Filed for public inspection October 30, 1998, 9:00 a.m.]

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# 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 20, 1998.

### BANKING INSTITUTIONS

#### New Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-14-98	Pennsylvania Business Bank Philadelphia Philadelphia County	One Commerce Square 2005 Market Street Philadelphia Philadelphia County	Filed

*Correspondent:*

Alan S. Fellheimer  
1650 Market St., 21st Flr.  
Philadelphia, PA 19103-7334

#### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-25-98	S & T Bank Indiana Indiana County	Indiana	Effective
	Purchase of assets/assumption of liabilities of one branch office of Mellon Bank, N.A., Pittsburgh, located at: 410 Main Street Clarion Clarion County		

#### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-9-98	Jefferson Bank Haverford Montgomery County	7500 Bustleton Ave. Philadelphia Philadelphia County	Opened
10-8-98	Northwest Savings Bank Warren Warren County	151 Pittsburgh Road Butler Township Butler County	Opened
10-14-98	Summit Bank Bethlehem Northampton County	Pathmark Supermarket 420 McDade Boulevard Folsom Delaware County	Filed
10-14-98	Summit Bank Bethlehem Northampton County	Pathmark Supermarket 50 Lawrence Road Broomall Delaware County	Filed
10-14-98	Jersey Shore State Bank Jersey Shore Lycoming County	WalMart Supercenter Hogan Boulevard and Country Club Lane Bald Eagle Township Clinton County	Opened
10-15-98	Northwest Savings Bank Warren Warren County	2296 South Market Street Elizabethtown Lancaster County	Filed

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-15-98	Northwest Savings Bank Warren Warren County	922 Columbia Avenue Lancaster Lancaster County	Filed
10-15-98	Northwest Savings Bank Warren Warren County	201 West Main Street New Holland Lancaster County	Filed
10-15-98	Northwest Savings Bank Warren Warren County	1195 Manheim Pike Lancaster Lancaster County	Filed
10-16-98	Firsttrust Savings Bank Flourtown Montgomery County	288 South Main Street Doylestown Bucks County	Approved

**Branch Relocations**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-14-98	Parkvale Savings Bank Monroeville Allegheny County	<i>To:</i> 3520 Forbes Avenue Pittsburgh Allegheny County  <i>From:</i> 3530 Forbes Avenue Pittsburgh Allegheny County	Filed
10-14-98	Sun Bank Selinsgrove Snyder County	<i>To:</i> 100 Maynard Street Williamsport Lycoming County  <i>From:</i> 330 Pine Street Williamsport Lycoming County	Filed
10-14-98	Jersey Shore State Bank Jersey Shore Lycoming County	<i>Into:</i> WalMart Supercenter Hogan Boulevard and Country Club Lane Mill Hall Bald Eagle Township Clinton County  <i>From:</i> Millbrook Plaza Hogan Boulevard Mill Hall Clinton County	Effective
10-15-98	Northwest Savings Bank Warren Warren County	<i>To:</i> 4270 East Lake Road Erie Harborcreek Twp. Erie County  <i>From:</i> 4452 East Lake Road Erie Harborcreek Twp. Erie County	Effective

**Branch Discontinuances**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-16-98	Laurel Bank Johnstown Cambria County	One Jefferson Street West Lebanon Indiana County	Approved

**SAVINGS ASSOCIATIONS****Branch Relocations**

<i>Date</i>	<i>Name of Association</i>	<i>Location</i>	<i>Action</i>
10-20-98	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	Approved

**Voluntary Liquidations**

<i>Date</i>	<i>Name of Institution</i>	<i>Action</i>
10-20-98	Union Savings and Loan Association Minersville Schuylkill County	Certificate of Election for Voluntary Dissolution filed. Effective as of close of business October 20, 1998.

**CREDIT UNIONS****New Charter Application**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
10-19-98	The Greater Harrisburg Credit Union Harrisburg Dauphin County <i>Correspondent:</i> Carl Payne, Manager Designee Morrison Towers, 12th Fl. 351 Chestnut Street Harrisburg, PA 17105	Harrisburg	Filed

RICHARD C. RISHEL,  
*Secretary*

[Pa.B. Doc. No. 98-1795. Filed for public inspection October 30, 1998, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Conservation and Natural Resources Advisory Council; Meeting Notice

A meeting of the Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources will be held on Monday, November 9, 1998. The meeting will be held at 10 a.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting or agenda items can be directed to Kurt Leitholf at (717) 705-0031.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Glenda Miller directly at (717) 772-9087 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

RANDY COOLEY,  
*Chairperson*

[Pa.B. Doc. No. 98-1796. Filed for public inspection October 30, 1998, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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### APPLICATIONS

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### 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 Field Office indicated as the office responsible, within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Field Office of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the 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. 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 Field 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 proceeding should contact the Secretary to the Board at (717) 787-3483. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

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

**PA 0051519.** Industrial waste, **Perkasie Industries Corporation**, P. O. Box 179, Perkasie, PA 18944.

This application is for renewal of an NPDES permit to discharge cooling water or stormwater from Perkasie Industries Corporation in Perkasie Borough, **Bucks County**. This is an existing discharge to the East Branch of Perkiomen Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 97,000 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Temperature			110°F
pH	within limits of 6.0—9.0 standard units at all times		

The proposed effluent limits for stormwater outfall 001A are:

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

The EPA waiver is in effect.

**PA 0040321.** Industrial waste, **Thomas and Betts Corporation**, 8155 T and B Boulevard, Memphis, TN 38125.

This application is for renewal of an NPDES permit to discharge treated groundwater from the groundwater remediation system in East Rockhill Township, **Bucks County**. This is an existing discharge to an unnamed tributary to East Branch of Perkiomen Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 43,200 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Annual (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Tetrachloroethylene			monitor/report
1,1,1 Trichloroethane			monitor/report

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Annual (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Trichloroethylene		0.003	0.036
pH	within limits of 6.0—9.0 standard units at all times		

The EPA waiver is in effect.

**PA 0026701, Amendment No. 1.** Sewage, **The Municipal Authority of the Borough of Morrisville**, 35 Union Street, Morrisville.

This application is for amendment of an NPDES permit to discharge treated sewage from Morrisville Borough's STP in Morrisville Borough, **Bucks County**. This is an existing discharge to Delaware River Estuary Zone 2.

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

The proposed effluent limits for Outfall 001, based on an average flow of 7.1 are as follows: The proposed permit amendment is to incorporate the revised 20-day Carbonaceous Biochemical Oxygen Demand (CBOD<sub>20</sub>) wasteload allocation, and equivalent monthly average 5-day Biochemical Oxygen Demand (BOD<sub>5</sub>) mass effluent limitations of 1,645 lb/day. The corresponding effluent concentration limits are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
BOD <sub>5</sub>	27.8	41.7	55.6

*Other Conditions*

Calculation of CBOD<sub>20</sub>.

The EPA waiver is not in effect.

**PA 0054992.** Sewage, **Michael Bird**, 2835 Mill Road, Doylestown, PA 18901.

This application is for renewal of an NPDES permit to discharge treated sewage from a small flow sewage treatment plant in Buckingham Township, **Bucks County**. This is an existing discharge to Wastson Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 800 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
Suspended Solids	30	60
Ammonia (as N)	20	40
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	

The EPA waiver is in effect.

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

**PA 0205486.** Sewage, **Mary Jo McAuley**, R. D. 1, Box 665, Adrian, PA 16210.

This application is for renewal of an NPDES permit to discharge treated sewage from The Spot Campground Sewage Treatment Plant in Washington Township, **Armstrong County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Allegheny River, 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 Armstrong Power Station.

*Outfall 001:* existing discharge, design flow of 0.00195 mgd.

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

The EPA waiver is in effect.

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

**Applications under the Pennsylvania Clean  
Streams Law**

**(Part II Permits)**

**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. 4698433.** Sewage. **Upper Gwynedd Township**, Parkside Place, P. O. Box 1, West Point, PA 19486. This project is for the construction and operation to replace a sanitary sewer line located in Upper Gwynedd Township, **Montgomery County**.

**WQM Permit No. 1598420.** Sewage. **Royersford Congregation at Jehovah's Witnesses**, 9 Cromby Road, Phoenixville, PA 19460. This project is for the construction and operation of a small flow sewage treatment plant with spray irrigation to handle the sanitary wastewater generated by a church building located in East Vincent Township, **Chester County**.

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

**Application No. 0598404.** Sewage, submitted by **Everett Area Municipal Authority**, 100 Mechanic Street, Everett, PA 15537-1177 in Everett Borough, **Bedford County** to rerate and alter their existing wastewater was received in the Southcentral Region on October 5, 1998.

**Application No. 2898404.** Sewage, submitted by **Denver L. and Karen F. Black**, 10725 Tim Road, Orrstown, PA 17244 in Lurgan Township, **Franklin County** to construct a small flow sewage treatment plant to serve their residence was received in the Southcentral Region on October 8, 1998.

**Application No. 3698411.** Sewage, submitted by **Earl Township Sewer Authority**, 517 North Railroad Avenue, New Holland, PA 17557 in Earl Township, **Lancaster County** to construct the Ranck Road Pump Station and sewer extension to serve the proposed subdivision was received in the Southcentral Region on October 7, 1998.

**SAFE DRINKING WATER**

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

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

**Application No. 1598515.** Public water supply. **Philadelphia Suburban Water Company**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010-3489. This proposal involves the installation of a powder activated carbon feed system at the Fern Hill Water Treatment Plant in West Goshen Township, **Chester County**.

**Application No. 4698506.** Public water supply. **Andorra Springs Water Company, Inc.**, 2201 Barren Hill Road, Conshohocken, PA 19428. This proposal involves

the installation of a vending machine in the Andorra Springs existing spring water system in Whitemarsh Township, **Montgomery County**.

**Application No. 1598516.** Public water supply. **Mark Herr, Hillbrook Farms, Horning Farm Agency**, P. O. Box 251, Morgantown, PA 19543. This proposal involves the permitting of an existing water supply system that will serve a residential development. This proposal will also permit the applicant as a bulk water hauler in Honeybrook and Salisbury Township, **Chester and Lancaster Counties**.

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

**A. 6798503.** Public water supply. **West Manchester Township Authority**, West Manchester Township, **York County**. *Responsible Official:* Samuel Null, Chairperson, 2115 Log Cabin Road, York, PA 17404. *Type of Facility:* Well No. 8 at a rate of 150 gallons per minute (gpm). Treatment will consist of disinfection with chlorine gas. *Consulting Engineer:* Thomas S. Ladue, Goodkind and O'Dea, Inc., 101 Noble Boulevard, P. O. Box 340, Carlisle, PA 17013.

**A. 2298503.** Public water supply. **Elizabethville Area Authority**, Washington Township, **Dauphin County**. *Responsible Official:* Andrew W. Hills, Chairperson, P. O. Box 271, Elizabethville, PA 17023. *Type of Facility:* Development of Well No. 5. *Consulting Engineer:* Kent P. Bachmann, P.E., Glace Associates, Inc., 3705 Trindle Road, Camp Hill, PA 17011.

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

**Application No. 1798501.** The Department has received a construction permit application from **Houtzdale Municipal Authority** (P. O. Box 97, 731 Kirk Street, Houtzdale, PA 16651; Houtzdale Borough, **Clearfield County**) for installation of a new water line to service Ashland, Jeffries and Sanbourn areas with storage tank and pumping station.

**Application No. 4416465.** The Department has received a bulk water hauling construction permit application from **Fulmer Personal Care Home** (R. R. 2, Box 146, Williamsport, PA 17701; Old Lycoming Township, **Lycoming County**) for storage of finished water provided by the Borough of Montoursville.

**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 must provide 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:

*Northeast Regional Field Office: Joseph Brogna, Regional Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2511.*

**ICI Explosives USA Inc.—Wakefield Property**, Walker Township, **Schuylkill County**. Daria L. Killinger, Counsel, ICI Explosives USA Inc., 2452 Horseshoe Trail, Chester Springs, PA 19425 has submitted a Notice of Intent to Remediate (on behalf of her client, ICI Explosives USA Inc., One River Road, Tamaqua, PA 18252) concerning the remediation of site soils and groundwater found to be contaminated with lead and other metals. 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 *Lehigh Times-News* on October 9, 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 permit will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121—143, the Federal Clean Air Act and regulations adopted under the act.

### OPERATING PERMITS

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

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

**46-0028: Novartis Corp.** (500 Virginia Drive, Fort Washington, PA 19034) for operation of a synthetic minor VOCs/NOx in Upper Dublin Township, **Montgomery County**.

*Northeast Regional Office: Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (717) 826-2531.*

**45-317-001: Amber Milling Co.** (P. O. Box 64594, Saint Paul, MN 55164) for construction of a flour mill in Pocono Township, **Monroe County**.

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

**28-318-032: Grove U. S. L.L.C.** (P. O. Box 21, Shady Grove, PA 17256) for operation of a paint spray booth and drying oven in Antrim Township, **Franklin County**.

**28-323-010: Grove U. S. L.L.C.** (P. O. Box 21, Shady Grove, PA 17256) for operation of two hard chromium electroplating tank systems controlled by mist eliminator and composite mesh pad systems in Quincy Township, **Franklin County**. The tanks are subject to 40 CFR Part 63, Subpart N of the National Emission Standards for Hazardous Air Pollutants.

**36-315-016A: R. R. Donnelley & Sons Co.** (1375 Harrisburg Pike, Lancaster, PA 17601) for operation of a waste paper handling system controlled by a cyclone/fabric collector in Lancaster City, **Lancaster County**.

**67-323-050: AMP, Inc.** (50 West Clearview Drive, Shrewsbury, PA 17361) for operation of chrome electroplating tanks no. 1 and no. 2 controlled by a mist eliminator in Shrewsbury Borough, **York County**. This permit revises the site specific pressure drop across the mist pads after modifications to the fans and water flow for the controls. The tanks are subject to 40 CFR Part 63, Subpart N of the National Emission Standards for Hazardous Air Pollutants.

*Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (717) 327-3637.*

**14-00004: Con-Lime, Inc.** (P. O. Box 118, Bellefonte, PA 16823) for an administrative amendment to a Title V Operating Permit to authorize the operation of a lime kiln fabric collector dust silo bulk tank truck loadout spout and associated air cleaning device (a fabric collector) (construction was approved by Plan Approval No. OP-14-0001A) in Benner Township, **Centre County**.

**59-304-008B: Ward Mfg., Inc., ACP Division** (P. O. Box 9, Blossburg, PA 16912) for operation of an iron casting annealing oven and two iron casting grinders, a Tumblast machine and associated air cleaning device (a fabric collector) in Lawrence Township, **Tioga County**.

**49-309-007J: Meckley's Limestone Products, Inc.** (R. R. 1, Box 950, Herndon, PA 17830) for operation of a screen, two conveyors and associated air cleaning device (a water spray dust suppression system) in a stone crushing and screening plant in Lower Mahanoy Township, **Northumberland County**. The screen and conveyors are subject to Subpart OOO of the Federal Standards of Performance for New Stationary Sources.

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

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

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

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

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

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

**67-05018: Yorktowne, Inc.** (100 Redco Avenue, P. O. Box 231, Red Lion, PA 17356) located in Red Lion Borough, **York County**. The facility manufactures high quality wood custom kitchen cabinets. The operations primarily emit volatile organic compounds (VOCs) and hazardous air pollutants (HAPs).

*Southwest Regional Office: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Attn: Mark Wayner, (412) 442-4161.*

**32-00200: Indiana University of Pennsylvania, SW Jack Cogeneration Plant** (425 Pratt Drive, Indiana, PA 15705) located in Indiana Borough, **Indiana County**. The facility's major sources of emissions include four internal combustion reciprocating engines (8,386 BHP per engine), two 30.1 Mmbtu gas fired boilers and two auxiliary coal fired boilers with a limit of 720 hours of operation per boiler. This facility has the potential of emitting more than 50 tons of volatile organic compounds, 100 tons of oxides of nitrogen and 100 tons of carbon monoxide.

#### 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.*

**13-308-083A: Horsehead Resource Development Co.** (900 Delaware Avenue, Palmerton, PA 18071) for modification of dump hopper 608 and the front end loader operation at the East Plant, Palmerton Borough, **Carbon County**.

**13-308-087A: Horsehead Resource Development Co.** (900 Delaware Avenue, Palmerton, PA 18071) for modification of a truck sweeping and conveying system at the East Plant, Palmerton Borough, **Carbon County**.

**40-313-034: HPG International, Inc.** (Crestwood Industrial Park, Oak Hill Road, Mountaintop, PA 18707) for construction of a calendering line in Wright Township, **Luzerne County**.

**48-310-035: Chrin Brothers Sanitary Landfill** (635 Industrial Drive, Easton, PA 18042) for construction of a stone crushing plant at State Route 2012, Williams Township, **Northampton County**.

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

**06-5010B: Crompton & Knowles Colors, Inc.** (P. O. Box 341, Reading, PA 19603) for construction of a boiler in Robeson Township, **Berks County**. This source is subject to 40 CFR 60, Subpart Dc, Standards of Performance for New Stationary Sources.

**06-312-009C: Scranton-Altoona Terminal Corp.** (P. O. Box 2621, Harrisburg, PA 17105) for construction of two bulk gasoline storage tanks controlled by internal floating roofs in Sinking Spring, **Berks County**. These sources are subject to 40 CFR 60, Subpart Kb, Standards of Performance for New Stationary Sources.

**21-320-012: Fry Communications, Inc.** (800 West Church Road, Mechanicsburg, PA 17055) for installation of two heatset printing presses with controls at their new Building No. 4 facility in Silver Spring Township, **Cumberland County**.

**22-05003: Stroehmann Bakeries, LC** (3996 Paxton Street, Harrisburg, PA 17111) for installation of a bread roll oven line controlled by a catalytic oxidizer in Swatara Township, **Dauphin County**.

**44-320-001I: Trinity Packaging Corp.** (13 Industrial Park Road, Lewistown, PA 17044) for the installation of eight water-based flexographic presses in Granville Township, **Mifflin County**.

**67-310-004G: Medusa Minerals Co.** (P. O. Box 220, Thomasville, PA 17364) for installation of a replacement

dust collector of larger capacity at their Grinding Plant No. 3 in Jackson Township, **York County**.

**67-320-028: Topflight Corp.** (277 Commerce Drive, Glen Rock, PA 17327) for installation of a rotogravure press in Glen Rock Borough, **York County**.

*Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (717) 327-3637.*

**18-322-001A: Jersey Shore Steel Co.** (P. O. Box 5055, Jersey Shore, PA 17740) for modification of a reheat furnace (use of landfill gas in place of natural gas) in Pine Creek Township, **Clinton County**.

**53-399-006B: St. Mary's Carbon Co.** (P. O. Box 1, Galeton, PA 16922) for construction of two powdered metal parts sintering furnaces in Pike Township, **Potter County**.

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

**25-316A: Ethan Allen, Inc.** (77 South Main Street, Union City, PA 16438) for installation of a baghouse (60,000 cfm) to replace a baghouse on an existing wood-working operation in Union City, **Erie County**.

## MINING

### APPLICATIONS TO CONDUCT COAL AND NONCOAL ACTIVITIES

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

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

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

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. The NPDES permits will contain, at a minimum, technology-based effluent limitations (as described in the Depart-

ment'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

**56803015.** Permit Renewal, **Action Mining, Inc.** (1117 Shaw Mines Road, Meyersdale, PA 15552), commencement, operation and restoration of bituminous strip mine in Elk Lick Township, **Somerset County**, affecting 375.8 acres, receiving stream unnamed tributaries of the Casselman River. Application received October 9, 1998.

**56663069.** Revision, **Action Mining, Inc.** (1117 Shaw Mines Road, Meyersdale, PA 15552), to include a stream and road variance to conduct mining operations within the 100 foot barriers to an unnamed tributary to the Casselman River and to State Route 2014, in Elk Lick and Summit Townships, **Somerset County**, affecting 3,110.0 acres, receiving streams unnamed tributaries of/and to the Casselman River; unnamed tributaries of and to Elk Lick Creek. Application received October 9, 1998.

**56930105.** Permit Renewal, **Big J Mining, Inc.** (1842 Main Street, Hastings, PA 16646), commencement, operation and restoration of bituminous strip mine in Jenner Township, **Somerset County**, affecting 58.0 acres, receiving stream unnamed tributary to/and Pine Run. Application received October 13, 1998.

**32980111.** **Kraynak Coal Company** (R. D. 1, Box 158, Mahaffey, PA 15757), commencement, operation and restoration of bituminous strip-auger mine in Green Township, **Indiana County**, affecting 97.6 acres, receiving stream unnamed tributary to Dixon Run to Dixon Run to Two Lick Creek to the Conemaugh River. Application received October 9, 1998.

**56980107.** **Dunamis Resources, Inc.** (One Energy Place, Suite 4000, Latrobe, PA 15650), commencement, operation and restoration of bituminous strip-auger mine in Milford Township, **Somerset County**, affecting 277.0 acres, receiving stream unnamed tributaries to the Casselman River to the Casselman River. Application received October 9, 1998.

**32980112.** **Alverda Enterprises, Inc.** (P. O. Box 87, Alverda, PA 15710), commencement, operation and resto-

ration of bituminous strip mine in Pine and Green Townships, **Indiana County**, affecting 46.6 acres, receiving stream unnamed tributary to Yellow Creek to Yellow Creek. Application received October 13, 1998.

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

**26980103. Purco Coal, Inc.** (22 Van Voorhis Lane, Monongahela, PA 15063). Application received for commencement, operation and reclamation of a bituminous surface mine located in Wharton and Stewart Townships, **Fayette County**, proposed to affect 228.0 acres. Receiving streams: unnamed run to Meadow Run to the Youghiogheny River. A social and economic justification is included. Application received October 2, 1998.

**02950101. Gary Gioia Coal Company** (319 Karen Drive, Elizabeth, PA 15037). Application received to add acres and change the postmining land use at a bituminous surface mining site located in Elizabeth Township, **Allegheny County**, currently affecting 78.4 acres, proposed acreage 90.3. Receiving streams: unnamed tributaries to the Youghiogheny River. Application received October 9, 1998.

**30880104R. Patriot Mining Company, Inc.** (P. O. Box 4360, Star City, WV 26504). Renewal application received for continued operation and reclamation of an existing bituminous surface mine located in Greene Township, **Greene County**. Receiving streams: Whitely Creek Watershed. Renewal application received October 9, 1998.

**26930103R. Patterson Coal Company** (R. R. 2, Box 335, Smithfield, PA 15478). Renewal application received for continued operation and reclamation of an existing bituminous surface mine located in German and Georges Townships, **Fayette County**. Receiving streams: two unnamed tributaries to the North Branch of Browns Run. Renewal application received October 15, 1998.

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

**17803176. Al Hamilton Contracting Company** (R. D. 1, Box 87, Woodland, PA 16881), renewal of an existing bituminous surface mine permit in Decatur Township, **Clearfield County** affecting 117.7 acres, receiving streams: Morgan Run to Clearfield Creek and unnamed tributary of Coal Run to Coal Run to Moshannon Creek, all to West Branch Susquehanna River to Susquehanna River. Application received October 6, 1998.

**17960125. Moravian Run Reclamation Co., Inc.** (605 Sheridan Drive, Clearfield, PA 16830), transfer of an existing bituminous surface mine permit from Penn-Grampian Coal Co., Beccaria Township, **Clearfield County** affecting 110 acres, receiving streams: unnamed tributary to Muddy Run and Muddy Run. Application received October 8, 1998.

**17980122. Forcey Coal, Inc.** (P. O. Box 225, Madera, PA 16661), commencement, operation and restoration of a bituminous surface mine permit in Knox Township, **Clearfield County** affecting 110 acres, receiving streams: Pine Run and unnamed tributaries to Pine Run. Application received October 7, 1998.

**17980123. Moravian Run Reclamation Co., Inc.** (605 Sheridan Drive, Clearfield, PA 16830), commencement, operation and restoration of a bituminous surface mine-auger permit in Knox Township, **Clearfield County** affecting 60 acres, receiving streams: unnamed streams to Dunlap Run and Cherry Run. Application received October 8, 1998.

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

**54980103. Gale Coal Company, Inc.** (1441 Oak Road, Pottsville, PA 17901), commencement, operation and restoration of an anthracite surface mine operation in Frailey Township, **Schuylkill County** affecting 419.9 acres, receiving stream—Middle Creek. Application received September 19, 1998.

**49830202R3. Split Vein Coal Company, Inc.** (R. R. 1, Box 1027, Paxinos, PA 17860-9637), renewal of an existing coal refuse reprocessing operation in Coal Township, **Northumberland County** affecting 276.5 acres, receiving stream—none. Application received September 25, 1998.

*McMurray District Office, 3913 Washington Road, McMurray, PA 15317.*

**32851302. Helvetia Coal Co.** (P. O. Box 729, Indiana, PA 15710), to revise the permit for the Lucerne No. 6-E mine in Blacklick and Center Townships, **Indiana County** to add 6" sludge pipeline right of way to borehole, Aultman's Run and Stewart Run. Application received September 1, 1998.

**03901601. Brady's Bend Dock Co.** (R. D. 1, Box 109, East Brady, PA 16028), to renew the permit for the Blue Row Tipple in Brady's Bend Township, **Armstrong County**, no additional discharges. Application received September 3, 1998.

**30841316. Consol PA Coal Co.** (Waynesburg Operations, P. O. Box 174, Graysville, PA 15337), to revise the permit for the Bailey Mine in Richhill and West Finley Townships, **Greene and Washington Counties** to add 147.7 acres to S.C.P., no additional discharges. Application received September 16, 1998.

**26830701. White Rock Fuel Co.** (2 Bailey Ln., Uniontown, PA 15401), to renew the permit for the Wynn Washery in Georges Township, **Fayette County**, no additional discharges. Application received September 22, 1998.

**32831602. GPU Generation, Inc.** (1001 Broad St., Johnstown, PA 15907), to renew the permit for the Central Prep Plant in West Wheatfield Township, **Indiana County** to transfer permit from The Florence Mining Co., no additional discharges. Application received September 29, 1998.

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

*Noncoal Applications Received*

**7475SM10A1C3. Essroc Cement Corp.** (Rt. 248 and Easton Road, Nazareth, PA 18064), correction to an existing quarry operation to add an additional 8.95 acres to the existing 167.0 acre quarry in Upper Nazareth Township and Nazareth Borough, **Northampton County**, receiving stream—unnamed tributary to East Branch Monacacy Creek. Application received September 17, 1998.

**22880301C. Rocky Licensing Corporation** (1001 Paxton Street, Harrisburg, PA 17104), correction to an existing quarry operation to include NPDES Permit No. PA0223948 in Lower Swatara Township, **Dauphin County**, receiving stream—Swatara Creek. Application received September 17, 1998.

**66980301. Raymond Malak** (2162 Chase Road, Shavertown, PA 18708-9771), commencement, operation and restoration of a quarry operation in Noxen Township,

**Wyoming County** affecting 55.0 acres, receiving stream—none. Application received September 18, 1998.

**28900301C2. David H. Maratin Excavating, Inc.** (4961 Cumberland Highway, Chambersburg, PA 17201), correction to an existing quarry operation to include an incidental boundary correction of 0.8 acre, change in restoration profiles and addition of blasting operations in Greene Township, **Franklin County**, receiving stream—unnamed tributary to Conococheaque Creek. Application received September 21, 1998.

**47950301T. Royer Limestone Company** (c/o HRI, Inc., P. O. Box 155, State College, PA 16804), transfer of an existing quarry operation from Royer's Limestone Quarries in Limestone Township, **Montour County** affecting 30.4 acres, receiving stream—none. Application received September 23, 1998.

**Bureau of Deep Mine Safety  
DLR Mining, Inc.**

The Bureau of Deep Mine Safety has received a request for variance from **DLR Mining, 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.

Sections 701 and 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:* DLR Mining, Inc. requests a variance to allow for the common ventilation of belt conveyor entries with other entries at the Ridge 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 comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted above the application.

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

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

*Northeast Regional Office: Regional Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-5485.*

**EA54-001NE.** Encroachment. **Pennsylvania Department of Environmental Protection**, Bureau of Abandoned Reclamation, 2 Public Square, 5th Floor, Wilkes-Barre, PA 18711-0790. To backfill three existing waterbodies totaling 0.3 acre in conjunction with Abandoned Mine Reclamation project OSM 54 (3022) 101.1 Red Mountain Southwest. (Tremont, PA Quadrangle N: 0.75 inch; W: 0.25 inch), in Tremont Borough and Tremont Township, **Schuylkill County** (Baltimore District, U. S. Army Corps of Engineers).

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

**E36-660.** Encroachment. **Octoraro Native Plant Nursery**, Mark Gutshall, 6126 Street Road, Kirkwood, PA 17536. To construct and maintain nine stone Bendway weirs placed in the channel and keyed into the bank of the West Branch Octoraro Creek. Excavation will occur within the stream to form about 400 feet of low-flow channel. The left channel bank will be stabilized with bio-logs and placement of a stone toe and bank protection for a stream restoration project designed to improve the water quality and eliminate loss of bottom land located at the Octoraro Native Plant Nursery site (Kirkwood, PA Quadrangle N: 16.8 inches; W: 15.2 inches) in Colerain Township, **Lancaster County**.

**E36-661.** Encroachment. **Williams Communication, Inc.**, Loretta Earnest, 1 Williams Center, Tulsa, OK 74172. To construct and maintain a fiber optic cable across 32 watercourses including the streams of Muddy Run, Fishing Creek, Conowingo Creek, Stewart Run, Bowery Run, Meetinghouse Creek, Nickel Mines Run, Valley Run and tributaries. Thirty-four wetland areas will be crossed by the cable with a temporarily de minimis wetland impact of 0.01 acre. The cable project is for the purpose of voice and video data transmission and will be constructed and located within an existing Transco natural gas pipeline right-of-way corridor. The cable will be attached to the SR 372 Bridge to cross the Susquehanna River (Holtwood, PA Quadrangle, N: 11.6 inches; W: 10.8 inches) in Martic, Drumore, East Drumore, Eden, Bart and Sadsbury Townships, **Lancaster County**.

**E67-647.** Encroachment. **CCA Associates, Inc.**, Douglas Rohrbaugh, 20 North Market Street, Suite 800, Harrisburg, PA 17101. To impact 0.44 acre of wetlands to



construct an access drive and to temporarily relocate an unnamed tributary to Yellow Breeches to construct an erosion and sediment basin for the development of a corporate office center on Lewisberry Road and Interstate 83 (Lemoyne, PA Quadrangle N: 15 inches; W: 0.5 inch) in Fairview Township, **York County**.

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

**E59-377. Encroachment. Pa. Department of Transportation**, 715 Jordan Avenue, Montoursville, PA 17754. To remove an existing single structure and to construct, operate and maintain a single span prestressed concrete spread box beam bridge to carry SR 4017, Section 013 Segment/Offset 0070-0000 across Losey Creek. The bridge shall be constructed with a clear normal span of 28.33-feet. The average underclearance of each span shall be a minimum of 7.4 feet. The bridge shall be constructed at a skew of 45-degrees. The proposed bridge is located along the eastern right-of-way of SR 0249 approximately 1.04 miles west of the intersection of SR 4017 and SR 0249 (Keeneyville, PA Quadrangle N: 22.7 inches; W: 10.4 inches) in Middlebury Township, **Tioga County**. This permit also authorizes the construction and operation of a temporary crossing; upon completion of the bridge construction, the temporary crossing shall be removed and the area fully restored to original contours and elevations. Estimated stream disturbance is 161.7 feet with no wetland impact; stream classification Warm Water Fishery.

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

**E03-377. Encroachment. PA Department of Transportation**, Engineering District 10-0, P. O. Box 429, Indiana, PA 15701. To remove the existing bridge and to construct and maintain a precast reinforced concrete, 18.0 foot x 6.5 foot box culvert (invert depressed 1.0 foot) in Cessna Run (CWF) for the purpose of improving transportation safety. The project is located along S. R. 2003 approximately 500 feet northwest of the Village of Gastown (Elderton, PA Quadrangle N: 15.5 inches; W: 9.5 inches) in Plumcreek Township, **Armstrong County**.

**E65-712. Encroachment. PA Department of Transportation**, Engineering District 12-0, P. O. Box 459, Uniontown, PA 15401. To remove the existing bridge and to construct and maintain a cast-in-place concrete box culvert having a normal span of 16.0 feet and a minimum underclearance of 10.3 feet with its invert being depressed 1.0 foot in an unnamed tributary to Barren Run (WWF). Also to conduct channel cleaning for a distance of 95.0 feet upstream from the bridge, to install rock bank stabilization for a distance of 54.0 feet upstream from the bridge and to temporarily impact 0.004 acre of palustrine emergent wetlands. The project is located along S. R. 0981 approximately 1.3 miles east of Barren Run Church (Smithton, PA Quadrangle N: 4.4 inches; W: 7.7 inches) in South Huntingdon Township, **Westmoreland County**.

**E11-267. Encroachment. Barnesboro Borough**, 101 Tenth Street, Barnesboro, PA 15714. To construct and maintain a pedestrian bridge across the west branch of the Susquehanna River (CWF) located north of intersection of S. R. 219 and S. R. 4020 (Barnesboro, PA Quadrangle N: 6.55 inches; W: 4.65 inches) in the Borough of Barnesboro, **Cambria County**.

## ENVIRONMENTAL ASSESSMENT

### Requests for Environmental Assessment approval under 25 Pa. Code § 105.15 and requests for certification under section 401 of the Federal Water Pollution Control Act.

*Central Office: Bureau of Waterways Engineering, 400 Market Street, 6th Floor, P. O. Box 8554, Harrisburg, PA 17105-8554, (717) 787-8568.*

**EA14-003CO. Environmental Assessment. Robert S. Kish** (185 Haymaker Circle, State College, PA 16801). To construct and maintain a nonjurisdictional dam across a tributary to Little Fishing Creek (HQ-CWF) for recreation located in Markle Gap (Madisonburg, PA Quadrangle N: 11.25 inches; W: 14.85 inches) in Walker Township, **Centre County**.

**EA15-025CO. Environmental Assessment. Oak Hill Associates, L. P.** (607 Whiteland Hunt Road, Downingtown, PA 19335). To modify and maintain a jurisdictional dam across a tributary to West Branch Brandywine Creek (WWF, MF) located approximately 1,800 feet north of the intersection of Oakwood Road (T-402) and Chestnut Lane. The proposed modifications to the emergency spillway will maintain the existing normal pool level, preserving an emergent wetland which has developed in the reservoir (Coatesville, PA Quadrangle N: 17.7 inches; W: 2.2 inches) in West Bradford Township, **Chester County**.

**EA03-001SW. Environmental Assessment. BWX Technologies, Inc.**, R. D. 1, Box 355, Vandergrift, PA 15690. To excavate 0.3 acre of wetlands (PEM) to remove potentially contaminated soils as part of the approved decontamination and decommissioning of the Parks Township facility. After excavation, 0.3 acre of wetlands (PEM) will be reestablished at the same location. This application is made under permit waiver 105.12(a)(16) located at the B&W, Parks Township facility (Leechburg, PA Quadrangle N: 0.2 inch; W: 11.75 inches) in Parks Township, **Armstrong County**.

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

**EA09-005SE. Environmental Assessment. Newtown Venture Associates**, One Pitcairn Place, Jenkintown, PA 19046. To construct, operate and maintain a non-scope dam in conjunction with the proposed Silver Lake Corporate Campus. This dam is located across a tributary to Core Creek (CWF) and will provide stormwater management for the proposed project and areas upstream from the site. This site is approximately 7,500 feet southwest from the S. R. 332 intersection with Interstate 95 (Langhorne, PA Quadrangle N: 18.0 inches; W: 4.2 inches) in Newtown Township, **Bucks County**.

## WATER ALLOCATIONS

### Applications received under the act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631-641) relating to the acquisition of rights to divert waters of this Commonwealth.

*Southeast Regional Office: Bureau of Water Supply Management, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**WA-09-1002.** Water Allocation. **Doylestown Township Municipal Authority**, 425 Wells Road, Doylestown, PA 18901. The applicant is requesting the right to purchase up to 25,000 gallons water per day from the North Wales Water Authority in Doylestown Township, Bucks County.

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## ACTIONS

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

[National Pollution Discharge Elimination System  
Program (NPDES)]

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

##### (Part I Permits)

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

Persons aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed

with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

**Permit No. 6698401.** Sewage. **Mehoopany Township**, Schoolhouse Hill Road, Mehoopany, PA 18629. Permit to install a sewage collection system and construct the associated treatment plant, located in Mehoopany Township, **Wyoming County**.

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

**NPDES Permit No. PA 0054003.** Industrial waste, **Alco Industries, Inc.**, P. O. Box 937, Valley Forge, PA 19482.

The following notice reflects changes to the notice published in the September 12, 1998, *Pennsylvania Bulletin*:

The proposed effluent limits for Outfall 001, based on an average flow of 0.2 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Trichloroethylene	0.005		0.06
Tetrachloroethylene	0.005		0.06
pH	within limits of 6.0—9.0 standard units at all times		

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*Southcentral Regional Office: Regional Water Manage-  
ment Program Manager, 909 Elmerton Avenue, Harris-  
burg, PA 17110-8200, (717) 705-4707.*

**NPDES Permit No. PAG043596.** Sewerage. **Kenneth L. Beaston**, 1042 Grahams Wood Road, Newville, PA 17241, is authorized to discharge from a facility located in Upper Frankford Township, **Cumberland County** to the unnamed tributary to Locust Creek.

**NPDES Permit No. PA0083011.** Sewerage. **Newberry Township Municipal Authority**, 1915 Old Trail Road, Etters, PA 17319, is authorized to discharge from a facility located in Newberry Township, **York County** to the receiving waters named Susquehanna River.

**NPDES Permit No. PA0087866.** Industrial. **Texas Eastern Transmission Corporation**, 5444 Westheimer, WT-716, Houston, TX 77056-5388, is authorized to discharge from a facility located in Todd Township, **Huntingdon County** to the receiving waters of an unnamed tributary of the Great Trough Creek.

**NPDES Permit No. PA0087904.** Industrial. **Roaring Spring Blank Book Company, Inc.**, Apple Packer Road, Martinsburg, PA 16662 is authorized to discharge

from a facility located in Roaring Spring, **Blair County** to the receiving waters of storm sewer to Halter Creek.

**Permit No. 2198409.** Sewage. **Kenneth L. Beaston**, 1042 Grahams Wood Road, Newville, PA 17241. This permit approves the construction of sewage treatment and land application facilities in Upper Frankford Township, **Cumberland County**.

**Permit No. 6798406.** Sewage. **Newberry Township Municipal Authority**, 1915 Old Trail Road, Etters, PA 17319. This permit approves the construction of sewage treatment facilities in Newberry Township, **York County**.

**Permit No. 6796402 98-1.** Sewage. **Newberry Township Municipal Authority**, 1915 Old Trail Road, Etters, PA 17319. This permit approves the construction of sewers and appurtenances in Newberrytown Township, **York County**.

**Permit No. 3698408.** **Mount Joy Borough Authority**, 121 East Main Street, Mount Joy, PA 17552. This permit approves the construction of a pump station in Mount Joy Borough, **Lancaster County**.

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

**WQM Permit No. 6298410.** Sewerage, **Richard J. Lyle, SRSTP**, R. R. 4, Box 226, Sugar Grove, PA 16350. Construction of Richard J. Lyle SRSTP located in Sugar Grove Township, **Warren County**.

**WQM Permit No. 2098411.** Sewerage, **Marvin N. Hamilton, SRSTP**, 12256 North Watson Run Rd., Conneaut Lake, PA 16316. Construction of Marvin N. Hamilton SRSTP located in Vernon Township, **Crawford County**.

**INDIVIDUAL PERMITS  
(PAS)**

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10-G324	PA DOT 200 Radnor-Chester Rd. St. Davids, PA 19087	Tredyffrin Township	Little Valley and Trout Creeks
<i>Northeast Regional Office: Regional Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2511.</i>			
<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS101300-1	Blue Ridge Real Estate Co. P. O. Box 707 Blakeslee, PA 18610-0707	Carbon County Kidder Township	Black Creek
PAS101302-1R	Vacation Charters, LTD One Lake Drive Lake Harmony, PA 18624	Carbon County Kidder Township	Shingle Mill Creek
PAS10N022	PA DEP Bureau of Abandoned Mine Reclamation Two Public Square Wilkes-Barre, PA 18711-0790	Lackawanna County Olyphant Borough	Lackawanna River
PAS10Q147	Jaindl Land Co. 3150 Coffeetown Road Orefield, PA 18069	Lehigh County Upper Macungie Township	Little Lehigh Creek
PAS10Q148	East Penn Real Estate 4445 Harriet Lane Bethlehem, PA 18017	Lehigh County Lower Macungie Township	Little Lehigh Creek
PAS10Q149	East Penn Real Estate 4445 Harriet Lane Bethlehem, PA 18017	Lehigh County Lower Macungie Township	Little Lehigh Creek
PAS10Q150	Bruce MacGregor 45 Schuler Lane Easton, PA 18042	Lehigh County Lower Macungie Township	Little Lehigh Creek
PAS10Q151	Carmike Cinemas, Inc. 1301 First Ave. Columbus, GA 31902	Lehigh County Hanover Township	Monocacy Creek
PAS10Q152	The Frederick Group 1611 Pond Rd., Suite 201 Allentown, PA 18104	Lehigh County City of Allentown	Little Cedar Creek
PAS10Q153	Liberty Property Limited Partnership Lehigh Valley Corp. Center Suite 240 1510 Valley Center Parkway Bethlehem, PA 18017	Lehigh County Upper Macungie Township	Little Lehigh Creek
PAS10Q036-1R	K & B Farms, Inc. P. O. Box 332 Trexlerstown, PA 18087	Lehigh County Lower Macungie Township	Little Lehigh Creek
PAS10Q156	Westbury Park, Inc. 824 Eighth Avenue Bethlehem, PA 18018	Lehigh County Upper Macungie Township	Little Lehigh Creek

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10S068	LTS Development, Inc. P. O. Box 160 Shawnee-on-Delaware, PA 18356	Monroe County Smithfield Township	Brodhead and Marshalls Creeks

**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
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-4*

*Facility Location*

<i>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>
Lancaster County Manheim Township	PAG043602	Betty N. Freibaum 154 Pinetown Road Leola, PA 17540	Conestoga River	Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Franklin County Lurgan Township	PAG043603	Denver L. and Karen F. Black 10725 Tim Road Orrstown, PA 17244	UNT to Paxton Run	Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Sugar Grove Township Warren County	PAG048541	Richard J. Lyle R. R. 4, Box 226 Sugar Grove, PA 16350	Unnamed Tributary of Saunders Run	Northwest Region Water Management 230 Chestnut Street Meadville, PA 16335-3481
Vernon Township Crawford County	PAG048542	Marvin N. Hamilton 12256 North Watson Run Rd. Conneaut Lake, PA 16316	Watson Run	Northwest Region Water Management 230 Chestnut Street Meadville, PA 16335-3481

**SEWAGE FACILITIES ACT  
PLAN APPROVAL**

**Plan Revision Approval granted October 9, 1998, under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20).**

*Regional Office: Water Management Program Manager, Southcentral Region, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.*

*Location:* Rebecca's Personal Care Home, Five Single Family Residences, Napier Township, Bedford County.

The approved plan revision provided for: Approval of a revision to the Official Plan of Napier Township, Bedford County. Project involves construction of a small flow treatment facility to serve five proposed residential dwellings with sewage flows of 1,992.5 gallons per day. Located on the north side of U. S. Route 30, 4 miles east of Schellsburg. Treated effluent is to be discharged into an unnamed tributary of the Raystown Branch of the Juniata River, a perennial stream, at a design rate of 2,000 gpd. Any required NPDES permits or water management permits must be obtained in the name of owner.

*Location:* Gerald Leppert Subdivision, Single Family Residence, West St. Clair Township, Bedford County.

The approved plan revision provided for: Approval of a revision to the Official Plan of West St. Clair Township, Bedford County. Project involves construction of a small flow treatment facility to serve proposed single family residential dwelling with flow of 400 gpd. Located in the village of Ryot. Treated effluent is to be discharged into an unnamed tributary of Dunnings Creek. Any required NPDES permits or water management permits must be obtained in the name of owner.

**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. 4697504.** Public water supply. **Evansburg Water Company**, 385 Bridge Street, Graterford, Collegeville, PA 19426. Evansburg Water Company has been issued a permit to operate existing well no. 202 as an additional permanent water supply. Well No. 202 was drilled in 1998 in Perkiomen Township, **Montgomery County**. *Type of Facility:* Public Water Supply System. *Consulting Engineer:* Larry A. Dietrick, Acer Engineers & Consultants, Inc., 649 N. Lewis Road, Limerick, PA 19468. *Permit to Construct Issued:* September 23, 1998.

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

**A. 1495502.** The Department issued an operating permit to **Walker Township Water Association** (1611 East College Avenue, Bellefonte, PA 16823; Walker Township, **Centre County**) for operation of Well No. 2, disinfection and a 24-inch transmission line.

**A. 5595501.** The Department issued an operating permit to **Church Hill Estates Development** (R. R. 1, Box 47, Mt. Pleasant Mills, PA 17853; Perry Township, **Snyder County**) for operation of the recently constructed Well No. 1, sodium hypochlorite facilities, a 137,000 gallon steel standpipe and distribution system.

**HAZARDOUS SITES CLEANUP**

**Under the Act of October 18, 1988**

**Notice of Prompt Interim Response**

**R. O. Murphy Site**

**Allegheny Township, Butler County**

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.101—6020.1304) (HSCA), has conducted a prompt interim response at the R. O. Murphy Site (Site). The Site is located approximately 5 miles east of Eau Claire in Allegheny Township, Butler County, PA, on the north side of U. S. Route 58.

There were an estimated 200 deteriorating containers and drums of various sizes with varying amounts of unknown contents; approximately 30 containers of dye; transformer carcasses; several large, abandoned and deteriorating storage buildings; three fuel pumps; and various other types of discarded material located throughout the Site. Stained soil was evident beneath many of the drums. Several drums have evidence of overflow leakage from the top onto the ground. Other drums were partially buried in the ground. Burn areas were also evident.

The Department sampled surface water, sediment, waste and soil at the Site. Surface water originating at the Site from groundwater springs and seeps contained elevated concentrations of heavy metals, including barium, beryllium, cobalt, copper, lead, manganese, nickel, vanadium and zinc. Sediments and surface water collected near the headwaters of an eastern, unnamed tributary to Fowler's Run contained volatile organic compounds, including carbon tetrachloride, 1,1,1-trichloroethane, trichloroethene, 1,1-dichloroethane, cis-1,2-dichloroethene and tetrachloroethene. Additionally, sediments from a seep in the southcentral portion of the Site contained several polynuclear aromatic hydrocarbons (PAHs). Samples were also collected from stained soils and bare areas near drums and transformers at the Site. Those soils contained a variety of hazardous substances, including acetone, 2-butanone, benzene, toluene, PAHs and polychlorinated biphenyls (or PCBs).

These elements and chemical compounds are hazardous substances under section 103 of the HSCA (35 P. S. § 6020.103). The presence of these hazardous substances in Site surface water, sediment and waste and soil constituted a release and threatened release of hazardous substances at the Site under section 103 of the HSCA (35 P. S. § 6020.103).

The Department's two main objectives of the prompt interim response action proposed for the Site were: 1) to protect the public and environmental receptors from direct contact with site-related hazardous substances; and 2) to eliminate the ongoing release and threat of release of hazardous substances into the environment from containerized waste and contaminated soil.

The Department considered four alternatives for the prompt interim response action at the Site: 1) no action; 2) institutional controls; 3) drum removal plus institutional controls; and 4) drum and soil removal plus institutional controls. In light of the objectives for the Site, the Department evaluated each alternative to determine: the extent to which each alternative protects the public health and the environment; the extent to which each alternative complied with or otherwise addressed the Land Recycling and Environmental Remediation Standards Act, the Solid Waste Management Act, The

Clean Streams Law and other applicable or relevant and appropriate requirements (ARARs); the extent to which each alternative was feasible, effective, implementable and permanent; and the relative cost effectiveness of each alternative.

Under section 505(b) of HSCA (35 P. S. § 6020.505(b)), the Department implemented Alternative 4 as the prompt interim response at the Site. Alternative 4 was implemented because it would, in the most cost effective manner, protect the public and environmental receptors from direct contact with site-related hazardous substances and eliminate the ongoing release and threat of release of hazardous substances into the environment from containerized wastes and visibly-contaminated soils.

The response protects the public health and environment; complied with or otherwise addressed all ARARs relating to containerized waste and contaminated soil removal and disposal, was feasible, implementable, permanent and effective to the maximum extent practicable; and was cost effective. The proposed action addressed the identified immediate threats to human health and the environment, which required attention prior to Site reuse.

The interim response was not a final remedial response under section 504 of HSCA, and, therefore, was not required to meet the cleanup standards that apply to final remedial responses. However, the selected alternative is consistent with any potential future remedial actions and future investigation activities.

This notice is being provided under section 506(b) of Hazardous Sites Cleanup Act. The administrative record, which contains the information that forms the basis and documents the selection of this response, is available for public review and comment. The administrative record is located at the Department's Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335, and is available for review Monday through Friday from 8 a.m. to 4 p.m. Please telephone for an appointment at (814) 332-6648.

The administrative record will be open for comment from October 31, 1998, until January 30, 1999. Persons may submit written comments into the record during this time only. Comments should be sent to Robert Kimball, Project Manager, at the Department's Northwest Regional Office or by delivering them to the office in person.

The Department will hold a public meeting on November 11, 1998, at 6:30 p.m., if requested by one or more members of the public. The meeting's purpose will be for the Department to answer the public's questions concerning the response at the Site. The meeting will be held at the Allegheny Township Municipal Building, located 2.8 miles west of the Site on Route 58. Also, the public will have an opportunity to present oral comments, for inclusion into the administrative record, regarding the chosen prompt interim response, at a public hearing following the public meeting. Persons wishing to present oral comments must register with Robert Kimball at the Department's Northwest Regional Office before November 4, 1998, by telephone or in writing. If no one requests a meeting or hearing, they will not be held. Persons interested in finding out if individuals have requested a public meeting or registered to present oral comments at the public hearing, should contact Robert Kimball.

Persons with a disability who wish to attend the meeting or hearing and require auxiliary aid, service or other accommodations to participate in the proceedings, should call Robert Kimball at (814) 332-6648 or through

the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

**Notice of Proposed Prompt Interim Response  
Jackson Ceramix Site**

**Falls Creek Borough, Jefferson County and Sandy  
Township, Clearfield County**

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.101—6020.1304) (HSCA), is proposing a response action for the Jackson Ceramix Site (site). The site is located between Pennsylvania State Route 950, on the southern edge of Falls Creek Borough in Jefferson County, and Sandy Lick Creek in Sandy Township, Clearfield County, PA. The site is comprised of the property on which the Jackson China and Jackson Ceramix manufacturing companies operated, along with adjacent properties containing hazardous substances which have migrated from the manufacturing property, including, but not limited to, an adjacent drainage ditch, former lagoon area and wetlands to the east and south-east of the former manufacturing area.

Elevated levels of hazardous substances occur in the site groundwater, surface water, sediments, sludge and waste. Significant levels of bromomethane, cis-1,2-dichloroethane, tetrachloroethene, trichloroethene, vinyl chloride, lead and manganese are present in groundwater samples. Onsite surface and subsurface soil contains tetrachloroethene and lead. Waste, sludge and sediment samples contain elevated levels of asbestos, lead, cadmium, barium and arsenic. Sediment and waste sludge from the wetland contain elevated levels of lead, copper and nickel.

For this prompt interim response, the Department has divided the former china manufacturing portion of the site into two areas of concern. They are: (a) the sumps, pits, septic tanks, ceramic manufacturing process materials, construction debris, asbestos-containing materials, staged materials and sludge in the onsite drainage ditch and settling lagoon (miscellaneous wastes); and (b) the china waste.

For the miscellaneous wastes, the Department considered two alternatives for the prompt interim response: 1) no action; and 2) remove and dispose off-site the hazardous substance-containing wastes.

For the china waste, the Department also considered two alternatives for the prompt interim response: 1) no action; and 2) closure as a Class III Residual Waste Landfill.

Each alternative was evaluated with respect to three comparison criteria of: 1) effectiveness; 2) implementability; and 3) cost. Furthermore, this comparative analysis evaluated the relative performance of each alternative in relation to each specific comparison criterion. The comparative analysis identified advantages and disadvantages of each alternative, so that tradeoffs between the alternatives could be determined.

Based on the comparative analysis the Department proposes to implement miscellaneous waste Alternative 2 (remove and dispose off-site the hazardous substance-containing wastes) and china waste Alternative 2 (closure as a Class III Residual Waste Landfill) as the prompt interim response for those areas of concern at the site. This alternative is proposed because it would, in the more cost-effective manner, protect the public and environmental receptors from direct contact with site-related hazard-

ous substances, and eliminate the ongoing release and threat of release of hazardous substances into the environment from the miscellaneous waste and the china waste.

This proposed interim response would not be a final remedial response under section 504 of HSCA, and, therefore, would not be required to meet the cleanup standards that apply to final remedial responses. However, the alternative would be consistent with any potential future remedial actions and future investigation activities.

This notice is being provided under section 506(b) of HSCA. The administrative record, which contains the information that forms the basis and documents the selection of this response, is available for public review and comment. The administrative record is located at the Department's Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335, and is available for review Monday through Friday from 8 a.m. to 4 p.m. Please telephone beforehand for an appointment (814) 332-6648.

The administrative record will be open for comment from October 31, 1998, until January 29, 1999. Persons may submit written comments into the record during this time only, by sending them to Christine Dougherty, Project Manager, at the Department's Northwest Regional Office or by delivering them to the office in person.

In addition, persons may present oral comments, for inclusion in the administrative record, at a public hearing scheduled for December 9, 1998, at 6:30 p.m. at the Falls Creek Municipal Building. Persons wishing to present comments must register with Christine Dougherty at the Department's Northwest Regional Office before December 4, 1998, by telephone or in writing. Persons interested in finding out if individuals have registered should contact Christine Dougherty.

Persons with a disability who wish to attend the hearing and require auxiliary aid, service or other accommodations to participate in the proceedings, should call Christine Dougherty at (814) 332-6648 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

### **Pennsylvania Priority List of Hazardous Sites For Remedial Response**

#### *1. Background*

The Hazardous Sites Cleanup Act (HSCA), (35 P. S. §§ 6020.101—6020.1305) was enacted in 1988 to provide for the cleanup of Pennsylvania sites that are releasing or threatening the release of hazardous substances. Section 502(a) of HSCA requires that the Department publish in the *Pennsylvania Bulletin* a priority list of sites with releases or threatened releases for the purpose of taking remedial response. This list is called the Pennsylvania Priority List of Hazardous Sites For Remedial Response (PAPL).

#### *2. Placement of Sites on the List*

The Department places sites on the PAPL when the Department has determined through investigation that there are releases or threatened releases of hazardous substances, or releases or substantial threatened releases of contaminants which present a substantial danger. In accordance with the requirements of section 502(a) of HSCA, the Hazard Ranking System (HRS; 40 CFR Part 300, Appendix A), established under the Federal Superfund Act is utilized to rank the sites for placement on the PAPL. The HRS uses mathematical formulas that

reflect the relative importance and interrelationships of the various human health and environmental factors to arrive at a final score on a scale of 0 to 100. The values are assigned using information obtained from site investigations. Section 502(a) of HSCA also directs the Department to consider its administrative, enforcement and financial capabilities when placing sites on the PAPL.

Placement of a site on the PAPL is used to identify sites which require a remedial response to address threats to the public health, safety or the environment. The Department will decide on a case-by-case basis whether to take enforcement or other actions under HSCA or other authorities, or to proceed directly with HSCA-funded remedial response actions and seek cost recovery after the cleanup. Remedial response actions will not necessarily be taken in the same order as a site's ranking on the PAPL. The investigation conducted to place a site on the PAPL may not be sufficient to determine either the extent of contamination or the appropriate response actions for a site. The Department may undertake further investigations to determine appropriate response actions. The length of time needed to complete these studies will vary due to the complexity of a site. The Department may decide not to immediately proceed with a HSCA remedial action or that no remedial action is necessary.

#### *3. Removal of Sites from the List*

Sites are removed from the PAPL in accordance with the requirements of Section 502(d) of HSCA. Section 502(d) requires that sites shall be removed from the list upon determination by the Department that the remedial response has been initiated. In cases where a responsible person will be conducting the remedial response under the terms of a settlement with the Department, section 502(d) states that the site "shall be removed upon the determination by the Department that the responsible person has complied with the terms of the settlement and has initiated a cleanup."

#### *4. Statutory Authority*

The Pennsylvania Priority List of Hazardous Sites For Remedial Response is published under the authority of section 502(a) of the HSCA. Under section 502(b) of HSCA, a decision to place a site on the list or to remove a site from the list is not a final action subject to review under the act of April 28, 1978 (P. L. 202, No. 53), 2 Pa.C.S. §§ 101 et seq., or the Environmental Hearing Board Act (35 P. S. §§ 7511 et seq.), nor shall it confer a right or duty upon the Department or any person.

#### *5. Review and Public Comment*

HSCA provides for a 30-day public comment period subsequent to publication of the PAPL. This *Pennsylvania Bulletin* announcement opens a 30-day comment period for the sites being removed with this publication. Written comments should be submitted to the regional office in which the site is located. The contact person for each region and their address can be found in the Additional Information section of this notice.

The regional office site files contain all information considered by the Department in placing a site on the list or removing a site from the list. The regional office files are available for review in the appropriate regional office, by appointment only, from 8 a.m. to 4 p.m. Monday through Friday excluding State holidays. Arrangements to review the site file can be scheduled by contacting the regional office in which the site is located. The regional contact person for each region and their address can be found in the Additional Information section of this notice.

The Department considers all written comments received during the comment period. All written comments and the Department's responses will be placed into the site file and will later be incorporated into the Administrative Record.

#### 6. *Contents of List*

This notice removes eight sites from the PAPL. The site summaries for the sites addressed by this notice are listed as follows. Table 1 lists the sites being removed by this notice. Table 2 lists all sites remaining on the PAPL. The name of the sites, HRS score, municipality, county and region are included in this table. The sites are listed in decreasing order of HRS score.

#### 7. *Site Summaries*

##### *Industrial Solvents and Chemicals*

The Industrial Solvents site is a closed solvent recycling facility located in Newberry Township, York County. The operator ceased operations at the facility in 1990 and abandoned a large amount of hazardous waste, including over 600,000 gallons of waste in aboveground tanks and over 6,000 drums of waste. In 1990—1991 the Department conducted an interim action to stabilize and contain the waste at the site. A group of responsible parties entered into a settlement with the Department and removed the waste from the site in 1994—1995. The responsible parties also extended a waterline to affected residents and completed a site study at the facility in 1997. The primary remedial response actions at the site have been completed. A final action is being initiated to cap contaminated soil areas, initiate surface water treatment in the area of the groundwater contamination and extend the waterline to cover several additional homes near the site.

##### *Delta Chemicals*

The Delta Chemicals site is located in North Buffalo Township, Armstrong County. The site is a former solvent recycling operation that stored, transported and recycled hazardous waste. The operator abandoned the facility along with drums and tanks of hazardous waste. The Department removed drums and tanks of waste from the site in 1991 and conducted a study to determine the extent of soil and the groundwater contamination in 1992. Some of the parties responsible for the site entered into an agreement with the Department to conduct the response. The remedial response included removal of lagoon waste and treatment of contaminated soil by soil vapor extraction. The soil vapor extraction systems were installed and started operating in 1997. The system will continue operations until the soil cleanup standards are achieved.

##### *Crown Industries*

The Crown Industries site is located in Lackawaxen Township, Pike County. The site was utilized as a salvage operation for metals. Site operations included the burning of various electrical products such as light ballasts, transformers and electrical wire. The site also includes many junk vehicles and other items of metal scrap. The site was abandoned by the operator. The site was contaminated with PCBs, benzene, phenols, dioxin and heavy metals. These contaminants posed a direct contact threat to the public. The Department conducted an interim response in 1991 to fence the site and remove piles of lead ash from the site. The Department also provided water treatment systems to some nearby residents. In 1993 and 1994 a second response was conducted to remove the large volume of scrap that was covering the

site, to provide access to the surface of the site. Numerous drums of waste were also removed at that time. The final response will remove the remaining hazardous substances from the site. The final response is currently being conducted by the Department.

##### *J. C. Cleaners*

The J. C. Cleaners site is located in Gettysburg Borough, Adams County. The dry cleaning business has contaminated nearby soil and groundwater with dry cleaning solvents. The site is located near a municipal authority well that is used as a water source for more than 10,000 homes. The contamination from the site has forced the municipal authority to install a treatment system on the contaminated well. The remedy includes a groundwater pump and treatment system and a soil vapor extraction system. The Department began operating the remediation systems in July 1997. The groundwater remediation system will continue to operate until the groundwater is remediated.

##### *Easterly Sewage Treatment Plant*

The Easterly STP site is located in Logan and Antis townships, Blair County. Two industrial waste disposal pits were discovered at the site during a construction project to expand the sewage treatment plant. The Department excavated the waste from the pits and placed it in a temporary waste storage impoundment. Residual contamination remains in soil and groundwater under the disposal area. The Department completed a study to determine the extent of contamination. The Department has entered into an agreement with the primary responsible party to have them conduct the remedial response at the site. The response includes treatment of the waste stored in the impoundment and treatment of the contaminated soil and groundwater in the area of the pits using an air sparging and vapor extraction process.

##### *Presque Isle Chemical*

The Presque Isle Chemical Site is located in Washington Township, Erie County. The 28 acre site is an abandoned solvent and oil recycling facility. Hazardous waste was dumped at the site, causing soil, surface water and groundwater contamination. The Department completed a study to determine the extent of the contamination. The Department constructed a groundwater treatment facility to treat the contamination groundwater at the site. The Department also arranged for construction of a waterline into the affected area. The Department conducted the final remedial response in 1997 which included excavation and off-site disposal of contaminated soils and sediments. The groundwater treatment facility will continue to operate until the groundwater is remediated to acceptable standards.

##### *Oliver Landfill*

Oliver landfill is located in Waterford Township, Erie County. The site is an old municipal and industrial waste landfill. The groundwater at the site is contaminated with a variety of volatile organic compounds. Some home wells adjacent to the site have been contaminated.

The Department conducted a study at the site to determine the nature and extent of contamination. The Department entered into a settlement with one of the primary industrial waste generators to have them extend a waterline to the affected residents, and to demolish site buildings and remove hazardous substances within those buildings. The Department has entered into an agreement with another responsible person to have them



regrade and cap the landfill as part of a final response action. This final response has been initiated.

*Shaler/JTC*

The Shaler/JTC site is located in Bruin Borough, Butler County. The site was a refinery that manufactured petroleum products from early 1930's until mid-1970's and an abandoned coal washing facility. Over 40 large aboveground tanks were located on the 15 acre site. Most of the tanks were corroded and in poor structural condition, many containing solid or liquid hazardous materials. In 1994 the Department conducted an interim response to remove the tanks and waste materials.

The final remedial action included stabilization and solidification of contaminated soils, removal of highly contaminated soil and capping in remediated areas. The Department completed the final remedial action in 1997.

8. *Additional Information*

Northeast Region, Paul Fosko, HSCA Program Manager, Department of Environmental Protection, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2353.

Southcentral Region, Art Dalla Piazza, HSCA Program Manager, Department of Environmental Protection, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4705.

Southwest Region, James Shack, HSCA Program Manager, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-5811.

Northwest Region, Mark Gorman, HSCA Program Manager, Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6648.

**Table 1**  
**Site Being Removed by this Notice**

<i>Site</i>	<i>HRS</i>	<i>Municipality</i>	<i>County</i>	<i>DEP Region</i>
Industrial Solvents	55.72	Newberry Twp.	York	Southcentral
Delta Chemicals	39.61	N. Buffalo Twp.	Armstrong	Southwest
Crown Industries	36.92	Lackawaxen Twp.	Pike	Northeast
J. C. Cleaners	35.68	Gettysburg	Adams	Southcentral
Easterly STP	35.06	Logan Twp.	Blair	Southcentral
Presque Isle Chem.	32.27	Washington Twp.	Erie	Northwest
Oliver Landfill	30.20	Waterford Twp.	Erie	Northwest
Shaler/JTC	22.70	Bruin	Butler	Northwest

**Table 2**  
**Pennsylvania Priority List for Remedial Response**

Dupont/New Castle	54.75	New Castle	Lawrence	Northwest
H. K. Porter	48.04	Hopewell Twp.	Beaver	Southwest
F. E. Cooper	33.62	Broad Top Twp.	Bedford	Southcentral
Schiller	24.65	Richmond Twp.	Crawford	Northwest
Quakertown	22.25	Quakertown	Bucks	Southeast
Mun. & Ind. Disp.	19.58	Elizabeth Twp.	Allegheny	Southwest

## 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 nonresiden-

tial 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 report:

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

**American Insulator**, New Freedom Borough, York County. Buchart-Horn, Inc., 445 West Philadelphia Street, P. O. Box 15040, York, PA 17405-7040 has submitted a Final Report concerning remediation of site soils

and groundwater contaminated with BTEX and PHCs. 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 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:

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

**Grove North America Solvent Recovery Building**, Antrim Township, **Franklin County**. Grove North America, 1565 Buchanan Trail East, Shady Grove, PA 17256 submitted a final report concerning the remediation of site soils and groundwater contaminated with BTEX. The final report demonstrated attainment of the Statewide health standard, and was approved by the Department on October 13, 1998.

*Northeast Regional Field Office: Joseph Brogna, Regional Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2511.*

**Former Slatebelt Industrial Center**, Pen Argyl Borough, **Northampton County**. Joseph Bodnar, 217 Webster Limited, 521 West Babbitt Avenue, Pen Argyl, PA 18072 submitted a final report concerning the remediation of site soils and groundwater contaminated with petroleum hydrocarbons, PCBs (polychlorinated biphenyls), polycyclic aromatic hydrocarbons and metals. The final report demonstrated attainment using a combination of the background, Statewide health and site-specific standards, and was approved by the Department on October 14, 1998.

**Plainwell Tissue**, Ransom Township, **Lackawanna County**. Annette Grano, Environmental Engineer, Plainwell Tissue, P. O. Box 6000, Pittston, PA 18640 submitted a final report concerning the remediation of site soils contaminated with petroleum hydrocarbons. The final report demonstrated attainment of the Statewide human health standard, and was approved by the Department on October 9, 1998.

## SOLID AND HAZARDOUS WASTE

### RESIDUAL WASTE PROCESSING FACILITIES

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

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

**Permit ID No. 300936. Paris Flyash Site, Alex E. Paris Contracting Company, Inc.**, Route 18, P. O. Box 364, Atlasburg, PA 15004. Operation of a residual waste landfill in Hanover Township, **Beaver County**. Repermit and expansion issued in the Regional Office on October 16, 1998.

### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

*Southcentral Regional Office: Regional Solid Waste Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4706.*

**Permit No. 101509. Conestoga Landfill, New Morgan Landfill Company, Inc.** (P. O. Box 128, Morgantown, PA 19543-0128). Application for modifications to the leachate management system for a site in New Morgan Borough, **Berks County**. Permit issued in the Regional Office October 15, 1998.

**Permit No. 101389. Frey Farm Landfill, Lancaster County Solid Waste Management Authority**, (1299 Harrisburg Pike, Lancaster, PA 17603). Application for modification for request for equivalency review of treatment process residue as alternative daily soil cover at a site in Manor Township, **Lancaster County**. Permit issued in the Regional Office October 13, 1998.

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

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

**Permit No. 603389. Mensch Farm, Conestoga Landfill** (Mineview Drive, P. O. Box 128, Morgantown, PA 19543). This permit has been revoked at the applicants request for a site in Pike Township, **Berks County**. Permit revoked in the Regional Office October 8, 1998.

**Permit No. 603418. A. Dale Herr Farm, Conestoga Landfill** (Mineview Drive, P. O. Box 128, Morgantown, PA 19543). This permit has been revoked at the applicants request for a site in Bar, Colerain and Eden Townships, **Lancaster County**. Permit revoked in the Regional Office October 8, 1998.

**Permit No. 602326. Shoemaker Brothers Farm, Conestoga Landfill** (Mineview Drive, P. O. Box 128, Morgantown, PA 19543). This permit has been revoked at the applicants request for a site in Colerain Township, **Lancaster County**. Permit revoked in the Regional Office October 8, 1998.

**Permit No. 603389. Tuttle Farm, Conestoga Landfill** (Mineview Drive, P. O. Box 128, Morgantown, PA 19543). This permit has been revoked at the applicants request for a site in Oley Township, **Berks County**. Permit revoked in the Regional Office October 8, 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.*

**65-309-074A: American Video Glass Co.** (777 Technology Drive, Mt. Pleasant, PA 15666) issued October 15, 1998, for installation of color TV glass manufacturing in Mt. Pleasant Township, **Westmoreland County**.

**11-00427: Emglo Products, L. P.** (303 Industrial Park Road, Johnstown, PA 15904) issued October 9, 1998, for construction of powder coating system at Johnstown Plant in Johnstown, **Cambria County**.

**56-00246: Somerset Area School District** (821 South Columbia Avenue, Somerset, PA 15501) issued October 19, 1998, for installation of two CNB tri-fuel boilers at Eagle View Elementary School at Somerset Borough, **Somerset County**.

**63-309-057: Therm-O-Rock East, Inc.** (P. O. Box 429, New Eagle, PA 15067) issued October 19, 1998, for installation of perlite and vermiculite furnaces at Plant 1 in New Eagle Borough, **Washington County**.

**26-00404: CNG Transmission Corp.** (625 Liberty Avenue, Pittsburgh, PA 15222) issued September 24, 1998, for natural gas transmission at North Summit Station in North Union Township, **Fayette County**.

**03-00190: Standard Products Co.** (1655 Orr Avenue, Kittanning, PA 16201) issued September 18, 1998, for

rubber products manufacturing at Kittanning Division in Kittanning Borough, **Armstrong County**.

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

**24-083A: Carbone of America Graphite Materials Division** (215 Stackpole Street, St. Marys, PA 15857) issued August 30, 1998, for operation of a coke/graphite mill no. 4 in Benzinger Township, **Elk County**.

**24-124A: PA Industrial Heat Treaters** (P. O. Box 348, St. Marys, PA 15857) issued October 31, 1998, for operation of a continuous draw furnace in Benzinger Township, **Elk County**.

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

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

**15-0014A: Norwood Industries, Inc.** (57 Morehall Road, Frazer, PA 19355) amended October 8, 1998, for operation of a medical device manufacturing process in East Whiteland Township, **Chester County**.

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

*Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (717) 327-3637.*

**18-313-003D: Henkel Corp.** (P. O. Box 8, Castanea, PA 17726) on October 7, 1998, to authorize the operation of an additional reactor system (R-209) in Castanea Township, **Clinton County**.

**General Plan Approval and Operating Permit 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.*

**39-310-011GP: Eastern Industries, Inc.** (P. O. Box 207, Mount Bethel, PA 18343) for construction and operation of a portable stone crushing plant in North Whitehall Township, **Lehigh County**.

**48-302-049GP: Jersey Central P & L Co.** (300 Madison Avenue, Morristown, NJ 07962) for construction and operation of a boiler at 2525 Applebutter Road, Lower Saucon Township, **Northampton County**.

### PLAN APPROVALS

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

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

**09-0019: Miller & Son Paving, Inc.** (887 Mill Creek Road, Rushland, PA 18956) issued October 13, 1998, for operation of a batch asphalt plant in Wrightstown Township, **Bucks County**.

**15-0037A: De La Rue Card Systems, Inc.** (523 James Hance Court, Exton, PA 19341) issued October 15, 1998, for operation of a lithographic press in West Whiteland Township, **Chester County**.

**46-0025E: Lonza, Inc.** (900 River Road, Conshohocken, PA 19428) issued October 15, 1998, for operation of additional process equipment in Upper Merion Township, **Montgomery County**.

**46-0144: USDA** (600 East Mermaid Lane, Wyndmoor, PA 19038) issued October 15, 1998, for operation of a steam boiler in Springfield Township, **Montgomery County**.

**15-0037: De La Rue Card Systems, Inc.** (523 James Hance Court, Exton, PA 19341) issued October 19, 1998, for operation of a nonheatset lithographic press in West Whiteland Township, **Chester County**.

*Northeast Regional Office: Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (717) 826-2531.*

**35-399-018A: General Dynamics Land Systems, Inc.** (175 East Street, Eynon, PA 18403) issued October 7, 1998, for modification of the descaling and peening operations in Archbald Borough, **Lackawanna County**.

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

**21-317-058A: The Quaker Oats Co.** (P. O. Box 3040, Shiremanstown, PA 17011) issued October 8, 1998, for construction of Nos. 4 and 5 cereal processing line in Hampden Township, **Cumberland County**.

**31-310-025E: U. S. Silica Co.** (P. O. Box 187, Berkeley Springs, WV 25411) issued October 13, 1998, for modification of the silica sandstone dry screening operation controlled by a fabric collector at their Keystone Plant, in Brady Township, **Huntingdon County**. This source is subject to 40 CFR 60, Subpart OOO, Standards of Performance for Nonmetallic Mineral Processing Plants.

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

**04-688A: Nova Metals, L. P.** (2301 Duss Avenue, Suite 14, Ambridge, PA 15003) issued October 10, 1998, for installation of metals reprocessing at Ambridge Regional Center in Ambridge Borough, **Beaver County**.

**32-055B: GPU Generation, Inc.** (1001 Broad Street, Johnstown, PA 15907) issued October 15, 1998, for installation of boilers 1 and 2 at Homer City Station in Center Township, **Indiana County**.

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

**10-021C: INDPSEC Chemical Corp.** (133 Main Street, Petrolia, PA 16050) issued October 16, 1998, for construction of a new gas fired boiler in Petrolia, **Butler County**.

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

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

**15-0002A: Quebecor Printing Atglen, Inc.** (Route 372, Lower Valley Road, Atglen, PA 19310) issued October 7, 1998, for operation of a publication rotogravure press in West Sadsbury Township, **Chester County**.

**23-303-001B: Glasgow, Inc.** (531 Eagle Road, Springfield, PA 19008) issued October 9, 1998, for operation of a batch asphalt plant in Springfield Township, **Delaware County**.

**46-303-021: Glasgow, Inc.** (550 East Church Road, King of Prussia, PA 19406) issued October 9, 1998, for operation of a batch asphalt plant in Upper Merion Township, **Montgomery County**.

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

**06-1023: Maier's Bakery** (640 Park Avenue, Reading, PA 19611) issued October 15, 1998, to authorize temporary operation of the bread and hard roll bakery under this Plan Approval until February 11, 1999, in Reading, **Berks County**.

**21-302-113: Lear Operations Corp.** (P. O. Box 40, Carlisle, PA 17013) issued October 11, 1998, to authorize temporary operation of the No. 5 Boiler and Low NOx Burner for No. 4 Boiler under this Plan Approval until February 7, 1999, in Carlisle Borough, **Cumberland County**.

**22-02005: Harrisburg Steam Works, Ltd.** (P. O. Box 2151, Harrisburg, PA 17105) issued October 11, 1998, to authorize temporary operation of the four Boilers No. 6 Oil/Gas (Combustion Engineering) under this Plan Approval until February 7, 1999, in Harrisburg, **Dauphin County**.

**36-02025A: Texas Eastern Transmission Corp.** (P. O. Box 1642, Houston, TX 77251-1642) issued October 14, 1998, to authorize temporary operation of the Mars gas turbine and emergency generator (natural gas fired) under this Plan Approval February 10, 1999, in East Donegal Township, **Lancaster County**. The Mars Gas Turbine is subject to 40 CFR 60, Subpart GG, Standards of Performance for Stationary Gas Turbine.

**36-03018: Allegheny Energy Resources, Inc.** (Suite 600, 20 Stanwix Street, Pittsburgh, PA 15222) issued September 1, 1998, to authorize temporary operation of the landfill gas recycling facility controlled by a thermal oxidizer under this Plan Approval until August 31, 1999, in Caernarvon Township, **Lancaster County**.

**67-310-035B: Global Stone PenRoc, Inc.** (P. O. Box 1967, York, PA 17405-1967) issued October 1, 1998, to authorize temporary operation of the roofing plant under this Plan Approval until January 28, 1999, in West Manchester Township, **York County**. This source is subject to 40 CFR 60, Subpart OOO, Standards of Performance for Nonmetallic Mineral Processing Plants.

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

**65-857A: Norton Pakco Industrial Ceramics** (55 Hillview Avenue, Latrobe, PA 15650) issued October 15, 1998, for operation of plasma arc cutter at Derry Plant in Derry Township, **Westmoreland County**.

**04-313-053B: Envirotrol, Inc.** (P. O. Box 61, 432 Green Street, Sewickley, PA 15143) issued October 19,

1998, for operation of rotary kiln carbon regenerator at Darlington Plant in Darlington Township, **Beaver County**.

**04-307-094A: J&L Specialty Steel, Inc.** (1500 West Main Street, Midland, PA 15059) issued October 19, 1998, for installation of direct roll A&P line at Midland Facility in Midland Borough, **Beaver County**.

**11-416A: Pheasant & Shearer** (1922 Ohio Street, Johnstown, PA 15904) issued October 19, 1998, for installation of Hammermill flex tooth crusher at Rider Slag Dump in East Taylor Township, **Cambria County**.

**26-305-032: Mon River Energy Corp.** (P. O. Box 466, Brier Hill, PA 15415) issued October 19, 1998 for installation of coal refuse reprocessing plant at Brier Hill Site in Redstone Township, **Fayette County**.

**26-305-034: Matt Canestrone Contracting, Inc.** (P. O. Box 234, Belle Vernon, PA 15012) issued October 19, 1998, for installation of loading/unloading/stockpiling at LaBelle Site in Luzerne Township, **Fayette County**.

**65-093A: Hyde Park Foundry** (Railroad Street, P. O. Box 187, Hyde Park, PA 15641) issued October 5, 1998, for construction of magnesium inoculation at National Roll Company in Hyde Park Borough, **Westmoreland County**.

**56-307-001E: FirstMiss Steel, Inc.** (230 Box 509, Hollsopple, PA 15935) issued October 5, 1998, for installation of an electric arc furnace at Stony Creek Plant in Quemahoning Borough, **Somerset County**.

**11-305-032: Senate Coal Mines, Inc.** (One Energy Place, Suite 5100, Latrobe, PA 15650) issued October 15, 1998, for installation of a coal refuse reprocessing at St. Michael Pile in Adams Township, **Cambria County**.

**26-310-017: Amerikohl Mining, Inc.** (P. O. Box 427, Acme, PA 15610) issued October 15, 1998, for installation of portable stone crusher at Jim Mountain Quarry in Springfield Township, **Fayette County**.

**65-173A: Dynamic Metal Forming, Inc.** (7544 Route 18 North, Koppel, PA 16136) issued October 15, 1998, for operation of replacement degreaser tank at Scottdale Plant in Scottdale Borough, **Westmoreland County**.

**56-305-043: Senate Coal Mines, Inc.** (One Energy Place, Suite 5100, Latrobe, PA 15650) issued October 15, 1998, for installation of coal refuse reclaiming/screen at Mine 36 in Winber Borough, **Somerset County**.

**32-055A: GPU Generation, Inc.** (1001 Broad Street, Johnstown, PA 15907) issued September 18, 1998, for installation of coal blending and storage at Homer City Station in Center Township, **Indiana 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

**56930112.** Permit Renewal, **Future Industries, Inc.** (P. O. Box 157, Meyersdale, PA 15552), commencement, operation and restoration of a bituminous strip mine in Black Township, **Somerset County**, affecting 316.0 acres, receiving stream unnamed tributaries to/and Rhoades Creek. Application received August 27, 1998. Permit issued October 13, 1998.

**32813007.** Permit Renewal, **Cloe Mining Company, Inc.** (P. O. Box I, Grampian, PA 16838) commencement, operation and restoration of a bituminous strip mine for reclamation, only in Rayne and East Mahoning Townships, **Indiana County**, affecting 323.7 acres, receiving stream unnamed tributaries to Pine Run and to Pine Run. Application received August 6, 1998. Permit issued October 13, 1998.

**11980201.** **Ridge Energy Company** (R. D. 2, Box 429, Clymer, PA 15728), commencement, operation and restoration of a bituminous strip-coal refuse reprocessing mine in West Carroll Township, **Cambria County**, affecting 25.0 acres, receiving stream Fox Run. Application received April 10, 1998. Permit issued October 14, 1998.

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

**03910115.** **Allegheny Mineral Corporation** (P. O. Box 1022, Kittanning, PA 16201). Permit revised to add 8.8 acres to the permit boundaries for another haul road into an existing bituminous surface/auger mining site located in West Franklin Township, **Armstrong County**, now affecting 468.8 acres. Receiving streams: unnamed tributaries to Buffalo Creek to Allegheny River. Application received July 6, 1998. Revision issued September 25, 1998.

**65930106R.** **Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Permit renewal issued for reclamation only of an existing bituminous surface mining site located in Mt. Pleasant Township, **Westmoreland County**, affecting 69.0 acres. Receiving streams: unnamed tributaries to Jacobs Creek. Application received August 18, 1998. Renewal issued September 29, 1998.

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

**17840123.** **River Hill Coal Company, Inc.** (P. O. Box 141, Kylertown, PA 16847), renewal of an existing bituminous surface mine-tipple refuse disposal permit in Karthaus Township, **Clearfield County** affecting 233.6 acres, receiving streams: unnamed tributaries to Saltlick Run and Saltlick Run to the West Branch Susquehanna River to the Susquehanna River. Application received August 10, 1998. Permit issued October 9, 1998.

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

**54773006R2.** **Reading Anthracite Company** (200 Mahantongo Street, Pottsville, PA 17901), renewal of an existing anthracite surface mine operation in Cass, Foster and New Castle Townships, **Schuylkill County** affecting 3,500.0 acres, receiving stream—none. Renewal issued October 6, 1998.

**54860206R2. Westwood Energy Properties, Ltd. Partnership** (1177 West Loop South, Suite 900, Houston, TX 77027-9007), renewal of an existing coal refuse reprocessing operation in Frailey Township, **Schuylkill County** affecting 441.4 acres, receiving stream—Lower Rausch Creek. Renewal issued October 15, 1998.

**35980101. Alliance Sanitary Landfill, Inc.** (398 South Keyser Avenue, Taylor, PA 18517), commencement, operation and restoration of an anthracite surface mine operation in Taylor Borough and Ransom Township, **Lackawanna County** affecting 81.9 acres, receiving stream—unnamed tributary to St. John's Creek. Permit issued October 16, 1998.

*McMurray District Office, 3913 Washington Road, McMurray, PA 15317.*

**65881701. Consolidation Coal Co.** (200 Hidden Valley Rd., McMurray, PA 15317), to renew the permit for the Hutchinson AMD Plant in Sewickley Township, **Westmoreland County**, no additional discharges. Permit issued October 5, 1998.

**30921601. Cyprus River Processing Corp.** (145 Elm Dr., P. O. Box 1020, Waynesburg, PA 15370), to renew the permit for the Monongahela Resource Tipple in Jefferson Township, **Greene County**, no additional discharges. Permit issued October 6, 1998.

**63841303. BethEnergy Mines, Inc.** (P. O. Box 29, Ebensburg, PA 15931), to revise the permit for the Marianna No. 58 in Amwell Township, **Washington County**, postmining land use, no additional discharges. Permit issued October 6, 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.

**58910301C. F. S. Lopke Contracting, Inc.** (3430 State Route 434, Apalachin, NY 13732), renewal of NPDES Permit No. PA0595454 in Forest Lake Township, **Susquehanna County**, receiving stream—unnamed tributary to Middle Branch of Wyalusing Creek. Renewal issued October 16, 1998.

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

*Small Noncoal (Industrial Mineral) Permits Issued*

**58980830. William Sparks** (R. R. 2, Box 45, Thompson, PA 18465), commencement, operation and restoration of a bluestone quarry operation in Harford Township, **Susquehanna County** affecting 1.0 acre, receiving stream—none. Permit issued October 7, 1998.

**40980804. Tom L. Bower** (R. R. 4, Box 4065, Berwick, PA 18603), commencement, operation and restoration of a quarry operation in Salem Township, **Luzerne County** affecting 3.0 acres, receiving stream—none. Permit issued October 7, 1998.

**64980805. Tompkins Bluestone Co., Inc.** (P. O. Box 776, Hancock, NY 13783), commencement, operation and restoration of a bluestone quarry operation in Manchester Township, **Wayne County** affecting 1.0 acre, receiving stream—none. Permit issued October 13, 1998.

**58980838. Jon A. Sorber** (R. R. 1, Box 133, Springville, PA 18844), commencement, operation and restoration of a bluestone quarry operation in Springville Township, **Susquehanna County** affecting 1.0 acre, receiving stream—Thomas Creek. Permit issued October 14, 1998.

**58980844. Samuel Clapper** (R. R. 2, Box 714, Convent Street, Susquehanna, PA 18847), commencement, operation and restoration of a bluestone quarry operation in Lanesboro Borough, **Susquehanna County** affecting 2.0 acres, receiving stream—Canawacta Creek. Permit issued October 14, 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.*

**E15-577.** Encroachment Permit. **PA Department of Transportation**, 200 Radnor-Chester Road, St. Davids, PA 19087. To improve, modify and maintain U. S. 202 (S. R. 0202), Section 400, (Phase II, Section 402) within the existing median and beyond the existing highway edge. The highway width will increase from four lanes to a minimum of six lanes. The limit of this work will begin

east of North Valley Road, (Valley Forge, PA Quadrangle N: 10.4 inches; W: 15.6 inches) and will end west of Old Eagle School Road (Valley Forge, PA Quadrangle N: 14 inches; W: 5.2 inches) in Tredyffrin Township, **Chester County**.

Work will consist of: 1) Modifying an existing crossing of an unnamed tributary to Little Valley Creek (EV) at Station 563 + 50 using retaining walls or head wall modification depending on site conditions. 2) Modifying an existing crossing of Crabby Creek tributary to Little Valley Creek (EV) at station 582 + 50 using a retaining wall or head wall modification depending on site conditions. 3) Extending an existing 60-inch R.C.P. culvert by installing approximately 25 linear feet of 60-inch R.C.P. culvert to the down stream end left of station 658 + 00, and also to extend an existing 18-inch drainage pipe by installing approximately 20-linear feet of 42-inch R.C.P. culvert at the downstream end just left of station 660 + 50 in and along unnamed tributaries to Little Valley Creek (EV) and impacting de minimis 0.024 acre of Exceptional Value wetlands (PFO). 4) Modifying an existing box culvert along Trout Creek at station 696 + 00 utilizing retaining walls or head wall modifications depending on site. 5) Modifying an existing box culvert along an unnamed tributary to Trout Creek (WWF) at station 716 + 04 using retaining walls or head wall modifications depending on site. 6) Modifying an existing box culvert along an unnamed tributary to Trout Creek (WWF) at station 738 + 55 utilizing retaining walls or head wall modifications depending on site. 7) Extend an existing 6.5-foot x 6-foot R. C. box culvert by adding approximately 15 linear feet of 6.5 foot by 6-foot box culvert at the down stream end, at a point left of station 754 + 60 in the vicinity of the "Bay Colony" ramps. Work also includes the improvement and modification to the bed of an unnamed tributary to Trout Creek for approximately 850 linear feet from the aforementioned culvert to the upstream end of the culvert under Swedesford Road.

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

**E22-386.** Encroachment. **Dauphin County Commissioners**, Russell Sheaffer, P. O. Box 1295, Harrisburg, PA 17108. To remove an existing bridge and to construct and maintain a bridge having a clear span of 46.08 feet and an underclearance of 4.7 feet across the channel of Powell Creek at a point at Lebo Road (T-446) (Enders, PA Quadrangle N: 14.75 inches; W: 12.25 inches) in Wayne Township, **Dauphin County**. This permit also includes 401 Water Quality Certification.

**E22-388.** Encroachment. **Gregory Tomassetti**, P. O. Box 208, Enola, PA 17025. To place fill in 0.18 acre of wetlands adjacent to the channel of a tributary to Paxton Creek at a point upstream of Ranger Road (Harrisburg, PA Quadrangle N: 16.0 inches; W: 7.2 inches) in Lower Paxton Township, **Dauphin County**. This permit also includes 401 Water Quality Certification.

**E36-655.** Encroachment. **Randall Bowman**, 164 E. Black Creek Road, East Earl, PA 17519. To remove the existing structure and to construct and maintain a bridge consisting of a concrete deck and having a 20-foot clear span with a 6-foot underclearance across Black Creek for access to an existing single family residence located along Black Creek (HQ-WWF) Road (T-823) (Terre Hill, PA Quadrangle N: 8.3 inches; W: 0.5 inch) in Caernarvon Township, **Lancaster County**. This permit was issued

under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

*Northeast Regional Office: Regional Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-5485.*

**E35-291.** Encroachment. **The City of Scranton**, Rear 801 Providence Road, Scranton, PA 18508. To remove the existing structure and to construct and maintain a single span prestressed concrete adjacent box beam bridge having a span of 106.5 feet and a minimum underclearance of 13.55 feet on an 82 degree skew across the Lackawanna River. The project is located at the intersection of East Market Street and the Lackawanna River (Scranton, PA Quadrangle N: 11.3 inches; W: 4.1 inches) in the City of Scranton, **Lackawanna County**.

**E39-350.** Encroachment. **Saucon Valley Country Club**, 2050 Saucon Valley Road, Bethlehem, PA 18015-9000. To maintain 23 bridges over Saucon Creek and a tributary thereof. The project is located within the Saucon Valley Country Club at a point beginning at the intersection of T835 and Saucon Creek (Allentown East, PA Quadrangle N: 9.4 inches; W: 2.5 inches) extending downstream approximately 1.96 miles in Upper Saucon Township, **Lehigh County**.

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

**E65-700.** Encroachment. **PA Department of Transportation**, P. O. Box 459, Uniontown, PA 15401-0459. To place and maintain fill in 0.76 acre of palustrine emergent and scrub/shrub wetlands and to conduct other activities as listed per Attachment (A) as part of the S. R. 0022/S. R. 0066 interchange reconstruction project for the purpose of improving transportation safety and roadway standards. To compensate for wetland impacts, the applicant proposes the replacement of 0.9 acre of palustrine emergent and scrub/shrub wetlands within the project area (Slickville, PA Quadrangle N: 4.4 inches; W: 10.1 inches) in Salem Township, **Westmoreland County**.

**E65-707.** Encroachment. **PA Department of Transportation**, P. O. Box 459, Uniontown, PA 15401. To remove the existing structure and to construct and maintain a twin cell elliptical concrete pipe culvert (inverts depressed 1 foot) having normal spans of 6.33 feet each and an underclearance of 4 feet in an unnamed tributary to Sewickley Creek (WWF) located on S. R. 2017, Segment 0060, Offset 2360 (Latrobe, PA Quadrangle N: 3.9 inches; W: 13.2 inches) in Unity Township, **Westmoreland County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

[Pa.B. Doc. No. 98-1797. Filed for public inspection October 30, 1998, 9:00 a.m.]

### Approval of the Allegheny County Air Quality Program

The Department of Environmental Protection (Department), Bureau of Air Quality Control is announcing the approval of the Allegheny County air quality program with conditions under section 12 of the Air Pollution Control Act (35 P. S. § 4012). The Department has determined that the Allegheny County air quality program is at least as stringent as the Department's air quality program and is, consequently, entitled to approval.

The Department is conditioning approval to ensure that the Allegheny County program is implemented in a manner which is as stringent as the Department's air quality program. The conditions relate to financial assistance, annual workload projection, emissions reporting, source monitoring and reporting, enforcement, ambient air monitoring and air quality permitting.

Copies of the Department's approval of the Allegheny County air quality program are available upon request. Persons interested in a copy of the approval should contact John Slade, Chief, Division of Permits, Bureau of Air Quality Control, 12th Floor Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4325. The approval is also available on the Department's web page at <http://www.dep.state.pa.us>.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 98-1798. Filed for public inspection October 30, 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—Substantive Revision*

DEP ID: 550-2100-003 Title: Oil and Gas Well Drilling Permits and Related Approvals Description: This is policy guidance on oil and gas well permit applications. This guidance document provides the Department's interpretation of applicable laws and regulations where necessary detail is absent from the law or regulation. Effective Date: October 31, 1998 Contact: Frank Bialas at (717) 772-2199

DEP ID: 550-2100-004 Title: Transfer of Oil and Gas Well Permit or Registration Description: This is policy guidance on transfer of oil and gas well permits and

registrations. This guidance document provides the Department's interpretation of applicable laws and regulations where necessary detail is absent from the law or regulation. Effective Date: October 31, 1998 Contact: Frank Bialas at (717) 772-2199

DEP ID: 550-2100-005 Title: Redrilling Incidental to Authorized Plugging of an Abandoned Well Description: This is policy guidance on approving an alternate method for plugging an abandoned well where redrilling the well is necessary to proceed with the plugging well. This guidance document provides the Department's interpretation of applicable laws and regulations where necessary detail is absent from the law or regulation. Effective Date: October 31, 1998 Contact: Frank Bialas at (717) 772-2199

DEP ID: 550-2100-006 Title: Coal Pillars Description: This guidance is for approval of plans for coal pillars to protect gas wells in underground coal mines. This guidance document provides the Department's interpretation of applicable laws and regulations where necessary detail is absent from the law or regulation. Effective Date: October 31, 1998 Contact: Frank Bialas at (717) 772-2199

DEP ID: 550-2100-007 Title: Approval of Brine Roadspreading Plans Description: This is policy guidance on submitting plans for the beneficial use of oil and gas well brine on dirt roads for dust control and road stabilization. This guidance document provides the Department's interpretation of applicable laws and regulations where necessary detail is absent from the law or regulation. Effective Date: October 31, 1998 Contact: Frank Bialas at (717) 772-2199

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 98-1799. Filed for public inspection October 30, 1998, 9:00 a.m.]

## DEPARTMENT OF GENERAL SERVICES

### Design Professional Selections

The Selections Committee for the Department of General Services will meet to consider selections of Design Professionals for the following projects:

**Project No. DGS 160-1 Phase 2**—Park Development, Benjamin Rush State Park, Philadelphia, County, PA. Construction Cost: \$2,170,000. The scope of work includes, but is not limited to, park entrance, parking facilities, roadway, gates, lighted bicycle-hiking trails, site development/landscaping as required including demolition of unneeded areas and utility relocation/replacement as required.

**Project No. DGS 201-3 Phase 4**—Expansion and Renovation of Headquarters Building, Pennsylvania State Police, Troop "G" Hollidaysburg Headquarters, Hollidaysburg, Blair County, PA. Construction Cost: \$2,233,000. The scope of work includes, but is not limited to, flood condition study to determine if building should be renovated or a new building constructed. Renovations would include HVAC, electrical service/distribution, plumbing system/fixtures and fire/security system.

**Project No. DGS 417-33**—Construction of Multi-Purpose Activities Center and Rehabilitation/Renovation



of Existing Gym, Thaddeus Stevens College of Technology, Lancaster, Lancaster County, PA. Construction Cost: \$4,167,000. The scope of work includes, but is not limited to, construction of a multi-purpose center which will include a gymnasium, which can be easily converted to an auditorium and will include fitness training, aerobics, exercise, weight rooms and indoor track. The existing gymnasium will be renovated to accommodate two vocational-technical programs.

**Project No. DGS 417-34**—Repair and Rebuild Underground Utility Tunnel System and Repair Masonry Retaining Wall, Thaddeus Stevens College of Technology, Lancaster, Lancaster County, PA. Construction Cost: \$292,000. The scope of work includes, but is not limited to, rebuilding/replacing utility tunnel-ceiling slabs especially in the areas under the parking lot and entrances to Cottages "A" and "B." Also included is replacement of a 192' retaining wall along Stevens Avenue.

**Project No. DGS 557-14**—Installation of Integrated and Updated Fire Alarm System for Entire Facility, South Mountain Restoration Center, South Mountain, Franklin County, PA. Construction Cost: \$1,800,000. The scope of work includes, but is not limited to, replacement of existing fire alarm system with current updated system including alarm devices, control panels, smoke/heat detectors, wiring, duct detectors fire doors and sprinkler systems.

**Project No. DGS 577-27**—Construction of a Level 2 Housing Unit, State Correctional Institution, Graterford, Montgomery County, PA. Construction Cost: \$5,120,773. The scope of work includes, but is not limited to, construction of an approximately 40,000 sq. ft. building to include 50 double rooms and 4 dormitories. Also included in the L-2 Unit are dayrooms, offices, toilet rooms, support areas and program areas. Provide a 14'-0" fence (approximately 1,200 feet) around unit.

**Project No. DGS 655-9**—Convention Arena, Louis J. Tuillo Convention Center, Erie Civic Center Complex, Erie, Erie County, PA. Construction Cost: \$416,667. The scope of work includes, but is not limited to, upgrade of the HVAC system, replacement of the ice making system and the rink board/dasher system. (See Special Note under Requirements and Information section regarding Design Expertise.)

**Project No. DGS 948-49**—Upgrade Elevator and Escalator Systems, State Museum Building, Harrisburg, Dauphin County, PA. Construction Cost: \$1,000,000. The scope of work includes, but is not limited to, replacement of escalators in the Museum Building. Also included are replacement of elevator cab and equipment in the Museum Building and the Archive Building.

**Project No. DGS 1103-38-46**—Central Chilled Water Plant and Distribution System—Replacement of Steam Distribution, Phase 2, University of Pittsburgh, Pittsburgh, Allegheny County, PA. Construction Cost: \$7,566,000. The scope of work includes, but is not limited to, construction of a chilled water generation plant of approximately 7,000 ton capacity, to be located within the Convocation/Events Center. Also included are the related power supply and auxiliary utilities/equipment to distribute within the Convocation/Events Center and also piping distribution to other campus buildings. The replacement of Steam Distribution includes replacement and extension of the University high pressure steam line to the Upper Campus. This project will be administered along with

DGS 1103-48-Convocation/Events Center, by the Department using the services of a Construction Manager. The professional will be required to adhere to schedules and bid packaging and other procedures conducive to the construction management process.

### Requirements and Information

#### *Special Note*

Firms applying for Project No. DGS 655-9 shall have demonstrated experience in ice arenas and ice making equipment.

Firms applying for Project No. DGS 1103-38-46 must substantiate their experience and expertise in mechanical design, with emphasis on large central cooling plants; expertise in piping design and fabrication, chiller and cooling tower selection and energy efficient operation through intelligent control schemes and systems. Previous experience in the design of a chilled water plant for an educational facility is preferred. The project will be located within an existing facility. Some architectural design expertise will be required.

#### *Note—Project Program*

A Project Program, prepared by the Using Agency, for the above advertised projects may be available and can be obtained upon request to the Selections Committee, Department of General Services, Room 104, 18th & Herr Streets, Harrisburg, PA 17125, (717) 783-8468.

#### *Instructions for Filing Application*

Professionals will not be considered by the Committee until all of the following requirements are met.

(a) Signed Revised 1994 Form 150, not more than 1 year old as of the deadline date stated in paragraph (d) below, must be filed with the Department of General Services for the requesting professional firm and the designated key consultants listed on the requesting professional firm's application (Form 150-S). All signatures on Form 150 must be original signatures. Consultants listed on the requesting professional firm's application (Form 150-S) shall be deemed to be designated key consultants. If these documents are not on file with the Department, the requesting professional firm must submit them with firm's application (Form 150-S). A photocopy of Form 150 without an original signature of a principal of the firm is not acceptable. Revised 1994 Form 150, Architect/Engineer Questionnaire, may be obtained upon request to the Selections Committee, Department of General Services, Room 104, 18th & Herr Streets, Harrisburg, Pennsylvania 17125, (717) 783-8468.

(b) The requesting professional firm shall obtain from each consultant listed in the requesting professional firm's application (Form 150-S) a signed letter of certification on the consultant's letterhead, attesting to the firm's consent to participate in the requesting professional firm's application (Form 150-S) for the specific project. Signed letters of certification from consultants are required and constitute a part of the requesting professional firm's application (Form 150-S) for the specific project. All signatures on letters of certification must be original signatures.

(c) The requesting professional firm must submit six signed copies of Revised 1994 Form 150-S, Specific Project Form, for each project herein advertised in which the firm is interested and qualified to perform. All signatures on Form 150-S must be original signatures. For architectural projects and, when appropriate, for engineering projects, the Professional shall supply photographs showing a

maximum of two different views of each of the three projects described in Question 14, Page 5 of the application (Form 150-S). The requesting professional firm or Joint Venture members must be the Professional of Record for the projects described in Question 14, Page 5 of the application (Form 150-S). It is not acceptable to list work performed by key consultants. The identification and appropriate supportive information concerning each photograph shall include the name, project title, location, and the name of the Professional of Record. Renderings and brochures will not be accepted in lieu of photographs. The photographs shall be attached to each copy of the application, (Form 150-S). The pages of each copy of revised 1994 Form 150-S must be stapled with photographs and consultant's letters of certification followed by photocopies of licenses of registered professionals included as the last section of the application. Do not bind the application (Form 150-S) in any way to any other documentation. Do not bind the application (Form 150-S) in a binder of any type. Revised 1994 Form 150-S may be obtained upon request to the Selections Committee, Department of General Services, Room 104, 18th and Herr Streets, Harrisburg, Pennsylvania 17125. Telephone: (717) 783-8468.

(d) A complete project submission, which consists of documents described in paragraphs (a), (b) and (c) above, must be received on or before the close of business (5 p.m.) Monday, November 16, 1998, and addressed to the Selections Committee, Department of General Services, Room 104, 18th & Herr Streets, Harrisburg, PA 17125. Fax applications are not acceptable.

Project submissions must be made on the current 1994 forms. Outdated forms are not acceptable.

(e) The Selections Committee may at its discretion establish interviews with any or all of the Professionals who have requested consideration for appointment as designer for the above projects. If an interview is required, the Professional will be notified by the Committee as to the date, time and location.

(f) Additional information, in writing, may be requested by the Committee as required.

#### **Additional Services—Indoor Air Quality Assessment Program and Hazardous Materials**

The Professional firm selected to design a project will be expected to perform and administer, when required by the Department as Additional Services, an Indoor Air Quality Assessment Program during Building or Renovation Commissioning and the sampling, testing, inspection and monitoring for removal of any asbestos, other hazardous waste or contaminants encountered during project design or construction, unless otherwise stated in the Scope.

The professional agrees to comply with the terms of the Agreement and specifically as it relates to the Professional Liability Insurance and the General Liability Insurance Requirements.

The Selections Committee encourages responses from small firms, minority firms, women-owned firms and firms who have not previously performed state work, and will consider Joint Ventures, which will enable them to participate in this program.

All applications submitted are subject to review by the Selections Committee. The Selections Committee disclaims any liability whatsoever as to its review of the applications submitted and in formulating its recommendations for selection. All recommendations for selection

made by the Committee shall be final under the act of July 22, 1975 (PL. 75, No. 45).

GARY E. CROWELL,  
*Secretary*

[Pa.B. Doc. No. 98-1800. Filed for public inspection October 30, 1998, 9:00 a.m.]

## **DEPARTMENT OF HEALTH**

### **Act 68—Informational Meeting**

The Department of Health and the Insurance Department give notice that they will conduct a joint informational meeting open to the public to discuss the Statements of Policy which were published in the *Pennsylvania Bulletin* at 28 Pa.B. 5011 (October 3, 1998). These Statements of Policy relate to procedures to be followed by the Departments in implementation of the requirements of Act 1998-68, concerning quality health care accountability and protection provisions applicable to managed care plans and licensed insurers.

The meeting will be held on Thursday, November 12, 1998, starting at 10 a.m. in the Rachel Carson State Office Building, Second Floor, Main Auditorium, 400 Market Street, Harrisburg, Pennsylvania.

To ensure preparation of adequate materials for distribution and to facilitate distribution of any follow-up information, all attendees are requested to provide the following: name, organization, title, mailing address and telephone number. This information should be provided in writing on or before November 6, 1998 to: Pennsylvania Department of Health, Bureau of Managed Care, Room 909, Health & Welfare Building, P. O. Box 90, Harrisburg, PA 17208. The requested information may also be provided by contacting the Bureau of Managed Care by telephone at (717) 787-5193 or through facsimile transmission at (717) 705-0947.

For additional information, or for persons with a disability who desire to attend the meeting and require an auxiliary aide service, or other accommodation to do so, please contact Thomas J. Chepel, Acting Director, Pennsylvania Department of Health, Bureau of Managed Care, at (717) 787-5193.

V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Services at (800) 654-5984 [TT].

This meeting is subject to cancellation without notice.

DANIEL F. HOFFMANN,  
*Secretary*

[Pa.B. Doc. No. 98-1801. Filed for public inspection October 30, 1998, 9:00 a.m.]

### **Human Immunodeficiency Virus (HIV) Community Prevention Planning Committee; Public Meetings**

The Statewide HIV Community Prevention Planning Committee, established by the Department of Health under sections 301 and 317 of the Public Health Service Act, as amended, 42 U.S.C.A. §§ 241(a) and 247(b), will hold a public meeting on Wednesday, November 18, 1998. The meeting will be held at the Harrisburg Holiday Inn, Hotel and Conference Center, I-83 and the Pennsylvania

Turnpike, New Cumberland, PA, from 10 a.m. to 4 p.m. For additional information, or for persons with a disability who desire to attend the meeting, and require an auxiliary aid service or other accommodation to do so, contact Thomas M. DeMelfi at the Pennsylvania Department of Health, Bureau of HIV/AIDS, P. O. Box 90, Room 912, Harrisburg, PA 17108, (717) 783-0574, V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Services at (800) 654-5984 [TT].

DANIEL F. HOFFMANN,  
*Secretary*

[Pa.B. Doc. No. 98-1802. Filed for public inspection October 30, 1998, 9:00 a.m.]

### Organ Donation Advisory Committee Meeting

The Organ Donation Advisory Committee is scheduled to hold a meeting on November 18, 1998, from 10 a.m. to 1 p.m. in Room 812 of the Health and Welfare Building, Seventh and Forster Streets, Harrisburg, PA.

For additional information or persons with a disability who desire to attend the meeting and require an auxiliary aide service or other accommodation to do so, contact William J. Neil, Chief, Program Development Section, Division of Health Risk Reduction at (717) 787-5900. V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Services at (800) 654-5984 [TT].

This meeting is subject to cancellation without notice.

DANIEL F. HOFFMANN,  
*Secretary*

[Pa.B. Doc. No. 98-1803. Filed for public inspection October 30, 1998, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Increases in Allowances for a Community Spouse and Dependent Living with the Spouse when the Other Spouse is Institutionalized and is Eligible for Medical Assistance

The Department of Public Welfare (Department) announces an increase in the community maintenance need allowances for the family of an individual who is aged, blind or disabled, is eligible for Medical Assistance and is institutionalized. The allowances affected are the monthly standard community spouse maintenance need allowance, the excess monthly shelter standard for the community spouse and the standard monthly family member maintenance allowance for a dependent living with the community spouse.

The Spousal Impoverishment Provisions of the Medicare Catastrophic Coverage Act of 1988 (Section 303(a) of P. L. 100-360) (42 U.S.C.A. § 1396r-5) require the Department to make changes to the allowances on July 1st of each year based on the Federal Poverty Income Guidelines (FPIGs) issued by the Federal Department of Health and Human Services. The current FPIGs were published at 63 FR 9235 on February 24, 1998.

The State requirements are at 55 Pa. Code § 181.452, Posteligibility Determination of Income Available from an MA Eligible Person Toward the Cost of Care. The requirements provide that revisions be published as a notice in the *Pennsylvania Bulletin* and made available upon request at the county assistance offices.

The increases, effective July 1, 1998, are as follows:

Excess Monthly Shelter Standard	\$ 408
Community Spouse Maintenance Allowance	\$1,358
Dependent Living with Community Spouse Allowance	\$1,358

FEATHER O. HOUSTON,  
*Secretary*

**Fiscal Note:** 14-NOT-180. (1) General Fund; (2) Implementing Year 1998-99 is \$695,000; (3) 1st Succeeding Year 1999-00 is \$710,000; 2nd Succeeding Year 2000-01 is \$726,000; 3rd Succeeding Year 2001-02 is \$742,000; 4th Succeeding Year 2002-03 is \$758,000; 5th Succeeding Year 2003-04 is \$775,000; (4) 1997-98 \$617,000; 1996-97 \$592,000; 1995-96 \$649,000; (7) Medical Assistance—Long Term Care; (8) recommends adoption. Funds are included in the 1998-99 budget for this purpose.

[Pa.B. Doc. No. 98-1804. Filed for public inspection October 30, 1998, 9:00 a.m.]

### Payments to Nursing Facilities; July 1, 1998 Final Rates

The purpose of this notice is to announce final payment rates for nursing facilities beginning July 1, 1998 in accordance with section 1902(a)(13)(A) of the Social Security Act (42 U.S.C.A. § 1902(a)(13)(A)), as amended by section 4711 of the Balanced Budget Act of 1997, P. L. 105-33, § 4711. A 1998-1999 Proposed Rates Notice was published at 28 Pa.B. 2977 (June 27, 1998).

#### Rates

The final July 1, 1998 rates are available through the Bulletin Board System (BBS) at (800) 833-5091, at the local County Assistance Offices throughout this Commonwealth, or by contacting Connie Pretz in the Policy Section of the Bureau of Long Term Care Programs at (717) 772-2570.

#### Methodology

The methodology that the Department used to set the final rates is contained in 55 Pa. Code Chapter 1187, Subchapter G (relating to rate setting) and the Commonwealth's approved Title XIX State Plan.

#### Justification

The justification for the final rates is that they were set under the rate-setting methodology required by the Commonwealth's approved State Plan and the current regulations.

The estimated increase in annual aggregate expenditures for Medical Assistance nursing facility services for FY 1998-1999 based on these final rates is \$50.430 million (\$23.362 million in State funds).

Interested persons are invited to submit written comments about the final rates to the Department within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Comments should be addressed to: Department of Public Welfare, Office of Medical Assistance Programs, Attention: Suzanne Love, Room 515 Health and Welfare Building, Harrisburg, PA 17105.

Persons with a disability may use the AT&T Relay Services by calling (800) 654-5984 (TDD users) or (800) 654-5988 (Voice users). Persons who require another alternative should contact Thomas Vracarich in the Office of Legal Counsel at (717) 783-2209.

FEATHER O. HOUSTOUN,  
*Secretary*

**Fiscal Note:** 14-NOT-183. No fiscal impact; (8) recommends adoption. This Notice is anticipated to produce a savings to the Medical Assistance—Long Term Care appropriation of approximately \$6 million a year beginning in 1998-99.

[Pa.B. Doc. No. 98-1805. Filed for public inspection October 30, 1998, 9:00 a.m.]

### Payments to Nursing Facilities; MDS 2.0 Transition Payments

The purposes of this notice are to announce proposed changes in payment rates for nursing facilities and to provide advance notice of the Department's intent to make changes in its methods and standards for setting payment rates for Medical Assistance nursing facility services to provide MDS 2.0 Transition Payments. The Department is publishing this notice in accordance with 42 U.S.C.A. § 1902(a)(13)(A), as amended by section 4711 of the Balanced Budget Act of 1997, P. L. 105-33, § 4711, and 42 CFR 447.205.

The Minimum Data Set (MDS) 2.0 is the Federal instrument for assessment of the physical, mental and psychosocial condition of nursing facility residents. HCFA mandates that states require nursing facilities to use the MDS 2.0 instrument, as modified by the states and approved by HCFA, to collect and report resident assessment data to the states. Nursing facilities in this Commonwealth began using the Federally approved Pennsylvania-specific MDS 2.0 to assess residents and to report resident data to the Department effective November 2, 1997. The Department uses the reported resident data to calculate case-mix indices (CMIs) for price and rate-setting purposes.

The MDS 2.0 contains several changes from the prior assessment instrument, the MDS 1.2. Because of these changes, nursing facility trade associations expressed concerns to the Department that the MDS 2.0 instrument would negatively affect the CMIs used in setting prices and payment rates. When it announced its proposed July 1, 1998 nursing facility case-mix rates, the Department noted the associations' concerns and stated that it was evaluating the actual impact of the MDS 2.0 on rates to determine whether payment adjustments were necessary and appropriate. See 28 Pa.B. 2978 (June 27, 1998). Based upon its review and evaluation of the impact of the MDS 2.0 and its discussions with the associations, the Medical Assistance Advisory Committee and the Long Term Care Subcommittee, the Department has decided to provide additional payments to county and general nursing facilities, including hospital-based and special rehabilitation facilities, during a 3-year transition period to minimize the impact of the MDS 2.0 instrument on CMIs and nursing facility payment rates and prices.

During the 3-year transition period, the Department will establish a quarterly base rate for each nursing facility. The quarterly base rate will equal the facility's April 1998 case-mix rate inflated by the HCFA Nursing

Home without Capital Market Basket Index, according to the number of quarters between April 1998 and the rate-setting quarter. For each quarter during the transition period, the MDS 2.0 transition payment will equal the positive difference between the facility's quarterly base rate and the facility's quarterly case-mix rate multiplied by the number of Medical Assistance days of care paid through the Medical Assistance Management Information System (MAMIS) plus one-third of the positive difference between the facility's quarterly base rate and the facility's quarterly case-mix rate multiplied by the number of Medical Assistance hospital days paid through MAMIS. If the difference between the base rate and case-mix rate is zero or a negative number, the MDS 2.0 transition payment for the quarter will equal zero. During the first two quarters of FY 98-99, the MDS 2.0 transition payment will be made in a lump sum. In all subsequent quarters, the MDS 2.0 transition payment will be made as an add-on to the facility's case-mix per diem rate. Actual payment for resident days remains subject to applicable billing and payment requirements in regulations and the Nursing Facility Services Handbook.

Each year of the 3-year transition period, nursing facilities will be given the option to accept or reject the MDS 2.0 transition payment for that year. A nursing facility that accepts the MDS 2.0 transition payment must agree to waive all issues and disputes relating to the calculation of its MA and total facility CMIs and the use of quarterly assessment data to set prices and quarterly payment rates for the year in which it will receive the MDS 2.0 transition payment.

The estimated increase in annual aggregate expenditures for Medical Assistance nursing facility services for FY 1998-1999 is \$55.995 million (\$25.940 in State funds).

A copy of this notice is available for review at the local County Assistance Offices throughout this Commonwealth. In addition, the proposed MDS 2.0 base rates and per diem add-ons for the first two quarters of FY 98-99 are available through the Bulletin Board System (BBS) at (800) 833-5091, at the local County Assistance Offices throughout this Commonwealth, or by contacting Connie Pretz in the Policy Section of the Bureau of Long Term Care Programs at (717) 772-2570.

Interested persons are invited to submit written comments about the MDS 2.0 transition payment to the Department within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Comments should be addressed to: Department of Public Welfare, Office of Medical Assistance Programs, Attention: Suzanne Love, Room 515 Health and Welfare Building, Harrisburg, PA 17105.

Persons with a disability may use the AT&T Relay Services by calling (800) 654-5984 (TDD Users) or (800) 654-5988 (Voice Users). Persons who require another alternative should contact Thomas Vracarich in the Office of Legal Counsel at (717) 783-2209.

FEATHER O. HOUSTOUN,  
*Secretary*

**Fiscal Note:** 14-NOT-182. (1) General Fund; (2) Implementing Year 1998-99 is \$26 million; (3) 1st Succeeding Year 1999-00 is \$Unknown; 2nd Succeeding Year 2000-01 is \$Unknown; 3rd Succeeding Year 2001-02 is \$No fiscal impact; 4th Succeeding Year 2002-03 is \$No Fiscal impact; 5th Succeeding Year 2003-04 is \$No fiscal impact; (4) 1997-98 \$617 million; 1996-97 \$592 million; 1995-96 \$649 million; (7) Medical Assistance—Long Term Care; (8) recommends adoption. Funds are included in the 1998-99 budget for this purpose. Costs for years two and three

cannot be estimated at this time since the future CPI market based indices used to determine transition payment rates are unpredictable.

[Pa.B. Doc. No. 98-1806. Filed for public inspection October 30, 1998, 9:00 a.m.]

# DEPARTMENT OF REVENUE

## Pennsylvania Super 7's Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314), and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Super 7's.
2. *Price:* The price of a Pennsylvania Super 7's instant lottery game ticket is \$2.00.
3. *Play Symbols:* Each Pennsylvania Super 7's instant lottery game ticket will contain four play areas known as "Game 1," "Game 2," "Game 3" and "Game 4." Each "Game" is played separately. The play symbols and their captions located in each "Game" are: 1 (ONE), 2 (TWO), 3 (THR), 4 (FOR), 5 (FIV), 6 (SIX), 7 (SVN), 8 (EGT) and 9 (NIN).
4. *Prize Play Symbols:* The prize play symbols and their captions located in the "Prize" area are: \$2<sup>00</sup> (TWO DOL), \$3<sup>00</sup> (THR DOL), \$4<sup>00</sup> (FOR DOL), \$7<sup>00</sup> (SVN DOL), \$14<sup>00</sup> (FORTN), \$17<sup>00</sup> (SVNTN), \$21\$ (TWY ONE), \$27\$ (TWY SVN), \$28\$ (TWY EGT), \$77\$ (STY SVN) and \$7,000 (SVN THO).
5. *Prizes:* The prizes that can be won in this game are \$2, \$3, \$4, \$7, \$14, \$17, \$21, \$27, \$28, \$77 and \$7,000. A player can win up to four times on a ticket.
6. *Approximate Number of Tickets Printed For the Game:* Approximately 4,080,000 tickets will be printed for the Pennsylvania Super 7's instant lottery game.
7. *Determination of Prize Winners:*

(a) Holders of tickets with three matching play symbols of 7 (SVN) in the same row, column or diagonal in the same "Game," and a prize play symbol of \$7,000 (SVN THO) in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$7,000.

(b) Holders of tickets with three matching play symbols of 7 (SVN) in the same row, column or diagonal in the same "Game," and a prize play symbol of \$77\$ (STY SVN)

in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$77.

(c) Holders of tickets with three matching play symbols of 7 (SVN) in the same row, column or diagonal in the same "Game," and a prize play symbol of \$28\$ (TWY EGT) in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$28.

(d) Holders of tickets with three matching play symbols of 7 (SVN) in the same row, column or diagonal in the same "Game," and a prize play symbol of \$27\$ (TWY SVN) in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$27.

(e) Holders of tickets with three matching play symbols of 7 (SVN) in the same row, column or diagonal in the same "Game," and a prize play symbol of \$21\$ (TWY ONE) in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$21.

(f) Holders of tickets with three matching play symbols of 7 (SVN) in the same row, column or diagonal in the same "Game," and a prize play symbol of \$17<sup>00</sup> (SVNTN) in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$17.

(g) Holders of tickets with three matching play symbols of 7 (SVN) in the same row, column or diagonal in the same "Game," and a prize play symbol of \$14<sup>00</sup> (FORTN) in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$14.

(h) Holders of tickets with three matching play symbols of 7 (SVN) in the same row, column or diagonal in the same "Game," and a prize play symbol of \$7<sup>00</sup> (SVN DOL) in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$7.

(i) Holders of tickets with three matching play symbols of 7 (SVN) in the same row, column or diagonal in the same "Game," and a prize play symbol of \$4<sup>00</sup> (FOR DOL) in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$4.

(j) Holders of tickets with three matching play symbols of 7 (SVN) in the same row, column or diagonal in the same "Game," and a prize play symbol of \$3<sup>00</sup> (THR DOL) in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$3.

(k) Holders of tickets with three matching play symbols of 7 (SVN) in the same row, column or diagonal in the same "Game," and a prize play symbol of \$2<sup>00</sup> (TWO DOL) in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$2.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>Get 3 7's In A Row, Column Or Diagonal With Prize(s) Of:</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 4,080,000 Tickets</i>
\$2	\$2	1:6.82	598,400
\$3	\$3	1:15	272,000
\$4	\$4	1:50	81,600
\$3 x 2	\$6	1:150	27,200
\$7	\$7	1:75	54,400
\$3 x 4	\$12	1:150	27,200
\$7 x 2	\$14	1:150	27,200

Get 3 7's In A  
Row, Column Or  
Diagonal With  
Prize(s) Of:

	Win	Approximate Odds	Approximate No. of Winners Per 4,080,000 Tickets
\$14	\$14	1:375	10,880
\$17	\$17	1:375	10,880
\$7 x 3	\$21	1:375	10,880
\$21	\$21	1:750	5,440
\$7 x 4	\$28	1:1,000	4,080
\$28	\$28	1:1,000	4,080
\$7 + \$27	\$34	1:3,000	1,360
\$27 x 2	\$54	1:6,000	680
\$77	\$77	1:12,000	340
\$77 x 4	\$308	1:30,000	136
\$7,000	\$7,000	1:408,000	10
\$7,000 x 4	\$28,000	1:408,000	10

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Super 7's instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Super 7's, prize money from winning Pennsylvania Super 7's instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Super 7's instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Super 7's or through normal communications methods.

ROBERT A. JUDGE, Sr.,  
Secretary

[Pa.B. Doc. No. 98-1807. Filed for public inspection October 30, 1998, 9:00 a.m.]

### Pennsylvania Winter Green '98 Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314), and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Winter Green '98.

2. *Price:* The price of a Pennsylvania Winter Green '98 instant lottery game ticket is \$1.00.

3. *Play Symbols:* Each Pennsylvania Winter Green '98 instant lottery game ticket will contain one play area

featuring one "Winter Numbers" area and one "Your Numbers" area. The play symbols and their captions located in the "Winter Numbers" area are: 1 (ONE), 2 (TWO), 3 (THR), 4 (FOR), 5 (FIV), 6 (SIX), 7 (SVN), 8 (EGT), 9 (NIN), 10 (TEN), 11 (ELVN) and 12 (TWLV). The play symbols and their captions located in the "Your Numbers" area are: 1 (ONE), 2 (TWO), 3 (THR), 4 (FOR), 5 (FIV), 6 (SIX), 7 (SVN), 8 (EGT), 9 (NIN), 10 (TEN), 11 (ELVN), 12 (TWLV) and a Dollar Bill Symbol (WIN).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the "Your Numbers" area are: \$1.<sup>00</sup> (ONE DOL), \$2.<sup>00</sup> (TWO DOL), \$4.<sup>00</sup> (FOR DOL), \$5.<sup>00</sup> (FIV DOL), \$8.<sup>00</sup> (EGT DOL), \$10.<sup>00</sup> (TEN DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$80\$ (EIGHTY), \$2,000 (TWO THO) and \$10,000 (TEN THO).

5. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$4, \$5, \$8, \$10, \$20, \$40, \$80, \$2,000 and \$10,000. The player can win up to five times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 6,240,000 tickets will be printed for the Pennsylvania Winter Green '98 instant lottery game.

#### 7. Determination of Prize Winners:

(a) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winter Numbers" play symbols and a prize play symbol of \$10,000 (TEN THO) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(b) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winter Numbers" play symbols and a prize play symbol of \$2,000 (TWO THO) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$2,000.

(c) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Dollar Bill Symbol (WIN) and a prize play symbol of \$80\$ (EIGHTY) appears under the Dollar Bill Symbol (WIN) play symbol, on a single ticket, shall be entitled to a prize of \$80.

(d) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winter Numbers" play symbols and a prize play symbol of \$40\$ (FORTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(e) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Dollar Bill Symbol (WIN) and a prize play symbol of \$40\$ (FORTY) appears under the Dollar Bill Symbol (WIN) play symbol, on a single ticket, shall be entitled to a prize of \$40.

(f) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winter Numbers" play symbols and a prize play symbol of \$20\$ (TWENTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(g) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Dollar Bill Symbol (WIN) and a prize play symbol of \$20\$ (TWENTY) appears under the Dollar Bill Symbol (WIN) play symbol, on a single ticket, shall be entitled to a prize of \$20.

(h) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winter Numbers" play symbols and a prize play symbol of \$10<sup>00</sup> (TEN DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(i) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Dollar Bill Symbol (WIN) and a prize play symbol of \$10<sup>00</sup> (TEN DOL) appears under the Dollar Bill Symbol (WIN) play symbol, on a single ticket, shall be entitled to a prize of \$10.

(j) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winter Numbers" play symbols and a prize play symbol of \$8<sup>00</sup> (EGT DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$8.

(k) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Dollar Bill Symbol (WIN) and a prize play symbol of \$8<sup>00</sup> (EGT DOL) appears under the Dollar Bill Symbol (WIN) play symbol, on a single ticket, shall be entitled to a prize of \$8.

(l) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Dollar Bill Symbol (WIN) and a prize play symbol of \$5<sup>00</sup> (FIV DOL) appears under the Dollar Bill Symbol (WIN) play symbol, on a single ticket, shall be entitled to a prize of \$5.

(m) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winter Numbers" play symbols and a prize play symbol of \$4<sup>00</sup> (FOR DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(n) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Dollar Bill Symbol (WIN) and a prize play symbol of \$4<sup>00</sup> (FOR DOL) appears under the Dollar Bill Symbol (WIN) play symbol, on a single ticket, shall be entitled to a prize of \$4.

(o) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winter Numbers" play symbols and a prize play symbol of \$2<sup>00</sup> (TWO DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(p) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Dollar Bill Symbol (WIN) and a prize play symbol of \$2<sup>00</sup> (TWO DOL) appears under the Dollar Bill Symbol (WIN) play symbol, on a single ticket, shall be entitled to a prize of \$2.

(q) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winter Numbers" play symbols and a prize play symbol of \$1<sup>00</sup> (ONE DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>Match Any Of Your Numbers To Either Winter Number With Prize(s) Of:</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 6,240,000 Tickets</i>
\$1	\$1	1:8.82	707,200
\$1 x 2	\$2	1:20	312,000
\$2 (BILL)	\$2	1:30	208,000
\$2	\$2	1:60	104,000
\$2 x 2	\$4	1:500	12,480
\$4 (BILL)	\$4	1:150	41,600
\$4	\$4	1:300	20,800
\$1 x 5	\$5	1:150	41,600
\$5 (BILL)	\$5	1:750	8,320
\$2 x 3 + \$1 x 2	\$8	1:750	8,320
\$4 x 2	\$8	1:750	8,320
\$8 (BILL)	\$8	1:750	8,320
\$2 x 5	\$10	1:500	12,480
\$10 (BILL)	\$10	1:500	12,480
\$4 x 5	\$20	1:1,500	4,160
\$20 (BILL)	\$20	1:1,500	4,160
\$20	\$20	1:1,500	4,160
\$8 x 5	\$40	1:9,231	676
\$40 (BILL)	\$40	1:9,231	676
\$40	\$40	1:9,231	676
\$10 x 5	\$50	1:4,615	1,352

Match Any Of  
Your Numbers  
To Either Winter  
Number With  
Prize(s) Of:

\$80 (BILL)  
\$20 x 3 + \$10 x 2  
\$40 x 2  
\$2,000  
\$2,000 x 5  
\$10,000

Win  
\$80  
\$80  
\$80  
\$2,000  
\$10,000  
\$10,000

Approximate Odds	Approximate No. of Winners Per 6,240,000 Tickets
1:9,231	676
1:9,231	676
1:9,231	676
1:240,000	26
1:624,000	10
1:1,040,000	6

BILL = Auto Win

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Winter Green '98 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Winter Green '98, prize money from winning Pennsylvania Winter Green '98 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Winter Green '98 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Winter Green '98 or through normal communications methods.

ROBERT A. JUDGE, Sr.,  
Secretary

[Pa.B. Doc. No. 98-1808. Filed for public inspection October 30, 1998, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Retention of Engineering Firms

#### Chester and Delaware Counties Project Reference No. 08430AG2257

The Department of Transportation will retain an engineering firm to provide supplementary construction inspection staff of approximately sixteen (16) inspectors, under the Department's Inspector(s)-in-Charge for construction inspection and documentation services on the following projects:

1. S. R. 0033, Section M01, Chester County

This project consists of pavement restoration, bridge rehabilitation and median and channelization improvements on T. R. 3 from West Chester Borough and East Goshen and Westtown Townships.

2. S. R. 0003, Section S02, Delaware County

This project consists of auxiliary lane improvements and the installation of a computerized traffic signal system for nine (9) intersections on T. R. 3 from Township Line Road to Victory Lane in Upper Darby Township.

3. S. R. 0003, Section S03, Delaware County

This project consists of signal improvements at fourteen (14) intersections on T. R. 3 from N. Lawrence Road to Township Line Road in Haverford Township.

4. S. R. 0003, Section S07, Delaware County

This project consists of median and channelization improvements and the installation of a computerized traffic signal system for eighteen (18) intersections on T. R. 3 from Boot Road to Lawrence Road in Newtown and Marple Townships.

5. S. R. 0003, Section S30, Chester County

This project consists of improving the West Chester Borough signal system which includes twenty-six (26) signalized intersections on Rt. 3 and Rt. 100 in West Chester Borough and West Goshen Township.

6. S. R. 0003, Section S41, Chester County

This project consists of pavement restoration, bridge rehabilitation and median and channelization improvements on T. R. 3 from West of T. R. 352 to Boot Rod in Westtown, Willistown, Edgemont and Newtown Townships.

The Department will establish an order of ranking of a minimum of three (3) firms for the purpose of negotiating an Engineering Agreement based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- a. Ability to package and present the Letter of Interest in accordance with the "General Requirements and Information" section.
- b. Review the inspectors' resumes with emphasis on construction inspection capabilities, Department and District experience and supervisory experience.



- c. Specialized experience in signalization system, pavement restoration and minor structure repair.
- d. Number of NICET and NECEPT certified inspectors in each payroll classification.
- e. Understanding of Department's requirements, policies and specifications.
- f. Ability to provide two (2) "CDS" operator or person capable of inputting data into a personal computer (TCIS Classification).
- 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.

A minimum of five (5) individuals submitted as part of your inspection staff must have a NECEPT Bituminous Field Technician Certification.

Since the contractor may be performing some construction operations during the night, the engineering firm must be able to provide inspectors to meet this staffing need.

It is anticipated that the supplementary construction inspection staff for this assignment will consist of the following number of inspectors who meet the requirements for the following inspection classifications:

<i>Classification</i>	<i>No. of Inspectors</i>
Transportation Construction Ins. Super. (TCIS) (NICET Highway Construction Level 3 or equivalent)	2 (1)
Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent)	9 (6)
Technical Assistant (TA) (NICET Highway Construction Level 1 or equivalent)	5 (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>
(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.

The firm selected will be required to supply the following equipment at no direct cost to the Department:

- a. 33 MM camera (one per project)
- b. Three (3) two-way radios/repeater equipment and base unit (maximum number per project)
- c. Safety vests—high visibility for inspectors
- d. Six (6) cellular phones (one per project)

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen percent (15%) of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information Section after the advertised project(s).

Letters of interest for this project must include a letter, signed by the individuals you propose for all TCIS positions, giving their approval to use their name in your letter of interest for this specific project.

The maximum number of resumes to be included in the letter of interest shall be as follows:

<i>Classification</i>	<i>No. of Resumes</i>
TCIS	3
TCI	10

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. Andrew Warren, District Administrator, District 6-0, 200 Radnor-Chester Road, St. Davids, PA 19087.

Any technical questions concerning the requirements for this project should be directed to: Mr. Marshall Linton, P.E., District 6-0, at (610) 964-6684.

Any questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

**Washington County  
Project Reference No. 08430AG2258**

The Department of Transportation will retain an engineering firm to provide supplementary construction in-

spection staff of approximately fifteen (15) inspectors, under the Department's Inspector(s)-in-Charge for construction inspection and documentation services on S. R. 0040, Section 05M, in Washington County. This project involves the rehabilitation of the Lane Bane Bridge which carries Traffic Route 40 over the Monongahela River at West Brownsville.

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. Understanding of Department's requirements, policies, and specifications.
- e. Ability to provide CPM scheduling.
- f. 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)	2 (2)
Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent)	10 (6)
Technical Assistant (TA) (NICET Highway Construction Level 1 or equivalent)	2 (0)

The number(s) in parenthesis above indicate the number of inspectors in each Classification that must meet at least one of the following requirements:

- 1. Be certified by the National Institute for Certification in Engineering Technologies (NICET) in the field of Transportation Engineering Technology, subfield of Highway Construction, or subfield of Highway Materials, at the Level required for the Inspection Classification.
- 2. Be registered as a Professional Engineer by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.

3. Be certified as an Engineer-in-Training by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.

4. Hold a Bachelor of Science Degree in Civil Engineering or a Bachelor of Science Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

5. Hold an Associate Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

The maximum reimbursement per hour of inspection for each Department Payroll Classification for calendar year of 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 firm selected will be required to supply the following equipment at no direct cost to the Department:

- 1 Nuclear Densometer Gauge/License
- 1 Paint Test Kit
- 1 Vehicle for the Transportation of Nuclear Gauge

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen percent (15%) of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information Section after the advertised project(s).

Letters of interest for this project must include a letter, signed by the individuals you propose for all TCM-1 and TCIS positions, giving their approval to use their name in your letter of interest for this specific project. The Technical Assistants do not need to be identified in the letter of interest.

The maximum number of resumes to be included in the letter of interest shall be as follows:

<i>Classification</i>	<i>No. of Resumes</i>
TCM-1	2
TCIS	3
TCI	12

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, Engineering District 12-0, P. O. Box 459, N. Gallatin Avenue, Extension, Uniontown, PA 15401.

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 a 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 registration 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. 98-1809. Filed for public inspection October 30, 1998, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

**City of Scranton and Boroughs of Taylor and Old Forge v. DEP and Empire Sanitary Landfill, Inc.;**  
**EHB Doc. No. 94-060-C (Consolidated)**

The City of Scranton and Boroughs of Taylor (Taylor) and Old Forge (collectively the municipalities), the Commonwealth of Pennsylvania, Department of Environmental Protection (Department), and Empire Sanitary Landfill, Inc., now known as Alliance Landfill (Alliance), have entered into a settlement in resolution of the above-referenced action.

On February 25, 1994, the Department issued to Alliance a modification to Empire's solid waste permit. The modification authorized Alliance to accept and dispose of incinerator ash residue at Alliance's landfill facility, located in the Boroughs of Taylor and Old Forge, and Ransom Township, Lackawanna County, PA.

The City of Scranton filed an appeal of the modification, which appeal was docketed at EHB Doc. No. 94-060. Thereafter, the Boroughs of Taylor and Old Forge also filed appeals of the modification, which appeals were docketed at EHB Doc. Nos. 94-061 and 94-062 respectively. The appeals have since been consolidated at EHB Doc. No. 94-060-C.

Under the terms of the settlement, Alliance will: (1) continue to transport ash to the landfill in water tight containers; (2) continue to maintain the ash such that the ash does not become airborne; (3) store ash not yet disposed in a bermed area on the lined portion of the landfill; (4) furnish copies of ash testing, leachate analysis and treated effluent data to Taylor; (5) comply with specific regulations set forth in the settlement, as appli-

cable to Alliance's activities; and (6) make a payment in the amount of \$35,000 to Taylor for use for general recreation activities within the borough. In addition, the municipalities agree to withdraw their appeals in this matter.

Copies of the full settlement are in the possession of: William T. Jones, Esq., Levy & Preate, Scranton Electric Building, 507 Linden Street, Suite 600, Scranton, PA 18503, (717) 346-3816; Mariellen Harrington, Esq., Dechert Price & Rhoads, 4000 Bell Atlantic Tower, 1717 Arch Street, Philadelphia, PA 19103-2793, (215) 994-4000; and Lance H. Zeyher, Assistant Counsel, Department of Environmental Protection, Office of Chief Counsel, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2519 and at the offices of the Environmental Hearing Board and may be reviewed by an interested party on request during normal business hours.

A person believing himself aggrieved by the above settlement has a right to appeal to the Environmental Hearing Board, Rachel Carson State Office Building, 2nd Floor, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457.

If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 783-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984. Appeals shall be filed within 20 days of this publication.

The Environmental Hearing Board is empowered to approve this settlement, if no objection is timely filed with the Board.

GEORGE J. MILLER,  
*Chairperson*

[Pa.B. Doc. No. 98-1810. Filed for public inspection October 30, 1998, 9:00 a.m.]

## HEALTH CARE COST CONTAINMENT COUNCIL

### Meeting Notice

The Health Care Cost Containment Council has scheduled the following meetings for November: Wednesday, November 4, Data Systems Committee at 10 a.m.; Mandated Benefits Review Committee at 1 p.m.; Education Committee at 2:30 p.m. Thursday, November 5, 1998, Council Meeting at 10 a.m. The meetings will be held in the Council's conference room at 225 Market Street, Suite 400, Harrisburg, PA 17101. The public is invited to attend. Persons who need accommodation due to a disability and want to attend the meetings, should contact Cherie Kauffman, Health Care Cost Containment Council, 225 Market Street, Suite 400, Harrisburg, PA 17101, or call (717) 232-6787, at least 24 hours in advance so that arrangements can be made.

MARC P. VOLAVKA,  
*Executive Director*

[Pa.B. Doc. No. 98-1811. Filed for public inspection October 30, 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>
11-172	Insurance Department Fees For Out-Of-State Companies	10/16/98

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 98-1812. Filed for public inspection October 30, 1998, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application for Acquisition of Stock of Calvert Insurance Company

Markel Corporation has filed an application to acquire up to 100% of the issued and outstanding stock of Gryphon Holdings, Inc. which is the sole shareholder of Calvert Insurance Company. The filing was made under the requirements set forth under the Insurance Holding Company Act (40 P. S. § 991.1402 et seq.). Persons wishing to comment on the acquisition are invited to submit a written statement to the Insurance Department within 15 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed, and a concise statement with sufficient detail and relevant facts to inform the Insurance Department of the exact basis of the statement. Written statements should be directed to Cressinda Bybee, Insurance Company Licensing Specialist, Pennsylvania Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120; fax (717) 787-8557; e-mail <http://www.cbybee@ins.state.pa.us>.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 98-1813. Filed for public inspection October 30, 1998, 9:00 a.m.]

### Continental Insurance Company; Homeowners Program Rate Revision; Rate Filing

On October 16, 1998, the Insurance Department received from Continental Insurance Company a filing for a proposed rate level change for homeowners insurance.

The company requests an overall 1.1% increase amounting to +\$300,955 annually, to be effective February 15, 1999, for new and renewal business.

Unless formal administrative action is taken prior to December 15, 1998, the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection, by appointment, during normal working hours at the Insurance Department's offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Chuck Romberger, CPCU, Pennsylvania Insurance Department, Bureau of Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg, PA 17120 (e-mail at romberc@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. 98-1814. Filed for public inspection October 30, 1998, 9:00 a.m.]

### Continental Insurance Company; Private Passenger Automobile Program Revision; Rate Filing

On October 15, 1998, the Insurance Department received from Continental Insurance Company a filing for a proposed rate level change for private passenger automobile insurance.

The company requests an overall 2.1% decrease amounting to -\$1,350,052 annually, to be effective February 15, 1999, for new and renewal business.

Unless formal administrative action is taken prior to December 14, 1998, the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection, by appointment, during normal working hours at the Insurance Department's offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Chuck Romberger, CPCU, Insurance Department, Bureau of Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg, PA 17120 (e-mail at romberc@ins.state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Secretary*

[Pa.B. Doc. No. 98-1815. Filed for public inspection October 30, 1998, 9:00 a.m.]

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing, as authorized by section 9(a) of the act of June 5, 1968 (P. L. 140, No. 78) (40 P.S. § 1008.9(a)) in connection with their company's termination of the insured's automobile 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 hearings will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Joseph and Marianne R. Polito, Jr.; file no. 98-267-33842. State Farm Mutual Automobile Ins. Co.; doc. no. PH98-10-007; November 12, 1998, at 10 a.m.

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, documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The insured must bring any evidence which the insured may want to offer at the hearing. The hearing will be held in accordance with the requirements of sections 9 and 10 of the act (40 P. S. §§ 1008.9 and 1008.10) and 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure).

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. 98-1816. Filed for public inspection October 30, 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 David Lavender; file no. 98-308-71799; Farmers Mutual Fire Insurance Company; doc. no. PI98-10-008; November 18, 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 pre-

sented 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 partici-

pate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 98-1817. Filed for public inspection October 30, 1998, 9:00 a.m.]

## PENNSYLVANIA INTERGOVERNMENTAL COOPERATION AUTHORITY

### Publication of Financial Statement

Under the provisions of section 207 of the Pennsylvania Intergovernmental Cooperation Authority Act for Cities of the First Class (Act of June 5, 1991, P. L. 9, No. 6) the Pennsylvania Intergovernmental Cooperation Authority (Authority) is required to publish a "concise financial statement" annually in the *Pennsylvania Bulletin*. The Authority has issued its annual report for its fiscal year ended June 30, 1998, which includes an audit for the period performed in accordance with generally accepted auditing standards by an independent firm of certified public accountants. The complete annual report of the Authority may be obtained from the Authority at 1429 Walnut Street—14th floor, Philadelphia, PA 19102, (215) 561-9160.

JOSEPH C. VIGNOLA,  
*Executive Director*

### PENNSYLVANIA INTERGOVERNMENTAL COOPERATION AUTHORITY

#### CONDENSED BALANCE SHEET JUNE 30, 1998

#### ASSETS

##### CURRENT ASSETS:

Cash and short-term investments	\$ 168,103,032
Accrued interest receivable	592,820
Interfund receivable	<u>263,164</u>

Total current assets	168,959,016
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PROPERTY, PLAN AND EQUIPMENT—Office furniture and equipment	135,182
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OTHER ASSETS—Prepaid rent and security deposit	11,940
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AMOUNT AVAILABLE IN DEBT SERVICE FUNDS FOR RETIREMENT OF LONG-TERM DEBT	86,686,731
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AMOUNT TO BE PROVIDED FOR RETIREMENT OF LONG-TERM DEBT	<u>968,308,269</u>
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TOTAL ASSETS	<u>\$ 1,224,101,138</u>
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#### LIABILITIES AND FUND EQUITY

##### CURRENT LIABILITIES:

Accounts payable	\$ 89,240
Accrued payroll and taxes	129,165
Due to the City of Philadelphia	269,837
Bonds payable—current portion	49,690,000
Interfund payable	<u>263,164</u>

Total current liabilities	<u>50,441,406</u>
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BONDS PAYABLE—Long-term portion	<u>1,005,305,000</u>
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##### FUND EQUITY:

Fund balances:	
Unreserved	593,949
Reserved for debt service	86,686,731
Reserved for the benefit of the City of Philadelphia	80,058,870

**ASSETS**

Reserved for subsequent PICA administration	880,000
Total fund balances	<u>168,219,550</u>
Investment in general fixed assets	<u>135,182</u>
<b>TOTAL LIABILITIES AND FUND EQUITY</b>	<b><u>\$1,224,101,138</u></b>

**CONDENSED STATEMENT OF REVENUES, EXPENDITURES AND  
CHANGES IN FUND BALANCES  
YEAR ENDED JUNE 30, 1998**

**REVENUES:**

PICA taxes	\$229,943,759
Interest earned on investments	<u>12,701,337</u>
Total revenues	<u>242,645,096</u>

**EXPENDITURES:**

Grants to the City of Philadelphia	145,924,556
Debt service:	
Principal	47,385,000
Interest	59,641,115
Administration:	
Operations	904,752
Capital outlay	<u>27,458</u>
Total expenditures	<u>253,882,881</u>

EXCESS OF EXPENDITURES OVER REVENUES	(11,237,785)
FUND BALANCES, JULY 1, 1997	<u>179,457,335</u>
FUND BALANCES, JUNE 30, 1998	<u>\$168,219,550</u>

[Pa.B. Doc. No. 98-1818. Filed for public inspection October 30, 1998, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

**Fuel Cost Adjustment Statements; Doc. No. M-  
FACG9801, 9802, 9803, 9804, 9805, 9806, 9807,  
9808, 9809**

This notice is to inform the public that the following companies:

NUI Valley Cities Gas  
Honesdale Gas Company  
Pike County Light & Power Company  
Andreassi Gas Company  
Walker Gas and Oil Company  
Herman Oil and Gas Company  
Anna Pearl Riemer, t/d/b/a Herman Riemer Gas Company  
Gasco Distribution Systems, Inc.—Kane, Pennsylvania  
Division  
Clarion River Gas Inc.

have filed statements of their revenues and expenses attributable to their use of the automatic adjustment clause (Fuel Cost Adjustment) for the 12-month period ending June 30, 1998 and August 31, 1998.

The filing of these statements is required by section 1307(e) of the Public Utility Code, 66 Pa.C.S. § 1307(e).

The Pennsylvania Public Utility Commission has scheduled a hearing on Wednesday, December 2, 1998, at 10 a.m. in an available hearing room, Ground Floor, North Office Building, Harrisburg, PA, when and where all persons in interest may appear and be heard if they so desire.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 98-1819. Filed for public inspection October 30, 1998, 9:00 a.m.]

**Petition of the Frontier Companies for Commission Action Under Section 251(f)(2) of the Telecommunications Act of 1996, Doc. No. P-00981393**

On June 8, 1998, Frontier Communications of Breezewood, Inc., Frontier Communications of Canton, Inc., Frontier Communications of Pennsylvania, Inc., Frontier Communications of Lakewood, Inc., and Frontier Communications of Oswayo River, Inc. (collectively Peti-



tioners) filed a joint petition with the Pennsylvania Public Utility Commission seeking a 2-year suspension of interconnection obligations imposed by section 251(b) and (c) of the Telecommunications Act of 1996 (act), 47 U.S.C.A. § 251(b) and (c), under section 251(f)(2) of the act. Petitioners also request the right to seek three additional 1-year extensions of that suspension period. Under the act, the Commission must act on the petition within 180 days of receipt of the submission.

The Commission is soliciting comments and reply comments to the petition. Interested parties must submit comments on the petition within 7 days of publication in the *Pennsylvania Bulletin*. Reply comments must be submitted within 14 days of publication in the *Pennsylvania Bulletin*.

Copies of the petition may be obtained from Lisa Higley at (717) 787-1013 in the Office of the Secretary at the Commission's offices in Harrisburg. The contact person at the Commission is Maryanne Martin, Assistant Counsel, Law Bureau, (717) 787-4518.

JAMES J. MCNULTY,  
Secretary

[Pa.B. Doc. No. 98-1820. Filed for public inspection October 30, 1998, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before November 23, 1998, as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent application or both.

**Applications of the following for approval of the beginning of the exercise of the right and privilege of operating as common carriers for transportation of persons as described under each application.**

**A-00115358. Erasmo Cora, Jr., t/d/b/a Cora Limousine Service** (705 South Marshall Street, Lancaster, Lancaster County, PA 17602)—persons in limousine service, between points in the city of Lancaster, Lancaster County, and within an airline distance of 35 statute miles of the limits of said city, and from points in the said territory, to points in Pennsylvania, and return.

**A-00114855 (amended). Reinhart Leasing Company** (620 North Reading Road, Ephrata, Lancaster County, PA 17522), a corporation of the Commonwealth of Pennsylvania—persons in limousine service, between points in the counties of Lancaster and Chester, and from points in said counties, to other points in Pennsylvania, and return. *Attorney:* Scott Miller, P. O. Box 562, Ardmore, PA 19003.

**Applications of the following for approval of the right to begin to operate as a broker for the transportation of persons as described under each application.**

**A-00115359. Group Tours, Inc.** (105 Agate Way, Sharon, Mercer County, PA 16146), a corporation of the Commonwealth of Pennsylvania—brokerage license—to arrange for the transportation of persons and their baggage between points in Pennsylvania. *Attorney:* Robert G. Yeatts, P. O. Box 1024, Hermitage, PA 16148-1024.

**Applications of the following for approval amendment of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under each application.**

**A-00115183, F. 1, Am-A. Patrick R. Hogan, t/d/b/a Plymouth Taxi** (203 East Main Street, Plymouth, Luzerne County, PA 18651)—inter alia, persons upon call or demand, in the boroughs of Plymouth and Larksville, and the township of Plymouth, Luzerne County: *So as to permit* the transportation of persons upon call or demand in the city of Nanticoke, Luzerne County; which is to be a transfer of the right authorized Joan Petroski, t/d/b/a Petroski's Taxi Service, under the certificate issued at A-00108857, F. 2, subject to the same limitations and conditions. *Attorney:* Leonard R. Omolecki, Jr., 792 Market Street, Kingston, PA 18704.

### 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 16, 1998.

- |            |   |
|------------|---|
| A-00115365 | Robert L. Blount<br>5350 Old State Road, Edinboro, PA<br>16412  |
| A-00115367 | Maryann C. & Leroy R. Beckwith, Jr.,<br>t/a Beckwith Trucking<br>116 Bell Hollow Lane, Port Matilda,<br>PA 16870-9207 |
| A-00115368 | J & K Hinderman Trucking, Inc.<br>1107 West Second Street, Oil City,<br>PA 16301                                      |
| A-00115369 | Charles Holena, t/a Holena<br>Excavating<br>113 Npyes Avenue, Swoyersville, PA<br>18704                               |
| A-00115370 | Don Paulson Trucking, Inc.<br>P. O. Box 393, Mt. Jewett, PA 16740   |
| A-00115371 | Mambo, Inc.<br>P. O. Box 43737, Philadelphia, PA<br>19106   |

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Liberty Bulk Transport, Inc.; Doc. No. A-00113644C9801*

### 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 Liberty Bulk Transport, Inc., respondent, maintains a principal place of business at P. O. Box 232, Columbia, New Jersey 07832.

2. That all times relevant to this Complaint, respondent held a certificate of public convenience issued by this Commission at Application Docket No. A-00113644.

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 Liberty Bulk Transport, Inc. at Docket No. A-00113644, 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, 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. A. T. Pinto, Inc.; Doc. No. A-00086903C98 F.2*

**Complaint**

The Pennsylvania Public Utility 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 A. T. Pinto, Inc., respondent, maintains a principal place of business at P. O. Box 11972, Philadelphia, PA 19145-0272.

2. That all times relevant to this Complaint, respondent held a certificate of public convenience issued by this Commission at Application Docket No. A-00086903, F. 2.

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 A. T. Pinto, Inc. at Docket No. A-00086903, F. 2, 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, 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. 98-1821. Filed for public inspection October 30, 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:

December 16, 1998	Gay M. Slaterbeck (Purchase of Service)	1 p.m.
	Wayne Grim (Disability Eligibility)	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 the General Rules of Administrative Practice and Procedure, 1 Pa. Code Part II unless specific exemption is granted.

JAMES A. PERRY,  
*Secretary*

[Pa.B. Doc. No. 98-1822. Filed for public inspection October 30, 1998, 9:00 a.m.]

## STATE REGISTRATION BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS AND GEOLOGISTS

Commonwealth of Pennsylvania, Bureau of Professional and Occupational Affairs v. Dan Howard d/b/a Design Engineering; Doc. No. 0721-47-96; File No. 95-47-02729

On March 25, 1998, the State Registration Board for Professional Engineers, Land Surveyors and Geologists issued an Order adopting the Hearing Examiner's proposed Adjudication and Order as the final Adjudication and Order, finding you guilty of violating the Act at 63 P. S. § 153 by use of the word "Engineering" in your company name and company letterhead, and by identifying yourself as "Engineer" and "Engineer/V.P. Product Development," and imposed a One Thousand Dollar (\$1,000) civil penalty against you.

You may obtain a copy of the Adjudication and Order by writing Judith Pachter Schulder, Esquire, State Registration Board for Professional Engineers, Land Surveyors

and Geologists, 116 Pine Street, 3rd Floor, P. O. Box 2649,  
Harrisburg, PA 17105-2649.

LOUIS A. GUZZI, P.E.,  
*President*

[Pa.B. Doc. No. 98-1823. Filed for public inspection October 30, 1998, 9:00 a.m.]

## TURNPIKE COMMISSION

### Request for Bids

The Turnpike Commission is requesting sealed bids for:

1) Toll Lane Canopy Extension, Harrisburg East Interchange #19, Milepost 247.4, Dauphin County. Mandatory Prebid Inspection: November 10, 1998 at 10 a.m. at Harrisburg East Interchange. Bid Opening: November 23, 1998 at 11 a.m.

2) Maintenance Garage Ventilation & Vehicle Exhaust Extraction Systems at Plymouth Meeting Maintenance Facility, Milepost 333.59 WB, Montgomery County. Mandatory Prebid Inspection: November 17, 1998 at 10 a.m. at Plymouth Meeting Maintenance. Bid Opening: November 30, 1998 at 11 a.m.

3) Maintenance Garage Ventilation & Vehicle Exhaust Extraction Systems at New Cumberland Maintenance Facility, Milepost 243.85 EB, York County. Mandatory Prebid Inspection: November 18, 1998 at 10 a.m. at New Cumberland Maintenance. Bid Opening: November 30, 1998 at 11:30 a.m.

Bids will be received by the Purchasing Manager not later than the time indicated above. Bid proposal Forms and Conditions may be obtained, free of charge, by communicating with the Bid Clerk, Purchasing Dept., (717) 939-9551, Ext. 2830.

JAMES F. MALONE, III,  
*Chairperson*

[Pa.B. Doc. No. 98-1824. Filed for public inspection October 30, 1998, 9:00 a.m.]

### 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. 98-003-RU32**—Replacement of Bridge B-451 and reconstruction of SR 0819 at MP 78.98 on the PA Turnpike System in Westmoreland Co., PA

*Bid Opening Date*—December 3, 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 \$60 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.

Contact the Purchasing Manager for a listing of other locations where plans and specs can be inspected.

Direct any questions on this project to Brian M. Ranck, P.E. at (717) 939-9551, Ext. 3630 or fax at (717) 986-8742 or by e-mail at [branck@paturnpike.com](mailto:branck@paturnpike.com).

JAMES F. MALONE, III,  
*Chairperson*

[Pa.B. Doc. No. 98-1825. Filed for public inspection October 30, 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

**1343208** Aircraft and airframe structural components—1 each aircraft, helicopter, seven passenger including the pilot, turbine engine powered.

**Department:** State Police  
**Location:** New Cumberland, Cumberland County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

**1350208** Aircraft and airframe structural components—1 each airborne thermal image/forward looking infrared and color circuit television system.

**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

**1236148** Communication equipment—2 each vehicle tracking system using GPS (global positioning) technology.

**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

**8231730** Construction, mining, excavating and highway maintenance equipment—20 each electric tailgate liquid dispensing system.

**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

**1338118** Fire fighting, rescue and safety equipment—12 each Scott Air-Pak Fifty 2216 PSI Featherweight Composite Cylinder with EBSS (Buddy Breather) Mfg. No. 804486-06 or approved equal; 12 each Featherweight Cylinder 2216 PSI 30 minute MFG. No. 804103-01 or approved equal.

**Department:** Corrections  
**Location:** Pittsburgh, Allegheny County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

**1285048** Laboratory instruments and equipment—1 each steam sterilizer with Stage 4 control Steris Eagle Century Scientific Series or equal.

**Department:** Agriculture  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

**1286048** Laboratory instruments and equipment—1 each furnish and install Bantam Model SH MIKRO-pulverizer or equal.

**Department:** Agriculture  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

**1275118** Prefabricated structures and scaffolding—430 roll razor wire, razor ribbon II maze, double coil 24" x 30" 24 linear feet per coil.

**Department:** Corrections  
**Location:** Cresson, Cambria County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

**1322118** Pumps—2 each boiler feed water pump Goulds Model 3316 as manufactured by Gould Pumps or approved equal.

**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

**1313118** Service and trade equipment—100 each laundry cart poly trux bulk type Model 70P Meese royal blue non-recycled polymer capacity 36 cu. ft. 48" x 28 1/2" w x 47" depth overall height w/wheels 54 1/2" 6" rubber wheels.

**Department:** Corrections  
**Location:** Pittsburgh, Allegheny County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

**1315118** Service and trade equipment—1 each furnish and install a 40,000 CFM wet lint collector system unit to be a fiberglass main body.

**Department:** Corrections  
**Location:** Pittsburgh, Allegheny County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

**1311118** Service and trade equipment—3 each furnish and set up 3 Hoffman Model ALU51SC air operated laundry press.

**Department:** Corrections  
**Location:** Cresson, Cambria County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

**1279218** Steam plant and drying equipment—10 each Velan Figure Number F10-1064C-02TY 3" flanged 300 lb. full bore gate valve vertical bolted bonnet (cast) body material (A105, WCB); 10 each Velan Figure Number F10-1074C-02TY 3" flanged 300 lb. Globe valve vertical bolted bonnet (cast) body material (A105, WCB); 8 each Velan Figure Number F10-1114-02TY 3" flanged 300 lb. swing check valve vertical body material (A105, WCB); 8 each Velan Figure Number 509-1064C-02TY 2 1/2" threaded 300 lb. full bore gate valve vertical bolted bonnet (cast) body material (A105, WCB); 8 each Velan Figure Number 507-20548-02TY 1 1/2" threaded class 600 lb. conventional port gate valve vertical bolted bonnet (forged) body material (A105, WCB); 8 each Velan Figure Number 503-B0102-SSGA 1/2" threaded (HB-2000) reduced/regular port split body, body material (A105, WCB) type 55316 stainless steel ball and stem ball valves; 56 each spiral wound 304SS gasket 3".

**Department:** Public Welfare  
**Location:** Polk Center, Polk, Venango County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

**1071118** Textiles—5,159 yards fabric poplin Color 5 Della Robbar blue No. 16-4020 Pantone textile color guide width 60".  
**Department:** Correctional Industries  
**Location:** Dallas, Luzerne County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

**1366208** Weapons and accessories—16 each rifles .223 caliber, Sigarms Model No. 5550; 16 each telescopic sight holder Sigarms No. 34558421; 32 each rifles .223 caliber Sigarms Model No. 551; 48 each long carrying sling assembly Sigarms No. 34558183; 16 each cheek rest Sigarms No. 34557811; 48 each magazines 20 Round Sigarms #34556201; 48 each cases rifle Sigarms No. 34558961; 48 each cleaning kits Sigarms No. 34558791.  
**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

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## SERVICES

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### Audio/Video—04

**5101** Provide installation/maintenance, repairs, additions and changes to Institution's telephone system and all station equipment.  
**Department:** Corrections  
**Location:** State Correctional Institution, Route 405, Box 180, Muncy, PA 17756  
**Duration:** March 1, 1999 through June 30, 2001  
**Contact:** W. Voeckler, Purchasing Agent, (717) 546-3171

### Computer Related Services—08

**SP-367692** Provide annual maintenance of MLINK and ACM software package for 680 Wine & Spirits Shoppes.  
**Department:** Liquor Control Board  
**Location:** Northwest Office Building, Harrisburg, PA 17124-0001  
**Duration:** January 1, 1999 through December 31, 1999  
**Contact:** Gerald J. Grecek, (717) 787-9855

### Construction and Construction Maintenance—09

**Project No. 409-GE** Swimming Pool Renovations—Zimmerli Gymnasium, Project No. 409-GE. Lock Haven University of Pennsylvania, part of the State System of Higher Education, is seeking bids for general and plumbing construction. A prebid meeting is scheduled for October 26, 1998 (1:30 p.m.). Bidders are encouraged to attend. Bids are due Friday, November 06, 1998 (2 p.m.). For further information, or to request contract documents at a non-refundable fee of \$40, bidders can contact Paulette Rider of Comprehensive Design, 3054 Enterprise Drive, State College, PA 16801, (814) 238-7706. Contract Bonds, Prevailing Wages and MBE/WBE solicitation apply. The System encourages responses from small firms, minority firms, women-owned firms and firms which may have not previously performed work for the System. Non-Discrimination 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, Zimmerli Gymnasium, Susquehanna Avenue, Lock Haven, PA  
**Duration:** To be completed by January 11, 1999  
**Contact:** Paulette Rider, Comprehensive Design, (814) 238-7706

**DGS A220-7** Project title: Replacement of Underground Gasoline Storage Tank. Brief description: Remove two underground fuel storage tanks (one 10,000 gallon fuel oil and one 10,000 gallon gasoline), one 275 gallon above ground waste oil tank, concrete pads, dispenser and piping. Replace with one new 10,000 gallon below ground vaulted gasoline storage system with dispenser, card reader, software, a fuel management system, related piping, electrical work, site assessment, sampling and testing. Replace the waste oil tank and install a new aluminum storage shed. Electrical and UST/AST construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of PA. 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, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, November 18, 1998 at 1 p.m.

**Department:** General Services  
**Location:** Pennsylvania State Police, Dunmore, Lackawanna County, PA  
**Duration:** 150 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS 963-50 Phase 5** Project title: Door Locking System. Brief description: Work consists of providing door locking system for all doors at fire stairs and exterior exits and integrate with existing fire alarm system. Electrical construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: The Department of General Services, Room 107, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, November 18, 1998 at 1 p.m.

**Department:** General Services  
**Location:** Northeastern Veterans Center, Scranton, Lackawanna County, PA  
**Duration:** 150 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS A 980-30** Project title: HVAC/Plumbing and Electrical Renovations. Brief description: Electrical, mechanical and plumbing work to change from hot water unit heaters to electric unit heaters. Remove plumbing fixtures and piping. Mechanical and electrical construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: The Department of General Services, Room 107, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, November 18, 1998 at 2 p.m.

**Department:** General Services  
**Location:** Archives Tower, Harrisburg, Dauphin County, PA  
**Duration:** 120 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS A 992-15** Project title: Storage Tank Removal and Replacement. Brief description: Remove two underground gasoline storage tanks (1—1,000 gallon and 1—500 gallon), dispensers, piping and electrical conduit at the mule barn. Install one new 1,000 gallon dual compartment aboveground gasoline/diesel fuel storage tank at the sewage treatment plant with dispensers, concrete pad, related piping, electrical work, steel bollards, wood perimeter, site assessment, sampling and testing, 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: The Department of General Services, Room 107, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, November 18, 1998 at 1 p.m.

**Department:** General Services  
**Location:** Eckley Miners' Village, Weatherly, Luzerne County, PA  
**Duration:** 100 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS A 997-13** Project title: Storage Tank Removal and Replacement. Brief description: Remove one 1,000 gallon underground gasoline storage tank, dispenser, wood canopy, piping and electrical conduit. Install one new 1,000 gallon aboveground gasoline storage tank with dispenser, concrete pad, related piping, electrical work, steel bollards, new crushed stone area and earth berm. Perform site assessment, sampling and testing, 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: The Department of General Services, Room 107, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, November 18, 1998 at 11 a.m.

**Department:** General Services  
**Location:** Drake Well Museum, Titusville, Venango County, PA  
**Duration:** 100 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**ESU 405-526** ESU is accepting bids on ESU 405-526. Replacement of area bleachers in Koehler Fieldhouse. Bid specifications available for a nonrefundable fee of \$35, payable to The Hillier Group, 1212 South Abington Road, Clarks Summit, PA 18411, (717) 586-4000. Gen Prime EST \$200K to \$400K. For special accommodations call Ann Zaffuto at (717) 422-3595. Specifications available on November 16, 1999. All responsible bidders are invited to participate including MBE/WBE.

**Department:** State System of Higher Education  
**Location:** East Stroudsburg University, East Stroudsburg, PA 18301  
**Duration:** 150 days A.N.P.  
**Contact:** The Hillier Group, (717) 586-4000

**Contract No. FDC-012-139R** Converting eight existing abandoned railroad structures into pedestrian hiking/bicycle trail bridges by constructing wooden walkways and handrailing. Angle structural steel is required. All work is located in the Pine Creek Valley between the villages of Waterville and north of Cedar Run.

**Department:** Conservation and Natural Resources  
**Location:** Brown, Cummings and McHenry Townships, Lycoming County, PA  
**Duration:** Complete all work by April 30, 1999  
**Contact:** Construction Management Section, (717) 787-5055

## Drafting and Design Services—12

**WC 701** West Chester University of the State System of Higher Education is issuing Request for Proposal WC 701 for a Facilities Master Planning Consultant to develop a Campus Facilities Master Plan. The proposed scope of work may include, but not be limited to: analyses and recommendations for land use, campus context, landscape/environmental master plan, infrastructure, role/implementation of technology advancement, pedestrian/vehicular circulation/parking, buildings use/condition/code compliance, design standards (signage, exterior furniture, lighting, paving, public art, plant material, etc.). WCU is committed to relating the facilities master plan to the strategic plan, academic plan, student life objectives and financial plan. Applicants must have experience in doing this type of work at three or more colleges and/or universities within the past 6 years. All applications submitted are subject to review by a State/Select Board. The boards disclaim any liability whatsoever as to their review of the applications submitted and in formulating their recommendations for selection. All recommendations for selection made by the Board shall be final under the act of November, 1982 (P. L. 660, No. 188). E-mail is jmarthinsen@wcupa.edu.

**Department:** State System of Higher Education  
**Location:** West Chester University, West Chester, PA 19382  
**Duration:** March, 2000  
**Contact:** Jacki Marthinsen, Contracts Manager, (610) 436-2705

## Engineering Services—14

**08430AG2257** To provide supplementary construction inspection staff of approximately 16 inspectors for construction inspection and documentation services for the following projects: 1) S. R. 0003, Section M01—Chester County; 2) S. R. 0003, Section S02—Delaware County; 3) S. R. 0003, Section S03—Delaware County; 4) S. R. 0003, Section S07—Delaware County; 5) S. R. 0003, Section S30—Chester County; 6) S. R. 0003, Section S41—Chester County.

**Department:** Transportation  
**Location:** Engineering District 6-0  
**Duration:** Twenty-three (23) months  
**Contact:** Consultant Agreement Division, (717) 783-9309

**08430AG2258** To provide supplementary construction inspection staff of approximately 15 inspectors, under the Department's Inspector-in-Charge, for construction inspection and documentation services on S. R. 0040, Section 05M, the rehabilitation of the Lane Bane Bridge over the Monongahela River at West Brownsville in Washington County.

**Department:** Transportation  
**Location:** Engineering District 12-0  
**Duration:** Nineteen (19) months  
**Contact:** Consultant Agreement Division, (717) 783-9309

## Environmental Maintenance Services—15

**X1956** Provide drilling, sampling, field testing and laboratory analysis of soil rock and concrete at sites throughout Pennsylvania.

**Department:** Environmental Protection  
**Location:** Statewide  
**Duration:** Through June 30, 2002  
**Contact:** Ally Hubler, (717) 787-2471

## Food—19

**361** Bread and bread products: 10,192 loaves—white bread; 330 loaves—rye bread; 9,856 loaves—cracked wheat bread; 1,620 dozen—flat buns; 460 dozen—wiener buns; 550 dozen—dinner rolls; 1,100 lbs.—bread cubes; 286 dozen—sweet rolls; 260 loaves—raisin bread; 700 dozen—doughnuts; 350 lbs.—bread crumbs.

**Department:** Public Welfare  
**Location:** Polk Center, Polk, Venango County, PA 16342  
**Duration:** January through June 1999  
**Contact:** Patty Frank, Purchasing Agent, (814) 432-0229



**Fuel Related Services—20**

**0217** Contractor to provide necessary materials, equipment and labor for the installation of aboveground petroleum fuel storage tanks for 1,000 gallons unleaded and 500 gallons diesel. A prebid conference is scheduled Tuesday, November 10, 1998 at 1 p.m. Bid date: Wednesday, November 18, 1998 at 10 a.m. Fax your request to (610) 399-2128.

**Department:** State System of Higher Education  
**Location:** Cheyney University, Cheyney and Creek Roads, Cheyney, PA 19319  
**Duration:** 90 days  
**Contact:** Antonia Williams, Contract Administrator, (610) 399-2360

**HVAC—22**

**M-2398** Repair a Detroit stoker steam assisted vacuum ash system. Bid specifications available by contacting Purchasing Office.

**Department:** Corrections  
**Location:** State Correctional Institution at Rockview, Route 26, Box A, Bellefonte, Centre County, PA 16823  
**Duration:** November 1, 1998 through June 30, 1999  
**Contact:** Cheryl Snook, Purchasing Agent II, (814) 355-4874, Ext. 206

**Janitorial Services—23**

**Service Purchase Contract Number 400912** Janitorial Services. Provide janitorial services for ten family cabins located within French Creek State Park, Berks County, PA. Documents containing all pertinent information can be obtained from the Park Office.

**Department:** Conservation and Natural Resources  
**Location:** French Creek State Park, 843 Park Road, Elverson, Berks County, PA 19520-9523  
**Duration:** January 1, 1999 through December 31, 1999 (with renewal option)  
**Contact:** Lewis H. Williams, Assistant Park Manager, (610) 582-9680

**Medical Services—29**

**260248** Psychiatric services for Southwest Habilitation Center at Mayview State Hospital. To provide active psychiatric treatment through assessment, development, implementation and monitoring of patients and their care. Vendors can obtain a copy of bid specifications by calling (412) 257-6215.

**Department:** Public Welfare  
**Location:** Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017-1599  
**Duration:** July 01, 1999—June 30, 2004  
**Contact:** Fred Molisee, Purchasing Agent, (412) 257-6215

**260249** Certified occupational therapist services—consultant services will be provided to the residents of the S. W. Habilitation Unit at Mayview State Hospital. Services provided must meet the standards established for ICF/MR's by the Medical Assistance Program. Professional services provided during sessions are to include: individual evaluation, assessment of resident needs, development of programming, writing of individualized goal plans and instruction of agency staff members in the follow-up on recommendations and goals. Vendors can obtain a copy of bid specifications by calling (412) 257-6215.

**Department:** Public Welfare  
**Location:** Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017-1599  
**Duration:** July 01, 1999—June 30, 2004  
**Contact:** Fred Molisee, Purchasing Agent, (412) 257-6215

**260250** Audiological services for the Southwest Habilitation Center at Mayview State Hospital. Contractor will provide audiological testing, rehabilitation therapy, audiological evaluations, inservice training for the staff, and arrange appointments with hearing aid dealers for the hearing impaired residents. Vendors can obtain a copy of bid specifications by calling (412) 257-6215.

**Department:** Public Welfare  
**Location:** Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017-1599  
**Duration:** July 01, 1999—June 30, 2004  
**Contact:** Fred Molisee, Purchasing Agent, (412) 257-6215

**325913** Provide contracted services in the medical specialty of Ophthalmology to patients of Norristown State Hospital. Work to be performed at N.S.H. Also, supply glasses for patients from prescriptions written either by the NSH Ophthalmologist or eye surgeon who performed surgery on these patients. Payment for clinic visit will be on a "fee for service" basis. Provider to be PA Board Certified.

**Department:** Public Welfare  
**Location:** Norristown State Hospital, 1001 Sterigere Street, Norristown, PA 19401  
**Duration:** January 1, 1999 through December 31, 2001  
**Contact:** Warren J. Dolan, Purchasing Agent, (610) 313-1025

**Inquiry No. 110-0086** Contractor to provide Medicare Part B billing services. Specifications shall be furnished upon request.

**Department:** Military and Veterans Affairs  
**Location:** Southwestern Veterans Center, 7060 Highland Drive, Pittsburgh, PA 15206  
**Duration:** January 01, 1999 through June 30, 2001  
**Contact:** Ken Wilson, Purchasing Agent III, (412) 665-6727

**Property Maintenance—33**

**DES008** The Department of Transportation is soliciting bids for snow removal and grass cutting services at the Rockview Driver Exam Site, 820 West College Avenue, Pleasant Gap, PA. All requests for bid packages can be obtained by calling (717) 787-4463 or by fax request at (717) 772-8282, Attn: James Doheny.

**Department:** Transportation  
**Location:** Rockview Driver Exam Site, 820 West College Avenue, Pleasant Gap, PA 16823  
**Duration:** 3 years with two 1-year renewals  
**Contact:** James Doheny, (717) 787-4463

**Sanitation—36**

**SP 320593** Sealed bids will be received at Department of Conservation and Natural Resources, Park Region No. 2, 195 Park Road, P. O. Box 387, Prospect, PA 16052-0387 and then publicly opened and read. A bid opening date has not yet been set. For collection and disposal of solid waste from Clear Creek and Cook Forest State Parks. A bid proposal containing all pertinent information must be obtained from the office of the Park Manager.

**Department:** Conservation and Natural Resources  
**Location:** Clear Creek State Park, R. R. 1, Box 82, Sigel, PA 15860-9502 and Cook Forest State Park, P. O. Box 120, Cooksburg, PA 16217-8407  
**Duration:** January 1, 1999 to December 31, 2001  
**Contact:** Cook Forest State Park, (814) 744-8407

**SP 401401** Removal of solid wastes from Hyner Run State Park. Bids will be opened at the Little Pine State Park Office, HC63, Box 100, Waterville, PA 17776-9705, Lycoming County, November 10, 1998, 2 p.m. prevailing time.

**Department:** Conservation and Natural Resources  
**Location:** Hyner Run State Park, Box 46, Hyner, Clinton County, PA 17738  
**Duration:** January 01, 1999 to December 31, 2001  
**Contact:** John Gasperine, Park Manager, (717) 753-6001

**SP 401402** Removal of body wastes from septic tanks and/or latrines at Little Pine and Upper Pine Bottom State Parks. Bids will be opened at the Little Pine State Park Office, HC63, Box 100, Waterville, PA 17776-9705, Lycoming County, November 10, 1998, 2 p.m. prevailing time.

**Department:** Conservation and Natural Resources  
**Location:** Little Pine State Park, HC63, Box 100, Waterville, Lycoming County, PA 17776-9705  
**Duration:** January 01, 1999 to December 31, 2001  
**Contact:** John Gasperine, Park Manager, (717) 753-6001

**SP 401403** Removal of body wastes from septic tanks and/or latrines at Hyner Run and Hyner View State Parks. Bids will be opened at the Little Pine State Park Office, HC63, Box 100, Waterville, PA 17776-9705, Lycoming County, November 10, 1998, 2 p.m. prevailing time.

**Department:** Conservation and Natural Resources  
**Location:** Hyner Run State Park, Box 46, Hyner, Clinton County, PA 17738  
**Duration:** January 01, 1999 to December 31, 2001  
**Contact:** John Gasperine, Park Manager, (717) 753-6001

**SP 402255** Sealed bids will be received at Department of Conservation and Natural Resources, Park Region No. 2, 195 Park Road, P. O. Box 387, Prospect, PA 16052-0387 and then publicly opened and read. A bid opening date has not yet been set. For collection and disposal of solid waste at Laurel Hill State Park Complex. A bid proposal containing all pertinent information must be obtained from the office of the Park Manager.

**Department:** Conservation and Natural Resources  
**Location:** Laurel Hill State Park Complex, 1454 Laurel Hill Park Road, Somerset, PA 15501-5629  
**Duration:** January 1, 1999 to December 31, 2001  
**Contact:** Laurel Hill State Park, (814) 445-7725

**Miscellaneous—39**

**1028** Contractor shall furnish and install retro-fit Food Pass Kit, 17" W x 6-1/4" H to 20 existing doors complete with hardware. Complete bid package with all details and specifications available upon request from agency.

**Department:** Corrections  
**Location:** State Correctional Institution Frackville, 1111 Altamont Boulevard, Frackville, PA 17931  
**Duration:** January 1, 1999 to June 30, 1999  
**Contact:** Mary Lou Neverosky, Purchasing Agent, (717) 874-4516

**1998-A-01** Design, produce, market and deliver a comprehensive Trout/Salmon Stamp and Print Program.

**Department:** Fish and Boat Commission  
**Location:** Harrisburg, PA  
**Duration:** July 01, 2000 to June 30, 2005  
**Contact:** Tim Klinger, (717) 657-4537

**6413-EL-01** To provide electrification to campsites at Locust Lake State Park. Work shall include, but is not limited to, the furnishing of all labor, superintendence, materials, tools and equipment, miscellaneous items and performing all work necessary to complete all construction to the satisfaction of, and subject to the approval of the Department. Contract will consist of the turn-key electrification of the 80 campsites on loops No. 1, No. 2, No. 3 and No. 4. Detailed requirements, specifications, electric circuit design plans, detail drawings and destination maps and other related bid documents are available upon request.

**Department:** Conservation and Natural Resources  
**Location:** State Parks, Locust Lake State Park, c/o Tuscarora State Park, R. R. 1, Box 1051, Barnesville, PA 18214-9715  
**Duration:** July 31, 1999  
**Contact:** Leo G. Davidovich, Park Manager, (717) 467-2404

**SPC 384806** Site preparation and installation of electric and woven wire fences around timber sales on the Tiadaghton State Forest. The vendor will provide all materials and labor to construct fence(s). The ten fence sites are in Lycoming County. Mandatory site inspection is required.

**Department:** Conservation and Natural Resources  
**Location:** Separate areas in Lycoming County  
**Duration:** Through September 30, 1999  
**Contact:** William Spahr, (717) 327-3450

**SP 377619** The PA Board of Probation and Parole is soliciting proposals to provide residential and outpatient drug and alcohol treatment services to State technical parole violators who are serving sentences in County institutions. These services are to be provided in a community based setting for both residential and outpatient care. (RFP No. 98-07).

**Department:** PA Board of Probation and Parole  
**Location:** Eastern, Central and Western Regions of Pennsylvania  
**Duration:** February 01, 1999 to January 31, 2002  
**Contact:** Michelle Carl, Fiscal Management Division, (717) 787-8879

[Pa.B. Doc. No. 98-1826. Filed for public inspection October 30, 1998, 9:00 a.m.]

**Security Services and Equipment—37**

**MSD/OSS-0198** Installation of a security card access and CCTV system for Office of Attorney General Harrisburg, Philadelphia and Pittsburgh Offices which shall be expandable to include the integration of other Office of Attorney General Statewide Offices. A preproposal conference is scheduled for Monday, November 9, 1998 at 10 a.m. in Harrisburg. The Office of Attorney General is an equal opportunity employer. The successful bidder will be required to comply with all applicable equal opportunity laws and regulations.

**Department:** Office of Attorney General  
**Location:** 14th Floor, Strawberry Square, Harrisburg, PA 17120  
**Duration:** One (1) year  
**Contact:** James Moyer, (717) 787-7830

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## DESCRIPTION OF LEGEND

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| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,  
*Secretary*

**Contract Awards**

The following awards have been made by the Department of General Services, Bureau of Purchases:

<b>Requisition or Contract #</b>	<b>Awarded On</b>	<b>To</b>	<b>In the Amount Of</b>
1115358-01	10/20/98	Endless Mountain Water Co. Ltd.	42,720.00
1182358-01	10/20/98	Control Analytics	13,448.06
1192118-01	10/20/98	The Packaging Service Group	21,300.00
1208218-01	10/20/98	UCC Sales/Pittsburgh	13,725.00
8249600-01	10/20/98	E-Town Dodge	39,200.00

<b>Requisition or Contract #</b>	<b>Awarded On</b>	<b>To</b>	<b>In the Amount Of</b>
8249600-02	10/20/98	Westgate Chevrolet d/b/a Apple Chevrolet	24,369.00
8249620-01	10/20/98	Manheim Chrysler Plymouth GMC Truck	190,089.00

GARY E. CROWELL,  
*Secretary*

[Pa.B. Doc. No. 98-1827. Filed for public inspection October 30, 1998, 9:00 a.m.]