



---

Volume 29 (1999)

Pennsylvania Bulletin  
Repository

---

10-30-1999

**October 30, 1999 (Pages 5605-5698)**

Pennsylvania Legislative Reference Bureau

Follow this and additional works at: [https://digitalcommons.law.villanova.edu/pabulletin\\_1999](https://digitalcommons.law.villanova.edu/pabulletin_1999)

---

### Recommended Citation

Pennsylvania Legislative Reference Bureau, "October 30, 1999 (Pages 5605-5698)" (1999). *Volume 29 (1999)*. 44.

[https://digitalcommons.law.villanova.edu/pabulletin\\_1999/44](https://digitalcommons.law.villanova.edu/pabulletin_1999/44)

This October is brought to you for free and open access by the Pennsylvania Bulletin Repository at Villanova University Charles Widger School of Law Digital Repository. It has been accepted for inclusion in Volume 29 (1999) by an authorized administrator of Villanova University Charles Widger School of Law Digital Repository.

# PENNSYLVANIA BULLETIN

Volume 29  
Saturday, October 30, 1999 • Harrisburg, Pa.  
Number 44  
Pages 5605—5698

**Agencies in this issue:**

The General Assembly  
Commission on Sentencing  
Department of Banking  
Department of Environmental Protection  
Department of General Services  
Department of Public Welfare  
Department of Revenue  
Department of Transportation  
Environmental Hearing Board  
Executive Board  
Health Care Cost Containment Council  
Independent Regulatory Review Commission  
Insurance Department  
Liquor Control Board  
Office of General Counsel  
Pennsylvania Intergovernmental Cooperation  
Authority  
Pennsylvania Municipal Retirement Board  
Pennsylvania Public Utility Commission  
Public School Employes' Retirement Board  
State Ethics Commission

**Detailed list of contents appears inside.**

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

**No. 299, October 1999**

---

**PENNSYLVANIA**



**BULLETIN**

(ISSN 0162-2137)

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

Postmaster send address changes to:

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

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

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

Copyright © 1999 Commonwealth of Pennsylvania  
ISBN 0-8182-0004-9

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

# Contents

## THE GENERAL ASSEMBLY

Recent actions during the 1999 regular session of  
the General Assembly . . . . . 5615

## EXECUTIVE AGENCIES

### COMMISSION ON SENTENCING

#### Notices

Meeting notice . . . . . 5624

### DEPARTMENT OF BANKING

#### Notices

Action on applications . . . . . 5624

### DEPARTMENT OF ENVIRONMENTAL PROTECTION

#### Notices

Applications, actions and special notices . . . . . 5625

Availability of technical guidance . . . . . 5655

### DEPARTMENT OF GENERAL SERVICES

#### Notices

Contract awards . . . . . 5698

Design professional selections . . . . . 5655

Request for contractors . . . . . 5657

State contracts information . . . . . 5688

### DEPARTMENT OF PUBLIC WELFARE

#### Statements of Policy

Payment in full . . . . . 5622

#### Notices

Office of Medical Assistance Programs; payment for  
nursing facility services, exceptional grant pay-  
ments . . . . . 5657

Publication and availability of the Temporary Assis-  
tance for Needy Families State Plan . . . . . 5658

Public notice of the Department's intent to amend  
the Medicaid State Plan for payments to Feder-  
ally qualified health centers and rural health  
clinics . . . . . 5671

### DEPARTMENT OF REVENUE

#### Notices

Notice of taxable and exempt property . . . . . 5672

### DEPARTMENT OF TRANSPORTATION

#### Notices

Contemplated sale of improved land no longer  
needed for transportation purposes . . . . . 5672

Retention of engineering firms . . . . . 5672

### ENVIRONMENTAL HEARING BOARD

#### Notices

CK Witco Corporation v. DEP; EHB doc. no.  
99-211-R . . . . . 5676

### EXECUTIVE BOARD

#### Statements of Policy

Reorganization of the:

Department of Agriculture . . . . . 5616

Department of Transportation . . . . . 5616

### HEALTH CARE COST CONTAINMENT COUNCIL

#### Notices

Meeting dates . . . . . 5676

### INDEPENDENT REGULATORY REVIEW COMMISSION

#### Notices

Notice of comments issued . . . . . 5677

### INSURANCE DEPARTMENT

#### Notices

Application for approval of a proposed merger . . . . . 5678

Application for approval to acquire control . . . . . 5678

Highmark Blue Cross Blue Shield (Highmark);  
Open Access Product rate filing for experience  
rated groups; filing no. 1-OPAC-99-HBCBS . . . . . 5679

MIIX Insurance Company; physicians and surgeons  
professional liability; rate and rule revision . . . . . 5679

Review procedure hearings; cancellation or refusal  
of insurance . . . . . 5679

### LIQUOR CONTROL BOARD

#### Notices

Expiration of leases . . . . . 5680

### OFFICE OF GENERAL COUNSEL

#### Notices

Bond counsel invitation to qualify; no. 081-OGC-  
ITQ-99-01 . . . . . 5680

### PENNSYLVANIA INTERGOVERNMENTAL COOPERATION AUTHORITY

#### Notices

Publication of financial statement . . . . . 5681

### PENNSYLVANIA MUNICIPAL RETIREMENT BOARD

#### Notices

Hearings scheduled . . . . . 5682

### PENNSYLVANIA PUBLIC UTILITY COMMISSION

#### Statements of Policy

Expanding Alternative Dispute Resolution (ADR)  
process to contested proceedings . . . . . 5616

#### Notices

Service of notice of motor carrier applications . . . . . 5683

The Peoples Natural Gas Company—gas service . . . . . 5682

### PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

#### Notices

Hearings scheduled . . . . . 5686

### STATE ETHICS COMMISSION

#### Notices

Public meeting . . . . . 5687

---

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

---

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

## ***Pennsylvania Bulletin***

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

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

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

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

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

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

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

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

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

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

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

## ***Pennsylvania Code***

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

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

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

## **How to Find Documents**

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

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

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

**SUBSCRIPTION INFORMATION: (717) 766-0211  
GENERAL INFORMATION AND FINDING AIDS: (717) 783-1530**

### Printing Format

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

### Fiscal Notes

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

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

### Reproduction, Dissemination or Publication of Information

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

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

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

# List of Pa. Code Chapters Affected

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

## 1 Pa. Code (General Provisions)

### Adopted Rules

101	3349
201	3349
301	3349
303	3349
305	3349
307	3349
309	3349
311	3349
313	3349
315	3349

### Proposed Rulemaking

101	980
201	980
301	980
303	980
305	980
307	980
309	980
311	980
313	980
315	980

## 4 Pa. Code (Administration)

### Adopted Rules

5	2570, 2762
6	2572, 4049
7	.806, 3066
116	3201, 4350
117	3205

### Proposed Rulemaking

120b	1719
120c	1721
120d	1717

### Statements of Policy

9	207, 457, 574, 1230, 2034, 2302, 2681, 3216, 3633, 4072, 4174, 4455, 4877, 5107, 5616
---	---

## 7 Pa. Code (Agriculture)

### Adopted Rules

76	5069
143	4952
149	4952

### Proposed Rulemaking

130c	1496
130d	1496
151	3215

### Statements of Policy

137a	3072
------	------

## 10 Pa. Code (Banks and Banking)

### Statements of Policy

21	3000
----	------

## 12 Pa. Code (Community and Economic Development)

### Proposed Statements of Policy

31	1725
----	------

## Statements of Policy

31	2859
123	4877

## 16 Pa. Code (Community Affairs)

### Proposed Rulemaking

45	3895, 4443
----	------------

## 22 Pa. Code (Education)

### Adopted Rules

3	399
4	399
5	399
6	399
49 (with correction)	4954, 5289

### Proposed Rulemaking

354	3363
-----	------

## 25 Pa. Code (Environmental Protection)

### Adopted Rules

72	5088
86	5289
89	5389
93 (with corrections)	3720, 4063, 4350
95	3720
109	2231
121 (with correction)	1879, 5089, 5389
126 (with correction)	5089, 5389
129	1879, 1889
139 (with correction)	5089, 5389
260	2367
260a (with correction)	2367, 2576
261	2367
261a	2367
262	2367
262a	2367
263	2367
263a	2367
264	2367
264a	2367
265	2367
265a	2367
266	2367
266a	2367
266b	2367
267	2367
268a	2367
269	2367
269a	2367
270	2367
270a	2367
901	3839
1021	4683

### Proposed Rulemaking

16	4872
72	979
86	548
91	2145
92	455, 4872
93	455, 4872
95	455, 4872
96	4872

97 ..... 2145, 4872  
 101 ..... 2145  
 121 ..... 1214, 1299, 4661  
 123 ..... 1214, 1319  
 129 ..... 1299, 4661  
 139 ..... 1299  
 145 ..... 1319  
 261 ..... 1975  
 266 ..... 1975  
 287 ..... 1975  
 298 ..... 1975  
 901 ..... 647  
 1021 ..... 1074, 1214, 1612

**28 Pa. Code (Health and Safety)**

**Adopted Rules**

8 ..... 3841  
 201 ..... 3999  
 203 ..... 3999  
 205 ..... 3999  
 207 ..... 3999  
 209 ..... 3999  
 211 ..... 3999  
 551 ..... 5583  
 553 ..... 5583  
 555 ..... 5583  
 557 ..... 5583  
 559 ..... 5583  
 561 ..... 5583  
 563 ..... 5583  
 565 ..... 5583  
 567 ..... 5583  
 569 ..... 5583  
 571 ..... 5583  
 573 ..... 5583  
 912 ..... 5093  
 1101 ..... 3841  
 1103 ..... 3841  
 1105 ..... 3841  
 1107 ..... 3841  
 1109 ..... 3841  
 1111 ..... 3841  
 1113 ..... 3841

**Proposed Rulemaking**

4 ..... 2671  
 18 ..... 820  
 911 ..... 332  
 912 ..... 332  
 1001 ..... 903  
 1003 ..... 903  
 1005 ..... 903  
 1007 ..... 903  
 1009 ..... 903  
 1011 ..... 903  
 1013 ..... 903  
 1015 ..... 903  
 1101 ..... 4695  
 1103 ..... 4695  
 1105 ..... 4695  
 1107 ..... 4695  
 1109 ..... 4695  
 1111 ..... 4695  
 1113 ..... 4695  
 Unclassified ..... 4064

**Statements of Policy**

911 ..... 5109

**31 Pa. Code (Insurance)**

**Adopted Rules**

62 ..... 5511  
 65 ..... 4864  
 84 ..... 3208  
 84a ..... 4865  
 89 ..... 172  
 125 ..... 3209

**Proposed Rulemaking**

25 ..... 5391  
 62 ..... 655  
 89 ..... 650  
 113 ..... 4446  
 116 ..... 4353  
 154 ..... 4064  
 301 ..... 4064

**Statements of Policy**

38 ..... 3085  
 68 ..... 4076

**34 Pa. Code (Labor & Industry)**

**Adopted Rules**

121 ..... 2649

**Proposed Rulemaking**

123 ..... 3161  
 125 ..... 3161  
 129 ..... 3161

**37 Pa. Code (Law)**

**Proposed Rulemaking**

93 ..... 1513  
 95 ..... 1504

**40 Pa. Code (Liquor)**

**Proposed Rulemaking**

3 ..... 5301  
 5 ..... 5301  
 7 ..... 5301  
 9 ..... 5301  
 11 ..... 5301  
 13 ..... 5301

**49 Pa. Code (Professional and Vocational Standards)**

**Adopted Rules**

5 ..... 2294  
 7 ..... 4783  
 15 ..... 2295  
 31 ..... 1392  
 36 ..... 1393, 1610  
 37 ..... 2857  
 41 ..... 2296

**Proposed Rulemaking**

3 ..... 5521  
 9 ..... 4170  
 11 ..... 1613, 4448  
 15 ..... 4355  
 18 ..... 5101  
 19 ..... 5105  
 21 ..... 2299, 5101  
 23 ..... 2300  
 25 ..... 1613  
 27 ..... 1088  
 31 ..... 1897  
 33 ..... 1895  
 35 ..... 565, 4171, 4451  
 37 ..... 1897  
 39 ..... 662, 2582



40 ..... 1615  
 41 ..... 2145  
 42 ..... 1896, 3070  
 43b ..... 4437  
 47 ..... 1897

**Statements of Policy**

39 ..... 1617

**51 Pa. Code (Public Officers)**

**Adopted Rules**

31 ..... 3868  
 33 ..... 3868  
 35 ..... 3868  
 37 ..... 3868  
 39 ..... 3868  
 41 ..... 3868  
 43 ..... 3868  
 45 ..... 3868

**Proposed Rulemaking**

31 ..... 548  
 33 ..... 548  
 35 ..... 548  
 37 ..... 548  
 39 ..... 548  
 41 ..... 548  
 43 ..... 548  
 45 ..... 548

**52 Pa. Code (Public Utilities)**

**Adopted Rules**

57 ..... 2667  
 59 ..... 2667

**Proposed Rulemaking**

53 ..... 5098  
 57 ..... 2025  
 59 ..... 1515  
 64 ..... 2779  
 Unclassified ..... 1895

**Statements of Policy**

41 ..... 5616  
 69 ..... 2034, 2147, 2495, 5616

**Proposed Statements of Policy**

41 ..... 1617  
 69 ..... 1617

**55 Pa. Code (Public Welfare)**

**Adopted Rules**

140 ..... 4784  
 155 ..... 5390  
 165 ..... 271  
 168 ..... 271  
 181 ..... 4784  
 183 ..... 271  
 3040 ..... 271  
 3130 ..... 3295  
 3480 ..... 3513  
 3490 ..... 3513  
 3680 ..... 3295  
 3710 ..... 3295  
 3800 ..... 3295  
 3810 ..... 3295  
 5310 ..... 3295  
 6400 ..... 3295

**Proposed Rulemaking**

258 ..... 3888

**Statements of Policy**

1101 ..... 5622  
 1187 ..... 3218

**58 Pa. Code (Recreation)**

**Adopted Rules**

51 ..... 3210  
 53 ..... 1068  
 61 ..... 819, 3626, 4561  
 63 ..... 2298, 3210, 3212, 3629  
 65 ..... 1069, 3210, 3212, 3626  
 75 ..... 819, 3210, 4869  
 91 (correction) ..... 3213, 3362  
 93 ..... 1068  
 109 ..... 1068  
 111 ..... 1070, 3210  
 131 ..... 4351  
 133 ..... 1071  
 135 ..... 3734, 4351  
 139 (with correction) ..... 2454, 2576, 2999  
 141 ..... 2458, 3886  
 143 (with correction) ..... 2458, 2577, 4562  
 145 ..... 1071  
 147 ..... 1071, 1072  
 163 ..... 5094  
 165 ..... 5094

**Proposed Rulemaking**

51 ..... 1224  
 61 ..... 1085  
 63 ..... 205, 822, 823, 1397, 4442  
 65 ..... 823, 1224, 3631, 4442  
 69 ..... 3369  
 75 ..... 1087, 1515  
 99 ..... 2680  
 111 ..... 1224, 3370  
 115 ..... 3370  
 117 ..... 2678, 4064, 5521  
 131 ..... 2578  
 135 ..... 2578, 2581  
 139 ..... 1225, 1397  
 141 ..... 1398, 2580  
 143 ..... 1398  
 147 ..... 4169

**Statements of Policy**

41 ..... 4696

**61 Pa. Code (Revenue)**

**Proposed Rulemaking**

31 ..... 3738  
 55 ..... 3736  
 60 ..... 3736  
 160 ..... 4873

**Statements of Policy**

9 ..... 4459  
 94 ..... 2037  
 125 ..... 2037

**64 Pa. Code (Securities)**

**Adopted Rules**

202 (with correction) ..... 202, 547  
 206 (with correction) ..... 202, 547  
 302 (with correction) ..... 202, 547  
 606 (with correction) ..... 202, 547  
 609 (with correction) ..... 202, 547  
 610 (with correction) ..... 202, 547

**Proposed Rulemaking**

202 ..... 3898  
 203 ..... 3898  
 204 ..... 3898  
 205 ..... 3898  
 207 ..... 3898  
 209 ..... 3898  
 211 ..... 3898  
 504 ..... 3898  
 603 ..... 3898  
 606 ..... 3898  
 609 ..... 3898

**67 Pa. Code (Transportation)**

**Adopted Rules**  
 175 ..... 2460, 2577

**Proposed Rulemaking**

17 ..... 3894  
 173 ..... 1612  
 175 ..... 1612, 3894  
 445 ..... 5515  
 453 ..... 5098  
 491 ..... 5515  
 601 ..... 4968

**70 Pa. Code (Weights, Measures and Standard)**

1 ..... 2460  
 2 ..... 2460  
 3 ..... 2460  
 4 ..... 2460  
 5 ..... 2460  
 6 ..... 2460  
 7 ..... 2460  
 8 ..... 2460  
 9 ..... 2460  
 10 ..... 2460  
 21 ..... 2460  
 35 ..... 2460

**Statement of Policy**

39 ..... 2460

**201 Pa. Code (Rules of Judicial Administration)**

**Adopted Rules**  
 3 ..... 3713  
 5 ..... 3189  
 7 ..... 2766  
 50 ..... 1709

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

**Adopted Rules**  
 29 ..... 3833  
 71 ..... 2143, 2855  
 82 ..... 809  
 91 ..... 2021, 4053  
 93 ..... 4053  
 101 ..... 4941  
 103 ..... 4941  
 211 ..... 3834  
 215 ..... 977, 4053

**Proposed Rulemaking**

83 ..... 2663

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

**Adopted Rules**  
 5 ..... 1487  
 21 ..... 645  
 33 ..... 4535

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

**Adopted Rules**  
 21 ..... 544  
 35 ..... 544  
 39 ..... 1487  
 67 ..... 1360, 5064

**Proposed Rulemaking**

3 ..... 1709, 2766  
 5 ..... 2441  
 9 ..... 2441  
 15 ..... 2441  
 21 (with correction) ..... 2441, 2767

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

**Adopted Rules**  
 Unclassified ..... 1712

**Proposed Rulemaking**

Article I ..... 2262  
 Article IV ..... 2263  
 Article VI ..... 2262, 2264  
 Article VIII ..... 2265

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

**Adopted Rules**  
 100 ..... 2266, 2767  
 200 ..... 449, 2266, 2767, 3189  
 400 ..... 2767, 3189, 3191, 4859  
 1000 ..... 2266, 2767, 3191, 4859  
 1300 ..... 2266, 3191, 4859  
 1500 ..... 2274  
 1600 ..... 2274  
 1650 ..... 2274  
 1700 ..... 2274  
 1910 (with correction) ..... 16, 645, 2767, 3191, 4859  
 1930 ..... 2767  
 2000 ..... 2274  
 2020 ..... 2274  
 2054 ..... 2767  
 2120 ..... 2274  
 2200 ..... 2274  
 2220 ..... 2274  
 2250 ..... 2274  
 2300 ..... 2274, 3191, 4859  
 2320 ..... 2274  
 2350 ..... 2274  
 2950 ..... 2767, 3191, 4859  
 2970 ..... 1715, 2767, 3191, 4859  
 2980 ..... 2274  
 3000 ..... 2281, 2767, 3191, 4859  
 4000 ..... 1715, 2281, 2767  
 Part II ..... 327, 329, 1494

**Proposed Rulemaking**

200 ..... 15, 168, 169  
 400 ..... 169  
 1000 ..... 3714  
 1910 ..... 1487  
 Part II ..... 1709, 2766

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

**Adopted Rules**  
 20 ..... 5505  
 50 ..... 2774, 2776, 3716, 4542  
 100 ..... 5505  
 300 ..... 4055  
 350 ..... 3069  
 1100 ..... 2289, 2777  
 1400 ..... 3835, 4058

1500 ..... 4165  
 4000 ..... 4860

**Proposed Rulemaking**

1 ..... 1360, 4536  
 2 ..... 1360  
 3 ..... 1360  
 4 ..... 1360  
 5 ..... 1360  
 6 ..... 1360  
 7 ..... 1360  
 8 ..... 1360  
 9 ..... 1360  
 10 ..... 1360  
 11 ..... 1360  
 20 ..... 1360, 2664, 4425, 4536  
 30 ..... 1360  
 50 ..... 1360, 1385, 2770, 4347, 4859  
 100 ..... 1360, 2444, 4426, 4536  
 200 ..... 1360, 2444  
 300 ..... 1360, 2444, 4425  
 1100 ..... 1360, 2444, 4430  
 1400 ..... 1360  
 1500 ..... 1360  
 1600 ..... 1360  
 1700 ..... 1360  
 2000 ..... 1360, 4426

4000 ..... 1360  
 6000 ..... 1360, 2444  
 9000 ..... 1360

**237 Pa. Code (Juvenile Rules)**

**Statements of Policy**

201 ..... 3633

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

**Adopted Rules**

100 ..... 3198  
 300 ..... 3198

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

Unclassified ..... 544, 545, 2964

**252 Pa. Code (Allegheny County Rules)**

Unclassified ..... 17, 1387

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

Unclassified ..... 19, 24, 171, 330, 449, 453, 454, 809,  
 977, 978, 1067, 1388, 1389, 1390, 1495, 1853,  
 1873, 2143, 2575, 2855, 2995, 2996, 2997, 3069,  
 3199, 3348, 3622, 3719, 4060, 4168, 4348, 4349,  
 4432, 4433, 4434, 4435, 4436, 4543, 4544, 4558,  
 4559, 4678, 4679, 4680, 4781, 4862, 4863, 4942,  
 4947, 4948, 4949, 4950, 5065, 5067, 5288, 5388

# THE GENERAL ASSEMBLY

## Recent Actions During the 1999 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 1999 Regular Session.

### 1999 ACTS—ACTS 38 and 39 (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>
1999-38	Oct. 12	HB963	PN2310	60 days	Judicial Code (42 Pa.C.S.)—judicial computer system augmentation account deposits and first degree murder sentencing procedure
1999-39	Oct. 12	SB173	PN179	60 days*	Probate, Estates and Fiduciaries Code (20 Pa.C.S.)—omnibus amendments

\* 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 or 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."

CARL L. MEASE,  
*Director*  
*Legislative Reference Bureau*

[Pa.B. Doc. No. 99-1828. Filed for public inspection October 29, 1999, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD

#### [4 PA. CODE CH. 9]

#### Reorganization of the Department of Agriculture

The Executive Board approved a reorganization of the Department of Agriculture effective July 19, 1999.

The organization chart at 29 Pa.B. 5617 (October 30, 1999) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

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

[Pa.B. Doc. No. 99-1829. Filed for public inspection October 29, 1999, 9:00 a.m.]

#### [4 PA. CODE CH. 9]

#### Reorganization of the Department of Transportation

The Executive Board approved a reorganization of the Department of Transportation effective October 13, 1999.

The organization chart at 29 Pa.B. 5618 (October 30, 1999) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

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

[Pa.B. Doc. No. 99-1830. Filed for public inspection October 29, 1999, 9:00 a.m.]

## Title 52—PUBLIC UTILITIES

### PENNSYLVANIA PUBLIC UTILITY COMMISSION

#### [52 PA. CODE CHS. 41 AND 69]

[M-00991221]

#### Expanding Alternative Dispute Resolution (ADR) Process to Contested Proceedings

The Pennsylvania Public Utility Commission (Commission) on July 15, 1999, adopted a final policy statement to expand the availability of mediation to all contested proceedings or proceedings which could be contested. The proposal accords all industry groups, including transportation, the same opportunity to seek negotiated settlements in contested proceedings in lieu of incurring the time, expense and uncertainty of litigation. The contact person is Rhonda Daviston, Law Bureau, (717) 787-6166.

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

Public Meeting held  
July 15, 1999

*Policy Statement Expanding Alternative Dispute Resolution (ADR) Process to Contested Proceedings Including §§ 41.1—41.21; Doc. No. M-00991221*

#### Order

*By the Commission:*

On February 11, 1999, the Commission adopted a proposed policy statement to expand the availability and use of the Alternative Dispute Resolution (ADR) Process (mediation) to all contested proceedings or proceedings which could be contested. The Commission noted that the proposed expansion would include transportation proceedings.

The proposed changes are based on 4 years of experience in handling mediations by the Commission's Office of Administrative Law Judge (OALJ) as well as the OALJ's favorable experience with the mediation process. This proposal allows more flexibility and is drafted to conform with general mediation principles which were not as well defined in the past. Accordingly, to make mediation a more flexible process and available to more parties, we will modify the existing policy statement.

The ADR process has been in effect since March 15, 1994. The OALJ reports that the ADR process is working well and is highly successful.<sup>1</sup> The OALJ also reports that the ADR process is worthwhile in resolving disputes and agrees that it should be expanded to include all utility types.

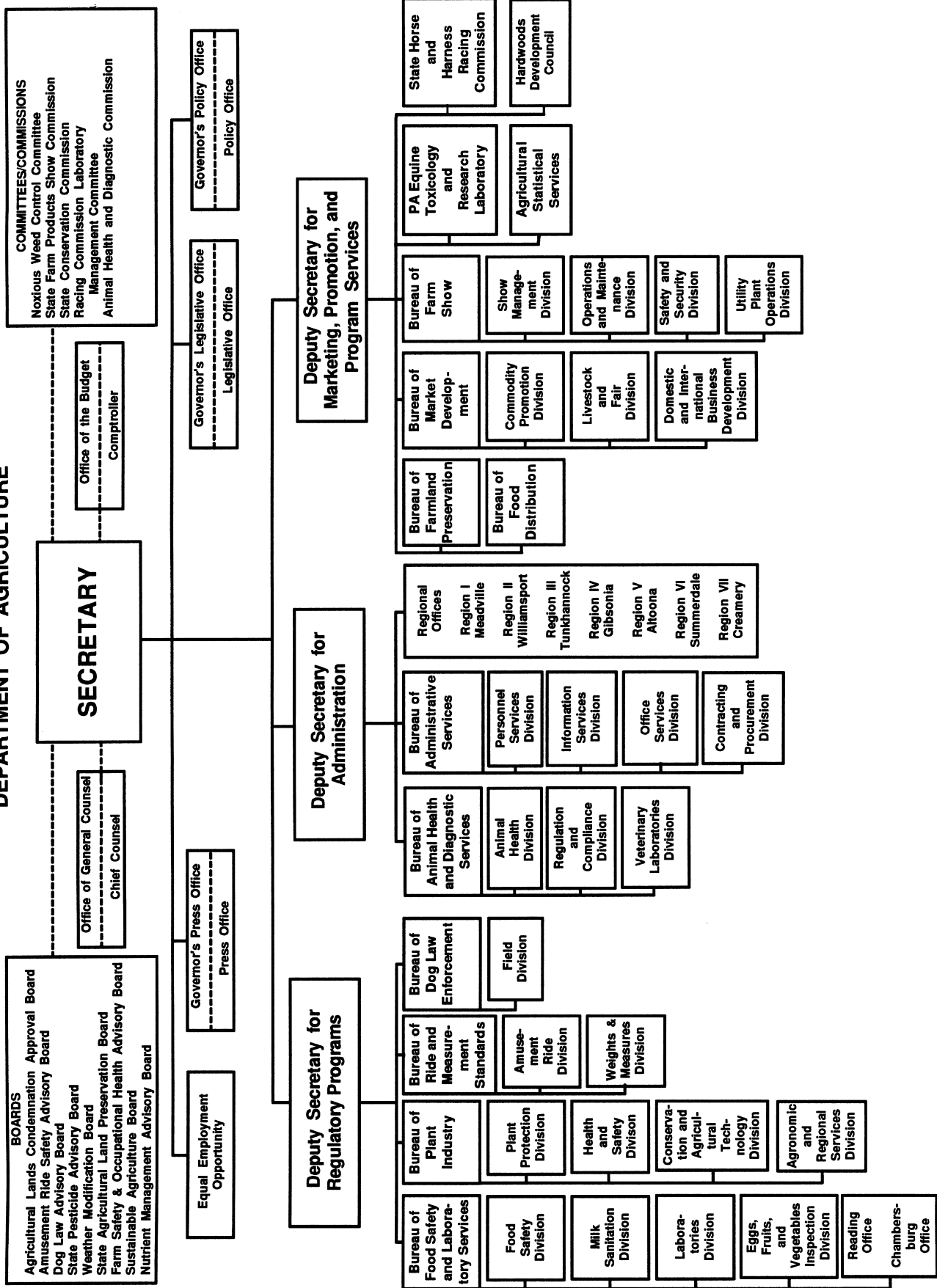
The policy statement recognizes the positive effect that mediation has had in streamlining contested proceedings in both rate and nonrate cases. The Commission wishes to accord all industries, including the transportation industry, the same opportunity to seek negotiated settlements in contested proceedings in lieu of incurring the time, expense and uncertainty of litigation. Expanding the availability to all contested proceedings or proceedings which could be contested, will further promote the goal of obtaining negotiated settlements in the public interest.

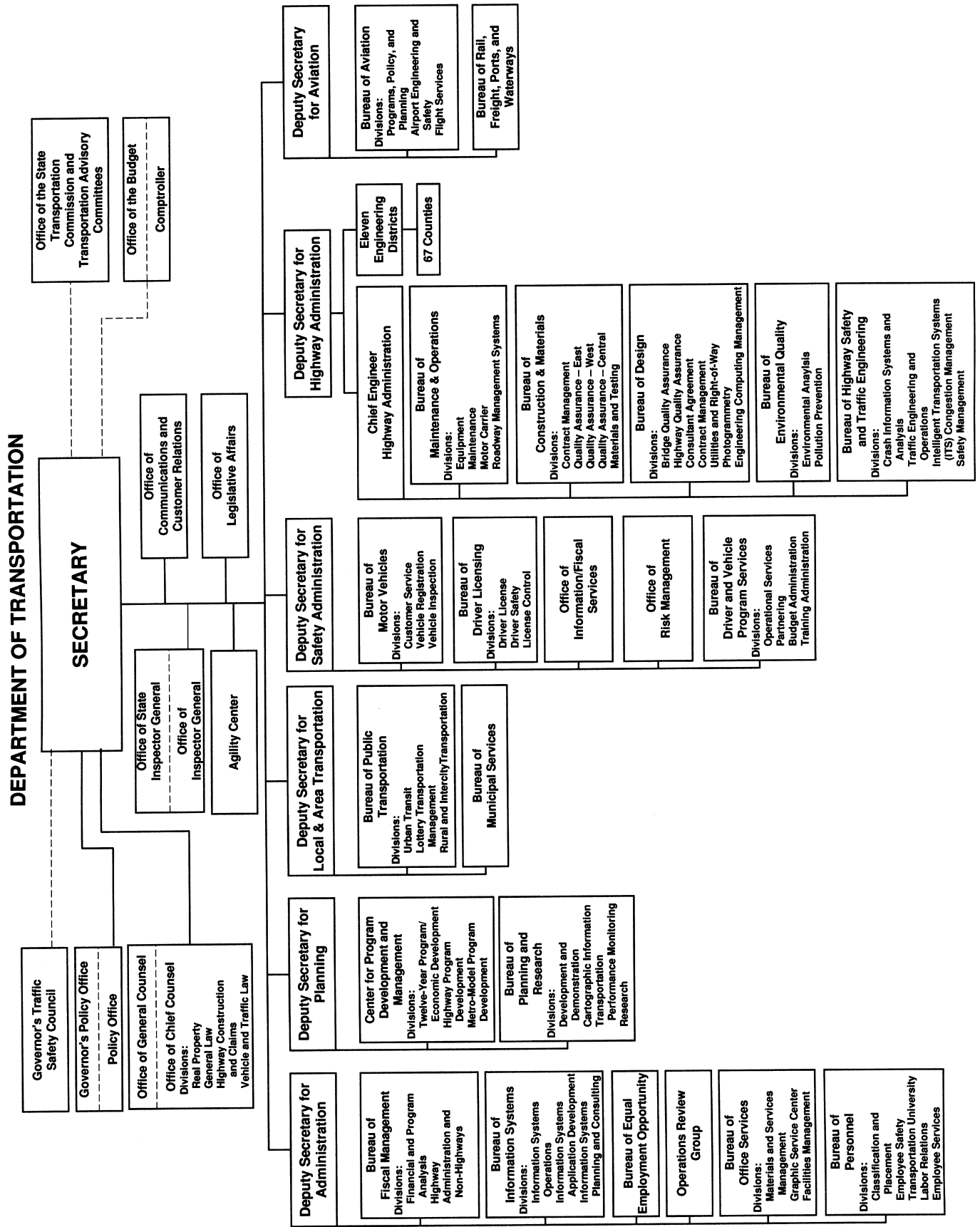
Previously, mediation was available to the transportation industry as a result of being included in the nonrate category. However, by including the availability of mediation in 52 Pa. Code §§ 41.1—41.21, the Commission intends to notify those in the transportation industry, who may have been previously unaware of the Commission's mediation process, that mediation is available in contested proceedings as a fair and efficient alternative to protracted litigation.

The proposed policy statement was published in the *Pennsylvania Bulletin* on March 27, 1999, at 29 Pa.B. 1617. Prior to publication, the Commission received internal comments from the Bureau of Audits (Audits), the Bureau of Consumer Services (BCS), the Bureau of Transportation and Safety (BTS), and the Office of Trial Staff (OTS).

<sup>1</sup> In the Commission's 1997/1998 Fiscal year Annual Report, the OALJ reported that a total of 55 cases were concluded under mediation procedures. Of those cases, 50 cases were resolved in full, 2 were resolved for the most part, and 3 mediations were terminated, resulting in a success rate in excess of 90%.

DEPARTMENT OF AGRICULTURE





Following publication in the *Pennsylvania Bulletin*, the Commission received formal comments from the following entities: the Pennsylvania Electric Association, (PEA), the Office of Consumer Advocate (OCA), the Pennsylvania Gas Association (PGA), and the National Association of Water Companies, (NAWC). Additionally, the BTS filed its internal comments again.

All of the comments generally favor the policy. Audits believes that the policy will have a positive impact. PEA supports the policy. BCS generally endorses the policy; however, it wants to make sure that the policy is consistent with existing regulations and that OALJ and BCS will coordinate their efforts in administering the policy. Generally, the proposal merely allows more flexibility and is drafted to conform with general mediation principles which were not as well defined in the past. Just as before, there will be no inconsistency in implementation of the policy and existing regulations and OALJ shall continue to coordinate the mediation program with BCS.

The BTS, OTS, OCA, PGA and NAWC have made comments which seek modification to the policy. These will be addressed as follows.

*Bureau of Transportation and Safety*

In its filed comments, BTS suggests that the mediation process should not be applicable to complaint proceedings initiated by BTS. BTS states that the vast majority of its initiated complaints involve safety issues and therefore, a compromise or settlement regarding these issues is inappropriate. Moreover, BTS states that the addition of the mediation process in the area of BTS initiated motor carrier complaints may delay the ultimate resolution of the proceeding since the mediator, with his limited role, will most likely be unable to facilitate resolution of any contested issues. (BTS comments, p. 2)

The policy of the Commission is to encourage settlements. See 52 Pa. Code § 5.231. The existing mediation policy also encourages settlements. See 52 Pa. Code § 69.391. Furthermore, the existing mediation policy allows for mediation in all "nonrate cases." See 52 Pa. Code § 69.392(a)(1). The Commission noted that the present definition of "nonrate cases" is all inclusive, and includes transportation cases. See 25 Pa.B.1966 (May 20, 1995). Just as there is no exclusion of complaint proceedings initiated by BTS, at the present time, there should be no exclusion for the future. This is true, particularly, in view of the policy of the Commission to expand opportunities for mediation, as opposed to limiting these opportunities.

The Commission is of the opinion that safety issues can be mediated. The proposed revised policy does not suggest that safety should be compromised by the mediation method. Rather, the method will allow the parties to draft an agreement on how best to resolve the safety matter under the circumstances. This could include, among other things, what requirements the utility will comply with to improve its safety program for the future.

BTS also has concerns that mediation will delay resolution of a proceeding or that the mediation "will most likely be unable to facilitate resolution of any contested issues." The Commission's experience has been that mediation generally results in a more expeditious resolution than does litigation and that we are ahead of the National average for successful mediations. More specifically, skilled mediators across the country enjoy a success rate above 80%. See ADR Report, April 14, 1999, p.7. For the first three quarters of the Fiscal Year 1998-1999, those cases under the management of OALJ, which

involved mediation or other types of facilitative processes, resulted in a success rate of 88%. BTS's concern that mediation cannot resolve cases involving only issues of law should be allayed because a case requiring the resolution of only an issue of law is not appropriate for mediation. Therefore, such a case would not be mediated.

In any event, use of the mediation process is not mandatory. Except for cases referred by the Commission to the mediation unit of OALJ, there can be no mediation unless parties to the case consent. With this in mind, it seems to the Commission that the better practice would be to not eliminate the opportunity for mediation of BTS initiated complaints, but to give BTS and other parties, the option of using mediation.

*Office of Trial Staff*

OTS states that it supports expanding the use of the ADR/mediation process and is in general agreement with the proposed language changes. OTS's suggested changes are as follows:

§ 69.392(a)(2) of the proposed policy provides that:

A proceeding qualifies for mediation when the following apply:

(1) Mediation is deemed to be appropriate by the OALJ.

(2) Necessary parties consent to mediate.

OTS suggests that the second requirement be deleted and be replaced with "The party with the burden of proof consents to mediation." OTS further states that because the Commission's rules defines "party" and "active party," perhaps "active party" could be substituted for "necessary party." The Commission agrees with OTS's comment that the second qualification "necessary parties" should be deleted because consent is a separate element from qualification. Even if part (2) were required, the terms "active" and "inactive" would not serve as substitutes for "necessary" because they relate to rate cases only, and therefore are not pertinent to general utility matters. See 52 Pa. Code § 1.8. In any event, the term "necessary" can be deleted so that the second sentence in § 69.392(a) will read: "A proceeding qualifies for mediation when mediation is deemed to be appropriate by the OALJ."

When reviewing § 69.392, the parties should distinguish between (1) whether mediation is appropriate and (2) whether there is sufficient consent to proceed with a mediation session.

Mediation is generally not appropriate where (1) the result requires a determination of an issue of law, (2) a party wants a determination of who is right, (3) a party or the parties would like the result of a proceeding to serve as precedent, or (4) the result of a proceeding would establish a policy (unless all of the stakeholders collaborate for the purpose of setting a policy).

After the OALJ determines that a matter is appropriate for mediation, there will be no mediation unless participants in a proceeding consent to use the mediation process, except when the Commission assigns a case for mediation. If there are only two parties in a case, that is, a complainant and a respondent or an applicant and a protestant, it is clear that there can be no mediation unless both parties consent to use that process. In a multiparty case, there may be occasions when it is proper to proceed with mediation without the consent of all participants. On these occasions, the nonconsenting participants can proceed independently of the mediation.



*§ 69.392(d)(1)*

OTS suggests that we delete the phrase “and other necessary parties” so that subsection (d)(1) will read: “Except as otherwise directed by the Commission, there can be no mediation unless the party with the burden of proof consents to mediate.” The Commission agrees that the phrase “and other necessary parties” should be deleted because it is not required for this subsection.

*§ 69.393*

With respect to § 69.393, OTS would like the mediator’s role to include a “settlement” or resolution. The proposal includes only the term “resolution.”

The Commission feels that the terms “settlement” and “resolution” should not be included together. Settlement is one type of resolution. To use both words would give the appearance to the contrary and create confusion. Because the goal of mediation is to achieve a settlement-type resolution, we do not see a need to include the word “resolution” as proposed.

Furthermore, OTS seems to make a distinction between resolving single issues in a matter and resolving all the issues. OTS is also concerned with whether a mediator will feel comfortable enough “to express an opinion of the merits of each party’s position.” The mediation mission at the Commission has been to attempt to resolve all the issues, if possible. If this does not happen, the mediation will still be useful if it resolves some of the issues. The Commission believes that this mission should continue. Moreover, mediation at the Commission, to date, has not been evaluative and the mediators have not expressed an opinion on the merits of a particular position of any party. The Commission will continue using mediation as a facilitative process and not an evaluative one.

*§ 69.395(b)*

The Commission concurs with OTS that the following phrase can be omitted: “There will be no mediation when the necessary parties do not agree to abide by these rules and procedures.” On further consideration, the phrase appears to be superfluous.

*§ 69.395(c)*

OTS would like to add subsection (c) which would read: “Mediation should not commence prior to 60 days from the date of filing in rate related cases to provide for adequate time for discovery.” OTS notes that in rate proceedings, parties must have adequate time to develop positions prior to the mediation process. In developing the Alternative Dispute Resolution Process, we stated: “In the Commission’s judgment, formal discovery techniques do not aid in a quick resolution of a case. For this reason, we believe that formal discovery procedures are not appropriate in the informal ADR process. Since ADR is an informal process, the information that is discoverable should be discovered informally.” See 25 Pa.B.1966 (May 20, 1995).

The Commission’s opinion is that there should be no time set forth in the guidelines prohibiting mediation before a certain date. If the parties are ready to commence mediation before 60 days, this should be encouraged instead of discouraged by requiring 60 days to pass before the mediation commences. In any case, the parties will have adequate time to develop information for the mediation process provided that the parties make a good-faith effort in their attempts to obtain the necessary information. Without a good-faith effort, there will be no mediation.

*Office of Consumer Advocate*

OCA states that it generally supports the expansion of mediation to all contested proceedings if the participants desire to use the mediation process. However, OCA states that certain of the proposed changes raise issues that should be clarified by the Commission before finalizing the policy statement.

*§ 69.392*

OCA notes that the proposed policy statement does not define “necessary parties.” The proposed revision also does not state who will determine “necessary parties.” The Commission agrees that the term “necessary parties” has not been defined and that neither the existing policy statement nor the revision states who will determine which parties are necessary. The Commission also notes that the term “necessary parties” will be deleted as set forth in the analysis relating to OTS.

*§ 69.393*

Deletion of the phrase that “the OALJ mediator will not have access to nonpublic Commission reports that evaluate the merits of the parties’ positions or claims, or both,” is not intended to mean that the mediator may have access to those reports. In fact, the mediator does not have access to those reports. Therefore, the Commission sees no useful purpose of including this in the guidelines. The guidelines contain provisions for the process, and should not include details outside of the process itself.

*§ 69.394*

OCA states that the proposed language is not clear that if the mediation process does not result in a full settlement, the parties are entitled to a hearing. OCA suggests that the policy should contain a provision concerning what happens if a full settlement is not achieved. This issue is covered in the proposed policy at § 69.396 (relating to conclusion of mediation). Section 69.396 provides: “When appropriate, the mediator may submit a report to an administrative law judge, or the Commission. The report will describe only the procedural background and the result of the mediation.”

Sometimes it is not appropriate to submit a report to an administrative law judge (ALJ). For example, when a complaint is withdrawn, there will be no need to submit a report to an ALJ. On the other hand, when a matter is not settled, or only partially settled, and the case is not withdrawn, the mediator will write a report to an ALJ, or the Commission, as relevant, so that the ALJ or Commission can follow through as deemed necessary.

As suggested by OCA, the Commission will change the word “may” to “should” in the first sentence of § 69.396(b) so that it would read: “When appropriate, the mediator should submit a report . . . .”

In addition, OCA submits that an ALJ should be assigned at the beginning of a contested proceeding. It is the practice of the OALJ to assign certain cases to an ALJ immediately when that is necessary, such as cases subject to statutory deadlines (rate cases, for example). In those cases, the ALJ sets an initial schedule so that he or she can follow the case from the beginning to meet the statutory deadline. However, the OALJ should not be bound to always assign an ALJ to a matter to be mediated. To do so involves more people than necessary to handle the case efficiently, and creates an unnecessary extra administrative burden in the OALJ. It also adds a formality that does not belong in the informal mediation process. If a discovery problem, or other “threshold legal issues” arise, as mentioned by OCA, which cannot be

quickly resolved with facilitation by the mediator, the OALJ assigns a judge promptly to decide the issues and mediation is held in abeyance until those decisions are made.

§ 69.395

OCA is concerned as to whether the guidelines are clear that agreement to mediate only waives the 90-day requirement for when a hearing should commence, as opposed to waiving the right to hold the hearing itself.

The existing provision of § 69.494 of the policy statement, on this subject, states as follows: "For cases in which hearings must be commenced within 90 days, a party's request for mediation shall be construed as a waiver of that requirement."

The proposed provision, at § 69.395(a) states: "Acceptance into the mediation program is construed as a waiver of the requirement that hearings shall be commenced within 90 days after the proceeding is initiated."

The Commission believes that both provisions make it clear that only the 90-day period is waived and not that a hearing is waived. However, with reference to the 90-day rule, upon further reflection, we feel that the existing provision is more clear than the proposed provision. Therefore, we will continue using the existing provision in the revised guidelines instead of the one proposed, for § 69.395(a).

*Pennsylvania Gas Association*

PGA suggests that, for large, multiple rate cases, mediation is already an option under 52 Pa. Code § 5.224 (relating to prehearing conference in rate proceedings). The Commission notes that § 5.224 involves a more formal overall process than does mediation. Under § 5.224, the ALJ sets a prehearing conference after which an order is entered establishing certain items to be covered by the parties. After that, there is a second prehearing conference. This conference should be combined with a settlement conference to which a mediator could be assigned. Comparing this procedure to the proposed mediation guidelines, one can see that the guidelines do not encompass the same procedure as § 5.224. Rather, the mediation guidelines give an option to § 5.224, in that the guidelines allow for mediation at the very start and also allow for a more flexible, informal, overall procedure to expedite resolution.

In all, the mediation option, as proposed, is not the same as § 5.224. Instead, it is an option to § 5.224. Short of the Commission's assigning a case to mediation, the parties may choose either option. Therefore, no change is required in the proposal.

PGA objects to the provision of the proposed mediation guidelines which would allow the Commission to assign cases to mediation without consent of the parties. The Commission sees the usefulness of assigning certain cases, under certain circumstances, directly to mediation as an exception to requiring consent of the parties before mediation commences. There have been times that, considering all the factors in a case, it was the Commission's judgment that mediation would be appropriate. The Commission has, over the years, assigned certain cases to mediation and the results have been very positive. Therefore, the Commission should not be precluded from assigning certain cases to mediation.

Moreover, while the Commission can require parties to mediate, we cannot require them to agree. When the parties do not agree, the mediation will terminate. Therefore, the parties have this built-in protection in any event.

The Commission's practice of referring certain cases to mediation is consistent with a Nationwide trend. As stated by Bennett G. Picker, in *Mediation Practice Guide, A Handbook for Resolving Business Disputes* (Pike & Fischer, Inc., 1998): "In addition to voluntary mediation, many state and federal jurisdictions require mediation of some or all cases filed with the court." The Commission sees no reason why we should not be part of this trend when, on a case by case analysis, we feel that a certain case would best be processed by mediation.

Accordingly, we decline to eliminate the provisions which allow us to order a case to mediation.

*National Association of Water Companies, Pennsylvania Chapter*

NAWC recommends that the mediation program remain voluntary. In other words, NAWC recommends that the Commission should not be permitted to direct the parties to mediate their dispute without specific consent of the parties. Our remarks on this subject were discussed previously in response to PGA's comments.

NAWC raises the additional issue of due process of law. On this, NAWC asserts that, if parties are directed to mediate, they will be deprived of due process of law. The Commission's view is that the parties will not be denied due process because mediation does not deprive a party of a hearing. If a party does not enter into an agreement during mediation, that party may always be heard, and obtain an adjudication.

NAWC is concerned that the proposed guidelines fail "to establish timelines for the mediation process, or procedure for withdrawing from the mediation."

With reference to timelines, the Commission's experience with mediation is that there should be no rigid timelines, unless there is a statutory time for completing a case. The mediator certainly should attempt to keep abreast of the status of a mediation. However, if the mediator feels that the parties are acting in good faith, no useful purpose would be served by setting a deadline to settle. To the contrary, such a deadline could be detrimental because it could arbitrarily end a mediation that could be successful if the deadline were not established. Of course, if the parties are not acting in good faith, the mediator should terminate the mediation. Flexibility, rather than mandatory deadlines, is required for a successful process.

Next we will address the ability of a party to terminate a mediation. Mediation, by definition, is nonbinding. This means that a party can "walk away" from a mediation at any time. At the beginning of an initial mediation session at the Commission, a standard item is for the mediator to inform the parties that "any party may withdraw from the mediation at any time."

We have reviewed and addressed all of the comments with respect to revisions to the ADR policy statement. As many interested parties have been given an opportunity to comment on the substantive revisions to the Commission's existing ADR Policy Statement, we are directing that the revisions to the ADR Policy Statement become effective upon publication in the *Pennsylvania Bulletin*;

*Therefore,*

*It Is Ordered that:*

1. The regulations of the Commission, 52 Pa. Code Chapters 41 and 69, are amended by adding a statement of policy at §§ 41.31, 41.32 and 69.37 and amending § 69.391 to read as set forth at 29 Pa.B. 1617 (March 27,

1999); and by amending §§ 69.392—69.395 and by adding § 69.396 to read as set forth in Annex A.

2. The Secretary shall submit this order and Annex A to the Governor's Budget Office for fiscal impact.

3. A copy of this order and Annex A be published in the *Pennsylvania Bulletin*.

4. A copy of this order and Annex A be served upon the Pennsylvania Motor Truck Association, the Pennsylvania Bus Association, the International Taxicab and Livery Association, the National Association of Water Companies-Pennsylvania Chapter, the Pennsylvania Gas Association, the Pennsylvania Telephone Association, the Pennsylvania Electric Association, the Office of Consumer Advocate, the Office of Small Business Advocate, and the Office of Trial Staff.

5. This Policy Statement shall become effective upon publication the *Pennsylvania Bulletin*.

6. Alternative formats of this document are available to persons with disabilities and may be obtained by contacting Sherri Delbiondo, Regulatory Coordinator, at (717) 772-4597. The contact person is Rhonda L. Daviston, Assistant Counsel, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, (717) 787-6166.

JAMES J. MCNULTY,  
*Secretary*

**Fiscal Note:** Fiscal Note 57-205 remains valid for the final adoption of the subject regulations.

#### 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

##### MEDIATION PROCESS

#### § 69.392. Availability of mediation process.

(a) *Mediation.* Mediation is available to parties in all contested proceedings, or proceedings which could be contested, when the proceeding qualifies for mediation. A proceeding qualifies for mediation when mediation is deemed appropriate by the Office of Administrative Law Judge (OALJ).

(b) *Requesting mediation.*

(1) Parties may request mediation, prior to the commencement of a proceeding, by sending a letter request to the Mediation Coordinator of OALJ, and a copy of the request to the Secretary of the Commission.

(2) Parties may request mediation in their pleadings.

(3) Parties may request mediation during the course of a proceeding.

(c) *Consent to use mediation process.* The OALJ may notify the parties in a proceeding that mediation may be appropriate and ask whether the parties consent to use the mediation process.

(d) *Party with the burden of proof.*

(1) Except as otherwise directed by the Commission, there can be no mediation unless the party with the burden of proof consents to mediate.

(2) When the party with the burden of proof consents to mediation in proceedings subject to a statutory deadline for adjudication, that party must also agree, in writing, to extend the statutory deadline by, at least, 60 days.

(e) *Assignment by Commission.* The Commission may assign a case to the OALJ for mediation.

#### § 69.393. Assignment and role of mediator.

If the Commission assigns a case for mediation, or OALJ determines that a case should go forward with mediation, OALJ will assign a mediator to the proceeding. The mediator's role will be to facilitate settlement of the contested issues between, or among, the parties, as opposed to rendering a decision.

#### § 69.394. Notice.

(a) If the Commission assigns a case for mediation, or the Office of Administrative Law Judge (OALJ) determines that a proceeding should go forward with mediation, the parties will be notified of the time, date, and place of the mediation session, as well as the name, address, and telephone number of the mediator.

(b) If the OALJ determines that the proceeding should not be set for mediation, the parties will be notified of this as well as the procedure to be used in lieu of mediation.

#### § 69.395. Rules.

(a) For cases in which hearings must be commenced within 90 days, a party's request for mediation shall be construed as a waiver of that requirement.

(b) The participants in a mediation proceeding must agree to abide by mediation rules and procedures established by the Office of Administrative Law Judge. Failure to abide by these rules and procedures, following commencement of mediation, could lead to the termination of the mediation.

#### § 69.396. Conclusion of mediation.

(a) When an agreement is reached in a formal complaint proceeding, the complaint may be withdrawn, unless otherwise provided for by law or regulation.

(b) When appropriate, the mediator should submit a report to an administrative law judge, or the Commission. The report will describe only the procedural background and the result of the mediation.

[Pa.B. Doc. No. 99-1831. Filed for public inspection October 29, 1999, 9:00 a.m.]

## Title 55—PUBLIC WELFARE

### DEPARTMENT OF PUBLIC WELFARE

[55 PA. CODE CH. 1101]

#### Payment in Full

##### *Purpose*

The purpose of this statement of policy is to remind providers of the legal prohibition of seeking or requesting supplemental or additional payments from recipients for covered services.

*Scope*

This statement of policy is applicable to all providers enrolled in the Medical Assistance (MA) Program.

*Background/Discussion*

In a recent State Medicaid Director letter, the Health Care Financing Administration alerted States of incidents where providers required Medicaid recipients to make cash payments for Medicaid covered services and refused to provide medically necessary services to a Medicaid recipient for lack of prepayment for these services. These practices are illegal and contrary to the participation requirements of Pennsylvania's MA Program and MA provider's responsibility to assure delivery of all compensable medically necessary services to MA recipients.

The following examples illustrate this issue:

1. The Department of Public Welfare denies payment to an MA participating provider because the provider failed to submit the original or initial invoice within 180 days of the date of service. The provider is prohibited from seeking payment from the MA recipient.

2. An MA participating provider treats a dually eligible recipient. The Medicare payment (80% of the reasonable and customary charge) is equal to or greater than the MA fee. The provider has been "paid in full" and cannot seek reimbursement from the MA recipient for the coinsurance or deductibles.

3. An MA participating provider tells his patient that MA does not pay enough and indicates that he will treat the MA recipient as a private pay patient. The provider charges the recipient a supplemental fee of \$20 for each office visit. This arrangement is illegal.

4. A network provider treats a HealthChoices member, who also has other commercial insurance, for an MA covered service. The commercial insurance payment, less copayment, is equal to the HealthChoices plan's charge for this service. The network provider may not bill the member for the copayment.

*Effective Date*

This statement of policy takes effect upon publication in the *Pennsylvania Bulletin*.

FEATHER O. HOUSTOUN,  
*Secretary*

(*Editor's Note:* The regulations of the Department, 55 Pa. Code Chapter 1101, are amended by adding a statement of policy in § 1101.63a (relating to full reimbursement for covered services rendered—statement of policy).)

**Fiscal Note:** 14-BUL-057. No fiscal impact; (8) recommends adoption.

**Annex A****TITLE 55. PUBLIC WELFARE****PART III. MEDICAL ASSISTANCE MANUAL****CHAPTER 1101. GENERAL PROVISIONS****FEES AND PAYMENTS****§ 1101.63a. Full reimbursement for covered services rendered—statement of policy.**

(a) Section 1406(a) of the Public Welfare Code (62 P. S. § 1406(a)) and MA regulations in § 1101.63(a) (relating to payment in full) mandate that all payments made to providers under the MA Program plus any copayment required to be paid by a recipient shall constitute full reimbursement to the provider for covered services rendered.

(b) A provider who seeks or accepts supplementary payment of another kind from the Department, the recipient or another person for a compensable service or item is required to return the supplementary payment.

(c) A provider may bill an MA recipient for a noncompensable service or item if the recipient is told before the service is rendered that the program does not cover it.

[Pa.B. Doc. No. 99-1832. Filed for public inspection October 29, 1999, 9:00 a.m.]

# NOTICES

## COMMISSION ON SENTENCING

### Meeting Notice

The Commission on Sentencing announces the following public meetings, to be held at the Harrisburg Hilton and Towers, One North Second Street, Harrisburg, PA 17101:

Tuesday, November 16, 1999	6 p.m.	Dinner and Work Session (Work session begins at 7:30 p.m.)
Wednesday, November 17, 1999	9 a.m.	Regular Quarterly Commission Meeting

MARK H. BERGSTROM,  
*Executive Director*

[Pa.B. Doc. No. 99-1833. Filed for public inspection October 29, 1999, 9:00 a.m.]

## 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 19, 1999.

#### BANKING INSTITUTIONS

##### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-3-99	Brentwood Savings Bank Pittsburgh Allegheny County	5259 Library Road Bethel Park Allegheny County	Opened
10-13-99	Somerset Trust Company Somerset Somerset County	801 Barn Street Hooversville Somerset County	Filed
10-16-99	Main Street Bank Reading Berks County	39 Bridge Street Lambertville Hunterdon County, NJ	Opened
10-18-99	Millennium Bank Malvern Chester County	654 Skippack Pike Blue Bell Montgomery County	Filed

##### Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-13-99	Community Bank & Trust Company Forest City Susquehanna County	<i>To:</i> 1601 Main Street Dickson City Lackawanna County  <i>From:</i> Corner of Main and Lackawanna Aves. Dickson City Lackawanna County (Approved/Unopened)	Effective
10-12-99	Laurel Bank Johnstown Cambria County	<i>To:</i> Routes 88 & 188 Rices Landing Jefferson Township Greene County  <i>From:</i> 36 Greene Street Jefferson Greene County	Effective

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-19-99	Harris Savings Bank Harrisburg Dauphin County	<i>To:</i> 36 Robin Hood Drive Newberry Township York County  <i>From:</i> 320 Newberry Commons Newberry Township York County	Approved

**SAVINGS ASSOCIATIONS**

No activity.

**CREDIT UNIONS**

No activity.

DAVID E. ZUERN,  
*Secretary*

[Pa.B. Doc. No. 99-1834. Filed for public inspection October 29, 1999, 9:00 a.m.]

**DEPARTMENT OF ENVIRONMENTAL PROTECTION****Applications, Actions and Special Notices****APPLICATIONS****APPLICATIONS RECEIVED UNDER THE PENNSYLVANIA CLEAN STREAMS  
LAW AND THE FEDERAL CLEAN WATER ACT****[National Pollution Discharge Elimination System Program (NPDES)]****DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER****(Part I Permits)**

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

Where indicated, the EPA, Region III, 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 Managers 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 proceedings should contact the Secretary to the Board at (717) 787-3483. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

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

**PA 0086479.** Industrial waste, SIC Code 2023, **Dietrich's Milk Products, LLC**, 100 McKinley Avenue, Reading, PA 19605-2199.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to Laurel Run, in Muhlenberg Township, **Berks County**.

The receiving stream is classified for warm water fishes, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Pottstown Borough located on the Schuylkill River. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001, for a design flow of 0.129 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH		6.0—9.0 at all times	
TSS	10	20	25
CBOD	10	20	25

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

The EPA waiver is in effect.

**PA 0021571.** Sewage, SIC Code 4952, **Marysville Borough Council**, c/o Larry N. Wilfong, Manager, 200 Overcrest Road, Marysville, PA 17053.

This application is for renewal of an NPDES permit for an existing discharge of treated sewage to the Susquehanna River, in Marysville Borough, **Perry County**.

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

The proposed effluent limits for Outfall 001 for a design flow of 1.25 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
5-day CBOD	25	40	50
Total Suspended Solids	30	45	60
Total Phosphorus	2		4
Total Residual Chlorine	0.5		1
Total Zinc		monitor and report	
Dissolved Oxygen		minimum of 5.0 at all times	
pH		from 6.0 to 9.0 inclusive	
Fecal Coliform		200/100 ml as a geometric average	
(5-1 to 9-30)		100,000/100 ml as a geometric average	
(10-1 to 4-30)			

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

The EPA waiver is not in effect.

**PA 0040860.** Industrial waste, SIC Code 4953, **Delaware County Solid Waste Authority**, 583 Longview Road, Boyertown, PA 19512.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to Manatawny Creek and Furnace Run, in Earl and Oley Townships, **Berks County**.

The receiving streams are classified for cold water fishes, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Pennsylvania American Water Company located on the Schuylkill River. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.08 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Dissolved Oxygen		5.0 mg/l at all times	
pH (S. U.)		from 6.0 to 9.0 inclusive	
Total Suspended Solids	30	60	75
CBOD <sub>5</sub>	25	50	63
NH <sub>3</sub> -N			
(5-1 to 9-30)	14	28	35
(10-1 to 4-30)	20	40	40
Fecal Coliforms			
(5-1 to 9-30)	200	XXX	XXX
(10-1 to 4-30)	10,000	XXX	XXX
Total Residual Chlorine	1.0	2.0	2.5
Total Dissolved Solids	15,000	30,000	37,500

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Color (P. C.)	XXX	100	100
Total Barium	monitor and report	monitor and report	XXX
Total Nickel	monitor and report	monitor and report	XXX
Total Zinc	monitor and report	monitor and report	XXX

The proposed effluent limits for Outfall 006 for a design flow of 0.087 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Dissolved Oxygen		5.0 mg/l at all times	
pH (S. U.)		from 6.0 to 9.0 inclusive	
Total Suspended Solids	30	45	60
CBOD <sub>5</sub>	25	50	63
NH <sub>3</sub> -N			
(5-1 to 9-30)	6.0	12	15
(10-1 to 4-30)	18	36	40
Total Dissolved Solids	1,000	2,000	2,500
Total Iron	monitor and report	monitor and report	XXX
Total Manganese	monitor and report	monitor and report	XXX
Osmotic Pressure	monitor and report	monitor and report	XXX

The proposed effluent limits for Outfalls 002, 003, 004, 005, 008, 009 and 010 are:

*Monitoring Requirements*

<i>Parameter</i>	<i>(2) Grab Sample (mg/l)</i>	<i>Monitor Frequency</i>
CBOD <sub>5</sub>	monitor and report	1/6 months
Chemical Oxygen Demand	monitor and report	1/6 months
Total Suspended Solids	monitor and report	1/6 months
Total Dissolved Solids	monitor and report	1/6 months
Total Nitrogen	monitor and report	1/6 months
Total Iron	monitor and report	1/6 months
Oil and Grease	monitor and report	1/6 months
pH (S. U.)	monitor and report	1/6 months
Total Barium	monitor and report	1/6 months
Total Cadmium	monitor and report	1/6 months
Total Manganese	monitor and report	1/6 months
Total Arsenic	monitor and report	1/6 months
NH <sub>3</sub> -N	monitor and report	1/6 months
Cyanide	monitor and report	1/6 months

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

The EPA waiver is in effect.

**PA 0008869.** Industrial waste, SIC Code 2621, **P. H. Glatfelter Company**, 228 South Main Street, Spring Grove, PA 17362-0500.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to Codorus Creek in Spring Grove Borough, **York County**.

The receiving stream is classified for warm water fishes, recreation and water supply. The discharge is not expected to impact any potable water supply.

A. Outfall 001 receives wastewater from production of pulp and paper by bleach kraft process and from secondary treated municipal wastewater.

1. Interim limitations are as follows:

*Discharge Limitations*

<i>Discharge Parameter</i>	<i>Mass Units (lbs/day)</i>		<i>Concentrations (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Report	Report	XXX	XXX	XXX
pH	XXX	XXX	6.0 to 9.0 standard units at all times		
D. O. (Minimum)	XXX	XXX	5 mg/l at all times		
BOD <sub>5</sub>					
(5-1 to 10-31)	1,168	2,335	14	25	25
(11-1 to 4-30)	1,751	3,503	17	34	38



<i>Discharge Parameter</i>	<i>Mass Units (lbs/day)</i>		<i>Concentrations (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Suspended Solids	3,000	11,266	30	95	118
NH <sub>3</sub> -N					
(5-1 to 10-31)	XXX	XXX	1.5	3.0	3.8
(11-1 to 4-30)	XXX	XXX	2.0	4.0	5.0
Color (PCU) (Filter Plant Intake)	XXX	XXX	monitor	monitor	XXX
Color (PCU) (Effluent)	XXX	XXX	330	440	XXX
Color (PCU) (Downstream)	XXX	XXX	monitor	monitor	monitor
AOX (until 4/16/04)	872	1,331	monitor	monitor	XXX
Temperature °F (Effluent)	XXX	XXX	monitor	monitor	XXX
Temperature °F (Bair Bridge)	XXX	XXX	Avg. Wkly. (See Pg. 32)	monitor	XXX
COD	XXX	XXX	Avg. Wkly. monitor	monitor	XXX
Chloroform	XXX	XXX	0.02	0.04	0.05
Total Phosphorus	XXX	XXX	XXX	2.0	XXX
Dioxin 2,3,7,8-TCDD	XXX	XXX	XXX	3.5 x 10 <sup>-2</sup> pg/l	XXX
Furan 2,3,7,8-TCDF	XXX	XXX	XXX	monitor	XXX
Aldrin	XXX	XXX	XXX	monitor	XXX
4,4' DDE	XXX	XXX	XXX	monitor	XXX
WETT	XXX	XXX	XXX	monitor	XXX
COD (influent)	XXX	XXX	monitor	monitor	XXX
Color (influent)	XXX	XXX	monitor	monitor	XXX

2. Final limitations are as follows:

<i>Discharge Parameter</i>	<i>Mass Units (lbs/day)</i>		<i>Concentrations (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	report	report	XXX	XXX	XXX
pH	XXX	XXX	6.0 to 9.0 standard units at all times		
D. O. (Minimum)	XXX	XXX	5 mg/l at all times		
BOD <sub>5</sub>					
(5-1 to 10-31)	1,168	2,335	14	25	25
(11-1 to 4-30)	1,751	3,503	17	34	38
Total Suspended Solids	3,000	11,266	30	95	118
NH <sub>3</sub> -N					
(5-1 to 10-31)	XXX	XXX	1.5	3.0	3.8
(11-1 to 4-30)	XXX	XXX	2.0	4.0	5.0
Color (PCU) (Route 116 Bridge)	XXX	XXX	monitor	monitor	monitor
Color (PCU) (Effluent)					
(5-1 to 10-31)	XXX	XXX	90	180	225
(11-1 to 4-30)	XXX	XXX	80	160	200
Color (PCU) (Downstream)	XXX	XXX	monitor	monitor	monitor
AOX (after 4/16/04)	336	812	monitor	monitor	XXX
Temperature °F (Effluent)	XXX	XXX	See Part C.V.C.		
Temperature °F (Downstream of 001)	XXX	XXX	monitor	monitor	XXX
COD	XXX	XXX	monitor	monitor	XXX
Chloroform	XXX	XXX	0.02	0.04	0.05
Total Phosphorus	XXX	XXX	XXX	2.0	XXX
Dioxin 2,3,7,8-TCDD	XXX	XXX	XXX	3.5 x 10 <sup>-2</sup> pg/l	XXX
Furan 2,3,7,8-TCDF	XXX	XXX	XXX	monitor	XXX
Aldrin	XXX	XXX	XXX	monitor	XXX
4,4' DDE	XXX	XXX	XXX	monitor	XXX
WETT	XXX	XXX	XXX	monitor	XXX
COD (influent)	XXX	XXX	monitor	monitor	XXX
Color (influent)	XXX	XXX	monitor	monitor	XXX

*Note:* Chapter 93, Water Quality Standards, is currently under review. The water quality criteria for Color for the Codorus Creek is recommended for change from 50 PCU to 75 PCU. If this change is approved, the Effluent Limitations for Color will become:

*Discharge Limitations*

<i>Discharge Parameter</i>	<i>Mass Units (lbs/day)</i>		<i>Concentrations (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Color (PCU)					
(5-1 to 10-31)	XXX	XXX	140	280	350
(1-1 to 4-30)	XXX	XXX	123	246	307

B. Outfall 002 receives wastewater from noncontact cooling water

*Discharge Limitations*

<i>Discharge Parameter</i>	<i>Mass Units (lbs/day)</i>		<i>Concentrations (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	report	report	XXX	XXX	XXX
Temperature °F (Upstream)	XXX	XXX	monitor	monitor	XXX
(Effluent)	XXX	XXX	Avg. Wkly. monitor	monitor	XXX
(Filter Plant Intake)	XXX	XXX	Avg. Wkly. (See Pg. 32)	monitor	XXX
pH	XXX	XXX	6.0 to 9.0 Standard Units at all times		
BOD <sub>5</sub>	XXX	XXX	XXX	monitor	XXX
Total Suspended Solids	XXX	XXX	XXX	monitor	XXX
Streamflow at Gage (cfs) (5-1 to 10-31)	21.3 Min. 7-day Avg.	monitor and report	XXX	XXX	XXX
Streamflow at Gage (cfs) (11-1 to 4-30)	15.8 Min. 7-day Avg.	minimum daily monitor and report	XXX	XXX	XXX
		minimum daily			

C. MP 101, Internal Monitoring Point—Bleach Plant Effluent—Softwood

*Discharge Limitations*

<i>Discharge Parameter</i>	<i>Mass Units (lbs/day)</i>		<i>Concentrations (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Kappa Number	XXX	XXX	20	monitor	XXX
Color (PCU)	XXX	XXX	annual avg.	monitor	XXX
Chloroform (Interim)	7.08	11.82	monitor	monitor	XXX
Chloroform (Final)	2.48	4.15	monitor	monitor	XXX
Flow (mgd)	monitor	monitor	XXX	XXX	XXX
2,3,7,8-TCDD	XXX	XXX	XXX	<ML	XXX
2,3,7,8-TCDF	XXX	XXX	XXX	31.9 pg/l	XXX
Trichlorosyringol	XXX	XXX	XXX	<ML	XXX
3,4,5-trichlorocatechol	XXX	XXX	XXX	<ML	XXX
3,4,6-trichlorocatechol	XXX	XXX	XXX	<ML	XXX
Tetrachlorocatechol	XXX	XXX	XXX	<ML	XXX
3,4,5-trichloroguaiacol	XXX	XXX	XXX	<ML	XXX
3,4,6-trichloroguaiacol	XXX	XXX	XXX	<ML	XXX
4,5,6-trichloroguaiacol	XXX	XXX	XXX	<ML	XXX
Tetrachloroguaiacol	XXX	XXX	XXX	<ML	XXX
2,4,5-trichlorophenol	XXX	XXX	XXX	<ML	XXX
2,4,6-trichlorophenol	XXX	XXX	XXX	<ML	XXX
2,3,4,6-tetrachlorophenol	XXX	XXX	XXX	<ML	XXX
Pentachlorophenol	XXX	XXX	XXX	<ML	XXX

D. MP 102, Internal Monitoring Point—Bleach Plant Effluent—Hardwood

*Discharge Limitations*

<i>Discharge Parameter</i>	<i>Mass Units (lbs/day)</i>		<i>Concentrations (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Kappa Number			17		
(Before 4/16/04)	XXX	XXX	annual avg.	monitor	XXX
(After 4/16/04)	XXX	XXX	13 annual avg.	monitor	XXX

Discharge Parameter	Mass Units (lbs/day)		Concentrations (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Color (PCU)	XXX	XXX	monitor	monitor	XXX
Chloroform (Interim)	8.04	13.40	monitor	monitor	XXX
Chloroform (Final)	3.31	5.54	monitor	monitor	XXX
Flow (mgd)	monitor	monitor	XXX	XXX	XXX
2,3,7,8-TCDD	XXX	XXX	XXX	<ML	XXX
2,3,7,8-TCDF	XXX	XXX	XXX	31.9 pg/l	XXX
Trichlorosyringol	XXX	XXX	XXX	<ML	XXX
3,4,5-trichlorocatechol	XXX	XXX	XXX	<ML	XXX
3,4,6-trichlorocatechol	XXX	XXX	XXX	<ML	XXX
Tetrachlorocatechol	XXX	XXX	XXX	<ML	XXX
3,4,5-trichloroguaiacol	XXX	XXX	XXX	<ML	XXX
3,4,6-trichloroguaiacol	XXX	XXX	XXX	<ML	XXX
4,5,6-trichloroguaiacol	XXX	XXX	XXX	<ML	XXX
Tetrachloroguaiacol	XXX	XXX	XXX	<ML	XXX
2,4,5-trichlorophenol	XXX	XXX	XXX	<ML	XXX
2,4,6-trichlorophenol	XXX	XXX	XXX	<ML	XXX
2,3,4,6-tetrachlorophenol	XXX	XXX	XXX	<ML	XXX
Pentachlorophenol	XXX	XXX	XXX	<ML	XXX

E. Stormwater Outfalls SW1 through SW46 shall be monitored for the following parameters:

Discharge Parameters	Monitoring Requirements	
	Composite Sample (mg/l)	Grab Sample (mg/l)
BOD <sub>5</sub>	monitor and report	monitor and report
COD	monitor and report	monitor and report
Oil and Grease	XXX	monitor and report
pH (S. U.)	XXX	monitor and report
Total Suspended Solids	monitor and report	monitor and report
Total Phosphorus	monitor and report	monitor and report
Total Kjeldahl Nitrogen	monitor and report	monitor and report
Total Iron	monitor and report	monitor and report

In addition to the above effluent limitations, the permit requires the following:

1. Maintain winter, summer and annual stream flows of 15.8, 21.3 and 16.4 cfs at the USGS Gaging Station.
2. Chronic Whole Effluent Toxicity Testing of Outfall 001.
3. Control of any Chemical Additives to prevent environment impacts.
4. Completion of a new 316(a) Study (fish and macroinvertebrates) to demonstrate the impact of the existing heat discharges on the Codorus Creek and recommend reductions if necessary.
5. Compliance with color standards by permit expiration or in accordance with a schedule in a Consent Order and Agreement.
6. A Solids, Odor, and Sediment Bioassay Study to assess impact of the discharge on the Codorus Creek.
7. Sampling of parameters found by the EPA during development of the "Cluster Rule" at a predefined detection limit.
8. Implementation of Best Management Practices to comply with the "Cluster Rule" and a Mass and Energy Balance Study to identify sources of color.
9. Elimination of elemental chlorine bleaching by conversion of both bleach plants to chlorine dioxide substitution by April 15, 2004.

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

---

Northcentral Region: Environmental Program Manager, Water Management Program, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (717) 327-3666.

**PA 0228133.** Industrial Waste, SIC, 7542, **PA Department of Transportation**, 1924-30 Daisy Street P. O. Box 342, Clearfield, PA 16830.

This proposed action is for issuance of an NPDES permit for a new discharge of treated industrial wastewater to Driftwood Branch Sinnemahoning Creek in Lumber Township, **Cameron County**.

The receiving stream is classified for the following uses: trout stocking, aquatic life, water supply and recreation. For the purposes of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is PA American Water Company located at Milton.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0005 mgd, are:

Parameter	Concentration (mg/l)			Mass (lbs/day)	
	Average Monthly	Daily Maximum	Instantaneous Maximum	Average Monthly	Daily Maximum
5 Day CBOD	25		50		
TSS	30		60		
Oil and Grease	15		30		
Benzene		report			
Toluene		report			
Ethylbenzene		report			
Total Xylenes		report			
pH	6.0—9.0 at all times				

The EPA waiver is in effect.

**PA 0042722.** Sewerage, SIC 4952, **Dushore Sewer Authority**, P. O. Box 248, Dushore, PA 18614.

This proposed action is for issuance of an NPDES permit for an existing discharge of treated sewage to Little Loyalsock Creek in Dushore Borough, **Sullivan County**.

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

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is PA American Water Company located on the West Branch of the Susquehanna River at Milton approximately 75 river miles downstream.

The proposed effluent limit for Outfall 001 based on a design flow of 0.26 mgd, are:

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
pH (Standard Units)	within the range of 6.0 to 9.0		
Fecal Coliform (5-1 to 9-30)	200#/100 ml as a geometric average		
(10-1 to 4-30)	2000#/100 ml as a geometric average		
CBOD <sub>5</sub>	22	33	44
TSS	30	45	60
Total CL <sub>2</sub> Residual*	0.22		4.6
NH <sub>3</sub> -N (6-1 to 10-31)	3.2	4.5	6.4
(11-1 to 5-30)	9.6	14.5	19.0

\* TRC limit effective 3 years after permit effective date. Until then, monitor and report.

The EPA waiver is in effect.

---

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

**PA 0044971.** Sewage, **B.P.O.E. Lodge 512**, 3200 Milligantown Road, P. O. Box 2026, Lower Burrell, PA 15068.

This application is for renewal of an NPDES permit to discharge treated sewage from B.P.O.E. Lodge 512 Sewage Treatment Plant in Lower Burrell, **Westmoreland County**.

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

*Outfall 001:* existing discharge, design flow of .0027 mgd.

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

*Other Conditions:* None

The EPA waiver is in effect.

**PA 0092347.** Sewage, **Albert Gallatin Area School District**, 10 West Church Street, Masontown, PA 15461.

This application is for renewal of an NPDES permit to discharge treated sewage from the Smithfield Elementary School STP in Smithfield Borough, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an unnamed tributary of Georges Creek, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the: Dunkard Valley Joint Municipal Authority.

*Outfall 001:* existing discharge, design flow of .004 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD-5 Day	10			20
Suspended Solids	25			50
Ammonia Nitrogen				
(5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA 0218197.** Sewage, **Michael P. Baycura**, 131 Cardinal Drive, New Brighton, PA 15066.

This application is for issuance of an NPDES permit to discharge treated sewage from the Steven's Trail Small Flow Sewage Treatment Plant in Daugherty Township, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an unnamed tributary to Blockhouse Run, 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: Arco Chemical Company Beaver Valley Plant on the Ohio River.

*Outfall 001:* new discharge, design flow of 0.0015 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> Day	10			20
Suspended Solids	10			20
Ammonia Nitrogen				
(5-1 to 10-31)	3			6
(11-1 to 4-30)	9			18
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2000/100 ml as a geometric mean			
Total Residual Chlorine	monitor and report			
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

---

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

**PA 0030724.** Sewage, **Pleasant Ridge Manor—West**, 8300 West Ridge Road, Girard, PA 16417.

This application is for renewal of an NPDES permit to discharge treated sanitary sewage from a geriatric center to Trout Run in Fairview Township, **Erie County**. This is an existing discharge.

The receiving water is classified for cold water and migratory fishery, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, there is no potable water supply to consider, as the stream discharges into Lake Erie.

The proposed effluent limits for Outfall 001 based on average design flow of 0.125 mgd, are:

<i>Parameter</i>	<i>Effluent Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25	50
Total Suspended Solids	30	60
NH <sub>3</sub> -N		
(5-1 to 10-31)	1.5	3.0
(11-1 to 4-30)	4.5	9.0
Phosphorus as "P"	1.0	
Dissolved Oxygen	minimum of 5.0 mg/l at all times	
Total Residual Chlorine		
(interim)	0.5	
(final)	0.3	
Fecal Coliform		
(5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	4,200/100 ml as a geometric average	
pH	6.0 to 9.0 standard units at all times	

The EPA waiver is in effect.

---

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

---

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

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

Persons wishing to comment on the proposed permits are invited to submit a statement to the Field Operations indicated as the office responsible, within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding these applications and proposed permit actions. Comments should include the name, address and telephone number of the writer and a brief statement to inform the Field Office of the basis of the comment and the relevant facts upon which it is based. A public hearing may be held if the Field Office considers the public response significant.

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

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

---

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

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Requirements</i>
PA 0038415	Township of East Pennsboro 98 South Enola Drive Enola, PA 17025	Cumberland County East Pennsboro Township	Conodoguinet Creek	TRC
PA 0081647	White Run Regional Municipal Authority 2001 Baltimore Pike Gettysburg, PA 17325-7068	Adams County Mt. Joy Township	White Run	TRC

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

**Applications under the Pennsylvania Clean  
Streams Law**

**(Part II Permits)**

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

Persons objecting on the grounds of public or private interest to the approval of an application or submitted plan may file a written protest with the Department at the address indicated above each permit application or plan. Each written protest should contain the name, address and telephone number of the protester, identification of the plan or application to which the protest is addressed and a concise statement or protest in sufficient detail to inform the Department of the exact basis of the protest and the relevant facts upon which it is based. The Department may conduct a fact-finding hearing or an informal conference in response to any given protest or protests. Each protester will be notified in writing of the time and place of any scheduled hearing or conference concerning the plan or action or application to which the protest relates. To insure consideration by the Department prior to final action on permit application and proposed plans, initial protests and additions or amendments to protests already filed should be filed within 15 calendar days from the date of this issue of the *Pennsylvania Bulletin*. A copy of each permit application and proposed plan is on file in the office indicated and is open to public inspection.

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

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

**A. 4899406.** Marion Pearce, 1034 N. 27th Street, Allentown, PA 18104. Application to construct and operate a single family residence sewage treatment plant, located in Upper Mt. Bethel Township, **Northampton County**. Application received in the Regional Office October 14, 1999.

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

**A. 0599406.** Sewage, submitted by **Kenneth P. Secrest**, P. O. Box 454, New Kingstown, PA 17072-0454, East Providence Township, **Bedford County**, to install a 20,500 gallon wastewater treatment plant was received in the Southcentral Region on September 30, 1999.

**A. 3699202.** Industrial waste, submitted by **Wyeth-Ayerst Pharmaceuticals, Inc.**, P. O. Box 304, Wasp & Biddle Streets, Marietta, PA 17547 in East Donegal Township, **Lancaster County** to construct and replace their existing treatment plant was received in the Southcentral Region on September 30, 1999.

**A. 2199408.** Sewage, submitted by **Lower Allen Township Authority**, 120 Limekiln Road, New Cumberland, PA 17070-2428 in Lower Allen Township, **Cumberland County** to construct the Beacon Hill Pump Station was received in the Southcentral Region on September 30, 1999.

**A. 2270402 T-1 (amendment 99-1).** Sewage, submitted by **Millersburg Area Authority**, 101 West Street, Millersburg, PA 17061 in Millersburg Borough, **Dauphin County** to rerate the hydraulic and organic capacity of their sewage treatment plant was received in the Southcentral Region on September 25, 1999.

**A. 0699409.** Sewage, submitted by **Womelsdorf Sewer Authority**, 101 High Street, Womelsdorf, PA 19567-1108 in Heidelberg Township, **Berks County** to construct a sewage treatment plant was received in the Southcentral Region on October 5, 1999.

**A. 0689423 99-1.** Sewage, submitted by **Karl D. Reed**, 644 North 9th Street, Allentown, PA 18102, Maxatawny Township, **Berks County** to construct a small flow sewage treatment system was received in the Southcentral Region on October 5, 1999.

**A. 2899405.** Sewage, submitted by **Borough of Shippenburg**, 60 West Burd Street, Shippenburg, PA 17257 in Southampton Township, **Franklin County** to rehabilitate their existing wastewater treatment plant with no change to flow or population served was received in the Southcentral Region on October 5, 1999.

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

**WQM Permit No. 1799404.** Sewerage. **Cooper Township Municipal Authority**, P. O. Box 446, Winburne, PA 16879. Application to construct and operate a collection system, and a wastewater treatment plant to serve the Winburne, Lanse and Kylertown areas of Cooper Township, **Clearfield County**. Application received in the Northcentral Regional Office on August 23, 1999.

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

**WQM Permit No. 2099412.** Sewage, **Marsha A. Willey, SRSTP**, 16953 John Brown Rd., Guys Mills, PA 16327. This project is for the construction of a Single Residence Sewage Treatment Plant in Hayfield Township, **Crawford County**.

**WQM Permit No. 2099413.** Sewage, **James R. Stanford**, 4283 Leech Road, Hartstown, PA 16131. This project is for the construction of a Single Residence Sewage Treatment Plant in East Fallowfield Township, **Crawford County**.

**WQM Permit No. 4399425.** Sewage, **Christopher F. Stewart**, 2763 Highland Road, Hermitage, PA 16148. This project is for the construction of a Single Residence Sewage Treatment Plant in City of Hermitage, **Mercer County**.

**WQM Permit No. 4399426.** Sewage, **Ronald H. Boyd, Jr.**, 39 1/2 College Avenue, Fredonia, PA 16124. This project is for the construction of a Single Residence Sewage Treatment Plant in Delaware Township, **Mercer County**.

**INDIVIDUAL PERMITS**

**(PAS)**

**NPDES INDIVIDUAL**

The following parties have applied for an NPDES permit to discharge stormwater from a proposed construction activity into the surface waters of this Commonwealth. Unless otherwise indicated on the basis of preliminary review and application of lawful standards and

regulations, the Department of Environmental Protection (Department) proposes to issue a permit to discharge, subject to certain limitations set forth in the permit and special conditions. These proposed determinations are tentative. Limitations are provided in the permit as erosion and sedimentation control measures and facilities which restrict the rate and quantity of sediment discharge.

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 123.24(d).

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

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

The application and related documents, including the erosion and sedimentation control plan for the construction activity, are on file and may be inspected at the County Conservation District Office or the Department Regional Office indicated above the application.

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

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

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

**NPDES Permit PAS10Q186.** Stormwater. **The Perrier Group of America**, Ronald Henderson, 405 Nestle Way, Breinigsville, PA 18031, has applied to discharge stormwater from a construction activity located in Upper Macungie Township, **Lehigh County**, to Little Lehigh Creek.

**NPDES Permit PAS232207.** Stormwater. **Gellner & Company, Inc.**, P. O. Box 208, Tamaqua, PA 18252 has applied to discharge stormwater from an individual site located in Tamaqua Borough, **Schuylkill County**, to an unnamed tributary to Nesquehoning Creek.

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

*Cumberland County Conservation District, District Manager, Cumberland County CD, 43 Brookwood Avenue, Suite 4, Carlisle, PA 17013, (717) 240-7812.*

**NPDES Permit PAS-10-H086.** Stormwater. **S & A Homes, Inc.**, 501 Rolling Ridge Drive, State College, PA 16801 has applied to discharge stormwater from a construction activity located in South Middleton Township, **Cumberland County**, to Yellow Breeches Creek. (HQ-CWF)

## SAFE DRINKING WATER

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

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

**A. 0999511.** Public water supply. **PA-American Water Company**, 800 West Hershey Park Drive, Hershey, PA 17033. This proposal involves the construction of Oxford Valley Main Service Booster Station in Lower Makefield Township, **Bucks County**.

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

**3546481.** Bottled water. **Sweet Arrow Springs (Harrisburg Dairies)** Matthew B. Zehring, Sr., P. O. Box 2001, Harrisburg, PA 17105. This proposal involves upgrading the existing facilities at the source to provide spring encasement, added filtration, ozonation and two new storage tanks. It is located in Pine Grove Township, **Schuylkill County**. *Engineer:* Yourshaw Engineering Inc., Charles J. Yourshaw, P.E.

**3999506.** Public water supply. **Whitehall Township Authority**, Douglas K. Bowen, Manager, 1901 Shadt Ave., Whitehall, PA 18052. This proposal involves the permitting of a new well, a pump station/treatment building with emergency generator and other necessary appurtenances. It is located in Whitehall Township, **Lehigh County**. *Engineer:* Keystone Consulting Engineers, Inc., Frank G. Waldruff, P.E.

**4099505.** Public water supply. **Zack's Rock Glen Manor**, Joyce Zakrewsky, P. O. Box 54, Rock Glen, PA 18246. This proposal involves the permitting of an existing community water system which consists of a single well and ultraviolet disinfection. It is located in Black Creek Township, **Luzerne County**. *Engineer:* Schumacher Engineering, Inc., John G. Synoski, P.E.

**4899505.** Public water supply. **Easton Suburban Water Authority**, Roy White, Manager, 2424 Butler Street, P. O. Box 3819, Easton, PA 18043. This proposal involves the construction of a 2.0 MGD booster pumping station to deliver water from the City of Easton's twin reservoirs to the Easton Suburban Water Authority's North High system. The pump station will replace an existing pump station, also known as the North Pump Station, which is owned/operated by the City of Easton. It is located in the City of Easton, **Northampton County**. *Engineer:* Gannett Fleming, Inc., Gene C. Koontz, P.E.

**5899501.** Public water supply. **Pennsylvania American Water Company**, Paul Zielinski 800 West Hersheypark Drive, Hershey, PA 17033. This proposal involves the addition of equipment to feed powdered activated carbon at the Montrose water treatment plant. *Engineer:* Mark Cross, P.E.

**Minor Amendment.** Public water supply. **Pocono Mountain Lake Forest**, Pat Koval Administrative Manager, Silver Lake Road, Dingmans Ferry, PA 18328. This proposal involves construction of a new 53,000 gallon



finished water storage tank and associated controls.  
*Engineer:* Acker Assoc. Inc., E. Kenneth Acker, P.E.

**Minor Amendment.** Public water supply. **Municipal Authority of the Borough of Shenandoah**, Gino Bruni, Chief WTP Operator, 26—28 W. Lloyd Street, Shenandoah, PA 17976. This proposal involves change of the chemical being fed from Shannon SLI-321L to Shannon SLI-5216. It is located in Shenandoah Borough, **Schuylkill County**. *Engineer:* Entech Engineering, Inc., Daniel J. Castellani, P.E.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 1

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

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

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

For further information concerning the content of a Notice of Intent to Remediate, please contact the Environ-

mental Cleanup Program Manager in the Department of Environmental Protection 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 of Environmental Protection has received the following Notice of Intent to Remediate:

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

**CNG Transmission Corporation**, South Bend Compressor Station, South Bend Township, **Armstrong County**. CNG Transmission Corporation, 445 West Main Street, Clarksburg, WV 26302 and Kevin McCullen, Dames & Moore, 2020 Ardmore Boulevard, Room 205, Pittsburgh, PA 15221 have submitted a Notice of Intent to Remediate soil contaminated with PCBs, BTEX and PAHs. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Leader Times* on October 4, 1999.

## AIR QUALITY

### Notice of Plan Approval and Operating Permit Applications

#### Nonmajor Sources and Modifications

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

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

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

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

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

### OPERATING PERMITS

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

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

**06-01007P: Carpenter Technology Corp.** (P. O. Box 14662, Reading, PA 19536-4662) for a specialty steel facility controlled by various methods in Reading/Muhlenberg Township, **Berks County**. Several sources are subject to 40 CFR Part 60 and 61 of the Standards of Performance for New Stationary Sources and National Emission Standards for Hazardous Air Pollutants.

**06-03001A: Unicast Corp.** (241 Washington Street, Boyertown, PA 19512) for a gray iron foundry controlled by various control devices in Boyertown Borough, **Berks County**.

**06-03111: EAFCO, Inc.** (Spring & Schaeffer Streets, Boyertown, PA 19512) for a paint spray booth controlled by dry filters in Boyertown Borough, **Berks County**.

**06-05063C: Boyertown Foundry Co.** (Box G, New Berlinville, PA 19545) for a gray iron foundry controlled by various control devices in Boyertown/Colebrookdale Township, **Berks County**.

**38-303-007: Pottstown Trap Rock Quarries, Inc.** (P. O. Box 196, Skippack, PA 19474) for a batch asphalt plant controlled by a baghouse in North Annville Township, **Lebanon County**. This source is subject to 40 CFR, Part 60, Subpart I, of the Standards of Performance for New Sources.

**67-05067: Persing Enterprises, Inc.** (214 North Franklin Street, Red Lion, PA 17356) for operation of two spray booths and an adhesive booth in Red Lion Borough, **York County**.

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

**17-305-043: M. B. Energy, Inc.** (P. O. Box 1319, Indiana, PA 15701) for operation of a coal crushing, stockpiling and loading facility at the Brink-Scollon #3 strip mine in Chest Township, **Clearfield County**. This plant is subject to Subpart Y of the Federal Standards of Performance for New Stationary Sources.

**OP-55-0001C: PP&L, Inc.** (Two North Ninth Street, Allentown, PA 18101-1179) for operation of two #2 fuel oil-fired combustion turbines at the Montour SES in Derry Township, **Montour County**.

**08-302-041: Cummings Lumber Co., Inc.** (P. O. Box 6, Troy, PA 16947) for operation of a wood-fired boiler and associated air cleaning devices (two multiclone collectors) in Troy Township, **Bradford County**.

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

**PA-10-021C: INDSPEC Chemical Corp.** (133 Main Street, P. O. Box 307, Petrolia, PA 16050) for operation of a gas fired boiler economizer in Petrolia, **Butler County**.

**PA-16-134A: Car Mate Trailers, Inc.** (Route 66, P. O. Box 155, Leeper, PA 16233) for operation of two paint booths in Farmington Township, **Clarion County**.

**PA-25-983A: Rupp Auto Livery** (303 East 32nd Street, Erie, PA 16504) for operation of a crematory incinerator in Erie, **Erie County**.

**PA-33-155A: Trail King Industries, Inc. Ti-Brook** (Exit 14 off Interstate 80, P. O. Box 300, Brookville, PA 15825) for operation of a paint booth in Brookville, **Jefferson County**.

**PA-37-264B: Ellwood Quality Steels Co.** (700 Moravia Street, New Castle, PA 16101) for operation of a natural gas fired furnace in New Castle, **Lawrence County**.

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

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

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

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

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

*Southeast Regional Office: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, Attn: Edward Brown, (610) 832-6242.*

**09-00046: RJM Manufacturing, Inc.** (250 Canal Road, Fairless Hills, PA 19030) in Falls Township, **Bucks County**. The facility's major emission points include: a primer, an extruder, a flexographic press, and three coating lines, which emit major levels of VOCs.

### 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, (570) 826-2531.*

**40-317-021: Stroehmann Bakeries L C** (Valmont Industrial Park, Kiwanis Boulevard, West Hazleton, PA 18201) for modification of baking ovens in West Hazleton Borough, **Luzerne County**.

**58-317-001: Pennfield Corp.** (711 Rohrerstown Road, P. O. Box 4366, Lancaster, PA 17604) for construction of grain processing operation in Bridgewater Township, **Susquehanna County**.

**54-310-022: Schuylkill Contracting Co., Inc.** (913 Valley Road, R. R. 2, Box 2312, Pottsville, PA 17901) for construction of a stone crushing plant in Foster Township, **Schuylkill County**.

**35-328-001: P E I Power Corp.** (170 Power Boulevard, P. O. Box 157, Archbald, PA 18403) for construction of a gas fired turbine in Archbald Borough, **Lackawanna County**.

**48-320-005C: Mack Printing Group** (1991 Northampton Street, Easton, PA 18042) for modification of presses in Wilson Borough, **Northampton County**.

**66-315-038: Procter and Gamble Paper Products Co.** (P. O. Box 32, Mehoopany, PA 18629) for construction of a diaper raw material system at the facility on Route 87 in Washington Township, **Wyoming County**.

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

**06-03112: Birdsboro Alloying, Inc.** (200 C Furnace Street, Birdsboro, PA 19508) for construction of an aluminum scrap dryer controlled by an afterburner and an aluminum induction furnace in Birdsboro Borough, **Berks County**.

**06-01002G: Lucent Technologies, Inc.** (P. O. Box 13396, Reading, PA 19612-3396) for modification of the photoresist stripper line in Muhlenberg Township, **Berks County**.

**22-05024A: Milton S. Hershey Medical Center** (500 University Drive, Hershey, PA 17033) for construction of a pathological animal incinerator in Derry Township, **Dauphin County**.

**28-03027: Kurdziel Industrial Coatings Co.** (9523 Lincoln Way West, St. Thomas, PA 17252) for installation of three paint booths and sanding operations in St. Thomas Township, **Franklin County**.

**36-317-105D: Kellogg Co.** (2050 State Road, Caller Box 3006, Lancaster, PA 17604) for installation of a corn line in East Hempfield Township, **Lancaster County**.

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

**PA-37-00264B: Ellwood Quality Steels Co.** (700 Moravia Street, New Castle, PA 16101) for minor modification of Plan Approval PA-37-00264A that will decrease the plant allowable production rate in New Castle, **Lawrence County**. This facility is a Title V Facility.

**PA-62-0017D: United Refining Co.** (Bradley & Dobson Streets, P. O. Box 780, Warren, PA 16365) for minor modification of 62-312-029A which modifies the monitoring requirements for vapor pressure for Tank 432 in Warren, **Warren County**.

**PA-62-158A: The Lane Construction Corp.** (Jakes Rocks Road, Clarendon, PA 16313) for construction of a batch asphalt plant (170 tons/hour) in Mead Township, **Warren County**. This construction is subject to Federal NSPS, 40 CFR 60, Subpart I.

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

**97033, 99101: Soil Remediation of Philadelphia** (3201 South 61st Street, Philadelphia, PA 19153) for modification of the operation of soil remediation in the City of Philadelphia, **Philadelphia County**.

#### **Notice of Intent to Approve Plan Approval Application #PA-30-072C**

Notice is hereby given, under 25 Pa. Code § 127.44, that the Department of Environmental Protection (Department) intends to issue a Plan Approval to Consol Pennsylvania Coal Co. for modification of the Bailey Mine Complex Coal Preparation Plant located in Richhill Township, Greene County as described in its application. Based on the information provided by the applicant, and on the Department's analysis of that information, this modification in operation will result in emissions that shall not exceed 280 tons of VOC per consecutive 12-month period from the Wash Plants and 158.9 tons per consecutive 12-month period of particulate matter from the Material Handling and Transfer process (of that amount 72.40 tons per consecutive 12-month period are PM10). These emissions in conjunction with other PSD increment consuming sources, require allocation of 32.1% of the annual and 86.8% of 24-hour PM10 increment available in the area of the maximum impact of the source. Copies of the application, the Department's analysis and other documents used in the evaluation of the application are available for public inspection during normal business hours at the address below.

In order to assure compliance with all applicable standards, the Department proposes to place the following conditions on the Plan Approval.

#### *General Conditions:*

1. This Plan Approval is for the modification of the Wash Plant to increase the plant capacity to 41.3 MMton per consecutive 12-month period of raw coal at the coal preparation facility owned by Consol Pennsylvania Coal Company (CONSOL) located at the Bailey Mining Complex Preparation Plant, Richhill Township, Greene County.

2. This Plan Approval supersedes Conditions No. 1, No. 8 and No. 15 of Plan Approval PA-30-072B. Plan Approval PA-30-072B is attached for reference.

3. This approval to construct/modify shall become invalid if: (1) construction is not commenced (as defined in 40 CFR 52.21(b)(8)) within 18 months after the date of this approval; or, (2) if construction is discontinued for a period of 18 months or more; or, (3) construction is not completed within a reasonable time.

4. The facility is permitted to operate 8,760 hours per year.

5. This construction/modification is subject to 25 Pa. Code §§ 127.206(d)(1) and (2) and other applicable provisions of Subchapter E of Chapter 127 for New Source Review. The plant may not process in excess of 27 MMTPY of raw coal until the required emission reduction credits are obtained by CONSOL and a full and detailed accounting of the credits is provided to the Department at the address noted.

6. In accordance with 25 Pa. Code § 127.205(3), each modification to a facility shall offset in accordance with 25 Pa. Code §§ 127.201 and 127.211, the total of the net increase in potential to emit.

7. CONSOL is required to obtain 129 tons of VOC emission reduction credits for the Wash Plant modification.

8. Conditions for the Wash Plants 1 and Plant 2:

The VOC emission from the Wash Plants 1 and 2 shall not exceed 280 tons per consecutive 12-month period.

9. The Bailey Coal Preparation Plant (including Thermal Dryer No. 1 and No. 2) is subject to the new source performance standards for coal preparation plants, 40 CFR Part 60, Subpart Y. In accordance with 40 CFR 60.4, copies of all request, reports, application, submittals and other communications shall be forwarded to both EPA and the Department at the addresses listed unless otherwise noted.

Director, Air Toxics and Radiation, U. S. EPA, Region III, 1650 Arch Street, Philadelphia, PA 19103-2029

Air Quality Program Manager, Pennsylvania Department of Environmental Resources, Office of Air Quality Control, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

10. All information required to be submitted to the Department shall be provided to: Air Quality Program Manager, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222.

11. This Plan Approval authorizes temporary operation of the source covered by this Plan Approval provided the following conditions are met.

A. Operation is authorized only to facilitate the startup and shakedown of sources and air cleaning devices, to permit operations pending the issuance of an Operating Permit or to permit the evaluation of the sources for compliance with all applicable regulations and requirements.

B. This condition authorizes temporary operation of the source for a period of 180 days from the date of this Plan Approval issuance.

C. The Owner/Operator may request an extension if compliance with all applicable regulation and Plan Approval requirements has not been established. The extension request shall be submitted in writing at least 15 days prior to the end of this period of temporary operation and shall provide a description of the compliance status of the source, a detailed schedule for establishing compliance, and the reason compliance has not been established.

12. CONSOL shall keep monthly records of raw coal mined, frother usage, diesel usage, antifreeze usage, flocculant usage and the related emission calculations. These records shall be kept and maintained on site for 5 years and available for review upon request.

13. CONSOL shall include the VOC emissions from froth flotation, vacuum filtration, antifreeze sprays and thickeners in the annual emissions statement submitted to the Department.

Persons wishing to provide the Department with additional information which they believe should be considered prior to the issuance of the Plan Approval may submit the information to the Department at the address shown. Each written comment must contain the following: Name, address and telephone number of the person submitting the comments; identification of the proposed Plan Approval (specify Plan Approval #PA-30-072C); concise statements regarding the relevancy of the information or objections to issuance of the Plan Approval.

A public hearing may be held, if the Department in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines that a notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to: Joseph Pezze, Regional Quality Program Manager, Department of Environmental Protection, Southwest Region—Field Operation, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. For additional information, contact the following at the same address: Sheri L. Guerrieri, Air Pollution Control Engineer, Air Quality Control.

## MINING

### APPLICATIONS TO CONDUCT COAL AND NONCOAL ACTIVITIES

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

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

Written comments or objections, or requests for 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 below will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. The NPDES permits will contain, at a minimum, technology-based effluent limitations (as described in the Department's regulations—25 Pa. Code §§ 77.522, 87.102, 88.92, 88.187, 88.242, 89.52 and 90.102) for iron, manganese, suspended solids, settleable solids, alkalinity and pH. In addition to the above, more restrictive effluent limitations, restrictions on discharge volume, or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit when necessary for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Per-

sons or agencies which have requested review of the NPDES permit requirements for a particular mining activity within the above-mentioned public comment period will be provided with a 30-day period to review and submit comments on those requirements.

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

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

*Coal Applications Received*

**40980103C. No. 1. Contracting Corporation** (49 South Main Street, Ashley, PA 18706), correction to an existing anthracite surface mine operation to include paper sludge disposal in Hazle and Banks Townships, **Luzerne and Carbon Counties**, receiving stream—none. Application received September 22, 1999.

**40940206R. Heavy Media, Inc.** (160 Nesbitt Street, Plymouth, PA 18651), renewal of an existing coal refuse reprocessing operation in Larksville Borough, **Luzerne County** affecting 15.9 acres, receiving stream—Boston Run. Application received September 27, 1999.

**40763208R3. Popple Brothers Coal Company** (P. O. Box 126, Duryea, PA 18642), renewal of an existing coal refuse reprocessing/disposal operation in Duryea and Old Forge Boroughs and Ransom Township, **Luzerne County** affecting 130.0 acres, receiving stream—none. Application received October 1, 1999.

**54803201R3. Blaschak Coal Corp.** (P. O. Box 12, Mahanoy City, PA 17948), renewal of an existing coal refuse reprocessing operation in Mahanoy Township, **Schuylkill County** affecting 17.4 acres, receiving stream—Mahanoy Creek. Application received October 13, 1999.

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

**17920111. Waroquier Coal Company** (P. O. Box 128, Clearfield, PA 16830), Renewal, transfer of and revision to an existing bituminous surface mine permit in Pike and Lawrence Townships, **Clearfield County**. The transfer is from R. B. Contracting and the revision is for a Change in Permit Acreage from 25.6 to 45.5 acres. Receiving streams: unnamed streams to Hogback Run to West Branch Susquehanna River. Application received October 7, 1999.

**17990119. Forcey Coal, Inc.** (P. O. Box 225, Madera, PA 16661), commencement, operation and restoration of a Bituminous Surface Mine permit in Woodward Township, **Clearfield County** affecting 83.3 acres. Receiving streams: unnamed tributaries to Goss Run. Application received October 8, 1999.

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

**40723003R. Darlington Brick and Clay Products Co.** (P. O. Box 346, Darlington, PA 16115). Renewal application received for continued operation and reclama-

tion of a bituminous surface mine located in South Beaver Township, **Beaver County**, affecting 213.1 acres. Receiving streams: unnamed tributaries to Brush Run to North Fork Little Beaver to Little Beaver Creek. Renewal application received: October 13, 1999.

**63880102R. Robinson Coal Company** (200 Neville Road, Neville Island, PA 15225). Renewal application received for continued operation and reclamation of a bituminous surface mine located in Robinson Township, **Washington County**, affecting 55.0 acres. Receiving streams: unnamed tributary to Robinson Run to Chartiers Creek to Ohio River. Renewal application received: October 13, 1999.

**65990107. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Application received for commencement, operation and reclamation of a bituminous surface mine located in Mt. Pleasant Township, **Westmoreland County**, proposed to affect 55.6 acres. Receiving streams: unnamed tributaries to Jacobs Creek, Jacobs Creek, Youghiogheny River. Application received: October 12, 1999.

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

**32990111. Mears Enterprises, Inc.** (P. O. Box 157, Clymer, PA 15728), commencement, operation and restoration of bituminous strip mine in Cherryhill Township, **Indiana County**, affecting 71.5 acres, receiving stream unnamed tributary of Two Lick Creek to Two Lick Creek to the Conemaugh River, application received October 4, 1999.

**56970101, Permit Revision, Marquise Mining Corporation**, (3889 Menoher Boulevard, Johnstown, PA 15905), a road variance within 100 feet of the right-of-way of Township Road T-527 in Somerset Township, **Somerset County**, affecting 88.0 acres, receiving stream unnamed tributaries to the East Branch Coxes Creek, application received October 12, 1999.

**56673058, Permit Renewal for reclamation only. Windber High Standard Coal Company** (1210 Graham Avenue, Windber, PA 15963), for continued restoration of a bituminous strip mine in Paint Township, **Somerset County**, affecting 553.0 acres, receiving stream unnamed tributaries to Spruce Creek; unnamed tributaries to Paint Creek, unnamed tributary to Weaver Run; and unnamed tributary to Stony Creek, application received October 7, 1999.

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

### ENCROACHMENTS

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

suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted above the application.

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

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

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

**E46-852.** Encroachment. **Souderton Borough**, 31 West Summit Street, Souderton, PA 18964. To replace and maintain approximately 80 feet of an existing gabion retaining wall and reno mattress in and along an unnamed tributary to Skippack Creek (TSF) as part of the East Chestnut Street Channel Reconstruction Project located near the intersection of Chestnut Street and the Reading Railroad (Telford, PA Quadrangle N: 11.1 inches; W: 10.05 inches) in Souderton Borough, **Montgomery County**.

**E46-853.** Encroachment. **PA DOT**, 200 Radnor-Chestnut Road, St. Davids, PA 19087. To remove an existing three-span, stone masonry arch bridge across Skippack Creek (TSF) and to construct and maintain, in its place, a twin span prestressed concrete box beam bridge. Each clear span of the new bridge will measure approximately 79 feet and the maximum vertical clearance will be about 14.0 feet. The new abutments and pier will be skewed 75 degrees left to match the approximate direction of stream flow. Improvements will include widening the total roadway width to approximately 40 feet. Total wetland impacts will be approximately 0.09 acre (0.02 acre permanent). The site is located along Kratz Road (S. R. 4008, Section 93S) approximately 350 feet west of its intersection with Stump Hall Road (Collegeville USGS Quadrangle N: 14.5 inches; W: 1.9 inches) in Skippack Township, **Montgomery County**.

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

**E01-210.** Encroachment. **Gettysburg Country Club**, P. O. Box 3144, Gettysburg, PA 17325. To regrade an area approximately 200 yards long by 12 yards wide within the floodway of Willoughby Run (WWF) for the purpose of safely retrieving golf balls adjacent to an existing fairway at the Gettysburg Country Club located west of Gettysburg on SR 0030 (Fairfield, PA Quadrangle N: 16 inches; W: 1.0 inch) in Cumberland Township, **Adams County**.

**E22-406.** Encroachment. **Hershey Trust Co.**, Founders Hall, P. O. Box 830, Hershey, PA 17033. To remove an existing footbridge and to construct and maintain a 6-foot by 26-foot box culvert in the channel of a tributary to Spring Creek (WWF) at a point 850 feet upstream of Bachmanville Road (Hershey, PA Quadrangle N: 1.5 inches; W: 0.5 inch) in Derry Township, **Dauphin County**.

**E22-407.** Encroachment. **City of Harrisburg**, Joseph Link, 123 Walnut St., Ste. 212E, Harrisburg, PA 17101.

To replace riprap, fill, ornamental railings, concrete curbs, park benches and sidewalks that were damaged by flooding in the floodplain of the Susquehanna River (WWF) at a point from Route 83 (Harrisburg, PA Quadrangle N: 9.2 inches; W: 4.0 inches) in the City of Harrisburg, **Dauphin County**.

**E67-677.** Encroachment. **South Branch Limited Partnership**, R. D. 1, Box 131AA, Seven Valleys, PA 17360. To construct and maintain a 129 foot, 8 inches long three span steel truss bridge having a center span of 6 feet, 8 inches supported by concrete piers having an underclearance of 11 feet, 9 inches across the South Branch of Codorus Creek (WWF) for the purpose of constructing a 16-foot wide access road from Glatfelter Station Road to the McWilliams Farm located east of Station Road (Glen Rock, PA Quadrangle N: 22.0 inches; W: 17.2 inches) in Springfield Township, **York County**. Wetland impacts total 0.65 acre from the access road and the proposed Rail-Trail parking lot located north of the access road. The permittee is required to provide 0.65 acre of replacement wetlands which is proposed off site within the same watershed.

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

**E02-1291.** Encroachment, **Advance Sign Company**, 1010 Saw Mill Run Boulevard, Pittsburgh, PA 15226. To construct and maintain a building addition to the existing building along the right bank of Saw Mill Road (WWF) located on Saw Mill Run Boulevard (S. R. 51) approximately 1,000 feet south from the intersection of Saw Mill Run Boulevard and Bausman Street (Pittsburgh West, PA Quadrangle N: 6.2 inches; W: 0.7 inch) in the City of Pittsburgh, **Allegheny County**.

**E63-744.** Encroachment. **The Money Store**, 4111 South Darlington, Suite 300, Tulsa, Oklahoma 74135. To operate and maintain an existing 8 foot diameter CMP culvert and to construct and maintain a new 6 foot diameter CMP culvert depressed 1 foot in Raccoon Creek (WWF). The purpose of this project is to provide access to a single family residence. The project is located on the west side of Waterdam Road, approximately 350 feet south of its intersection with Krackemerge Road (Midway, PA Quadrangle N: 12.2 inches; W: 8.6 inches) in Mount Pleasant Township, **Washington County**.

**E65-742.** Encroachment. **Pennsylvania Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17106-7676. To construct and maintain various water obstructions and encroachments including culvert replacements and extensions, fill placement, stream relocations and outfall construction in various wetlands and streams including Wilson Run (WWF), unnamed tributaries to Wilson Run (WWF), Brush Run (WWF), Laurel Run (CWF), Jacobs Creek (CWF) and unnamed tributaries to Jacobs Creek (CWF) as part of the Turnpike Mainline Reconstruction Project between Milepost 76 and Milepost 85. The applicant proposes to permanently place and maintain fill in 0.442 acre of wetlands (0.131 acre PEM; 0.027 acre PEM/PSS; 0.17 acre PEM/PSS/PFO; 0.114 acre PFO/PEM/PSS) and to temporarily place and maintain fill in 0.339 acre of wetlands (0.062 acre PEM; 0.042 acre PEM/PSS; 0.119 acre PEM/PSS/PFO; 0.116 acre PFO/PEM/PSS). To compensate for wetland loss, the applicant will contribute to the Pennsylvania Wetland Replacement Fund. The project extends between Milepost 76 (Mt. Pleasant, PA Quadrangle N: 16.0 inches; W: 13.13 inches) and Milepost 85 in Hempfield and Mount Pleasant Townships, **Westmoreland County**.

---

**ACTIONS**


---

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

[National Pollution Discharge Elimination System  
Program (NPDES)]

**DISCHARGE OF CONTROLLED INDUSTRIAL  
WASTE AND SEWERAGE WASTEWATER**
**(Part I Permits)**

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

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

---

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


---

*Permits Issued*

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

**Permit No. 1399403. Borough of Lehighton**, P. O. Box 29, Lehighton, PA 18235. Permit to replace the existing Mahoning Street Pump Station, located in the Borough of Lehighton, **Carbon County**.

**Permit No. 1399404. Central Carbon Municipal Authority**, P. O. Box 29, Borough of Lehighton Municipal Building, Lehighton, PA 18235. Permit to construct a sewage treatment facility, located in Mahoning Township, **Carbon County**.

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

**NPDES Permit No. PA0114138**, Sewerage. **Athens Township Sewer Authority**, 379 Pennsylvania Avenue, Sayre, PA 18840-2825. Permission granted to renew existing permit to discharge from facility located at Athens Township, **Bradford County**.

**NPDES Permit No. PA0208825**, Sewerage. **Austin Borough**, Box 297, Austin, PA 16720. Renewal granted to applicant to discharge from facility located at Portage Township, **Potter County**.

**NPDES Permit No. PA0111775**, Sewerage. **Dan H. Comstock**, 3533 Ridge Road, Bloomsburg, PA 17815-8937. Renewal granted to applicant to discharge from facility located at North Centre Township, **Columbia County**.

**NPDES Permit No. PA0045942**, Industrial waste. **Coastal Oil New York Inc.**, foot of 5th Street, Bayonne, NJ 07002. Renewal granted of NPDES permit for discharge of stormwater from petroleum facility located at Armstrong Township, **Lycoming County**.

**NPDES Permit No. PA0228125**, Industrial waste. **Pennsylvania Power and Light, Inc.**, Two North Ninth Street, Allentown, PA 18101-1179. This is a new permit to cover the two fly ash basins that were associated with the Sunbury Steam Electric Station. The facility is located at Shamokin Dam Borough, **Snyder County**.

**NPDES Permit No. PA0008451-A3**, Industrial waste, Amendment. **Pennsylvania Power & Light Inc.**, Two North Ninth Street, Allentown, PA 18101-1179. The permit for the station is being amended by deleting two fly ash basin, this is being done to prepare the permit for transfer since the basins are no longer used by the station and will be retained for closure by PP&L Inc. The facility is located at Shamokin Dam Borough, **Snyder County**.

**WQM Permit No. 5999403**, Sewerage. **Mr. & Mrs. Everett Carpenter**, R. D. 4, Box 960, Little March, PA 16950. Permission granted to construct and maintain a single family residence sewage treatment system located at Chatham Township, **Tioga County**.

**WQM Permit No. 1799401**, Sewerage. **PA Department of Corrections**, 2520 Lisburn Rd., P. O. Box 598, Camp Hill, PA 17001-0598. Applicant granted permission to construct and maintain a new wastewater treatment plant to replace the old facility located at Karthaus Township, **Clearfield County**. This was also a transfer from DCNR to the Department of Corrections.

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

**NPDES Permit No. PA0222909**, Sewage. **Kinzua/Warren County Joint Authority**, P. O. Box 412, Clarendon, PA 16313 is authorized to discharge from a facility located in Mead Township, **Warren County** to the Allegheny River.

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

**NPDES Permit No. PA0000892-A1**, Industrial. **Westinghouse Electric Company LLC**, 4350 Northern Pike, Pittsburgh, PA 15146 is authorized to discharge from a facility located at Specialty Metals Plant, Derry Township, **Westmoreland County** to receiving waters named Conemaugh River.

**NPDES Permit No. PA0218090**, Industrial waste, **Public Auditorium Authority of Pittsburgh and Allegheny County**, 425 Sixth Avenue, Suite 1410, Pittsburgh, PA 15219-1819 is authorized to discharge from a facility located at the PNC Park, City of Pittsburgh, **Allegheny County** to receiving waters named the Allegheny River.

**NPDES Permit No. PA0042234, Amendment No. 1**, Sewage. **Kittanning Borough Municipal Authority**, 300 South McKean Street, Kittanning, PA 16201 is



authorized to discharge from a facility located at Kittanning Borough STP, Kittanning Borough, **Armstrong County** to receiving waters named Allegheny River.

**Permit No. 0371405-A1-T2.** Sewerage. **Kittanning Borough Municipal Authority**, 300 South McKean Street, Kittanning, PA 16201. Modification of a pump station and sewage treatment plant located in Kittanning Borough, **Armstrong County** to serve Kittanning Borough. The PA Infrastructure Investment Authority (PENNVEST) which administers Pennsylvania's State Revolving Fund has been identified as a possible funding source. The Department's review of the Sewage Facilities Plan revision has not identified any significant environmental impacts resulting from this proposal.

**Permit No. 3299403.** Sewerage. **Burrell Township Sewer Authority**, P. O. Box 454, Black Lick, PA 15716. Construction of pump station force main and gravity sewer system located in Burrell Township, **Indiana**

**County** to serve Palmerton/Fairfield Heights Area Phase I.

**Permit No. 567S002-A1.** Sewerage. **Hastings Area Sewer Authority**, P. O. Box 559, 207-1 Fifth Avenue, Hastings, PA 16646. Construction of sanitary sewers, and STP replacement located in Hastings Borough, **Cambria County**. New sewers will serve Slickport and French Hill areas in Elder Township.

**INDIVIDUAL PERMITS  
(PAS)**

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10Q171	The Residuary Trust of Andrew Yastishak 6500 Chapmans Rd. Allentown, PA 18106	Lehigh County Lower Macungie Township	Little Lehigh Creek

*Southcentral Region: Section Chief, Department of Environmental Protection, Water Management Program, Soils and Waterways Section, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4707.*

**PAS-10-4506.** Individual NPDES. **Uni-Marts, Inc.**, 477 East Beaver Avenue, State College, PA 16801-5690. To implement an erosion and sedimentation control plan for the construction of a 1,130 square foot truck center with associated infrastructure on 13.8 acres in Armagh Township, **Mifflin County**. The project is located at the northwest corner of the intersection of SR 1006 and SR 0322 (Burnham, PA Quadrangle N: 13.9 inches; W: 12.6 inches). Drainage will be to Laurel Creek.

**PAS-10-M026-R.** Individual NPDES. **Mower Meadows, Inc.**, 52 West King Street, Chambersburg, PA 17225. To implement an erosion and sedimentation control plan for construction of a single family housing development called Mower Meadows on 14.15 acres in Guilford Township, **Franklin County**. The project is located along T-518 approximately 2,000 feet from its intersection with U. S. 30 (Scotland, PA Quadrangle N: 9.53 inches; W: 15.6 inches). Drainage will be to Falling Spring Branch.

**PAS-10-Y022-R.** Individual NPDES. **J. A. Myers Building & Development, Inc.**, 160 Ram Drive, Hanover, PA 17331. To implement an erosion and sedimentation control plan for Phase 4 of a residential subdivision known as Stewartstown Station on 174 acres in Hopewell Township, **York County**. The project is located on the east side of SR 0024 approximately 1,000 feet east of its intersection with Scarborough Fare (Stewartstown, PA Quadrangle N: 2.8 inches; W: 11.8 inches). Drainage will be to a tributary of Leibs Creek.

**The following approvals for coverage under NPDES Individual Permit for Discharges of Stormwater from Construction Activities have been issued.**

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10A052-3	McMetro Partnership 315 Payday Drive Elizabeth, PA 15037	Allegheny County Robinson Township North Fayette Township	Pinkerton Run and UNT Montour Run

**INDIVIDUAL PERMITS  
(PAR)**

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

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

The approval of coverage under these General Permits may be subject to one or more of the following: pollutant or effluent discharge limitations, monitoring and reporting, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective general permit. The Department of Environmental Protection has reviewed the NOIs and determined that they comply



with administrative requirements of the respective permit application. Also, the Department has evaluated the First Land Application of Sewage Sludge for the sites applying for coverage under PAG-7, PAG-8 and PAG-9 and determined that the sites are suitable for land application of sewage sludge.

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

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

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

*List of  
General Permit Type*

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

*General Permit Type—PAG-2*

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Chadds Ford Borough Delaware County	PAR10-J164	Henderson Chadds Ford Associates 112 Chesley Drive Suite 200 Media, PA	Unnamed Tributary to Harvey Run	Department of Environmental Protection Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
East Norriton Township Montgomery County	PAR10-T565	Gambone Brothers 1030 West Germantown Pike Fairview Village, PA 19409	Stoney Creek	Department of Environmental Protection Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Telford Borough Montgomery County	PAR10-T560	US Postal Service P. O. Box 701 Columbia, MD	Unnamed Tributary to Indian Creek	Department of Environmental Protection Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Upper Merion Township Montgomery County	PAR10-T559	Kravco Company 234 Mall Boulevard King of Prussia, PA	Frog Run	Department of Environmental Protection Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Hamilton Township Adams County	PAR-10-0084	F. J. Dreams 6220 Carlisle Pike Mechanicsburg, PA 17055	Pine Run	Adams County CD 57 North Fifth Street Gettysburg, PA 17325 (717) 334-0636
Mt. Joy Township Adams County	PAR-10-0081	The Boyle Group 1820 North Valley Road Malvern, PA 19355	White Run Rock Creek	Adams County CD 57 North Fifth Street Gettysburg, PA 17325 (717) 334-0636
Kutztown Borough Berks County	PAR-10-C292	Kutztown Area Middle School Brenda A. Winkler, Superintendent 50 Trexler Avenue Kutztown, PA 19530-9722	Sacony Creek	Berks County CD P. O. Box 520 1238 County Welfare Road Leesport, PA 19533 (610) 372-4657
Carlisle Borough Cumberland County	PAR-10-H180	Exel Logistics, Inc. 501 West Schrock Road Westerville, OH 43081	Conodoguinet Creek	Cumberland County CD 43 Brookwood Avenue, Suite 4 Carlisle, PA 17013 (717) 240-7812
Guilford Township Greene Township Chambersburg Borough Franklin County	PAR-10-M184	SR 0081, Section 001 Exit 7 Project Penn DOT 2140 Herr Street Harrisburg, PA 17103-1699	Falling Spring Creek	Franklin County CD 550 Cleveland Avenue Chambersburg, PA 17201 (717) 264-8074
Hamilton Township Franklin County	PAR-10-M185	J.E.D. Associates Liberty Estates 4961 Cumberland Highway Chambersburg, PA 17201	Dennis Creek	Franklin County CD 550 Cleveland Avenue Chambersburg, PA 17201 (717) 264-8074

*General Permit Type—PAG-3*

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Cumberland County Carlisle Borough	PAR133501	Lear East L. P. 50 Spring Road P. O. Box 40 Carlisle, PA 17013	Letort Spring Run	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Dauphin County Derry Township	PAR123505	Hershey Foods Corporation West Hershey Plant 25 West Chocolate Avenue Hershey, PA 17033	Spring Creek	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Dauphin County Derry Township	PAR123521	Hershey Foods Corporation H. B. Reese Candy Company 25 West Chocolate Avenue Hershey, PA 17033	#3 Swatara Quarry	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Berks County Muhlenburg Township	PAR803585	Berks Products Corporation P. O. Box 421 Reading, PA 19603	Bernharts Creek	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Dauphin County Derry Township	PAR123523	Hershey Foods Corporation Quality and Regulatory Compliance 25 West Chocolate Avenue Hershey, PA 17033	Spring Creek	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Huntingdon County Union Township	PAR323505	U. S. Silica Company Walker Works Plant P. O. Box 187 Berkeley Springs, WV 25411-0187	Hares Valley Creek	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Huntingdon County Brady Township	PAR323508	U. S. Silica Company Mapleton Depot Plant P. O. Box 187 Berkeley Springs, WV 25411-0187	Flush Run/Juniata River	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Bedford County Bedford Township	PAR113540	JLG Industries, Inc. 1 JLG Drive McConnellsburg, PA 17233-9533	Raystown Branch/Juniata River	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Tioga County Covington Township	PAR604811	William G. Stager Covington Salvage Yard, Inc. R. R. 3, Box 2626 Wellsboro, PA 16901	Tioga River	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664
Northumberland County Northumberland Borough	PAR804839	Norfolk Southern Railway Co. Fourth & Duke Sts. P. O. Box 107 Northumberland, PA 17857	W. Br. of Susquehanna	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664
Lycoming County Wolf Township	PAR224841	Strick Corporation 201 Boak Ave. Hughesville, PA 17737	Unnamed trib. to Muncy Creek	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664
Allegheny County Moon Township	PAR206117	RB&W A Park Ohio Company 540 Narrows Run Road Coraopolis, PA 15108	Ohio River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Allegheny County Harmar Township	PAR806104	Ward Trucking Corp. P. O. Box 1553 Altoona, PA 16603	Deer Creek to Allegheny River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Allegheny County Bethel Park Borough	PAR806118	Laidlaw Transit Services 5360 College Blvd. Overland Park, KS 66211	Saw Mill Run Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-4*

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Tioga County Chatham Township	PAG045070	Mr. & Mrs. Everett Carpenter R. R. 4, Box 960 Little March, PA 16950	Unnamed trib. to Crooked Creek	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664
Lycoming County Hepburn Township	PAG044963	Charles F. Anstadts 4591 Bloomingrove Rd. Williamsport, PA 17701	Unnamed trib. to Mill Ck.	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664

*General Permit Type—PAG-5*

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Dauphin County Hummelstown Borough	PAG053528	The Southland Corporation Hummelstown 7-11 Store 815 Baker Road Virginia Beach, VA 23462	Swatara Creek	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

*General Permit Type—PAG-8*

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
East Providence Township Bedford County	PAG-08-3539	Breezewood Wastewater Treatment Facility P. O. Box 83, Municipal Lane Breezewood, PA 15533	N/A	DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

*General Permit Type—PAG-9*

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Porter Township Huntingdon County	PAG-09-3526	Keith Coddington R. R. 1, Box 447 Alexandria, PA 16611	N/A	DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

**SEWAGE FACILITIES ACT  
PLAN APPROVAL**

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

*Northeast Regional Office: Water Management Program  
Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790,  
(717) 826-2553.*

*Location: Li'l Wolf Village, north side of Shankweiler  
Road, 1/2 mile east of Route 329, North Whitehall  
Township, Lehigh County.*

*Project Description: This project proposes to increase  
the existing 38,000 gpd of permitted flow capacity to  
70,000 gpd at the existing Li'l Wolf Village Sewage  
treatment facility. The design capacity of the existing  
facility is 70,000 gpd. There are presently 248 lots within*

Li'l Wolf Village on a 59.5 acre tract. The proposed  
method of sewage disposal is extended aeration with  
stream discharge.

This treatment plant will discharge to an unnamed  
tributary to the Coplay Creek.

This treatment plant has been designated the interim  
regional treatment facility to allow for future joint use of  
this sewage treatment plant to handle the present and  
future short-term needs of the area.

Li'l Wolf Village Water Company supplies public water to  
the project site.

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

*Location: Allegheny County Sanitary Authority  
(ALCOSAN) Woods Run Treatment Facility and*

ALCOSAN service area. North side of the Ohio River on the western border of the City of Pittsburgh, Allegheny County.

Approval of an Official Sewage Facilities Plan Update for the ALCOSAN service area and for upgrade and expansion of the Woods Run Treatment Plant to 250 mgd in Phase I and 275 mgd in Phase II. As part of this plan, ALCOSAN will further study the capacity of the collection and conveyance system in the 86 municipalities of the ALCOSAN service area. The Woods Run Treatment Facilities discharge to the Ohio River. The Department's review of the sewage facilities plan update has not identified any significant environmental impacts resulting from this proposal.

*Location:* Economy Borough Regional Sewage Treatment Plant. 2750' from the western most boundary of the borough, between Big Sewickley Creek Road and Big Sewickley Creek, Economy Borough, Beaver County.

Approval of an Official Sewage Facilities Plan Update of Economy Borough, Phase II, Amendment I, and New Sewickley Township, Beaver County. This plan proposes 1.25 mgd sewage treatment facility in Economy Borough discharging to Big Sewickley Creek. A conveyance system will be constructed to serve the eastern part of Economy Borough and the southeast corner of New Sewickley Township. The conveyance system will include construction of four pump stations. The new treatment facility will eliminate six sewage treatment facilities in Economy Borough and one in New Sewickley Township. The Department's review of the sewage facilities plan update has not identified any significant environmental impacts resulting from this proposal.

## SAFE DRINKING WATER

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

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

**Permit No. 4097507.** Public water supply. **Fieldcrest Water Assn.**, James Dicton, 822 Park Ave., Shavertown, PA 18708. This proposal involves an application for permit for an existing public water supply system consisting of a well with disinfection and manganese green sand filtration. It is located in Jackson Township, **Luzerne County**. Construction permit issued on September 21, 1999.

**Permit No. 3999503.** Public water supply. **South Whitehall Township Authority**, Daniel G. D'Imprio, Chairperson, 4444 Walbert Ave., Allentown, PA 18104. This proposal involves construction of a new booster pump station and tie-in to an existing watermain along Hamilton Boulevard. It is located in South Whitehall Township, **Lehigh County**. Construction permit issued on September 3, 1999.

**Permit No. 4099502.** Public water supply. **GM Leader Corporation**, 1528 Sand Hill Road, Hummelstown, PA. This proposal involves the construction of a new well source, disinfection treatment, booster pump station, storage tank, and distribution system to building housing units for a retirement, assisted living facility. It is located in Butler Township, **Luzerne County**. Construction permit issued on September 16, 1999.

**Permit No. 5499502.** Public water supply. **Schuylkill County Municipal Authority**, Tremont Community Water System, David J. Holley, General Manager, Schuylkill

County Municipal Authority, 221 South Centre Street, Pottsville, PA 17901. This proposal involves the construction and tie-in of a new well source along with construction of a new booster pump station and transmission line. Engineering drawings indicate two stream crossings. It is located in Tremont Borough, **Schuylkill County**. Construction permit issued on September 9, 1999.

**Minor Amendment—Tafton Water Company**, P. O. Box 404, Paupack, PA 18451, Richard Freeman. This amendment solely concerns the Federal Court Order to relieve the emergency boil advisory by the addition of a pressure tank and meter to provide additional volume and a means of measuring flow to ensure adequate chlorine contact time. Construction permit issued on October 4, 1999.

**Minor Permit Amendment—Borough of Jim Thorpe**, 101 East Tenth Street, Jim Thorpe, PA 18229, Michael J. Sofranko, President. Construction permit issued on July 27, 1999.

**Minor Permit Amendment—Tower City Borough Authority**, 219 East Colliery Avenue, P. O. Box 37, Tower City, PA 17980, Carlos Trautma, Chairperson. Construction permit issued on August 30, 1999.

**Minor Permit Amendment—South Whitehall Township Authority**, 4444 Walbert Avenue, Allentown, PA 18104, Gerald J. Gasda, Township Manager. Construction permit issued on August 30, 1999.

**Minor Permit Amendment—Crossroads Mobile Home Park Water System**, P. O. Box 707, Easton, PA 18044, Paul Fox. The construction involved in this amendment will include removal/relocation of existing piping, a new raw water tap, relocation of chlorine injection point, sufficient piping to new corporation stop for the sodium hydroxide injection, additional piping and a treated water sample tap relocation. Construction permit issued on September 29, 1999.

Operations Permit issued to **Skyway Mobile Home Park** on September 30, 1999, located in Foster Township, **Luzerne County**.

Operations Permit issued to **The Housing Authority of the County of Wyoming Old Orchard Apartments** on September 8, 1999, located in Falls Township, **Wyoming County**.

Operations Permit issued to **The Housing Authority of the County of Wyoming Meshoppen Apartments** on September 8, 1999, located in Meshoppen Township, **Wyoming County**.

Operations Permit issued to **The Housing Authority of the County of Wyoming Whites Ferry Road Apartments** on September 8, 1999, located in Falls Township, **Wyoming County**.

Operations Permit issued to **Hazleton City Water Authority** on September 22, 1999, located in Hazleton City, **Luzerne County**.

Operations Permit issued to **Hazleton City Water Authority** on September 3, 1999, located in Hazleton City, **Luzerne County**.

Operations Permit issued to **Pocono Valley Center**, Pacona Corporation, on September 7, 1999, located in Hamilton Township, **Monroe County**.

Operations Permit issued to **West Penn Pines Mobile Home Park**, on October 1, 1999, located in West Penn Township, **Schuylkill County**.

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

**Permit No. Minor Amendment.** The Department issued a construction permit to **Pennsylvania-American Water Company**, 800 West Hershey Park Drive, Hershey, PA 17033, White Deer Township, **Union County**. The permit is for construction of a 1 MG elevated finished water storage tank (to be known as the Gregg Township Tank) and modifications to the existing White Deer booster pump station which will supply water to the proposed tank. The tank will be located on the east side of Route 15 across from the entrance to the Allenwood Federal Prison Complex. The booster pump station is located in the Village of White Deer.

**Permit No. 4199501.** The Department issued a construction permit to **Muncy Borough Municipal Authority**, 14 North Washington Street, Muncy, PA 17756, Muncy Borough, **Lycoming County**. This permit is for construction of wells 7 and 8, disinfection and transmission lines.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 2

---

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

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

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

The Department has received the following final reports:

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

**Peter Behrens Residence**, City of Bethlehem, **Northampton County**. Gregory J. Van Hook, Project Manager, MEI Environmental Group, Inc., 6205 Easton Road, Pipersville, PA 18947, has submitted a Final Report (on behalf of his client, Peter Behrens, 1819 Millard Street, Bethlehem, PA) concerning the remediation of site

soils contaminated with polycyclic aromatic hydrocarbons (PAHs), and groundwater suspected to have been contaminated with polycyclic aromatic hydrocarbons (PAHs), BTEX (benzene, toluene, ethylbenzene and xylene) compounds and isopropylbenzene. The report was submitted to document remediation of the site to meet the Statewide human health standard.

*Northcentral Regional Office: Michael C. Welch, Environmental Cleanup Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (570) 321-6525.*

**Weldon Ziegenfus Property**, West Branch Township, **Potter County**. Jon S. Fox, P.G., on behalf of his client Weldon Ziegenfus, R. R. 7, P. O. Box 7431, Saylorsburg, PA 18353, has submitted a Final Report addressing soil contaminated with PHCs. The report is intended to document remediation at the site to meet the Statewide health standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 3

---

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908) and Chapter 250 Administration of Land Recycling Program.**

Provisions of 25 Pa. Code § 250.8 Administration of Land Recycling Program requires the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the Land Recycling and Environmental Remediation Standards Act (act). Plans and reports required by provisions of 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, please 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 plan or report is required in an alternative form, contact the community relations coordinator at the

appropriate regional office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has acted upon the following plans and reports:

*Northcentral Regional Office: Michael C. Welch, Environmental Cleanup Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (570) 321-6525.*

**Weldon Ziegenfus Property**, West Branch Township, **Potter County**. Jon S. Fox, P.G., on behalf of his client Weldon Ziegenfus, R. D. 7, P. O. Box 7431, Saylorsburg, PA 18353, has submitted a final report concerning the remediation of site soil contaminated with PHCs. The final report submitted demonstrated attainment of the Statewide health standard and was approved by the Department on October 7, 1999.

## SOLID AND HAZARDOUS WASTE

### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and regulations to operate solid waste processing or disposal area or site.**

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

**Permit No. 101541. Delaware Valley Recycling, Inc.**, P. O. Box 323, Skippack, PA 19474, was issued a permit for the 10-year renewal and continued operation of their construction and demolition waste processing facility located in the **City of Philadelphia**. Permit was issued by the Southeast Regional Office on October 8, 1999.

*Northwest Regional Office: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6848.*

**Permit No. 101603.** A permit to operate a municipal waste transfer station was issued by the Regional Office on October 8, 1999, to the **Warren County Transfer Station**, formerly Ray's Disposal, Inc., P. O. Box O, R. R. 2, Route 219, Brockway, PA 15824, located in Pittsfield Township, **Warren County**.

**Permit Nos. 300606 and 300858.** A permit to change ownership was issued by the Regional Office on October 12, 1999, to **Sithe Pennsylvania Holdings, LLC**, formerly GPU Genco Warren Generating Station, North Ash Disposal Site and South Ash Disposal Site, 450 Lexington Avenue, 37th Floor, New York, NY 10017, located in Conewango Township, **Warren County**.

## AIR QUALITY

### OPERATING PERMITS

**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, (570) 826-2531.*

**54-302-065GP: Yuengling Beer Co., Inc.** (4 Park Plaza, Wyomissing, PA 19610), for construction and operation of Boiler No. 1 at the facility at Fifth and Mahantongo Streets in Pottsville, **Schuylkill County**.

**54-302-066GP: Yuengling Beer Co., Inc.** (4 Park Plaza, Wyomissing, PA 19610), for construction and operation of Boiler No. 2 at the facility at Fifth and Mahantongo Streets in Pottsville, **Schuylkill County**.

**54-302-067GP: Yuengling Beer Co., Inc.** (4 Park Plaza, Wyomissing, PA 19610), for construction and operation of Boiler No. 3 at the facility at Fifth and Mahantongo Streets in Pottsville, **Schuylkill County**.

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

**GP-62-017: United Refining Co.** (15 Bradley Street, Warren, PA 16365), on October 6, 1999, for replacement of a floating roof seal on Tank 647 in Glade Township, **Warren County**.

**GP-62-017: United Refining Co.** (15 Bradley Street, Warren, PA 16365), on October 6, 1999, for installation of a fixed roof with an internal floating roof Tank 224 in Warren, **Warren County**.

**GP-33-165: Fairman Drilling Co., Shields Compressor Station** (Brocius Road, Brookville, PA 15857), on October 7, 1999, for operation of a natural gas fired engine in Clover Township, **Jefferson County**.

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

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

**10-313-044A: Witco Corp.** (Route 268, P. O. Box 336, Petrolia, PA 16050), on December 31, 1998, for operation of methanol storage tanks in Fairview Township, **Butler County**.

**42-302-021A: Borden Chemical, Inc.** (Hutchins Road, P. O. Box 7227, Mt. Jewett, PA 16740), on August 31, 1999, for operation of a boiler in Sergeant Township, **McKean County**.

**42-399-017A: Borden Chemical, Inc.** (Hutchins Road, P. O. Box 7227, Mt. Jewett, PA 16740), on August 31, 1999, for operation of a resin kettle in Sergeant Township, **McKean County**.

**42-399-018D: Borden Chemical, Inc.** (Hutchins Road, P. O. Box 7227, Mt. Jewett, PA 16740), on August 31, 1999, for operation of storage tanks in Sergeant Township, **McKean County**.

**PA-10-028D: Armstrong Cement & Supply Co.** (100 Clearfield Road, Cabot, PA 16023), on September 30, 1999, for operation of a primary crusher in West Winfield, **Butler County**.

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

**S95-068: Riverside Materials, Inc.** (2870 East Allegheny Avenue, Philadelphia, PA 19134), on October 14, 1999, for a synthetic minor operating permit to manufacture asphalt paving mixtures including a 140 MMBTU/hr, 450 tons/hr hot mix asphalt drum plant controlled by a

knockout box/baghouse, in addition to a crushing plant, a 2.1 MMBTU/hr hot oil heater in the City of Philadelphia, **Philadelphia County**.

**N96-020: Fox Chase Cancer Center** (7701 Burholme Avenue, Philadelphia, PA 19111), on October 14, 1999, for a natural minor operating permit for operation of a comprehensive cancer center including hospital and research facility which includes three 5.5 MMBTU/hr boilers and eight emergency generators in the City of Philadelphia, **Philadelphia County**.

**N96-048: Stone Container Corp., Philadelphia West** (9820 Blue Grass Road, Philadelphia, PA 19114), on October 14, 1999, for a natural minor operating permit for manufacture and sale of corrugated paperboard sheets which includes two 300 HP boilers and two cyclones in the City of Philadelphia, **Philadelphia County**.

**N97-003: Frankford Candy** (2101 Washington Avenue, Philadelphia, PA 19146), on October 14, 1999, a natural minor operating permit for production of chocolate candy which includes three boilers in the City of Philadelphia, **Philadelphia County**.

**N96-033: Wayne Mills Co., Inc.** (130 West Berkley Street, Philadelphia, PA 19144), on October 14, 1999, for a natural minor operating permit for manufacturing of narrow fabric textiles which includes three boilers in the City of Philadelphia, **Philadelphia County**.

**N97-004: Baptist Home of Philadelphia** (8301 Roosevelt Boulevard, Philadelphia, PA 19152), on October 14, 1999, for a natural minor operating permit for operation of a residential care and nursing home which includes seven boilers 5.5 MMBTU/hr or less and two emergency generators in the City of Philadelphia, **Philadelphia 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.**

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

**10-00001: AK Steel Corp.** (Route 8 South, Butler, PA 16003), in Butler, **Butler County**. Administrative amendment to Title V Operating Permit No. 10-00001 for a change in ownership from Armco, Inc., to AK Steel Corp., effective October 1, 1999.

**43-00040: AK Steel Corp.** (200 Clark Street, Sharon, PA 16146), in Sharon, **Mercer County**. Administrative amendment to Title V Operating Permit No. 43-00040 for a change in ownership from Armco, Inc., to AK Steel Corp. effective October 1, 1999.

**PLAN APPROVALS**

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

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

**35-306-004: P E I Power Corp.** (170 Power Boulevard, P. O. Box 157, Archbald, PA 18403), on October 1,

1999, for modification of the utility boiler in Archbald Borough, **Lackawanna County**.

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

**06-05036A: Cryovac, Inc.** (P. O. Box 295, Reading, PA 19603-0295), on October 12, 1999, for modification of polystyrene foam manufacturing operation at the Reading Plant in Muhlenburg Township, **Berks County**.

**06-318-042E: Reynolds Metals Co.** (County Line Road, R. D. 1, Boyertown, PA 19512), on October 12, 1999, for construction of a flexible packaging operation controlled by a thermal oxidizer and catalytic oxidizer at the Boyertown Printing Plant in Colebrookdale Township, **Berks County**.

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

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

**PA-65-625A: Gulf Oil Limited Partnership** (400 Grand Avenue, Pittsburgh, PA 15225), on October 8, 1999, for installation of a bulk storage tank at Delmont Terminal in Delmont, **Westmoreland County**.

**PA-32-339A: Opal Industries, Inc.** (P. O. Box 980, Latrobe, PA 15650), on October 8, 1999, for construction of dry coal crushing facility at Nowrytown No. 1 Mine in Conemaugh Township, **Indiana County**.

**11-305-032: Senate Coal Mines, Inc.** (One Energy Place, Suite 5100, Latrobe, PA 15650), on October 8, 1999, for installation of coal refuse reprocessing at St. Michael Pile in Adams Township, **Cambria County**.

**PA-65-837A: CNG Transmission Corp.** (CNG Tower, 625 Liberty Avenue), on October 8, 1999, for installation of two convective heaters at Oakford Compressor Station in Salem Township, **Westmoreland County**.

**26-310-017: Amerikohl Mining, Inc.** (P. O. Box 427, Acme, PA 15610), on October 8, 1999, for installation of a portable stone crusher at Jim Mountain Quarry in Springfield Township, **Fayette County**.

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

**PA-42-174B: McKean County Solid Waste Authority, Kness Landfill** (Hutchins Road, State Route 42034, P. O. Box 448, Mt. Jewett, PA 16740), on September 30, 1999, for a temporary vent flare in Sergeant Township, **McKean 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.*

*No Cost Government Contracts Issued*

**32-99-03. RNS Services, Inc.** (P. O. Box 38, Blossburg, PA 16912). No cost government financed reclamation contract involves the removal of 50,000 tons of refuse and the reclamation of 5.4 acres (2.187 hectares); the receiving stream is Yellow Creek. Application received July 27, 1999. Contract issued October 12, 1999.

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

*Coal Permits Issued*

**17970118. Junior Coal Contracting, Inc.** (R. D. 3, Box 225A, Philipsburg, PA 16866), revision to an existing bituminous surface mine permit for a change in permit acreage from 68.5 to 71.6 acres, located in Decatur Township, **Clearfield County**. Receiving streams: Shimel Run. Application received May 10, 1999. Permit issued September 30, 1999.

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

**03930108. Mears Enterprises, Inc.** (P. O. Box 157, Clymer, PA 15728). Revision to add 27.7 acres to an existing bituminous surface/auger mining site located in Wayne and Cowanshannock Townships, **Armstrong County**, now affecting 281.7 acres. Receiving streams: unnamed tributaries to South Branch Pine Creek and South Branch Pine Creek to South Fork Pine Creek. Application received: June 4, 1999. Revision issued: October 13, 1999.

**30823015. Boyle Land and Fuel Company** (Box 576, Fredericktown, PA 15333). Renewal issued for continued reclamation only of a bituminous surface mine located in Cumberland Township, **Greene County**, affecting 481.2 acres. Receiving streams: unnamed tributaries to Neel Run and Pumpkin Run to Monongahela River. Application received: April 20, 1999. Renewal issued: October 13, 1999.

**03830116. Walter L. Houser Coal Co., Inc.** (R. R. 9, Box 434, Kittanning, PA 16201). Renewal issued for continued operation and reclamation of a bituminous surface/auger mine located in Kittanning Township, **Armstrong County**, affecting 812 acres. Receiving streams: unnamed tributaries of Mill Run to Cowanshannock Creek to the Allegheny River. Application received: June 28, 1999. Renewal issued: October 13, 1999.

**03890109. Rosebud Mining Company** (R. R. 9, Box 379A, Kittanning, PA 16201). Renewal issued for continued reclamation only of a bituminous surface/auger mine located in Perry Township, **Armstrong County**, affecting 56 acres. Receiving streams: unnamed tributary to the Allegheny River. Application received: July 21, 1999. Renewal issued: October 14, 1999.

**26840105. Boyle Land and Fuel Company** (P. O. Box 576, Fredericktown, PA 15333). Renewal issued for continued reclamation only of a bituminous surface mine located in Wharton Township, **Fayette County**, affecting 69.6 acres. Receiving streams: unnamed tributaries to

Stony Fork to Big Sandy Creek. Application received: June 30, 1999. Renewal issued: October 14, 1999.

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

*Noncoal Permits Issued*

**49960301. Central Builders Supply Company** (P. O. Box 1152, Island Park, Sunbury, PA 17801), commencement, operation and restoration of a quarry operation in West Chillisquaque Township, **Northumberland County** affecting 204.1 acres, receiving stream—none. Permit issued October 14, 1999.

**5975SM3A1C2. Eureka Stone Quarry, Inc.** (Pickertown and Lower State Roads, Chalfont, PA 18914), renewal of NPDES Permit No. PA0223344 in Covington Township, **Lackawanna County**, receiving stream—Spring Creek. Permit issued October 14, 1999.

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

*Small Noncoal (Industrial Mineral) Permits Issued*

**58990821. Robert McGavin** (R. R. 3, Box 11, Meshoppen, PA 18630), commencement, operation and restoration of a small quarry operation in Auburn Township, **Susquehanna County** affecting 2.0 acres, receiving stream—none. Permit issued October 15, 1999.

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

**18990801. Mark I. Stern** (221 West Main Street, Lock Haven, PA 17745), commencement, operation and restoration of a small industrial minerals (topsoil) permit in Woodward Township, **Clinton County** affecting 1 acre. Receiving streams: unnamed stream, tributary to Susquehanna River. Application received July 22, 1999. Permit issued October 13, 1999.

**59990802. John R. Wood** (R. D. 1, Box 1840, Knoxville, PA 16928-9183), commencement, operation and restoration of a small industrial minerals (topsoil, gravel) permit in Deerfield Township, **Tioga County** affecting 1 acre. Receiving streams: Cowanesque River, tributary to Susquehanna River. Application received July 26, 1999. Permit issued October 6, 1999.

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

*Large Noncoal (Industrial Mineral) Permits Issued*

**59980302. Dunbar Farm and Gravel** (R. R. 4, Box 1119, Westfield, PA 16950), commencement, operation and restoration of a large industrial minerals (sand and gravel) permit in Chatham and Westfield Townships, **Tioga County** affecting 12.6 acres. Receiving streams: unnamed tributary to Jemison Creek to Cowanesque River. Application received June 17, 1998. Permit issued October 6, 1999.

## ACTIONS TAKEN UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT ENCROACHMENTS

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval, and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

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

**Actions on applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); 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.*

**E09-794.** Encroachment. **Lawrence Wargo**, Heritage Building Group, 3326 Old York Road, Furlong, PA 18925. To construct and maintain approximately 53.5-foot span x 6-foot width, pedestrian bridge across Pleasant Spring Creek (TSF) for sidewalk access. The site is located approximately 30 feet upstream of the existing Orchard Road Bridge, and about 400 feet southeast of the intersection of Sellersville Road and Orchard Road (Telford, PA Quadrangle N: 17.0 inches, W: 5.5 inches) in Hilltown Township, **Bucks County**. This permit was issued under § 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E15-613.** Encroachment. **East Whiteland Township**, 209 Conestoga Road, Frazer, PA 19355-1699. To perform the following activities associated with stream improvements within the East Whiteland Township Park (a.k.a. Valley Creek Park): 1. To perform minor grading and to install and maintain streambank stabilization along the northern bank of a continuous 710 linear foot (+/-) reach of Valley Creek (EV), using a combination of bioengineering and conventional methods. Grading on the streambanks will be conducted to achieve side slopes between 20—30%. Stabilization methods include gabions, bio-logs, bio-matting, and various herbaceous and woody plantings. 2. To remove an existing footbridge and associated concrete and masonry abutments. 3. To install and maintain a 10-foot wide prefabricated wooden deck footbridge, reinforced concrete abutments and minor fill and concrete paving at the approaches. The bridge will have an approximate span of 60 feet and will extend beyond the banks on both sides of Valley Creek. This project is located approximately 3,000 feet north of the intersection of Swedesford Road and Morehall Road (Malvern USGS Quadrangle N: 10.9 inches, W: 4.1 inches) in East Whiteland Township, **Chester County**. This permit was

issued under § 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

**E07-312.** Encroachment. **Bradley Weirich**, R. R. 3 Box 297, Hollidaysburg, PA 16648. To remove two previously placed unauthorized 54-inch diameter culvert pipes and to construct and maintain a single span bridge having a clear span of 25.0 feet and a minimum underclearance of 5.50 feet and to authorize previously placed nonpermitted 60-inch diameter, 72-inch diameter, two 18-inch diameter culvert pipes in Robinson Run along with previously placed nonpermitted fill for the purpose of reconstructing a driveway to a private residence located on the south side of Township Road T-399 about 0.25 mile east of its intersection with Township Road T-409 (Frankstown, PA Quadrangle N: 10.5 inches; W: 9.4 inches) in Frankstown Township, **Blair County**. This permit also includes 401 Water Quality Certification.

**E07-314.** Encroachment. **Lawruk Properties, Inc.**, Daniel Lawruk, 210 W. Plank Rd., Altoona, PA 16602. To place fill in 0.35 acre of wetland for the purpose of constructing a 25,000 square foot warehouse facility in conjunction with the development of a 5 acre commercial property located on the north side of Kuhn Lane about 800 feet west of its intersection with SR 0764 (Hollidaysburg, PA Quadrangle N: 10.5 inches; W: 9.0 inches) in Allegheny Township, **Blair County**. The permittee has met the wetland replacement requirement by participating in the Pennsylvania Wetland Replacement Project. This permit also includes 401 Water Quality Certification.

**E07-316.** Encroachment. **GPU Energy**, 2800 Pottsville Pike, Reading, PA 19640. To construct a gravel base access road and to place fill in approximately 0.5 acre of the floodplain of the Beaverdam Branch of the Juniata River (TSF) for the purpose of constructing an 80 foot by 130 foot rectangular electric power substation on a 1.3 acre parcel of land on Hollidaysburg Veterans Hospital property located between the river and the Penn Central Railroad tracks just north of the railroad crossing with SR 1002 (Hollidaysburg, PA Quadrangle N: 12.1 inches; W: 6.9 inches) in Allegheny Township, **Blair County**. This permit was issued under Chapter 106—Floodplain Management.

**E21/292.** Encroachment. **Monroe Township Municipal Authority**, 1220 Boiling Springs Rd., Mechanicsburg, PA 17055. To remove the existing sewage pump station and to construct and maintain a sewage pump station within the 100-year floodway of Yellow Breeches Creek (Mechanicsburg, PA Quadrangle N: 3.3 inches; W: 12.8 inches) in Monroe Township, **Cumberland County**. This permit was issued under § 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E22-401.** Encroachment. **Dauphin County Commissioners**, P. O. Box 1295, Harrisburg, PA 17108. To remove an existing structure and to construct and maintain a bridge having a normal span of 68 feet and an underclearance of 5.7 feet across the channel of Conewago Creek (TSF) at a point at Old Hershey Road (T-602) (Elizabethtown, PA Quadrangle N: 10.6 inches; W: 15.6 inches) in Conewago Township, **Dauphin County** and Mount Joy Township, **Lancaster County**. This permit also includes 401 Water Quality Certification.

**E36-678.** Encroachment. **Penn Township**, 97 North Penryn Road, Manheim, PA 17545. To realign and main-

tain a 1,400 foot channel reach of Santo Domingo Creek (WWF) to prevent degradation of Lexington Road. The project begins at a point opposite the intersection of Memorial Road, with relocated channel being excavated 15 feet on the west side of Lexington Road and ending downstream at a culvert under Lexington Road (Lititz, PA Quadrangle N: 10.8 inches; W: 11.9 inches) in Penn Township, **Lancaster County**. This permit was issued under § 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E67-670.** Encroachment. **Hunter Creek Properties, Inc.**, 1642 Whitley Dr., Harrisburg, PA 17111. To place fill in 0.315 acre of wetlands for the purpose of constructing two stormwater detention basins and three minor road crossings across unnamed tributaries to Little Conewago Creek associated with the Hunter Creek residential development located west of Susquehanna Trail (SR 0295) 1.8 miles south of Exit 12, Strinestown off of Interstate 83 (Dover, PA Quadrangle N: 10.5 inches; W: 3.0 inches) in Conewago Township, **York County**. The permittee will construct 0.348 acre of replacement wetlands. This permit also includes 401 Water Quality Certification.

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

**E41-451.** Encroachment. **City of Williamsport**, 245 West Fourth Street, Williamsport, PA 17701. To realign the channel of an unnamed tributary to Daugherty Run; and construct, operate and maintain an enclosure of the same unnamed tributary to Daugherty Run for the expansion of an existing industrial development. The realignment of the unnamed tributary shall not exceed 2,700 linear feet. The realigned channel shall have a minimum side slope of 1-foot vertical to 2-foot horizontal. The enclosure shall be constructed with a reinforced box culvert. The box culvert shall have a maximum length of 5,236 feet, minimum rise of 6 feet and a minimum span of 11 feet. The project is located along the eastern right-of-way of SR 0220 approximately 4,000 feet south of SR 3014 and SR 0220 intersection (Williamsport, PA Quadrangle N: 19.0 inches; W: 11.6 inches) in the City of Williamsport, **Lycoming County**. The permittee and/or representatives shall ensure the realignment and enclosure of the unnamed tributary to Daugherty Run does not result in temporary or permanent impacts to wetlands.

**E49-230.** Encroachment. **Northumberland Borough**, 221 Second Street, Northumberland, PA 17857. To construct and maintain fill varying in depth from 6 inches to 2 feet over a 7.8 acre area at Pineknottter Park in the floodway of the West Branch Susquehanna River (Northumberland, PA Quadrangle N: 2.0 inches; W: 6.6 inches) in Northumberland Borough, **Northumberland County**.

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

**E02-1270.** Encroachment. **O'Hara Township**, 325 Fox Chapel Road, Pittsburgh, PA 15238. To remove approximately 1,100 cubic yards of sand, gravel and other debris deposits from five sites within a 0.7 mile area in Little Pine Creek (TSF) for the purpose of restoring the stream channel. The project is located along the southeast side of Saxonburg Boulevard for its entire length within O'Hara Township (Glenshaw, PA Quadrangle project starts at N: 5.9 inches; W: 6.6 inches and ends at N: 4.5 inches; W: 7.9 inches) in O'Hara Township, **Allegheny County**.

**E02-1275.** Encroachment. **Municipality of Mt. Lebanon**, 710 Washington Road, Mt. Lebanon, PA 15228. To

relocate and maintain 210 feet of a tributary to Sawmill Run (WWF) to eliminate erosion to the left bank properties. The site is located along the south side of McNeilly Road approximately 1,800 feet north of its intersection with Dewalt Drive (Pittsburgh West, PA Quadrangle N: 1.7 inches; W: 3.7 inches) in the Municipality of Mt. Lebanon, **Allegheny County**.

**E03-381.** Encroachment. **Pennsylvania Department of Transportation**, Engineering District 10-0, P. O. Box 429, Route 86 South, Indiana, PA 15071. To remove the existing structures and to construct and maintain the following structures and activities that are part of a new 4-kilometer long, limited access highway known as the Kittanning Bypass S. R. 6028, Section 015: (1) a prestressed concrete I beam bridge having four spans of 42.6 meters, 45.0 meters, 45 meters and 42.6 meters and an underclearance of 28 meters over an unnamed tributary to Garretts Run (WWF), Station 1+150 to 1+330; (2) a reinforced concrete pipe enclosure consisting of 161-m long, 1,830-mm diameter pipe enclosure, and a 278-m long, 1,520-mm diameter pipe enclosure in an unnamed tributary to Garretts Run (WWF), Station 2+245 to 2+266; (3) a 132-m long, 1,680-mm diameter pipe enclosure with 254-mm high baffle (invert depressed 254-mm) in an unnamed tributary to Cowanshannock Creek (WWF), Station 3+909 to 3+956; (4) a temporary stream crossing consisting of two 610-mm pipes in an unnamed tributary to Garretts Run (WWF) in accordance with General Permit GP-8; (5) a 610-mm diameter outfall structure in an unnamed tributary to Garretts Run (WWF), Station 1+281.250; (6) a 1,070-mm diameter outfall structure in Cowanshannock Creek (TSF) at Station 4+629.045. Also, to place and maintain fill within 1.7 acres of palustrine emergent wetlands, 1.5 acres of palustrine scrub/shrub wetlands and 2.0 acres of palustrine forested wetlands. The project is located at the northern terminus of the Allegheny Valley Expressway (SR 28) and extends to its interchanges with S. R. 0422 and S. R. 0085 (Kittanning, PA Quadrangle N: 7.8 inches; W: 0.4 inch) in Cowanshannock, Manor and Rayburn Townships, **Armstrong County**. To compensate for wetland impacts, the applicant proposes creation of 6.6 acres of wetlands and enhancement of 2.2 acres of wetland in the Cowanshannock watershed.

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

#### ENVIRONMENTAL ASSESSMENT

*Northcentral Regional Office: Regional Water Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (570) 327-3574.*

**EA08-001NC.** Environmental Assessment. **U. S. Fish & Wildlife Service**, 315 South Allen Street, Suite 322, State College, PA 16801-4850. Stream restoration. The project proposes to stabilize 500 feet of Sugar Creek for the purpose of streambank stabilization, fish habitat, grade control and sediment transport. The project contains two sites all on the Troy, PA Quadrangle, **Bradford County**: Site 1) Located approximately 1,000 feet downstream of the T 550 bridge crossing Sugar Creek (N: 6.9 inches; W: 4.3 inches), in Troy Borough; Site 2) Located approximately 2,400 feet downstream of the T 550 bridge

crossing Sugar Creek (N: 7.1 inches; W: 3.6 inches), in Troy Township; (Baltimore District, U. S. Army Corps of Engineers). Approval of an Environmental Assessment is requested in conjunction with § 105.12(a)(16), Dam Safety and Waterway Management, regarding restoration activities.

**EA08-002NC.** Environmental Assessment. **U. S. Fish & Wildlife Service**, 315 South Allen Street, Suite 322, State College, PA 16801-4850. Stream restoration. The project proposes to stabilize 1,300 feet of Bentley Creek for the purpose of streambank stabilization, fish habitat, grade control and sediment transport. The project is located approximately 0.75 mile upstream of the SR 4027 bridge crossing Bentley Creek, near the town of Bentley Creek (Bentley Creek, PA Quadrangle N: 10.9 inches; W: 11.1 inches), in Ridgebury Township, **Bradford County** (Baltimore District, U. S. Army Corps of Engineers). Approval of an Environmental Assessment is requested in conjunction with § 105.12(a)(16), Dam Safety and Waterway Management, regarding restoration activities.

**EA08-003NC.** Environmental Assessment. **U. S. Fish & Wildlife Service**, 315 South Allen Street, Suite 322, State College, PA 16801-4850. Stream restoration. The project proposes to stabilize 1,900 feet of Towanda Creek and 300 feet of Mill Creek, for the purpose of streambank stabilization, fish habitat, grade control and sediment transport. The project contains four sites all on the Canton, PA Quadrangle, **Bradford County**: Site 1) Located approximately 0.45 mile upstream of the SR 3008 bridge crossing Towanda Creek (N: 3.2 inches; W: 16.0 inches), in Canton Township; Site 2) Located at the SR 0414 bridge crossing Mill Creek (N: 6.5 inches; W: 11.4 inches), in Canton Township; Site 3) Located approximately 0.37 mile upstream of the SR 0154 bridge crossing Towanda Creek (N: 4.5 inches; W: 13.9 inches), in Canton Borough; Site 4) Located at the SR 0154 bridge crossing Towanda Creek (N: 4.8 inches; W: 13.6 inches), in Canton Borough. (Baltimore District, U. S. Army Corps of Engineers). Approval of an Environmental Assessment is requested in conjunction with § 105.12(a)(16), Dam Safety and Waterway Management, regarding restoration activities.

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

[Pa.B. Doc. No. 99-1835. Filed for public inspection October 29, 1999, 9:00 a.m.]

### Availability of Technical Guidance

Technical Guidance Documents are on DEP's World Wide Web site ([www.dep.state.pa.us](http://www.dep.state.pa.us)) at the Public Participation Center. The "1999 Inventory" heading is the Governor's List of Nonregulatory 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 1999.

### 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. Please 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.

### Proposed and Final Interim Technical Guidance

DEP ID: 150-2302-004 Title: Procedures for the Approval and Accreditation of Laboratories in the Commonwealth of Pennsylvania Utilizing the NELAP Standards Background/Description: On July 1, 1999, the National Environmental Laboratory Accreditation Program (NELAP) recognized the Department of Environmental Protection as a NELAP Accrediting Authority. Those laboratories that receive NELAP accreditation will be recognized as satisfying the National Environmental Laboratory Accreditation Conference (NELAC) standards and DEP guidelines. Additionally, they will enjoy the benefit or reciprocity in that other NELAP Accreditation Authorities will recognize the accreditation given by Pennsylvania and will, upon application to that Accreditation Authority, subsequently accredit such a laboratory. NELAP accreditation is completely voluntary; the current state certification programs remain in effect. This final interim guidance provides laboratories with the information necessary to make a decision between seeking to obtain and maintain NELAP accreditation or state certification. The Department will also solicit comments on the document as a proposed guidance document and prepare a final guidance document after the close of the public comment period. Effective Date: November 1, 1999 Contact: Richard Shiebley at (717) 705-2425, or email at [Sheibley.richard@dep.state.pa.us](mailto:Sheibley.richard@dep.state.pa.us).

JAMES M. SEIF,  
Secretary

[Pa.B. Doc. No. 99-1836. Filed for public inspection October 29, 1999, 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 168-2 PHASE 2**—Tunnel Rehabilitation, Trail Development, Pittsburgh to Washington, D.C. Trail, Allegheny, Westmoreland, Fayette and Somerset Counties, PA. Construction Cost: \$3,000,000. The scope of work includes, but is not limited to, structural, lighting and safety repairs to the Tunnel. Also included are relocation of utilities, site work and development of the trail through the Tunnel including ADA compliance.

**Project No. DGS 405-52**—Renovation of Zimbar Gymnasium, East Stroudsburg University, East Stroudsburg, Monroe County, PA. Construction Cost: \$3,394,000. The scope of work includes, but is not limited to, renovation/repair/replacement of architectural components, HVAC, plumbing, electrical and fire protection systems. Demolition of swimming pool with conversion of space into a teaching gym. Construction of second floor over existing gym with an elevator for access to second floor. Expansion of East Wing and conversion of existing space into New Child Care Center.

**Project No. DGS 506-23**—Renovate Building No. 17, Harrisburg State Hospital, Harrisburg, Dauphin County, PA. Construction Cost: \$3,600,000. The scope of work includes, but is not limited to, installation of new heating and air-conditioning for the 64,476 square feet of heated space in Building No. 17, also known as the Petry Building. Also included are electrical upgrades required to carry additional load. Bathrooms and showers must be renovated to comply with current standards.

**Project No. DGS 578-20**—Electrical System Upgrades, State Correctional Institution, Dallas, Luzerne County, PA. Construction Cost: \$6,400,000. The scope of work includes, but is not limited to, replacement of underground primary electric distribution system for current and future load. Also included is construction of a building to house emergency generators.

**Project No. DGS 581-9**—Renovate Pocono Hall, White Haven Center, White Haven, Luzerne County, PA. Construction Cost: \$599,000. The scope of work includes, but is not limited to, upgrade of the bathroom, bedroom and program areas. These upgrades include electrical, HVAC and partitioning of dayrooms and bedrooms. Also included is construction of a solarium.

**Project No. DGS 588-6**—Air Condition Allegheny Building, Loysville Youth Development Center, Loysville, Perry County, PA. Construction Cost: \$190,000. The scope of work includes, but is not limited to, providing HVAC system to the basement, first and second floors (approximately 9,100 sq. ft.) of the building. System to be controlled by stand-alone control system interfaced with existing EMS.

**Project No. DGS 977-3-5-6**—Expansion and Addition to Building, Installation of Fire Protection Systems, Pennsylvania Military Museum, Boalsburg, Centre County, PA. Total Construction Cost: \$2,301,000. The scope of work includes, but is not limited to, rehabilitation of the existing Museum to provide visitor support facilities, new exhibit galleries and to house collection storage which will require special environmental controls. Project includes new HVAC systems, lighting and roof. In addition, new construction will be required to expand the facility. The completed facility will provide administrative offices, restrooms and other visitor services. Project also provides for installation of an appropriate fire suppression system for the Museum.

**Project No. DGS 1104-62**—Education/Learning Technology Center, Temple University, Ambler Campus, Ambler, Montgomery County, PA. Construction Cost:

\$8,333,000. The scope of work includes, but is not limited to, construction of an approximately 50,000 sq. ft. building to house classrooms, computer science and engineering laboratories, distance education facilities and offices. The building will also include television studios and on-line learning facilities.

### Requirements and Information

#### *Note—Project Program*

A Project Program, prepared by the Using Agency, is available for the following projects: DGS 168-2 Phase 2, DGS 405-52, DGS 506-23, DGS 578-20, DGS 581-9, DGS 588-6, DGS 977-3-5-6 and DGS 1104-62. Copies of the Project Programs may 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 Form 150-ASP must be filed with the Department of General Services. The signature on Form 150-ASP must be an original signature. Consultants listed on the requesting professional firm's application, Form 150-ASP shall be deemed to be designated Key Consultants. Form 150-ASP, Application For Specific Project, may be obtained upon request to the Selections Committee, Department of General Services, Room 104, 18th & Herr Streets, Harrisburg, PA 17125, (717) 783-8468. The Form 150-ASP can be downloaded from the Department of General Services Internet Home Page at <http://www.dgs.state.pa.us/cnprs.htm>. In addition, the Form 150-ASP can be obtained by e-mail by addressing a request to: [pbianchi@exec.gsinc.state.pa.us](mailto:pbianchi@exec.gsinc.state.pa.us).

(b) The requesting professional firm shall obtain from each consultant listed in Question 9, page 4 of the requesting professional firm's application (Form 150-ASP) a signed letter of certification on the consultant's letterhead, attesting to the firm's consent to participate in the requesting professional firm's application (Form 150-ASP) for the specific project. Signed letters of certification from consultants are required and constitute a part of the requesting professional firm's application (Form 150-ASP) for the specific project. The signature on the letter of certification must be an original signature.

(c) The requesting professional firm must submit six copies of Form 150-ASP, Application for Specific Project, for each project herein advertised in which the firm is interested and qualified to perform. At least one of the six copies submitted must contain all original signatures. For architectural projects and, when appropriate, for engineering projects, the Professional shall supply photographs showing a maximum of two different views of each of the three relevant projects described in Question 12, Pages 7 through 9 of the application (Form 150-ASP). The requesting professional firm or joint venture firm must be the Professional of Record for the projects described in Question 12, Pages 7 through 9 of the application (Form 150-ASP). It is not acceptable to list work performed by Key Consultants. The identification and appropriate supportive information concerning each photograph shall include the name, project title, location and the name of the Professional of Record. Color Xerox copies are acceptable, however, renderings and brochures will not be accepted in lieu of photographs. The photographs shall be attached to each copy of the application, (Form 150-ASP).

The pages of each copy of Form 150-ASP must be stapled with photographs and consultant's letters of certification followed by the resume(s) of Key Personnel (listed in Question 10 and/or 11 on Pages 5 and/or 6) included as the last section of the application. Do not bind the application (Form 150-ASP) in any way to any other documentation. Do not bind the application (Form 150-ASP) in a binder of any type.

(d) A complete project submission, which consists of documents described in paragraphs (a), (b) and (c) above, must be received on or before the close of business (5 p.m.) Wednesday, November 17, 1999, 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 Form 150-ASP. Applications submitted on any other form are unacceptable and will not be considered by the Committee.

(e) The Selections Committee may at its discretion establish interviews with any or all of the Professionals who have requested consideration for appointment as designer for the above projects. If an interview is required, the Professional will be notified by the Committee as to the date, time and location.

(f) Additional information, in writing, may be requested by the Committee as required.

*Additional Services—Indoor Air Quality Assessment Program and Hazardous Materials*

The Professional firm selected to design a project will be expected to perform and administer, when required by the Department as Additional Services, an Indoor Air Quality Assessment Program during Building or Renovation Commissioning and the sampling, testing, inspection and monitoring for removal of any asbestos, other hazardous waste or contaminants encountered during project design or construction, unless otherwise stated in the Scope.

The Selections Committee encourages responses from small firms, minority firms, women-owned firms and firms who have not previously performed state work, and will consider joint ventures, which will enable them to participate in this program.

All applications submitted are subject to review by the Selections Committee. The Selections Committee disclaims any liability whatsoever as to its review of the applications submitted and in formulating its recommendations for selection. All recommendations for selection made by the Committee shall be final under Act 57 of May 15, 1998.

GARY E. CROWELL,  
*Secretary*

[Pa.B. Doc. No. 99-1837. Filed for public inspection October 29, 1999, 9:00 a.m.]

### Request for Contractors

The Commonwealth of Pennsylvania is seeking contractors to remove mixed scrap metals from State agencies at District 10-1, Armstrong County and District 2-5, McKean County. We are also in need of a contractor to pick up mixed office waste paper at Commonwealth office buildings in counties throughout Pennsylvania. For information on any of these contracts, write to the Department of General Services, State Surplus Property, P. O. Box 1365,

Harrisburg, PA 17105 or call (717) 787-4085 prior to the bid opening on November 23, 1999.

GARY E. CROWELL,  
*Secretary*

[Pa.B. Doc. No. 99-1838. Filed for public inspection October 29, 1999, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Office of Medical Assistance Programs; Payment for Nursing Facility Services, Exceptional Grant Payments

The purpose of this announcement is to provide advance notice under 42 CFR 447.205 that the Department of Public Welfare (Department) intends to make changes in its methods and standards for payment of Medical Assistance (MA) nursing facility services to authorize additional payments for certain medically necessary durable medical equipment (DME).

Currently, the Department pays MA nursing facility providers on a per diem rate basis for services provided to MA residents. These nursing facility per diem rates include a capital component that provides a fair rental payment for the use of the facilities' allowable moveable equipment. In addition to the per diem payment rates, the Department makes exceptional payments in limited instances to nursing facilities that provide services to high technology-dependent residents. Effective January 1, 1996, these exceptional payments are limited to the rental of equipment and the supplies necessary to care for the high technology-dependent residents. Nursing facility per diem payments are made under and subject to the terms and conditions specified in the Commonwealth's approved State Plan and applicable Department regulations. Exceptional payments are made under and subject to the terms and conditions specified in the Commonwealth's approved State Plan and exceptional payment grant agreements with individual nursing facilities for services provided to specific residents.

The Department intends to amend the Commonwealth's approved State Plan and to issue implementing policy changes to expand its exceptional payment provisions to allow additional grants to general and county nursing facilities, other than special rehabilitation facilities and hospital based nursing facilities, for the purchase or rental of medically necessary exceptional DME. In determining whether exceptional DME is medically necessary, the Department will consider, among other things, whether the DME is required in order for the resident to attain or maintain his or her highest practicable physical, mental and psychosocial well-being and whether there are any alternatives which are less costly or which are already reimbursed through the nursing facility's per diem rate that could meet the resident's needs.

Exceptional DME qualifying for these additional grants must be prescribed by a physician and is limited to: (1) air fluidized beds; (2) powered air flotation beds meeting certain specifications; (3) augmentative communication devices; (4) vacuum-assisted closure devices; (5) parenteral nutrition pumps; (6) specially adapted DME (that is, DME that is uniquely constructed or substantially adapted or modified in accordance with the written

orders of a physician for the particular use of one resident, making its contemporaneous use by another resident unsuitable), including specially adapted manual and motorized wheelchairs; (7) ventilators and related supplies; and (8) other extraordinary DME designated by the Department which is ordered by a physician for a resident whose medical needs are so extensive and complex that those needs cannot be adequately met with standard DME.

Equipment that is furnished generally, routinely or uniformly to nursing facility residents, is furnished for the convenience of the facility or the resident, or is furnished infrequently but does not substantially exceed the cost of equipment that is furnished routinely or uniformly to residents is not exceptional DME.

Nursing facilities will be required to submit requests for exceptional payments in accordance with instructions issued and on forms designated by the Department. Exceptional DME that is approved for purchase or rental by the Department will be reimbursed on the basis of an individual exceptional payment grant agreement executed by the Department and the facility for each individual resident. Only those additional costs identified in the agreement will be allowed.

The primary purpose of this proposed change is to enable the Department to recognize the extraordinary costs associated with small subsets of the nursing facility population whose medical needs are so extensive and complex that they cannot be adequately met without highly customized or specialized DME and to target payments to facilities that provide care and services to those residents. This proposed change is part of the Department's continuing efforts to assure that MA nursing facility residents receive care and services in accordance with applicable law, including the Nursing Home Reform Law, 42 U.S.C.A. § 1396r, and Title II of the Americans with Disabilities Act, 42 U.S.C.A. §§ 12131—12134.

As a result of this proposed policy change, the Department estimates that annual aggregate expenditures for Medical Assistance nursing facility services for FY 1999-2000 will increase by \$13.800 million (\$6.375 million in State funds).

A copy of this notice is available for review through the Bulletin Board System (BBS) at (800) 833-5091, at the local County Assistance Offices throughout the Commonwealth, or by contacting Tom Jayson in the Long Term Care Policy Section at (717) 772-2570. The Department invites interested persons to submit written comments about the Statement of Policy to the Department within 30 days. Comments should be addressed to: Department of Public Welfare, Office of Medical Assistance Programs, Attention: Policy Section, P. O. Box 8025, Harrisburg, PA 17105.

This proposed change in payment methods and standards was discussed at the Long Term Care Subcommittee meeting of the Medical Assistance Advisory Committee (MAAC) on October 13, 1999; the Consumer Subcommittee meeting of the MAAC on October 27, 1999; and the MAAC meeting on October 28, 1999. These meetings were open to the public.

Following review and consideration of any comments received during this public review process, the Department intends to publish Notice of Rule Change (NORC) in the *Pennsylvania Bulletin* announcing the final criteria for authorizing these exceptional payments and to submit a State Plan Amendment incorporating the final criteria

into the Commonwealth's approved Medicaid State Plan. Payment under these proposed changes is conditioned upon the publication of the NORC and the Health Care Financing Administration's approval of the State Plan Amendment.

Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). Persons who require another alternative should contact Thomas Vracarich in the Office of Legal Counsel at (717) 783-2209.

FEATHER O. HOUSTOUN,  
*Secretary*

**Fiscal Note:** 14-NOT-222. (1) General Fund; (2) Implementing Year 1999-00 is \$6.375 Million; (3) 1st Succeeding Year 2000-01 is \$36.264 Million; 2nd Succeeding Year 2001-02 is \$10.940 Million; 3rd Succeeding Year 2002-03 is \$10.940 Million; 4th Succeeding Year 2003-04 is \$10.940 Million; 5th Succeeding Year 2004-05 is \$10.940 Million; (4) 1998-99 Program—\$721.631 Million; 1997-98 Program—\$617.252 Million; 1996-97 Program—\$591.910 Million; (7) Medical Assistance—Long Term Care; (8) recommends adoption. Funds will be available in the Department's budget to cover the cost of this increase.

[Pa.B. Doc. No. 99-1839. Filed for public inspection October 29, 1999, 9:00 a.m.]

### Publication and Availability of the Temporary Assistance for Needy Families State Plan

The Department of Public Welfare is publishing, in its entirety, an updated Temporary Assistance for Needy Families (TANF) State Plan. The State Plan was developed in accordance with the requirements of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P. L. 104-193). The Act provides each state with a TANF Block Grant and the opportunity, with broad Federal guidelines, to design and operate its own programs. The original State Plan was published at 27 Pa.B. 342 (January 18, 1997), and is effective for 2 years. A new TANF plan for subsequent 2-year periods must be submitted to the United States Department of Health and Human Services (DHHS) for completeness.

The updated State Plan incorporates changes identified through suggestions and recommendations from the public and through an ongoing review of the TANF program. The updated State Plan will be submitted to the DHHS on November 1, 1999, to begin the official 45-day comment period required by law.

Future amendments to the Plan will incorporate suggestions and recommendations received during the comment period.

Copies of the State Plan are available for all interested individuals and groups upon written request to Edward J. Zogby, Attention: TANF State Plan, Director, Bureau of Policy, Office of Income Maintenance, Room 431 Health and Welfare Building, P. O. Box 2675, Harrisburg, PA 17105-2675. Persons may also request copies by facsimile machine at (717) 787-6765, using the above address on your cover document, or by means of the Department of Public Welfare's Web Site at <http://www.dpw.state.pa.us/>.

Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

FEATHER O. HOUSTOUN,  
*Secretary*



**PENNSYLVANIA TEMPORARY ASSISTANCE FOR  
NEEDY FAMILIES STATE PLAN**

**TABLE OF CONTENTS**

- I. PURPOSE
- II. INTRODUCTION
- III. PROGRAM GOALS
- IV. MEASURING RESULTS
- V. PUBLIC INVOLVEMENT
  - A. Public Availability and Review
  - B. Additional Outreach
  - C. Public Comments
- VI. OUTLINE OF PENNSYLVANIA'S TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) PROGRAM
  - A. General Provisions
    - 1. Program Administration
    - 2. Access to Benefits
    - 3. Defining Assistance/Non-Assistance
    - 4. Defining Needy Families
    - 5. Personal Responsibility—The Agreement of Mutual Responsibility
    - 6. Time Limits on Receipt of TANF
    - 7. Determining Eligibility
    - 8. Child Support Requirements
    - 9. Work and Self-sufficiency
    - 10. Education in the Work First Environment
    - 11. Noncompliance with the RESET Program
    - 12. Supporting Employment with Day Care
    - 13. Coordination with Child Welfare
    - 14. Safeguarding Information
    - 15. Transfers of TANF Block Grant Funds
    - 16. Reductions of Out-of-Wedlock Births
    - 17. Education and Training to Reduce Statutory Rape
    - 18. Identifying Domestic Violence
    - 19. Link with Medicaid
    - 20. Food Stamp Outreach
  - B. Special Provisions
    - 1. Families Entering Pennsylvania from Another State
    - 2. Treatment of Noncitizens
    - 3. Delivery of Benefits
    - 4. Right to Appeal
    - 5. Community Service Option

**CERTIFICATIONS**

**FUNDING**

**I PURPOSE**

This document outlines and updates the Commonwealth of Pennsylvania's plan for providing assistance to families with children from funds provided under Title I of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P. L. 104-193), and the TANF Final Rules published in the *Federal Register* on April 12, 1999. The Act amends Section 402 of the Social Security Act to require that states submit a plan to the U. S. Department of Health and Human Services (DHHS) that outlines how the state will provide Temporary Assistance for Needy Families (TANF) benefits. Implementation was effective March 3, 1997. Submission of this State Plan renewal commits Pennsylvania to continue operation of its TANF State Program.

**II INTRODUCTION**

On May 16, 1996, Pennsylvania Governor Tom Ridge signed into law Act 1996-35—a dramatic welfare reform plan designed to move families off the welfare rolls and into the work force. The provisions of the Act encourage personal and parental responsibility, emphasize self-

sufficiency through employment, strengthen child support requirements, and increase penalties for welfare fraud. It is a common-sense approach that provides Pennsylvania with the core components for reform of our welfare system. The TANF provisions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 provided the opportunity to make that reform a reality.

When signed into law on August 22, 1996, the Act ended the 60-year Federal welfare entitlement program known as Aid to Families with Dependent Children (AFDC) and the federal JOBS employment and training program. In its place, each state was provided with a block grant for designing and operating its own welfare program within broad TANF requirements. These requirements include stringent work activity participation rates and a lifetime limit of five years for the receipt of benefits. The TANF Block Grant and the Final Rules published in the *Federal Register* on April 12, 1999, provide Pennsylvania with the opportunity to build on the core components of Act 35 to create a welfare system that makes the best use of welfare dollars.

From March 1997 to the present, 195,194 fewer people in Pennsylvania are receiving TANF benefits. That is a 41 percent decrease in the number of persons receiving benefits since the implementation of TANF Program. The majority of those who left the rolls were employed. Of those families whose TANF case closed during a given year, at least 73 percent had been employed during that year.

The TANF Program is designed to provide short-term assistance to families when the support of one or both parents is interrupted. It also provides supplemental support when family income from employment and other sources is not sufficient to meet basic needs. It is not intended to provide long-term support or become a way of life. The provisions of the TANF Program are intended to meet one or more of the following basic purposes of this program as articulated in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 and the final Federal TANF Rules:

Provide assistance to needy families so that children may be cared for in their own homes or in the homes of relatives;

End the dependence of needy parents on government benefits by promoting job preparation, work, and marriage;

Prevent and reduce the incidence of out-of-wedlock pregnancies; and

Encourage the formation and maintenance of two-parent families.

**III PROGRAM GOALS**

The primary goal of Pennsylvania's TANF Program is to provide support to families as they make the transition from dependence on welfare to self-sufficiency and, finally, to long-term self-support. The following goals provide the framework on which the Program is designed:

**1. Promote Personal Responsibility**

Pennsylvania's TANF Program is based on the principle that welfare should provide temporary cash assistance to families and individuals, providing basic support that enables them to move to self-sufficiency. Inherent in this belief is the notion that the welfare recipient must be personally responsible for taking the necessary steps to end his or her dependence on a welfare "check."



## **2. Move Recipients into Jobs**

For most recipients, the way to self-sufficiency and economic independence is through a job. Pennsylvania's approach provides the client with the opportunity to build work skills and a work history.

## **3. Provide Work Incentives and Supports**

If we are to encourage employment, families must be better off if they work than if they depend on welfare. By allowing families to keep more of their earnings, Pennsylvania's TANF plan rewards work and helps them establish a financial base that will support self-sufficiency. The Program also supports family efforts to work by providing allowances for work-related expenses, such as child care and transportation.

## **4. Break the Cycle of Dependency Through Education**

A high school diploma is critical to both short-term and long-term prospects for independence through employment. It opens the door to meaningful, productive employment. Training in a skill or trade, on-the-job training, job-search and job-readiness preparation classes and workshops, among other activities, provide a menu of opportunity for long-term self-sufficiency. Pennsylvania's RESET Program encourages people to pursue education and training as a means of and in addition to meeting work requirements.

## **5. Strengthen Families and Support Children**

Both parents play a role in achieving self-sufficiency. The TANF Program requires parents to fulfill their fundamental responsibilities to their children through a strengthened child support enforcement system.

## **6. Simplify Program Administration**

Pennsylvania must be able to use resources productively—to assist the client in developing and successfully implementing his or her own plan for self-sufficiency. As administrators of the public welfare system, we must have two goals: to help recipients of public assistance become self-sufficient and to ensure that tax dollars spent on welfare programs are spent wisely.

## **IV MEASURING RESULTS**

Monitoring implementation progress and evaluating attainment of program goals is an integral component of Pennsylvania's TANF plan. The primary focus of monitoring and evaluation activities is to gather data about a comprehensive set of performance indicators and performance measures which are used to document clear, specific program outcomes.

The detailing of a definitive set of performance indicators and measures is evolving as program planning decisions are made and modified. The ongoing program evaluation information system will include such performance indicators and measures as:

- The proportion of the active TANF caseload working
- The proportion of TANF applicants diverted from ongoing caseload status to employment
- The average length of stay in active TANF status
- The average number of stays in active TANF status
- The work experiences and quality of life indicators of former TANF recipients
- The relationships among provision of work incentives and family support allowances and successful, long-term employment

- The relationships among program components which focus on clients assuming personal responsibility, implemented primarily through the use of an Agreement of Mutual Responsibility, and successful long-term employment
- The relationships among a variety of program components designed to provide education and training and successful, long-term employment
- The relationships of program components designed to strengthen and support families and appropriate indicators of success
- The relationship between program simplification changes and timely and accurate benefits
- The relationship between TANF program changes and indicators of fraud, waste and abuse
- The use (and continued use after cash benefits end) of other subsidized or social service support programs

A primary focus of program evaluation efforts associated with implementing the TANF Program is to develop, maintain and refine, where necessary, an integrated and comprehensive evaluation information system which will provide data and information on outcome and performance measures related to key components of TANF. These data will be used to provide ongoing monitoring assessments of program implementation and to provide summary statements describing attainment of program goals. In order to ensure the appropriate degree of program accountability, the measures used will be defined by data and information which are timely, accurate, valid, reliable, credible, and easily communicated.

This information system will be composed of existing, currently-available data for pre-TANF welfare programs, but will be supplemented by those data and information necessary to track the provisions of the TANF legislation and satisfy mandated reporting requirements. This collection of data about TANF participants, combined with data detailing critical program components, will provide documentation of specific outcome and performance measures established for the TANF goals. Additionally, analyses of the data available in this information system combined with data from other sources will provide important information about the configurations of participant and program characteristics which produce the most favorable long-term outcomes. Comparisons of these sorts of relationships between participant and program characteristics and their effects on outcome measures across time will permit systematic, evolutionary, incremental shaping of TANF programs to effectively meet the TANF goals.

## **V PUBLIC INVOLVEMENT**

### **A. Public Availability and Review**

The Commonwealth of Pennsylvania's TANF State Plan was made available for public review on October 30, 1999 in the *Pennsylvania Bulletin*. Copies of the TANF State Plan were made available at the 67 County Assistance Offices around the State and on DPW's Website (<http://www.dpw.state.pa.us>).

The State Plan was also submitted to key stakeholder groups for review and comment. These groups include members of the legislature and the Governor's Cabinet, as well as associations representing county government, client advocacy groups, business interests and community agencies providing a variety of services to recipients of public assistance.

## B. Additional Outreach

The TANF State Plan will be published in its entirety in the *Pennsylvania Bulletin* on October 30, 1999. The *Pennsylvania Bulletin* is the official gazette of the Commonwealth of Pennsylvania and is the temporary supplement to the *Pennsylvania Code*, the official codification of agency rules and regulations. The *Bulletin* also serves as the vehicle whereby agencies publish proposed programmatic and regulatory changes. The Notice published in the *Bulletin* will indicate that comments on the TANF State Plan are to be directed to the Department of Public Welfare, Office of Income Maintenance.

The Income Maintenance Advisory Committee (IMAC) is scheduled to receive a briefing on the TANF State Plan on November 22, 1999. IMAC is composed of current and former welfare recipients, representatives of welfare rights organizations, employment and training specialists and other client advocates. IMAC advises the Department of Public Welfare on policies, procedures, and other activities related to the programs administered by the Office of Income Maintenance.

## C. Public Comments

During the 45-day public review period, the Department of Public Welfare will hold public forums in the Philadelphia, Pittsburgh, and Harrisburg areas. During this time period, the Department also will be accepting comments on the TANF State Plan from the general public.

Pennsylvania intends to facilitate community discussion of the implications of the revisions made to the TANF State Plan. It is anticipated that, during the 45-day comment period, additional community meetings will occur in other areas of the State.

The Department's ongoing review of the TANF program will include review and consideration of public comments along with the tracking of outcomes of the TANF Program. The Department intends to submit any needed amendments to the State Plan on an as-needed basis from the date of the submission of the TANF Program.

## VI OUTLINE OF PENNSYLVANIA'S TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) PROGRAM

Although the TANF Program replaced the former Federal cash benefits program known as Aid to Families with Dependent Children (AFDC), most of the rules and procedures under which the Department administered AFDC remain in effect as part of the TANF Program. These rules and procedures are contained in Chapter 55 of the Public Welfare Code of regulations (55 Pa. Code), Notices of Rule Change to the Code published in the *Pennsylvania Bulletin*, Office of Income Maintenance (OIM) Bulletins, OIM Operations Memoranda, and Departmental Handbooks.

New or revised rules and procedures are set forth in the State Plan. These changes and revisions are adopted pursuant to the authority of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pennsylvania's Act 35, sections 201(2) and 403(b) of the Public Welfare Code (62 P. S. §§ 201(a) and 403(b)) and Act 58.

The Final Federal TANF Rules published in the *Federal Register* on April 12, 1999 provide for the possibility of Separate and Segregated State Programs. Stakeholders will be consulted and input will be solicited during a review of the proposed State Plan. Any decision to create such programs will be incorporated in a future State Plan Amendment.

## A. GENERAL PROVISIONS

### 1. Program Administration

The Pennsylvania Department of Public Welfare is responsible for administering the TANF Program in 67 County Assistance Offices. Program requirements are applied consistently Statewide; however, the maximum TANF benefit will vary from county to county based on the four benefit schedules currently in effect.

The Department intends to continue the use of private contractors to supplement the work of the County Assistance Offices to provide services, such as job search, job-readiness preparation, education and training services, and to assist clients to enter the work force, retain jobs and advance in employment.

Persons who receive TANF benefits on or after March 3, 1997 are subject to all requirements of the TANF Program. Recipients are subject to the 60-month lifetime limit and the work requirements of Act 35 beginning March 3, 1997.

### 2. Access to Benefits

Pennsylvania continues to provide access to TANF benefits and related services in each of the Commonwealth's 67 counties based on the policies and procedures in effect.

### 3. Defining Assistance/Non-Assistance Benefits

For purposes of applying TANF time limits, work and participation requirements and child support assignment requirements, the term "assistance" is defined as cash payments, vouchers and other forms of benefits designed to meet a family's ongoing basic needs (i.e., for food, clothing, shelter, utilities, household goods, personal care items, and general incidental expenses). "Assistance" also includes:

- Stipends and allowances for participation in education and training by non-employed cash assistance recipients.
- Needs-based payments to individuals in any work activity whose purpose is to supplement the money they receive for participating in the activity.
- Supportive services such as transportation and TANF-funded child care provided to non-employed cash assistance recipients.

If a benefit falls within the definition of assistance, the benefit counts as assistance even when receipt of the benefit is conditioned on participation in work experience, community service, or other work activities.

The recent Final TANF regulations include the potential for funding a class of benefits known as "Non-Assistance." Pennsylvania will exclude from the definition of "assistance" activities that support employed former TANF recipients or those who are eligible for, but not receiving "assistance." For example, case management services, job retention programs, child care and wage subsidies will be provided as on-going supports to employed former cash assistance recipients. These services and benefits being received by the family are considered "non-assistance," and the family receiving them after leaving cash assistance is no longer using months of time-limited TANF benefits.

### 4. Defining Needy Families

A family is defined as a minor child and his parent(s) or other adult specified relative with whom he lives. Eligibility for TANF is also extended to pregnant women who have no other children living with them.

□ **Minor Child**

A minor child is under age 18 or is age 18 and is a full-time student in a secondary or in the equivalent level of vocational or technical training.

□ **Specified Relative**

A specified relative is defined as an adult who:

- Is exercising responsibility for the care and control of the child by making and carrying out plans for the support, education and maintenance of the child and applying for assistance on behalf of the child. The finding that a relative is exercising care and control of the child is made whether the relative is the parent or other relative of the child.
- Is maintaining a home in which the child lives with him or her, or is in the process of setting up a home where the child will go to live with him or her within 30 days after receiving the first TANF payment.
- Is related to the child as follows:
  - A blood relative who is within the fifth degree of kinship to the dependent child, including a first cousin once removed. Second cousins and more remote cousins are not within the fifth degree of kinship. A first cousin once removed is the child of one's first cousin or the first cousin of one's parent. The fifth degree of kinship includes great-great grandparents and great-great-great grandparents. The fifth degree of kinship also includes other relationships prefixed by great, great-great, grand or great-grand. Blood relatives include those of half-blood.
  - A parent by legal adoption and any of the adopting parent's blood or adoptive relatives as described above.
  - Stepfather, stepmother, stepbrother and stepsister.
  - A spouse of any of the relatives described above even though the marriage is terminated by death, separation or divorce.

□ **Minor Parent**

An individual who is under 18 years of age, is not married, and has a minor child in his or her care, or is pregnant, must reside in a place of residence maintained by a parent, legal guardian, other adult relative or other appropriate adult-supervised supportive arrangement unless one of several exemptions is met.

If the minor parent cannot return to the home of a parent, legal guardian, or other relative, the Department, in consultation with county children and youth agencies, will provide assistance to the minor parent and dependent child in locating a second-chance home, maternity home, or other appropriate adult-supervised supportive arrangement unless the agency determined that the minor parent's living situation is appropriate.

When both parents are living with a child, the family may qualify for TANF only if one or both parents are incapacitated or unemployed according to the deprivation requirements in effect prior to TANF implementation. (with the exception of the plan to eliminate the 100-hour rule for two-parent households, see section 7)

Certain persons who live with the minor child must be included in the application for assistance. These members of the mandatory TANF budget group include the TANF child, the biological or adoptive parents of the TANF child and blood-related or adoptive siblings of the TANF child as long as they also meet TANF eligibility requirements.

A family, for purposes of the 60-month time limit, is defined as a minor child and his parent(s) or other adult specified relative with whom he lives and who is applying on the child's behalf. A specified relative who is not required to be part of the TANF budget group is considered a member of the family regardless of whether he is included in the child's application for TANF benefits or is applying only on behalf of the minor child.

□ **Absence of a Minor Child**

Under TANF, a specified relative may continue to receive benefits for an otherwise eligible minor child who is absent, or expected to be absent, from the home. The State may choose between several periods of temporary absence: not less than 30 days, up to 45 days, up to 180 days, or more than 180 days if good cause is established.

Pennsylvania elects to define temporary absence as one that does not exceed 180 consecutive days.

A caretaker relative of a minor child who fails to notify the County Assistance Office of the minor child's absence by the end of the five-day period that begins with the date it becomes clear that the child will be absent for more than 180 consecutive days is ineligible for TANF for a period of 30 days.

**5. Personal Responsibility—The Agreement of Mutual Responsibility**

Pennsylvania is exercising the TANF option to establish an individual responsibility plan. The following persons are required to enter into a written agreement, known as the Agreement of Mutual Responsibility, that establishes the obligations to be undertaken by the recipient to develop a path toward self-sufficiency and the activities of the Commonwealth to support those efforts:

- Adult applicants and recipients who are required to sign the Application for Benefits, whether or not exempt from the work requirements.
- Pregnant teens or minor parents who sign the Application for Benefits on their own behalf.

The Agreement stresses the temporary nature of cash assistance and focuses on the steps the recipient must take to establish a path toward self-sufficiency. The Agreement also specifies the penalties for failure to comply and the actions to be taken by the Department to support the efforts of the recipient. Beginning March 3, 1997, refusal to sign the Agreement will result in ineligibility of the person required to enter into the Agreement.

As part of completion of the Agreement, the County Assistance Office determines whether the client is exempt from participation in work activities. For all nonexempt clients, the Agreement includes a requirement to begin a job search for a minimum of eight weeks. The job search will serve as the initial assessment of the skills, work experience and employability of each adult recipient. In addition to the initial job search, the Agreement is also used to outline other work participation activities and obligations for nonexempt clients. Penalties for noncompliance, without good cause, with work-related requirements set forth on the Agreement were applied beginning March 3, 1997.

Pursuant to Act 35, the Agreement will include the following obligations, when appropriate to the individual or family situation. The Department of Public Welfare will establish penalties and good cause criteria for noncompliance before implementing sanctions associated with these obligations. **These penalties will be implemented upon final rulemaking as published in the Pennsylvania Bulletin.**

- Receive prenatal care as recommended by the doctor or clinic and/or ensure that children are immunized, receive periodic health screening and appropriate medical treatment.
- Take steps, if needed, which will improve a child's school attendance and improve his or her chances for earning a high school diploma.
- Submit to a substance-abuse assessment by the local county authority if the county assistance office determines that a person may have a substance-abuse problem that presents a barrier to employment. If the assessment indicates that a drug or alcohol problem exists, the client will be required to participate in and complete an approved treatment program. If a person fails to enter or complete a program, he or she can comply by providing proof of substance-free status by submitting to periodic drug testing.
- Make appropriate payments to service providers from allowances given for child care and other special needs provided to enable the client to fulfill his or her commitment to engage in work or a work-related activity.
- Meet other obligations specified in the Agreement of Mutual Responsibility related to self-sufficiency and parenting responsibilities.

These obligations are basic personal and parental responsibilities which are important to the physical and mental well-being of the family. If not addressed, they not only represent potential barriers to employment, but could increase the likelihood that welfare dependency will be passed from one generation to the next.

#### **6. Time Limit and work requirements for Receipt of TANF**

Receipt of TANF assistance is limited to a total of 60 months (five years) in an adult's lifetime. Assistance received as an adult (over age 18), as a minor child who is head of household, or as a minor child married to the head of household, will count toward the limit. Periods of receipt need not be consecutive to count toward the 60 months. Assistance may not be provided to a family that includes an adult who has received his or her lifetime limit of 60 months of assistance. If the TANF budget group includes only a child(ren), the 60-month limit does not apply.

The State reserves the right to exclude up to 20 percent of its average monthly caseload from the 60-month time limit due to situations determined to constitute a hardship.

After receiving a total of 24 months of assistance, an individual who is required to meet the work requirements must be working or participating in an allowable work activity other than job search or education or training for at least an average of 20 hours per week.

The first day of both the 60 time limit and 24-month hourly work requirement began on March 3, 1997 for current recipients and on the date of authorization for applicants authorized on or after that date. The 60 months is counted as 1,830 days. The 24 months is counted as 732 days.

#### **7. Determining Eligibility**

Pennsylvania is following rules, regulations and procedures in effect prior to the TANF implementation date, except for the following revised provisions that are autho-

rized or required by State law (Act 35 and Act 58) or by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996:

#### □ **Earned Income Disregard**

The gross earned income of recipients is subject to a continuous 50 percent disregard. The increased disregard will encourage recipient families to work and will provide additional financial support as they make the transition from welfare to self-sufficiency. Applicants may qualify for the 50 percent disregard if they have received TANF in one of the four months prior to application or if their income is equal to or less than the standard of need. The deduction for the cost of dependent care for an incapacitated adult will be made following application of the 50 percent disregard.

□ **Earned Income:** Sanctioned, Disqualified or Otherwise Ineligible Individuals

The earned income of sanctioned, disqualified or otherwise ineligible budget group members is treated uniformly by computing their income as if these persons were included in the budget group. This method will ensure equitable treatment of all TANF households.

**This provision will be implemented upon final rulemaking as published in the *Pennsylvania Bulletin*.**

#### □ **Income Exclusions**

Income excluded under current State regulations remains the same under TANF except for the following:

- Educational assistance in the form of loans, grants and scholarships is excluded as income.
- Income-in-kind for services rendered is excluded from consideration in the determination of eligibility.
- The first \$50 per budget month of court-ordered or voluntary support payments received by the budget group, excluding arrearages, is excluded as income. All support received, less the support pass-through, is counted when determining eligibility.

#### □ **Resources**

Resources that are excluded from determining eligibility under current regulation remain the same except for the following:

- The cash value of life insurance is excluded as a resource.
- An educational savings account established to pay for post-secondary educational expenses directly to an approved educational institution is excluded as a resource. Pennsylvania is exercising the TANF option to exclude this account under the TANF individual development account provision.
- Educational assistance in the form of loans, grants and scholarships is excluded as a resource.
- One motor vehicle, regardless of value, is excluded as a resource.
- The nine-month time period for disposing of nonresident real property, during which time a family may receive TANF, is extended as long as the family is continuing to make a good faith effort to sell the property.
- A Family Savings Account established pursuant to 73 P. S. §§ 400.2101—2103, Act 1997-23 is excluded as a resource.

**This exemption will be implemented upon final rulemaking as published in the *Pennsylvania Bulletin*.**

□ ***Lump Sum Income***

Lump sum income is counted as income only in the month that it is received. Any funds that remain from the lump sum in months following the month of receipt will be counted as a resource.

**The lump sum provision will be implemented upon final rulemaking as published in the *Pennsylvania Bulletin*.**

□ ***Budgeting Method: Timely Income Processing***

The income of applicants and recipients affects the TANF benefit as follows:

- For the first two months in which income is received, the income adjustment is based on the best estimate of the expected income (prospective budgeting). The estimate is based upon information provided by the client.
- Income that is prospectively budgeted will not be reconciled with actual income received in the first two months. Overpayments (underestimates) will not be processed and underpayments (overestimates) will not be corrected.
- An income adjustment that decreases the grant is made for the first TANF payment date for which the deadline can be met following advance notification to the client.
- After the first two months, the income received in the first month is adjusted in the third month, the second month is adjusted in the fourth month and so on (retrospective budgeting).
- The Income adjustment is removed from the grant as soon as possible after the income stops.

**This revised budgeting method will be implemented upon final rulemaking as published in the *Pennsylvania Bulletin*.**

□ ***Penalty for Noncooperation with Child Support Requirements***

If a parent or other caretaker relative fails to cooperate in establishing paternity or in establishing, modifying or enforcing a child support order, without good cause in accordance with Act 58, the cash assistance grant will be reduced by 25 percent. The grant remains reduced until the parent or caretaker relative demonstrates cooperation.

**This penalty will be implemented upon final rulemaking as published in the *Pennsylvania Bulletin*.**

□ ***Penalty for Conviction of Welfare Fraud***

An individual who is disqualified on or after the date of TANF implementation for either the Food Stamp Program, the General Assistance Program or the Medical Assistance Program because of fraud is ineligible for TANF during the period of disqualification.

□ ***Satisfaction of Criminal Penalties***

An individual who has been sentenced for a felony or misdemeanor offense and who has not satisfied the penalty imposed by the court is ineligible for TANF. An individual who is required to pay fines, cost and restitution, and who is in compliance with an approved payment plan, may be eligible for TANF.

□ ***Fraudulent Misrepresentation of Residence***

An individual is ineligible for TANF for a period of ten years if he is convicted in a Federal or state court of fraudulent misrepresentation of residence for the purpose of receiving TANF, Medical Assistance, Food Stamps or Supplemental Security Income (SSI) in two or more states.

□ ***Penalty for Conviction of a Felony for Possession, Use or Distribution of a Controlled Substance.***

In accordance with Federal TANF requirements, an individual who is convicted under Federal or state law of a felony offense that was committed after August 22, 1996, related to the possession, use or distribution of a controlled substance is permanently ineligible for TANF.

Pennsylvania's Act 35 specifies that a person convicted of a felony is ineligible for assistance until he has satisfied the penalty imposed by the court. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 allows states to opt out of the permanent ineligibility provision; however, to do so, a state must enact a law after enactment of the Federal Act. Pennsylvania reserves the right to opt out of the Federal requirement to impose a permanent bar.

□ ***Failure To Appear At Criminal Court Proceeding***

An individual who, as a defendant, fails to appear at a criminal court proceeding when issued a summons or bench warrant is ineligible for TANF.

□ ***Fugitive Felon***

An individual who is fleeing to avoid prosecution or custody or confinement following a conviction for a felony or who is violating probation or parole is ineligible for TANF unless the individual is exempt on the basis of a Presidential pardon.

□ ***Violation of Probation or Parole***

An individual who is in violation of the terms of probation or parole is ineligible for TANF.

□ ***Definition of Unemployed/100-Hour Rule***

Eligibility for TANF in two-parent households where there is no incapacity is based on the unemployment of the principal wage-earner parent. Pennsylvania is eliminating the 100-hour rule from the definition of "unemployment." Eligibility for TANF will not be affected by employment of the principal wage-earner parent that equals or exceeds 100 hours per month. Elimination of this rule strengthens two-parent families and promotes employment and self-sufficiency.

**This provision will be implemented upon final rulemaking as published in the *Pennsylvania Bulletin*.**

## **8. Child Support Requirements**

Cooperation with the Department of Public Welfare or the court in identifying a non-custodial parent, establishing paternity, and establishing an order for support continue to be prerequisites to receiving benefits. Current State policies with respect to child support are revised as follows:

- Applicants must appear before, and obtain from, the Domestic Relations Section of the Court of Common Pleas a certification of cooperation with child support enforcement requirements prior to authorization of TANF benefits. The Secretary of the Department may waive the personal appearance requirement for a county court or Domestic Relations Section following review of a written request from the county which establishes that another procedure would be as efficient and effective.
- The definition of cooperation is expanded by requiring an applicant or recipient to take the following actions:
  - Identify the parent(s) of any child for whom assistance is sought or received. This includes an appearance by the applicant or recipient, with the child, for scheduled genetic testing.
  - Keep scheduled appointments with the Department or Domestic Relations Section.
  - Provide truthful and accurate information and documents requested by the Department or Domestic Relations Section.
  - Sign and return any forms requested by the Department or Domestic Relations Section.
  - Appear as a witness and provide testimony at judicial and other hearings as requested by the Domestic Relations Section.
  - Pay to the Department any support payment received directly from the non-custodial parent after an assignment of support has been made.
- The failure of the mother to identify by name the father of a child creates a presumption of noncooperation which may be rebutted only by clear and convincing evidence.
- If an applicant or recipient provides the names of two putative fathers subsequently excluded from paternity by genetic testing, the second exclusion creates a presumption of noncooperation, which may be rebutted only by clear and convincing evidence.
- Either the Title IV-A agency (County Assistance Office) or the local Title IV-D agency (Domestic Relations Section of the Court of Common Pleas) will be permitted to determine whether the applicant or recipient has failed to cooperate and lacked good cause for such failure.
- In accordance with Act 58, the State may retain the support collected on behalf of a TANF family up to the amount of the cumulative assistance paid to the family.

The State will distribute child support collected on behalf of families receiving TANF cash assistance as follows:

- First pay to the Federal government an amount equal to the Federal share of the amount collected.
- Second, pass through to the TANF family the State share of remaining current support collected, up to \$50 per month, without decreasing the amount of cash assistance provided. In no case will a TANF family be paid more than one support pass-through in a month.
- Third, retain the remainder of the amount collected to reimburse the Commonwealth, capped at an amount equal to the total assistance paid to the TANF family.

- Fourth, pay to the TANF family any remaining amounts of support collected in accordance with Federal law.

### 9. Work and Self-sufficiency

As established by Act 35, recipients of TANF in Pennsylvania are enrolled in an employment and training program known as The Road to Economic Self-Sufficiency through Employment and Training (RESET) to enable them to obtain employment and become self-sufficient. The primary means to achieve self-sufficiency is through work. This approach emphasizes a work-first approach as part of a continuum of services, which can establish a work history, with increasing wages, and benefits that lead, over time, to economic independence and self-sufficiency.

#### □ Exemptions

To be considered exempt from RESET, recipients must be:

- under the age of 18 and pursuing a high school diploma or GED;
- verified as physically or mentally disabled and temporarily or permanently precluded from any form of employment or work-related activity;
- the parent/caretaker relative of a child under the age of 6 with no available child care; or
- the single, custodial parent of a child under the age of 12 months. Pennsylvania is exercising the option to allow this exemption; however, it may only be granted for a total of 12 months in the parent's lifetime. The 12 months do not need to be consecutive.

An individual who is exempt because of a physical or mental disability is required to participate in work or a work-related activity when the condition ceases as follows:

- If the condition ceases in the first 22 months that the recipient receives cash assistance, the recipient is required to participate immediately.
- If the condition ceases after the recipient has received cash assistance for 22 months or more, the recipient is required to participate within eight weeks.

A specified relative who is exempt for providing care for a child under the age of six is required to participate in work or a work-related activity as soon as child care is available.

Determinations of good cause will be made using the criteria found in Title 55 Pa. Code, section 165.52.

An exempt individual under 18 years of age is required to participate upon:

- becoming 18 years of age;
- attaining a high school diploma or a certificate of high school equivalency; or
- ceasing to pursue a high school diploma or a certificate of high school equivalency.

An exempt single, custodial parent of a child under the age of 12 months is required to participate when the child becomes 12 months old or when the client has exhausted the 12-month lifetime limit for this exemption.

A person who is exempt may volunteer to participate in RESET. Exempt volunteers may participate in the RESET activity of their choice, provided they meet the

eligibility criteria for those activities or programs. Exempt persons who volunteer to participate in contracted programs must meet all of the requirements of those programs. Such requirements include, but are not limited to, attendance and participation. Exempt volunteers need not conduct an initial job search prior to beginning to participate and are not subject to sanction for noncompliance with the work requirements.

Note: The time a client spends in "Exemption" or "Good Cause" status counts toward the 60-month time limit.

□ **Requirements During the First 24 Months**

During the first 24 months, the individual must, as an initial activity, conduct a job search for a minimum of eight weeks or until employment is found, whichever occurs first. All nonexempt persons who are receiving cash assistance when TANF is implemented are required to conduct a job search within eight weeks of their next redetermination. If at the end of eight weeks the recipient has not found employment, the individual is required to participate in additional work-related activities specified in the Agreement of Mutual Responsibility, which may include additional job search.

**EXCEPTION:** Individuals with EDPs which were approved prior to the implementation of TANF will be allowed to continue in their activities until the approved EDPs are completed or until the recipients cease to participate, whichever occurs first. Recipients are allowed to continue in the activities if they are making satisfactory progress as defined by the standards of the provider or institution. After 24 months of receiving cash assistance, clients must meet the work requirements in addition to continuing in the approved activities.

If the recipient does not secure employment for an average of at least 20 hours per week during the job search, the work-related activity requirement can be met by participation in any one or combination of the following:

- job search;
- job readiness/preparation activities;
- subsidized employment;
- work experience;
- on-the-job training;
- workfare;
- community service;
- any employment and training program funded or approved by the Department;
- vocational education;
- general education;
- education in English-as-a-second-language; or
- job skills training.

After 12 months of participation in vocational education, general education, education in English-as-a-second-language, or job skills training, the recipient who wishes to continue education or training will be required to participate in another work-related activity in addition to the education or training.

**EXCEPTION:** Individuals between 18 and 22 years of age who have not earned a high school diploma or a certificate of high school equivalency can fulfill the work-related activity requirement during the first 24 months by pursuing a high school diploma or a certificate of high school equivalency.

□ **Requirements After 24 Months**

After 24 months of receiving cash assistance, the individual must, for an average of 20 hours per week, work in unsubsidized employment or participate in:

- subsidized employment;
- work experience;
- on-the-job training;
- community service; or
- workfare.

Since implementation of RESET in 1997, Pennsylvania has decided to grant good cause for failure to meet the 20-hour weekly work requirement to certain clients who have received cash assistance for 24 or more months. Those clients include those pregnant or parenting recipients under the age of 22 who are attending high school or participating in a GED program for at least 20 hours per week and clients participating in an internship, student teaching or practicum as a part of an approved education or training program. Good cause for the latter group of clients is limited to 6 months.

□ **Special Allowances for Supportive Services for Work-related Activities**

TANF clients who participate in work-related activities specified in their Agreement of Mutual Responsibility may be eligible for supportive services provided by the Department, including costs for transportation and other work supports. Payments for work supports, when available, will be made by the County Assistance Office for actual costs up to the Department of Public Welfare's established maximums.

**10. Education in the Work First Environment.**

Since the implementation of welfare reform in Pennsylvania, education in the form of literacy initiatives, pursuit of a High School diploma or GED, English as a Second Language, Adult Basic Education, post-secondary schooling and vocational skill training has been a part of the continuum of work-related activities.

Indeed, Pennsylvania law is unusual in that it permits significant flexibility to pursue education or training as the sole work-related activity for a full year, with no minimum work hours required for two years. This opportunity is crucial for those who do not find work during the initial job search. In fact, during the entire five years on welfare, individuals can pursue an education as long as they meet the hourly work requirement upon receiving TANF for 24 months.

National research continues to document the superior effectiveness of models that combine work with education and training. A realistic course of education can be part of an approved plan to reach self-sufficiency regardless of the number of months of assistance the client has received.

Employment always has been the primary goal of our TANF program. We continue to encourage individuals to begin developing a work history early in their welfare experience. However, the role of education will continue to be emphasized for clients who have been successful in finding employment and are now seeking career advancement in order to move to self-sufficiency.

Some of our current and soon-to-be developed refinements include:

- Contracted program designs that currently include various courses of education. We will strive to maintain these and even increase them where appropriate.
- Structured outreach efforts that began with post-secondary institutions and will be expanded to include community literacy programs.
- Programs and procedures that assist individuals in completing their educational activities while meeting work requirements.
- Additionally, development of case management programs that will support and assist individuals enrolled in post-secondary education to stay in school and meet the challenges of parenthood as well as those associated with participation in education while working.

Pennsylvania will continue to mesh employment and training efforts designed specifically for welfare recipients into the larger workforce development system at every appropriate point. Collaboration with the One-Stop system mandated by the Workforce Investment Act has been ongoing with partnerships developing at the state and county levels.

### 11. Noncompliance with the RESET Program

A sanction is imposed on any individual required to participate in RESET who, without good cause:

- Fails to accept a bona fide offer of employment in which the individual is able to engage;
- voluntarily terminates employment;
- Fails or refuses to accept referral to participate in or continue participation in a work or work-related activity as specified in the AMR;
- Fails to accept referral to participate in or continue participation in an available work or work-related activity;
- Fails to seek employment;
- Fails to maintain employment;
- Reduces earnings;
- Fails to participate in one of the following work-related activities if not employed at least 20 hours per week during the first 24 months of receiving cash assistance: subsidized employment; work experience; on-the-job training; community service; Workfare; vocational education; general education; English-as-a-second language; job skills training; job search or readiness/preparation activities;
- Fails to participate for an average of at least 20 hours per week in one of the following work activities after receiving 24 months of cash assistance: unsubsidized employment; subsidized employment; work experience; community service; on-the-job training or Workfare;
- Fails to agree to fulfill the work or work-related activity requirements; or
- Fails to apply for work at such time and in such manner as the Department may prescribe.

If good cause is not established, the client will receive an Advance Notice advising of the proposed sanction.

The sanctions for failure to comply with employment and work-related activity requirements are required by Section 432.3 of Act 35.

#### □ **Sanctions for Failure to Comply with RESET Requirements**

A mandatory participant who fails to cooperate with the work or work-related activity requirement, participate in RESET or accept a bona fide offer of employment, or who terminates employment, reduces earnings or fails to apply for work, without good cause, is ineligible for cash assistance. Pennsylvania is exercising the option that allows for reduction in the family's assistance grant by more than the pro rata amount when an individual refuses to engage in work.

The period of the sanction is:

- First occurrence** - 30 days or until the failure to comply ceases, whichever is longer.
- Second occurrence** - 60 days or until the failure to comply ceases, whichever is longer.
- Third occurrence** - permanently.

If the reason for sanction occurs in the first 24 months, the sanction applies only to the individual.

If the reason for the sanction occurs after the first 24 months, **the sanction applies to the entire assistance group.**

In lieu of the sanctions set forth above, if an employed individual voluntarily, without good cause, reduces his earnings by not fulfilling the 20-hour work requirement during the first 24 months, the cash grant is reduced by the dollar value of the income that would have been earned if the recipient would have fulfilled his 20-hour work requirement, until the 20-hour requirement is met.

NOTE: If an employed individual voluntarily, without good cause, reduces his earnings by not fulfilling the 20-hour work requirement after having received cash assistance for 24 months, the household is ineligible.

The Department of Public Welfare has opted not to impose a sanction on Medical Assistance benefits for recipients who fail to comply with employment and work-related activity requirements.

### 12. Supporting Employment with Child Care

The Department of Public Welfare has provided information about subsidized child care benefits available under the "Child Care Works" program in the Child Care Development Block Grant State Plan submitted in June 1999 for the period October 1, 1999 through September 30, 2001. Support for child care costs for eligible TANF recipients participating in approved work-related activities provides access to a full range of child care opportunities. Consumer education materials and information about minimal health and safety standards are available to all TANF clients and participating providers. Information about day care options, as well as availability and location of care, continues to be available through the Department's contracted Child Care Information Service agencies.

### 13. Coordination with Child Welfare

The State recognized the need to strengthen the existing line of communication between the local County Assistance Offices and the local County Children and Youth Agencies. A workgroup was organized and charged with responsibility to develop a set of inter-agency protocols to coordinate efforts to serve mutual clients. The workgroup designed a process that eliminates development of conflicting service plans and eliminates the possibility of conflicting program requirements. The protocols require that the activities outlined on the Agree-



ment of Mutual Responsibility, prepared in the County Assistance Offices, should be coordinated with the Family Service Plan that is prepared at the County Children and Youth Agency. In addition, all 67 County Assistance Offices and County Children and Youth Agencies were charged with implementing county protocols to ensure a local service delivery system that enables families to reach self-sufficiency while providing a safe environment for the child. Additionally, prior to the imposition of a sanction for non-compliance with the work requirement, County Assistance Offices are required to contact County Children and Youth Agencies to determine if a family may have good cause for such non-compliance.

#### **14. Safeguarding Information**

Pennsylvania continues to operate its welfare program in a manner that safeguards information about individuals and families receiving assistance. The State intends to adhere to the provisions on the safeguarding of information in effect prior to implementation of TANF, with the addition of the following provisions:

- The Department of Public Welfare exchanges information with the Pennsylvania State Police, the Pennsylvania Board of Probation and Parole, the State Department of Corrections, county law enforcement and corrections agencies, and local law enforcement and corrections agencies. This information is used to identify persons who have been sentenced for a felony or misdemeanor and have not satisfied the penalty imposed by law, fugitive felons and persons convicted of drug-related felonies. The Pennsylvania State Police and the Pennsylvania Board of Probation and Parole will have access to the records of the Department of Public Welfare's Assistance Recipient Identification Program (finger-imaging file).
- The Department of Public Welfare will furnish the address of an individual to a Federal, state or local law enforcement officer who certifies that the individual has information that is necessary for the officer to conduct his official duties and the location of the recipient is within such official duties.

#### **15. Transfers of TANF Block Grant Funds**

Pennsylvania continues to provide supportive and emergency assistance through TANF or other State programs as follows:

- Pennsylvania reserves the option to transfer TANF funds to the Child Care and Social Services Block Grants.
- TANF funds will be transferred to support Office of Children, Youth and Families programs which provide emergency assistance and services to children only as authorized in the approved AFDC State Plan in effect as of September 30, 1995.
- TANF funds may be transferred to the Department's Office of Social Programs to augment the existing Homeless Assistance Program, thereby creating a single program to respond to emergency shelter needs.

#### **16. Reductions of Out-of-Wedlock Births**

The Pennsylvania Department of Public Welfare, through its Office of Social Programs, is the agency responsible for services which can reduce out-of-wedlock births. This reduction is being addressed from two perspectives:

- Provision of family planning services for low-income families and without regard to income for those who are 16 and 17 years old; and within Department of Health under federal funding through Title V of the Maternal and Child Health Block Grant to teens under 16; and without regard to income.
- Abstinence education for adolescents with family incomes less than 185 percent of the federal poverty income guidelines. The Pennsylvania Department of Health, through the Abstinence Education and Related Services (AERS) Initiative, and as part of the Governor's Project for Community Building, has implemented a five-year comprehensive statewide plan to promote abstinence as a positive lifestyle decision for young adolescents. There are currently 28 AERS community-based projects serving 35 counties in Pennsylvania. Community projects will deliver abstinence-only education and related services to children and adolescents throughout communities and schools. Related services include mentoring, adult supervision, counseling, and training programs for parents, peers, and health professionals on how to conduct abstinence education. A statewide media campaign was implemented to raise public awareness of the benefits of abstinence, the negative consequences of teen pregnancies outside the context of marriage, and the central role of parents and significant others as the prime educators of their youth. Pennsylvania is exercising the option to provide mentoring, counseling and adult supervision to promote abstinence from sexual activity.

For TANF, services are focused on adolescents and provided by current contractors.

In 1994, there were 51,354 out-of-wedlock births, of which 14,843 or 28.9 percent were to women 19 years of age or younger. In 1995, there were 49,042 out-of-wedlock births, of which 14,436, or 29.4 percent, were to women 19 years of age or younger. In 1996, there were 47,828 out-of-wedlock births, of which 13,907 or 29.1 percent were to women 19 years of age or younger. In 1997, there were 47,182 out-of-wedlock births, of which 13,457 or 28.5 percent were to women 19 years of age or younger. Pennsylvania proposes to reduce the number of out-of-wedlock births to teenagers to 28.15 percent in 1998 (one percentage point less than the average for 1994-1995).

#### **17. Education and Training to Reduce Statutory Rape**

Pennsylvania convened a Statutory Rape Task Force to address the issue of teen pregnancies that result from relationships with older men. Through a contract with the Pennsylvania Coalition Against Rape (PCAR), the Pennsylvania Department of Public Welfare launched an ad campaign and educational program to increase awareness of the statutory rape laws among middle school, junior high, and high school students and staff. PCAR representatives, along with Equalogy, the company that developed the curriculum, have received a tremendous amount of response from students and staff who were unaware of the legal issues regarding youths that are involved with persons who are significantly older. The ad campaign consists of 1) posters placed on public buses in Philadelphia as well as in school hallways or nurses' offices, 2) a teen magazine geared toward girls, 3) a music CD of songs about teens in various relationship situations and 4) free concerts at underage dance clubs. The artists on the CD and performing at the concerts encourage the teens not to give in to peer pressure.

Although the Task Force's efforts have largely focused on school-aged females, the Task Force will explore means to reach school-age males and young adult males.

### 18. Identifying Domestic Violence

Pennsylvania is exercising the Federal TANF option to certify that it will screen for and identify victims of domestic violence. Since 1997, the Department of Public Welfare has collaborated with the Pennsylvania Coalition Against Domestic Violence (PCADV), its statewide contractor providing services to victims of this abuse, to develop a program to screen for and identify domestic violence victims among TANF applicants and recipients. This collaboration has taken place under the auspices of the Domestic Violence/TANF Task Force.

The Task Force developed a training program (including a video role play) that provides information on identifying and understanding victims of domestic violence as well as guidance on how a caseworker should use this information to perform his/her job. Victims of domestic violence may qualify for temporary waivers of TANF program requirements such as time limits on receipt of cash assistance, employment and training requirements, and cooperation with child support requirements.

To avoid asking each client specific questions on domestic violence, the Task Force developed several forms of universal notification. A brochure and palm card that explain domestic violence and contain the telephone numbers of local domestic violence agencies are available for distribution in the County Assistance Offices. These items may be dispensed by the caseworker or placed in areas of the County Assistance Office such as the women's restroom for discreet access. The Common Application Form will be revised to include a tear-out sheet explaining domestic violence, good cause and the possibility of being temporarily excused from certain program requirements. In the interim, the tear-out sheet will be printed and provided to all applicants/recipients as part of the application/redetermination interview package.

The Department of Public Welfare also plans to revise its regulations governing good cause for failing to cooperate with child support requirements based on a claim of domestic violence. Applicants/recipients who are unable to safely provide documentation of good cause within the established time frames for providing verification may sign an affirmation of this fact and be granted good cause for a period not to exceed six months.

**Revised good cause requirements will be implemented upon publication of a Notice of Rule Change in the *Pennsylvania Bulletin*.**

### 19. Link with Medicaid

TANF eliminated the automatic granting of Medical Assistance benefits to cash assistance recipients. However, it provided states the opportunity to maintain the link by ensuring that their TANF design is no less restrictive in certain financial and non-financial criteria. Since Pennsylvania's TANF Program does ensure this, all TANF eligibles will continue to receive Medical Assistance benefits.

Additionally, Pennsylvania has implemented several operational changes to ensure that individuals transitioning from TANF receive all Medicaid benefits for which they are eligible. The Department of Public Welfare has instructed caseworkers to: 1) determine Medical Assistance eligibility when closing a cash case; 2) authorize extended Medical Assistance as appropriate; 3) issue a notice of Medical Assistance eligibility when closing a

cash case; and 4) determine Medical Assistance eligibility when rejecting a cash application. Also, computer enhancements have been developed to: 1) flash warning messages to remind caseworkers to review Medical Assistance when rejecting or closing a cash case, and 2) open automatically cases for extended Medical Assistance based on closing codes. These enhancements are supported by supervisory review and management monitoring of every cash case closing when an immediate opening of Medical Assistance does not occur.

The Department of Public Welfare also has worked with the Pennsylvania Department of Insurance to develop a joint application for the Children's Health Insurance Program and Medicaid Program, which will streamline the application process for families.

Pennsylvania also has engaged in several outreach efforts to support the aforementioned operational initiatives. For example, stuffers, which have the Healthy Babies/Healthy Kids Hotline number, are included with every system-generated closing or application rejection. The Department of Public Welfare has mailed 101,000 flyers with pertinent Medical Assistance information to families who had their cash case closed since 7/1/97 and did not have subsequent Medical Assistance. This effort was followed by a television media campaign informing audiences that many families losing TANF may still be eligible for Medical Assistance.

These efforts demonstrate Pennsylvania's commitment to provide families with the Medical Assistance coverage to which they are eligible.

### 20. Food Stamp Outreach

Pennsylvania recently agreed to join with the United States Department of Agriculture (USDA) Food and Nutrition Service (FNS) as partners in a nationwide Food Stamp Public Education Campaign. In addition to distributing the campaign brochures, posters and flyers provided by FNS, the Department recently met with community agencies to solicit their ideas and help in developing strategies for effective food stamp outreach, including the possibility of working with community-based organizations. We also plan to work with the Nutrition Education Network to tap their expertise in the development of a comprehensive outreach plan.

## B. SPECIAL PROVISIONS

### 1. Families Entering Pennsylvania from Another State

Effective March 3, 1997, Pennsylvania implemented 62 P. S. § 432(5)(ii), which requires the Department to provide benefits based on the level provided by a family's former state if the family had resided in the State for less than 12 months. On October 6, 1997, the U. S. District Court for the Eastern District of Pennsylvania preliminarily enjoined the Department of Public Welfare from enforcing this multi-tier durational residency provision in the case of *Maldonado et al. v. Houstoun et al.* On September 9, 1998, that preliminary injunction was upheld by the U. S. Court of Appeals for the Third Circuit.

On May 24, 1999, following its decision in *Saenz v. Roe*, 119 S.Ct. 1518 (1999), striking California's two-tier durational residency requirement, the U. S. Supreme Ct. denied Pennsylvania's Petition for Certiorari seeking review of the 3d Circuit's decision in *Maldonado*. In light of those decisions, no regulation will be promulgated to implement 62 P. S. § 432(5)(ii).

## 2. Treatment of Noncitizens

Pennsylvania is exercising the options available in Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to continue or to authorize TANF benefits for non-citizens who are "qualified aliens," as defined by the Act, and who meet all other eligibility requirements.

## 3. Delivery of Benefits

Pennsylvania continues to operate the TANF Program based on the rules and regulations for delivery of benefits in effect prior to implementation. Eligible recipients receive continuing benefits in two semi-monthly cash payments delivered primarily through the Electronic Benefits Transfer (EBT) System.

During the fiscal year 1997-1998, Pennsylvania implemented a Statewide EBT system to replace the current

paper-based welfare benefits issuance system. EBT is a state-of-the-art means for electronically issuing welfare recipient benefits through a statewide network of automatic teller machines (ATMs) and point-of-sale (POS) devices to electronically deliver cash assistance and food stamp benefits throughout the Commonwealth.

## 4. Right to Appeal

Pennsylvania will continue to follow the appeal and fair hearing regulations and procedures consistent with Title 55, Chapter 275.

## 5. Community Service Option

Pennsylvania has opted out of the provision to require a parent or caretaker to participate in community service if that parent or caretaker has received assistance for two months, is not exempt from work participation, and is not engaged in work.

---

## CERTIFICATIONS

The State will operate a program to provide Temporary Assistance for Needy Families (TANF) so that children may be cared for in their own homes or in the homes of relatives; to end dependence of needy parents on government benefits by promoting job preparation, work, and marriage; to prevent and reduce the incidence of out-of-wedlock pregnancies and establish annual numerical goals for preventing and reducing the incidence of these pregnancies; and encourage the formation and maintenance of two-parent families.

This program is known as Temporary Assistance for Needy Families (TANF)

Executive Officer of the State: Governor Tom Ridge

In administering and operating a program which provides Temporary Assistance for Needy Families with minor children under title IV-A of the Social Security Act, the State certifies the following:

### **CERTIFICATION THAT THE STATE WILL OPERATE A CHILD SUPPORT ENFORCEMENT PROGRAM.**

The Department of Public Welfare will operate a child support enforcement program under the approved Title IV-D State Plan.

### **CERTIFICATION THAT THE STATE WILL OPERATE A FOSTER CARE AND ADOPTION ASSISTANCE PROGRAM.**

The Department of Public Welfare will operate, during the fiscal year, a foster care and adoption assistance program under the State plan approved under part E, and the State will take such actions as are necessary to ensure that children receiving assistance under such part are eligible for medical assistance under the State plan under Title XIX of the Social Security Act.

### **CERTIFICATION OF THE ADMINISTRATION OF THE PROGRAM.**

The Department of Public Welfare will administer and supervise the program known as Temporary Assistance for Needy Families for the fiscal year. Local governments and private sector organizations will be consulted regarding the plan and design of welfare services in Pennsylvania so that services are provided in a manner appropriate to local populations; and these same local governments and private sector organizations will have had at least 45 days to submit comments on the plan and the design of such services.

### **CERTIFICATION THAT THE STATE WILL PROVIDE INDIANS WITH EQUITABLE ACCESS TO ASSISTANCE.**

The Commonwealth of Pennsylvania, during the fiscal year, will provide each member of an Indian tribe, who resides in the State and is not eligible for assistance under a tribal family assistance plan approved under section 412, with equitable access to assistance under the State's TANF Program.

### **CERTIFICATION OF STANDARDS AND PROCEDURES TO ENSURE AGAINST PROGRAM FRAUD AND ABUSE.**

The Commonwealth of Pennsylvania has established and is enforcing standards and procedures to ensure against program fraud and abuse, including standards and procedures concerning nepotism, conflicts of interest among individuals responsible for the administration and supervision of the State program, kickbacks, and the use of political patronage.

### **OPTIONAL CERTIFICATION OF STANDARDS AND PROCEDURES TO ENSURE THAT THE STATE WILL SCREEN FOR AND IDENTIFY DOMESTIC VIOLENCE.**

The Department of Public Welfare will establish and enforce standards and procedures to:

- screen and identify individuals receiving assistance under this part with a history of domestic violence while maintaining the confidentiality of such individuals;
- refer such individuals to counseling and supportive services; and

- waive, pursuant to a determination of good cause, other program requirements such as time limits (for so long as necessary) for individuals receiving assistance, residency requirements, child support cooperation requirements, and family cap provisions, in cases where compliance with such requirements would make it more difficult for individuals receiving TANF assistance to escape domestic violence or unfairly penalize such individuals who are or have been victimized by such violence, or individuals who are at risk of further domestic violence.

CERTIFIED BY THE CHIEF EXECUTIVE OFFICER OF THE STATE:

\_\_\_\_\_  
Date Tom Ridge, Governor

**FUNDING**

Section 403(a)(1)(A) provides that each eligible State shall be entitled to receive for each of the fiscal years 1996 through 2002, a grant in an amount equal to the State family assistance grant as defined in section 403(a)(1)(B).

**I. Payments to Agency Administering the TANF Program.**

Please provide payment for the TANF Program to the same organization administering the AFDC/JOBS programs as of March 3, 1997.

**II. State Payments for TANF Program**

Payments for the TANF Program are to be made to the Pennsylvania Department of Public Welfare.

The Commonwealth of Pennsylvania's estimate for each quarter of the fiscal year by percentage is:

<b>For FY 1998 and Future Years</b>			
<b>1st Quarter</b>	<b>2nd quarter</b>	<b>3rd quarter</b>	<b>4th quarter</b>
25%	25%	25%	25%

[Pa.B. Doc. No. 99-1840. Filed for public inspection October 29, 1999, 9:00 a.m.]

**Public Notice of the Department's Intent to Amend the Medicaid State Plan for Payments to Federally Qualified Health Centers and Rural Health Clinics**

The purpose of this announcement is to provide prior public notice of the Department of Public Welfare's (Department) intent to amend the Medicaid State Plan for payments to Federally Qualified Health Centers (FQHCs) and Rural Health Clinics (RHCs).

The Department intends to make a change to the Medicaid State Plan to reflect the Department's implementation of provisions of the Balanced Budget Act of 1997 (BBA) that affect FQHCs and RHCs. The BBA requires states to pay FQHCs and RHCs directly, at least quarterly, an amount which represents the difference, if any, between the amounts paid by managed care organizations (MCOs) to FQHCs and RHCs for services provided to MCO enrolled Medical Assistance (MA) recipients and the FQHCs' or RHCs' reasonable costs. The Department has adopted the following process to comply with this provision of the BBA, both prospectively and retroactively to October 1, 1997.

The FQHCs/RHCs complete a monthly report detailing managed care encounters and managed care receipts for MCO enrolled MA recipients, as well as the total number of encounters for all MA recipients. The FQHCs/RHCs submit these reports to the Department on a quarterly basis. The managed care dollars received by the FQHCs/RHCs are then compared to the amount the FQHCs/RHCs would have received under the MA Program's cost-based reimbursement. If the latter amount is greater than the former amount, the Department will pay the FQHCs/RHCs the difference. This process is completed on a quarterly basis, and a final settlement is completed at the end of the fiscal year (FY).

*Fiscal Impact*

For FY 1998-99, the fiscal impact as a result of providing FQHCs/RHCs supplemental payments for the difference between the FQHCs'/RHCs' managed care receipts and their reasonable costs will be an additional expenditure of \$7.850 million in total funds (\$3.945 million in State General Funds and \$3.905 million in Federal funds).

*Contact Person*

A copy of this notice is available for review at local County Assistance Offices. Interested persons are invited to submit written comments to the notice within 30 days of this publication. These comments should be sent to the Department of Public Welfare, Office of Medical Assistance Programs, Attention: Suzanne Love, Room 515 Health and Welfare Building, Harrisburg, PA 17105-2675.

Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). Persons who require an alternate format should contact Thomas Vracarich at (717) 783-2209.

FEATHER O. HOUSTOUN,  
*Secretary*

**Fiscal Note:** 14-NOT-223. (1) General Fund; (2) Implementing Year 1999-00 is \$3.945 Million; (3) 1st Succeeding Year 2000-01 is \$5.894 Million; 2nd Succeeding Year 2001-02 is \$6.509 Million; 3rd Succeeding Year 2002-03 is \$6.509 Million; 4th Succeeding Year 2003-04 is \$6.509 Million; 5th Succeeding Year 2004-05 is \$6.509 Million; (4) 1998-99 Program—\$695.935 Million; 1997-98 Program—\$662.740 Million; 1996-97 Program—\$798.836 Million; (7) Medical Assistance—Outpatient; (8) recommends adoption. Funds will be available in the Department's budget to cover the cost of these payments.

[Pa.B. Doc. No. 99-1841. Filed for public inspection October 29, 1999, 9:00 a.m.]

# DEPARTMENT OF REVENUE

## Notice of Taxable and Exempt Property

The Department of Revenue is hereby giving notice to the public, in accordance with the provisions of 61 Pa. Code §§ 52.1 and 58.1 (relating to purchases of medicines, medical supplies, medical equipment and prosthetic or therapeutic devices; and publication of list of taxable and exempt tangible personal property) of revisions to the list of taxable and exempt property under the sales and use tax provisions of the TRC published at 28 Pa.B. 2730 (June 13, 1998).

Copies of the Retailers' Information Booklet may be obtained by calling the 24-hour answering service numbers for forms ordering: in Pennsylvania (800) 362-2050; outside Pennsylvania and within local Harrisburg area (717) 787-8094, TTD (717) 772-2252 (Hearing Impaired Only).

### Listing of Taxable and Exempt Property

#### T—TAXABLE

#### NT—NONTAXABLE

##### (1) Books and Stationery

Tax is imposed on books, stationery and stationery supplies, including Bibles and religious publications sold by religious groups.

#### T—Bibles

\* \* \* \* \*

##### (17) Miscellaneous

\* \* \* \* \*

#### T—Religious articles when used for worship or prayer

\* \* \* \* \*

##### (20) Religious Articles

Effective October 12, 1999, Bibles, religious publications and religious articles are subject to tax unless purchased by organizations qualifying as a purely public charity holding an exemption number prefixed by the number "75" or a governmental entity.

#### T—Bibles (printed, audio or electric data)

#### T—Candles used in religious worship

#### T—Holy water bottles

#### T—Clergy vestments and choir and altar server clothing

T—Household articles which are functional or utilitarian, even though a religious symbol is incorporated. (Household shrine not taxable)

T—Jewelry, even though a religious symbol is incorporated

#### T—Nativity scenes

T—Religious statues, medals and symbols used in religious worship

#### T—Religious publications sold by religious groups

#### T—Rosaries

T—Wines used in religious services

\* \* \* \* \*

ROBERT A. JUDGE, Sr.,  
*Secretary*

[Pa.B. Doc. No. 99-1842. Filed for public inspection October 29, 1999, 9:00 a.m.]

# DEPARTMENT OF TRANSPORTATION

## Contemplated Sale of Improved Land No Longer Needed for Transportation Purposes

Notice is hereby given that the Department of Transportation pursuant to 71 P. S. Subsection 513(e)(7), intends to sell certain improved land owned by it.

The property is located in Dunmore Borough, Lackawanna County, Penna. The parcel contains approximately 7,115 SF of improved land situated at 907 East Drinker Street. Estimated fair market value is \$45,000. It has been determined that the land is no longer needed for present or future transportation purposes.

Interested public entities are invited to express their interest in purchasing the site within thirty (30) calendar days from the date of publication of this notice to: Pennsylvania Department of Transportation, Charles M. Mattei, P.E., District Engineer, Engineering District 4-0, Dunmore, P. O. Box 111, Scranton, PA 18501.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 99-1843. Filed for public inspection October 29, 1999, 9:00 a.m.]

## Retention of Engineering Firms

### Somerset County

#### Project Reference No. 08430AG2431

The Department will retain an engineering firm to provide preliminary engineering and environmental studies for S. R. 6219, Section 020 (U. S. 0219 Improvements) in Somerset County between the Meyersdale Bypass and the four (4) lane section of Route 0219 near the Borough of Somerset, a distance of approximately 15.2 miles. The total estimated construction cost is \$293 million.

The selected firm will be required to provide the following engineering and design services: review existing needs analysis report; perform field surveys; provide preliminary engineering and environmental overview; perform agency coordination and public involvement; perform cost analysis; develop alternatives and make alternative alignment recommendations to the District.

All engineering services for this project will be performed in accordance with the current Department Metric Design Standards. English measurements will also be included on the plans.

The following factors, listed in order of importance, will be considered by the Department during evaluation of the firms submitting acceptable Letters of Interest:

a. Past performance of firm with respect to quality of work, administrative and cost controls, ability to meet schedules, and previous experience on similar engineering projects. The specific experience of individuals who constitute the firm shall be considered.

b. Specialized experience and technical competence of firm.

c. Resumes of key personnel and listing of proposed subconsultants.

d. Relative size of firm to size of project to be completed under this contract.

e. Demonstrated capacity for innovative engineering to resolve complex problems.

f. Geographic location of the consultant with respect to District 9-0.

The standard selection procedures will be used.

The District will announce the shortlisted firms at an open public meeting to be held in Engineering District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648. All candidates that have submitted a Letter of Interest will be notified of the date. Specify a contact person in the Letter of Interest.

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be ten (10%) percent of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information section after the advertised project(s).

This project reference assignment is considered complex. The letter of interest shall be limited to a maximum of five (5) pages, 8 1/2" x 11", one sided, plus an organizational chart (up to 11" x 17" size), and no more than six (6) additional resumes, if applicable. (See the General Requirements and Information Section).

The Letter of Interest submission shall be sent to:

Mr. Earl L. Neiderhiser, P.E., District Engineer  
Engineering District 9-0  
1620 North Juniata Street  
Hollidaysburg, PA 16648  
Attention: Mr. David L. Sherman, P.E.

The Letter of Interest submission for this project reference number must be received at the address listed above by 4:30 P.M. prevailing time on the twentieth (20th) day following the date of this Notice.

Any technical questions concerning the requirements for this project should be directed to: Mr. David L. Sherman, P.E., District 9-0, at (814) 696-7172.

### **Chester County**

#### **Project Reference No. 08430AG2432**

The Department will retain an engineering firm to perform environmental studies, preliminary engineering, final design, and construction consultation for S. R. 0202, Section 300, Route 202 in Tredyffrin and West Whiteland Township in Chester County. This project involves roadway widening to accommodate a third center lane in each direction, complete roadway reconstruction, bridge and drainage improvements. The limit of work is from Segments 0240 and 0241, Offsets 000 to Segments 0390 and 0391, Offset 000. The estimated project construction costs is \$100 million.

The selected firm will be required to provide the following engineering and design services: surveys; roadway design; pavement design; preparation of cross sec-

tions; soils and geological investigations; erosion and sedimentation control design; right-of-way investigation and plan; structure design; environmental documentation; hydrologic and hydraulic analysis; preparation of traffic control, pavement marking, and signing plans; utility coordination and design; coordination with PennDEP, municipal officials, and the public; preparation of final plans, specifications, and estimates; shop drawing review and consultation during construction.

Firms that are currently serving, or are being considered for selection, as the municipal engineer in the municipalities listed in the project description will not be considered for this assignment. Also, firms that are under contract, or are being considered, to provide engineering services to a land developer for a site located along the project will likewise not be considered for this assignment. Firms should state in the letter of interest that they are not serving in either capacity. Any questions concerning this requirement should be directed to Mr. Timothy R. O'Brien, P.E., at the telephone number listed below.

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be ten (10%) percent of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information section after the advertised project(s).

We encourage small firms to submit a letter of interest for this assignment.

Letters of interest will be evaluated at the Engineering District 6-0 office with emphasis on the following factors listed in order of importance:

a. Specialized experience and technical competence of the firm including the firm's experience with similar type projects and their ability to provide innovative solutions to complex technical problems.

b. Experience of employees to be associated with this project. Particularly important are the key people assigned to the project including their experience and past record of performance with similar projects.

c. Relative size of firm to size of project to be completed under this Agreement.

d. Past performance record.

e. Geographic location of the consultant with respect to District 6-0.

The District will announce the firms that have been shortlisted at an open public meeting scheduled for November 19, 1999, at 10:00 A.M., at Engineering District 6-0's Large Conference Room.

This project reference assignment is considered complex. The letter of interest shall be limited to a maximum of five (5) pages, 8 1/2" x 11", one sided, plus an organizational chart (up to 11" x 17" size), and six (6) additional resumes, if applicable. (See the General Requirements and Information Section).

The Letter of Interest submission shall be sent to:

Mr. Andrew Warren, District Administrator  
Engineering District 6-0  
20 Radnor-Chester Road  
St. Davids, PA 19087  
Attention: Mr. Lawrence J. Link, P.E.

The Letter of Interest submission for this project reference number must be received at the address listed above by 4:30 P.M. prevailing time on the sixth (6th) day following the date of this Notice.

Any technical questions concerning the requirements for this project should be directed to: Mr. Timothy R. O'Brien, P.E., District 6-0, at (610) 964-6526, or Mr. Lawrence J. Link, P.E., District 6-0, at (610) 964-6536.

### **Fayette and Westmoreland Counties**

#### **Project Reference No. 08430AG2433**

The Department will retain an engineering firm to perform preliminary engineering, final design, and services during construction for S. R. 3007, Section A20, the replacement of a bridge over Georges Creek at Segment 0060, Offset 0000 located in Georges Township, Fayette County and S. R. 4027, Section A20, the replacement of a bridge over Little Redstone Creek at Segment 0010, Offset 1879 located in Jefferson Township, Westmoreland County.

The S. R. 3007, Section A20 project replaces an existing two (2) barrel spandrel arch with an existing total span of 48'-0". The adjacent roadway will be realigned. The estimated construction cost is \$1.0 million.

The S. R. 4027, Section A10 project replaces an existing 25'-6" simple span encased I-Beam bridge. The estimated construction cost is \$500 thousand.

The selected firm will be required to: develop and evaluate highway improvement alternatives; perform field surveys; plot topography and cross sections; prepare Design Field View Submission; prepare a Categorical Exclusion Evaluation and other related documents; prepare submissions for utility verification and relocations engineering; develop erosion control details and narrative; prepare right-of-way plans; perform hydrologic and hydraulic analysis; obtain permits; complete structure designs including type, size, and location reports; develop core boring layouts and foundation designs and reports; develop traffic control plans with narratives; conduct soils investigations and prepare soils reports; investigate utility involvement; provide material for and participate in value engineering reviews; collect accident data and other traffic flow data; document engineering study findings and activities; perform alternative analysis to assess impacts and mitigation; engineer roadway drainage; prepare construction plans, specifications; and estimates; and provide services during construction.

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. Specialized experience and technical competence of firm. The specific experience of individuals who constitute the firms will be considered.
- b. Understanding of the Department's requirements, Design Manuals, policies and specifications.
- c. Past record of performance with respect to cost control, work quality, ability to meet schedules.
- d. Location of the consultant with respect to the District Office. This will include ability/provisions for quick responses to District requests.
- e. Method of controlling between disciplines, subconsultants, etc.

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be ten (10%) percent of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information section after the advertised project(s).

This project reference assignment is considered moderately complex. The letter of interest shall be limited to a maximum of five (5) pages, 8 1/2" x 11", one sided, plus an organizational chart (up to 11" x 17" size), and additional resumes, if applicable (See the General Requirements and Information Section).

The Letter of Interest submission shall be sent to:

Mr. Michael H. Dufalla, P.E., District Engineer  
Engineering District 12-0  
N. Gallatin Avenue, Extension  
Uniontown, PA 15401  
Attention: Mr. William L. Beaumariage, P.E.

The Letter of Interest submission for this project reference number must be received at the address listed above by 4:30 P.M. prevailing time on the twentieth (20th) day following the date of this Notice.

Any technical questions concerning the requirements for this project should be directed to: Mr. William L. Beaumariage, P.E., District 12-0, at (724) 439-7264.

### **Pike County**

#### **Project Reference No. 08430AG2434**

The Department will retain an engineering firm to perform preliminary engineering/environmental studies, final design and services during construction for S. R. 2001, Sections 401 and 402. This project is a 3R type project involving environmental clearance, roadway widening, pavement overlay, paved shoulders, base replacement, vertical and horizontal realignments, intersection daylighting, guiderail and drainage improvements, tree trimming and removal, and signing updating. Also included in the design will be the widening/rehabilitation or replacement of two (2) bridges in Section 401 and two (2) bridges in Section 402, along with the installation of two (2) box culverts, each approximately 40 ft. +/- in length.

The project is located on S. R. 2001 in Lehman and Delaware Townships, Pike County, from Traffic Route 209 to S. R. 0739 and on S. R. 0739 from S. R. 2001 to Traffic Route 209. The project limits for Section 401 will be from Traffic Route 209 North to Sunset Lake Road, a distance of approximately 7.0 miles. The project limits for Section 402 will be from Sunset Lake Road to a point approximately 500 lineal feet north of S. R. 0739, a distance of approximately 4.6 miles. Section 402 will also include corrective work on S. R. 0739 from Traffic Route 209 West to S. R. 201, a distance of approximately 2.2 miles.

The selected engineering firm will be required to prepare the environmental clearance document; perform Cultural Resource investigations; perform wetland delineations; perform field surveys; plot photography and cross sections; prepare design field view submissions; develop erosion control plans, details and narratives; prepare right-of-way plans; prepare hydraulic and hydrologic analyses; prepare permit applications; prepare type, size and location reports; prepare/inspect core boring layouts; prepare foundation designs and reports; perform capacity analyses; prepare a traffic signal plan, develop traffic control plans; coordinate with utilities; prepare bidding documents, specifications and estimates; provide project management and construction services.

The following factors, listed in order of importance, will be considered by the Department during evaluation of the firm submitting acceptable Letters of Interest:

- a. Specialized experience and technical competence of this firm. The specific experience of individuals who constitute the firm will be considered.

b. Understanding of the Department's requirements, Design Manuals, Policies and Specifications.

c. Past record of performance with respect to cost control, work quality and ability to meet schedule.

d. Method of controlling quality of products and sub-missions.

e. Ability to meet project schedule.

The District will announce the firms that have been shortlisted at an open public meeting to be held in Engineering District 4-0, O'Neill Highway, Dunmore, PA 18512. All candidates that have submitted a Letter of Interest will be notified of the date. Specify a contact person in the Letter of Interest.

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be ten (10%) percent of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information section after the advertised project(s).

This project reference assignment is considered moderately complex. The letter of interest shall be limited to a maximum of five (5) pages, 8 1/2" x 11", one sided, plus an organizational chart (up to 11" x 17" size), and additional resumes, if applicable. (See the General Requirements and Information Section).

The Letter of Interest submission shall be sent to:

Mr. Charles M. Mattei, P.E., District Engineer  
Engineering District 4-0  
O'Neill Highway  
Dunmore, PA 18512

The Letter of Interest submission for this project reference number must be received at the address listed above by 4:30 P.M. prevailing time on the sixth (6th) day following the date of this Notice.

Any technical questions concerning the requirements for this project should be directed to: Ms. Denise Youorski, District 4-0, at (570) 963-4998.

### **Allegheny County**

#### **Project Reference No. 08430AG2435**

The Department will retain an engineering firm for a multi-phase, specific project Agreement to perform preliminary engineering and environmental studies for the construction of a roadway facility to connect the Wabash Tunnel HOV Facility to S. R. 0279, the Parkway West, and S. R. 0019, Banksville Road utilizing the existing Wheeling and Lake Erie Railroad Right-of-Way in Allegheny County.

Required services will include an Alternatives Analysis and Environmental Assessment including Section 4(f) evaluation: Wel-Com Open Plan schedule; existing structure inspections/investigations; alternative development; traffic volume development and traffic volume distributions; design field view; public, local officials and agency participation; notice to local officials meeting coordination; and project management and meeting coordination.

The design of this project will be developed in metric units.

Letters of interest will be evaluated at the Engineering District 11-0 office with emphasis on the following factors:

a. Specialized experience and technical competence of firm.

b. Experience and abilities of key personnel (project manager, bridge engineer, etc.) that will be assigned to the project.

c. Past record of performance for similar type projects with respect to cost control, work quality and ability to meet schedules.

d. Subconsultants assigned to this project.

e. Special requirements of project.

The District will announce the firms that have been shortlisted at an open public meeting to be held at Engineering District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017. All candidates that have submitted a letter of interest will be notified of the date. Specify a contact person in the letter of interest.

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be ten (10%) percent of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information section after the advertised project(s).

This project reference assignment is considered complex. The letter of interest shall be limited to a maximum of five (5) pages, 8 1/2" x 11", one sided, plus an organizational chart (up to 11" x 17" size), and additional resumes, if applicable. (See the General Requirements and Information Section).

The Letter of Interest submission shall be sent to:

Mr. Raymond S. Hack, P.E., District Engineer  
Engineering District 11-0  
45 Thoms Run Road  
Bridgeville, PA 15017  
Attention: Ms. Cheryl Moon-Sirianni, P.E.

The Letter of Interest submission for this project reference number must be received at the address listed above by 4:30 P.M. prevailing time on the twentieth (20th) day following the date of this Notice.

Any technical questions concerning the requirements for this project should be directed to: Ms. Cheryl Moon-Sirianni, P.E., District 11-0, at (412) 429-4871.

### **General Requirements and Information**

Firms interested in providing the above work and services are invited to submit a Letter of Interest with the required information for each Project Reference Number for which the applicant wishes to be considered.

The Letter of Interest and required information must be submitted to the person designated in the individual advertisement.

The Letter of Interest and required information must be received by the Deadline indicated in the individual advertisement.

All consultants, both prime consultants and subconsultants, who desire to be included in a Letter of Interest must have an Annual Qualification Package on file with the appropriate District Office, by the deadline stipulated in the individual advertisements.

For Statewide projects, all consultants, both prime consultants and subconsultants, who desire to be included in a Letter of Interest must have an Annual Qualification Package on file with the Central Office, Bureau of Design by the deadline stipulated in the individual advertisements.

By submitting a letter of interest for the projects that request engineering services, the consulting firm is certi-



fyng that the firm is qualified to perform engineering services in accordance with the laws of the Commonwealth of Pennsylvania. A firm not conforming to this requirement may submit a letter of interest as a part of a joint venture with an individual, firm or corporation which is permitted under State law to engage in the practice of engineering.

Information concerning the Annual Qualification Package can be found in Strike-off Letter No. 433-99-04 or under the Notice to all Consultants published in the February 27, 1999 issue of the *Pennsylvania Bulletin*.

The requirements for Letters of Interest, in addition to the requirements stipulated in the individual advertisement, are as follows:

1. The Letter of Interest must include the project reference number, the firm's legal name, and the firm's federal identification number.
2. Identify the project manager.
3. Identify subconsultants, if any, including DBE/WBE, if required.
4. Identify key project staff.

If a Joint Venture responds to a project advertisement, the Department of Transportation will not accept separate Letters of Interest from the Joint Venture constituents. A firm will not be permitted to submit a Letter of Interest on more than one (1) Joint Venture for the same Project Reference Number. Also a firm that responds to a project as a prime may not be included as a designated subcontractor to another firm that responds as a prime to the project. Multiple responses under any of the foregoing situations will cause the rejection of all responses of the firm or firms involved. The above does not preclude a firm from being set forth as a designated subcontractor to more than one (1) prime responding to the project advertisement.

If a goal for Disadvantaged Business Enterprise (DBE) participation is established for an advertised project, firms expressing interest in the project must agree to ensure that Disadvantaged Business Enterprise (DBE) firms as defined in the Transportation Equity Act for the 21st century (TEA-21) and currently certified by the Department of Transportation shall have the opportunity to participate in any subcontracting or furnishing supplies or services approved under Form 442, Section 1.10(a). The TEA-21 requires that firms owned and controlled by women (WBEs) be included, as a presumptive group, within the definition of Disadvantaged Business Enterprise (DBE). The goal for DBE participation shall be as stated in the individual project advertisement. Responding firms shall make good faith efforts to meet the DBE goal using DBEs (as they are defined prior to the act, WBEs or combinations thereof).

Proposing DBE firms must be certified at the time of submission of the Letter of Interest. If the selected firm fails to meet the established DBE participation goal, it shall be required to demonstrate its good faith efforts to attain the goal.

Responses are encouraged by small firms, Disadvantaged Business Enterprise (DBE) firms, and other firms who have not previously performed work for the Department of Transportation.

The assignment of the agreement/contract for the above advertisement(s) will be made to one of the firms who

submitted an acceptable Letter of Interest in response to the project advertisement. The assignment will be made based on the Department's evaluation of the firm's qualification and capabilities. The Department reserves the right to reject all letters submitted, to cancel the solicitations requested under this Notice, and/or to readvertise solicitation for the work and services.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 99-1844. Filed for public inspection October 29, 1999, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

**CK Witco Corporation v. DEP; EHB Doc. No. 99-211-R**

CK Witco Corporation has appealed the issuance by the Department of Environmental Protection of an NPDES permit to same for a facility in McKean County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by an interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.62. Copies of the Board's rules of practice and procedure are available upon request from the Board.

GEORGE J. MILLER,  
*Chairperson*

[Pa.B. Doc. No. 99-1845. Filed for public inspection October 29, 1999, 9:00 a.m.]

## HEALTH CARE COST CONTAINMENT COUNCIL

### Meeting Dates

The Health Care Cost Containment Council has scheduled the following meetings for November: Wednesday, November 3, 1999, Data Systems Committee at 10 a.m., Education Committee at 1:30 p.m., Thursday, November 4, 1999, 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 Elias, 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. 99-1846. Filed for public inspection October 29, 1999, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the designated standing committees may issue comments within 20 days of the close of the public comment period, and the Independent Regulatory Review Commission (Commission) may issue comments within 10 days of the close of the committee comment period. The Commission comments are based upon the criteria contained in section 5a(h) and (i) of the act (75 P. S. § 745.5a(h)(i)).

The Commission has issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulation. The final-form regulations must be submitted by the dates indicated.

<i>Reg No.</i>	<i>Agency/Title</i>	<i>Issued</i>	<i>Final-Form Submission Deadline</i>
16A-615	State Board of Landscape Architects Application Fees (29 Pa.B. 4355 (August 14, 1999))	10/14/99	9/13/01
11-186	Insurance Department Discounting Workers' Compensation Loss Reserves (29 Pa.B. 4353 (August 14, 1999))	10/14/99	9/13/01

#### State Board of Landscape Architects Regulation No. 16A-615

#### Application Fees

**October 14, 1999**

We have reviewed this proposed regulation from the State Board of Landscape Architects (Board) and submit for consideration the following objections and recommendations. Subsections 5.1(h) and 5.1(i) of the Regulatory Review Act (71 P. S. § 745.5a(h) and (i)) specify the criteria the Commission must employ to determine whether a regulation is in the public interest. In applying these criteria, our Comments address issues that relate to fiscal impact and clarity. We recommend that these Comments be carefully considered as you prepare the final-form regulation.

#### Section 15.12. Fees.—Fiscal impact and Clarity

##### *Administrative overhead costs*

In the proposed regulation's Fee Report forms, there are significant differences in the costs covered by different fees except for "Administrative Overhead" costs. According to the Preamble, the Bureau of Professional and Occupational Affairs (BPOA) calculated the allocated share of overhead cost for each fee category by dividing total overhead costs by the number of active licensees. This method of overhead cost allocation is not unreasonable and has been consistently applied. On the other hand, the cost allocations are based on estimates of the actual time BPOA staff spends performing the tasks related to each fee.

For overhead cost allocations, there appears to be no relationship to the services covered by the fees or frequency of fee payments. Therefore, there is no indication that the fees will recover actual or projected overhead costs. In addition, the allocated costs are based on past expenditures rather than estimates or projections of future expenditures. There is no certainty that the fees' "projected revenues will meet or exceed projected expenditures" under section 905(a) of the Landscape Architects' Registration Law (63 P. S. § 905(a)).

We question the use of a constant overhead cost allocation that appears to be unrelated to the actual costs of activities relating to the different fees. Even though this process was used to determine other fees, why should BPOA maintain this approach? The Board and BPOA should specifically identify the overhead costs, or portion of the total overhead to be recouped by these fees, and review the methodology for allocating these overhead costs. Is it the Board's goal to allocate all overhead costs by category to each fee? If so, we do not believe the current allocation formula gives the desired result.

##### *Differing overhead costs*

The administrative overhead cost charged for processing applications for licensure and temporary permits is \$32.96. The administrative overhead cost charge for the certification of licensure or examination scores and verification of license or permit is \$9.76. The Board should explain why the administrative overhead cost for processing applications is different than the administrative overhead cost for processing certifications and verifications.

##### *Certifications of licenses and verifications of licenses (and permits)*

There is a proposed increase in the fee for certification of licensure or examination scores, from \$15 to \$25, and a proposed new fee of \$15 for verification of license or permit. In the Fee Report Form for certification, the staff processing time is .75 of an hour, at an assigned cost of \$15.23. In the Fee Report Form for verification, the staff processing time is .08 of an hour, at an assigned cost of \$1.62. The assigned administrative overhead cost for both is \$9.76.

The descriptions of the processing functions performed by staff for certifications and verifications are very similar, as noted by the House Professional Licensure Committee. Yet, the fee report forms indicate that it takes 40 minutes longer to process a certification than to process a verification. The Board should provide revised information on the fee report forms submitted with the final-form regulation to more clearly explain the 40-minute time differential in these two functions.

**Insurance Department Regulation No. 11-186**  
**Discounting Workers' Compensation Loss Reserves**  
**October 14, 1999**

We have reviewed this proposed regulation from the Insurance Department (Department) and submit for consideration the following objections and recommendations. Subsections 5.1(h) and 5.1(i) of the Regulatory Review Act (71 P. S. § 745.5a(h) and (i)) specify the criteria the Commission must employ to determine whether a regulation is in the public interest. In applying these criteria, our Comments address issues that relate to statutory authority, economic impact, reasonableness, and implementation procedures and clarity. We recommend that these Comments be carefully considered as you prepare the final-form regulation.

**1. Applicability of amendments.—Economic impact, reasonableness and implementation procedures.**

One commentator questioned whether this regulation will apply to future reserves only. The commentator believes that if the regulation is applied retrospectively, existing reserves and premiums would be adversely affected. The regulation should state the effective date for compliance with the new requirements. If it will be applied to existing reserves, the Department should also explain the effect, if any, on existing reserves.

**2. Section 116.4. Restrictions on discounting loss reserves.—Reasonableness and Clarity.**

We have two concerns with subsection 116.4(2). First, an insurance company is permitted to use the "current" yield to maturity. The term "current" is vague. It is not related to any timeframe. How will it be determined that a "current" yield has been used?

Second, an insurance company is permitted to use "a United States Treasury debt instrument with maturities consistent with the expected payout of liabilities." One commentator listed several debt instruments, which they believe would meet the regulation's requirement. The Department should explain why it is reasonable to permit the use of a broad range of debt instruments, rather than more specific debt instruments.

**3. Section 116.9. Suspension of use of this chapter to discount workers compensation loss reserves.—Statutory authority and Clarity.**

This section would allow the Commissioner to suspend this chapter "upon the publication of reasonable notice." There are two areas of concern. First, we question the Commissioner's statutory authority to unilaterally suspend the Department's regulations. Section 316 of the Insurance Department Act (40 P. S. § 115) gives the Commissioner the authority to require an individual insurer to maintain greater reserves if that insurer's current reserves are inadequate. Presumably, the insurer could contest the Commissioner's determination in an adjudicatory proceeding. However, Section 316 does not grant the Commissioner the authority to suspend the use of this chapter for all insurers. For the Commissioner to do so, the Department would have to promulgate another regulation. Therefore, this provision should be deleted or the Department should explain the statutory basis for it.

Second, if the Department can provide the statutory authority for the Commissioner to suspend the regulation, it is unclear how "reasonable" notice would be accom-

plished. The regulation should state the minimum amount of notice that will be given.

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 99-1847. Filed for public inspection October 29, 1999, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application for Approval to Acquire Control

HCC Insurance Holdings, Inc. has filed an application to acquire control of USF Insurance Company, a Pennsylvania domiciled stock fire insurance company. The filing was made under the requirements set forth under the Insurance Holding Companies 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 Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, by fax to (717) 787-8557, or by e-mail to rbrackbi@ins.state.pa.us.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 99-1848. Filed for public inspection October 29, 1999, 9:00 a.m.]

### Application for Approval of a Proposed Merger

Old Guard Insurance Company, a stock fire insurance company organized under the laws of the Commonwealth of Pennsylvania, has filed an application for approval to merge with New Castle Insurance Company of Delaware, a Delaware domiciled stock casualty insurance company, with Old Guard Insurance Company surviving the merger. The filing was made under the requirements set forth under the Insurance Holding Companies Act (40 P. S. § 991.1401 et seq.), Subchapter C of Chapter 19 of the Business Corporation Law (15 Pa.C.S. § 1921 et seq.), and the GAA Amendments Act of 1990 (15 P. S. § 21101 et seq.). Persons wishing to comment on the merger 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 Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA

17120; FAX (717) 787-8557; email <http://www.rbrackbi@ins.state.pa.us>.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 99-1849. Filed for public inspection October 29, 1999, 9:00 a.m.]

**Highmark Blue Cross Blue Shield (Highmark);  
Open Access Product Rate Filing for Experience  
Rated Groups; Filing No. 1-OPAC-99-HBCBS**

By filing 1-OPAC-99-HBCBS, Highmark Blue Cross Blue Shield requests approval of rates for an Open Access product. This product will be marketed to new and renewing groups with effective dates on or after January 1, 2000.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's offices in Harrisburg, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 99-1850. Filed for public inspection October 29, 1999, 9:00 a.m.]

**MIIX Insurance Company; Physicians and Surgeons Professional Liability; Rate and Rule Revision**

On October 19, 1999, the Insurance Department received from MIIX Insurance Company a filing for a rate level change for physicians and surgeons professional liability insurance.

MIIX Insurance Company requests an overall 10.0% increase to be effective January 1, 2000 for new and renewal business.

Unless formal administrative action is taken prior to December 3, 1999 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 [cromberger@ins.state.pa.us](mailto:cromberger@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. 99-1851. Filed for public inspection October 29, 1999, 9:00 a.m.]

**Review Procedure Hearings; Cancellation or Refusal of Insurance**

The following insureds have requested a hearing, as authorized by the act of June 17, 1998 (P. L. 464, No. 68) in connection with their company's termination of the insured's automobile policies. The hearings will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Ben G. and Susan A. Price; file no. 99-121-05459; Great Divide Insurance Company; doc. no. P99-10-010; November 23, 1999, at 10 a.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses and the like necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Commissioner may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearings, 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. 99-1852. Filed for public inspection October 29, 1999, 9:00 a.m.]

# LIQUOR CONTROL BOARD

## Expiration of Leases

The following Liquor Control Board leases will expire:

Centre County, Wine & Spirits Shoppe #1405, 1688 North Atherton Street, State College, PA 16801-6209.

*Lease Expiration Date:* December 31, 2001

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 9,000 net useable square feet of new or existing retail commercial space in a shopping center environment accessible to Business Route 322 West of State College.

*Proposals due:* November 19, 1999 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** Tom Deal, (412) 565-5130

Cumberland County, Wine & Spirits Shoppe #2106, Silver Spring Commons, 6520 Carlisle Pike, Mechanicsburg, PA 17055.

*Lease Expiration Date:* May 31, 2001

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 4,600 to 5,000 net useable square feet of new or existing retail commercial space within 1 mile of the intersection of U. S. Route 11 (Carlisle Pike) and PA Route 114, Silver Spring Township.

*Proposals due:* November 19, 1999 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661  
**Contact:** Willard J. Rhodes, (717) 657-4228

Schuylkill County, Wine & Spirits Shoppe #5406, 110 East Centre Street, Mahanoy City, PA 17948-2705.

*Lease Expiration Date:* May 31, 2000

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 1,100 to 1,600 net useable square feet of new or existing retail commercial space within the Borough of Mahanoy City or in the surrounding portions of Mahanoy Township.

*Proposals due:* November 19, 1999 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661  
**Contact:** Ronald Hancher, Jr., (717) 657-4228

Bradford County, Wine & Spirits Shoppe #0804, US Route 6, Wyalusing, PA 18853-0382.

*Lease Expiration Date:* October 31, 2000

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 1,400 to 1,800 net useable square feet of new or existing retail

commercial space within the Borough of Wyalusing or in the surrounding portions of Wyalusing Township.

*Proposals due:* December 3, 1999 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661

**Contact:** Ronald Hancher, Jr., (717) 657-4228  
 JOHN E. JONES, III,  
*Chairperson*

[Pa.B. Doc. No. 99-1853. Filed for public inspection October 29, 1999, 9:00 a.m.]

## OFFICE OF GENERAL COUNSEL

### Bond Counsel Invitation to Qualify; No. 081-OGC-ITQ-99-01

The Governor's Office of General Counsel (OGC) intends to establish pools of qualified counsel to serve as bond counsel to the following agencies: Commonwealth of Pennsylvania, Office of the Budget; PENNVEST; Pennsylvania Housing Finance Agency; Pennsylvania Economic Development Financing Authority; Pennsylvania Industrial Development Authority; Pennsylvania Higher Educational Facilities Authority; and the State Public School Building Authority. OGC is seeking to review qualifications from legal service providers (law firms) for participation in four designated bond counsel pools to serve the above-identified financing agencies through a formal Invitation to Qualify (ITQ) process. To obtain a copy of the ITQ or information on OGC and the executive agencies to be served by the four bond counsel pools, law firms are encouraged to visit OGC's web site at [www.ogc.state.pa.us](http://www.ogc.state.pa.us). Law firms may also obtain a copy of the ITQ by sending a written request to M. Jane Demko by mail at Office of General Counsel, 333 Market Street, 17th Floor, Harrisburg, PA 17101, by e-mail at [jdemko@ogc.cmicpo1.state.pa.us](mailto:jdemko@ogc.cmicpo1.state.pa.us), or by fax at (717) 787-1788. Law firms should address questions pertaining to this ITQ to M. Jane Demko at the above-listed address, e-mail or fax. All submissions to this ITQ are due by 2 p.m. on November 22, 1999. OGC will reject as nonresponsive all submissions received after this date and time. OGC expects to make its bond counsel appointments for future Commonwealth financing transactions to law firms identified and qualified through this ITQ process and thus strongly encourages any and all interested law firms to participate at this time to ensure consideration of their qualifications to provide bond counsel services.

The period of qualification for inclusion in each bond counsel pool will commence on the date OGC approves the law firm's selection for the bond counsel pool and may extend for a period of up to 3 years, with possible renewals thereafter.

PAUL A. TUFANO,  
*General Counsel*

[Pa.B. Doc. No. 99-1854. Filed for public inspection October 29, 1999, 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, 1999, 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, 1999

##### ASSETS

##### CURRENT ASSETS:

Cash and short-term investments	\$174,957,847
Accrued interest receivable	531,961
Interfund receivable	250,781
Total current assets	175,740,589

PROPERTY, PLANT AND EQUIPMENT—Office furniture and equipment 142,403

OTHER ASSETS—Prepaid rent and security deposit 11,940

AMOUNT AVAILABLE IN DEBT SERVICE FUNDS FOR RETIREMENT OF LONG-TERM DEBT 86,831,533

AMOUNT TO BE PROVIDED FOR RETIREMENT OF LONG-TERM DEBT 927,263,467

TOTAL ASSETS \$1,189,989,932

##### LIABILITIES AND FUND EQUITY

##### CURRENT LIABILITIES:

Accounts payable	\$53,829
Accrued payroll and taxes	174,587
Due to the City of Philadelphia	270,787
Bonds payable—current portion	54,675,000
Interfund payable	250,781
Total current liabilities	55,424,984

BONDS PAYABLE—Long-term portion 959,420,000

##### FUND EQUITY:

##### Fund balances:

Unreserved	421,945
Reserved for debt service	86,831,533
Reserved for the benefit of the City of Philadelphia	86,659,067
Reserved for subsequent PICA administration	1,090,000
Total fund balances	175,002,545

Investment in general fixed assets 142,403

TOTAL LIABILITIES AND FUND EQUITY \$1,189,989,932

**CONDENSED STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES  
YEAR ENDED JUNE 30, 1999**

## REVENUES:

PICA taxes	\$243,315,729
Interest earned on investments	<u>11,721,631</u>
Total revenues	<u>255,037,360</u>

## EXPENDITURES:

Grants to the City of Philadelphia (net of refunds of prior grants)	141,182,163
Debt service:	
Principal	40,175,000
Interest	47,051,415
Administration:	
Operations	1,091,566
Capital outlay	13,100
Debt issuance costs	956,779
Payments to refunded debt escrow agent	<u>19,817,995</u>
Total expenditures	<u>250,288,018</u>

## OTHER FINANCING SOURCES (USES):

Proceeds from debt issuance for PICA debt refunding	618,710,703
Payment to refunded debt escrow agent	<u>(616,677,050)</u>
Total other financing sources (uses)	<u>2,033,653</u>

EXCESS OF REVENUES AND OTHER SOURCES OVER EXPENDITURES AND OTHER USES 6,782,995

FUND BALANCES, JULY 1, 1998 168,219,550

FUND BALANCES, JUNE 30, 1999 \$175,002,545

[Pa.B. Doc. No. 99-1855. Filed for public inspection October 29, 1999, 9:00 a.m.]

## PENNSYLVANIA MUNICIPAL RETIREMENT BOARD

### Hearings Scheduled

Hearings have been scheduled, as authorized by the Pennsylvania Municipal Retirement Law (53 P. S. §§ 881.101—881.501), in connection with the Pennsylvania Municipal Retirement Board's denial of claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the Pennsylvania Municipal Retirement Board, 1010 North 7th Street, Suite 301, Eastgate Center, Harrisburg, PA 17102.

January 31, 2000      Wayne L. Smeltz      1:30 p.m.  
(Disability)

Persons with a disability who wish to attend the above-listed hearing, and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact Tina Eisenhart at (717) 787-2065 to discuss how the Pennsylvania Municipal Retirement System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 16

Pa. Code § 91.1 (relating to applicability of general rules), procedural matters will be in conformance with the General Rules of Administrative Practice and Procedure, 1 Pa. Code §§ 31.1—35.251 unless specific exemption is granted.

JAMES B. ALLEN,  
*Secretary*

[Pa.B. Doc. No. 99-1856. Filed for public inspection October 29, 1999, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Gas Service Without Hearing

**A-122250F0011 and A-122250F2002. The Peoples Natural Gas Company.** Application of The Peoples Natural Gas Company for the approval of (1) the transfer of property used or useful in the public service to William S. Burkland docketed at A-122250F0011 and (2) abandonment of service to current customers docketed at A-122250F2002 located in Upper Middletown and Footedale, Fayette County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before November 15, 1999, under 52 Pa. Code (relating to public utilities).

*Applicant:* The Peoples Natural Gas Company

*Through and By Counsel:* Margaret H. Peters, Esquire  
625 Liberty Avenue, Pittsburgh, PA 15222-3197.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 99-1857. Filed for public inspection October 29, 1999, 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 22, 1999, as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent application or both.

#### **Applications of the following for approval of the beginning of the exercise of the right and privilege of operating as common carriers for transportation of persons as described under each application.**

**A-00116289. Danville Ambulance Service Incorporated** (12 A Street, Danville, Montour County, PA 17821), a corporation of the Commonwealth of Pennsylvania—persons in paratransit service, between points in the counties of Montour, Columbia, Northumberland, Snyder and Union, and from points in said counties, to points in Pennsylvania, and vice versa. *Attorney:* Jeffrey P. Ouellet, 305 North Front Street, Fifth Floor, P. O. Box 1003, Harrisburg, PA 17108-1003.

#### **Applications of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under each application.**

**A-00116290. Willie Williams, t/d/b/a Andrew's Transportation Service** (154 Tulpehocken Avenue, West Reading, Berks County, PA 19611)—persons, in airport transfer service, from the city of Reading, Berks County, to the Harrisburg International Airport, located in the township of Lower Swatara, Dauphin County, the Philadelphia International Airport located in the city and county of Philadelphia and the township of Tinicum, Delaware County, the Lehigh Valley International Airport (formerly the Allentown-Bethlehem-Easton Airport), located in the township of Hanover, Lehigh County and the Reading Airport, located in the township of Bern, Berks County; which is to be a transfer of all of the rights authorized under the certificate issued at A-00108773 to Andrew Pinto, t/d/b/a Andrew's Transportation Service

(deceased), subject to the same limitations and conditions. *Attorney:* Brooke M. Boyer, 232 North Sixth Street, Reading, PA 19601.

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. UJSP, Inc., t/d/b/a Blue & White Taxi; Doc. Nos. A-00110880C99; A-00110880*

### Complaint

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the 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 UJSP, Inc., t/d/b/a Blue & White Taxi, respondent, maintains its principal place of business at P. O. Box 8954, Pittsburgh, Allegheny County, Pennsylvania 15221.

2. That respondent was issued a certificate of public convenience by this Commission on February 15, 1995, at Application Docket No. A-00110880.

3. That, on June 30, 1997, the Bureau of Transportation and Safety instituted a complaint at A-00110880C9703 against respondent alleging that respondent violated 52 Pa. Code §§ 32.2 and 32.11 and 66 Pa.C.S. § 501(c). The complaint was issued on June 30, 1997, and was served on respondent on July 21, 1997.

4. That, by Initial Decision issued August 17, 1998, the complaint was sustained and respondent was ordered to pay a civil penalty in the amount of one thousand dollars (\$1,000.00). Said decision was served on respondent on August 31, 1998. The Initial Decision became final by Commission order entered on September 22, 1998. The order was served on respondent on or about November 6, 1998. To date, no response has been received from respondent and no payment was made on the \$1,000.00 fine.

5. That, on July 17, 1997, the Bureau of Transportation and Safety instituted a complaint at A-00110880C9704 against respondent alleging that respondent violated 52 Pa. Code §§ 29.314(b)(6) and 29.402(1), 67 Pa. Code §§ 175.66(a) and (c), 175.80(a)(9)(i), (vi) and (viii), 75 Pa.C.S. § 4303, 66 Pa.C.S. § 1501, 67 Pa. Code §§ 175.66(a) and (f), 175.80(a)(9)(i), (ii) and (viii), 67 Pa. Code §§ 153.4, 175.66(a), 67 Pa. Code §§ 175.66(a) and (k), 175.80(a)(1)(ii)(D), 175.80(a)(9)(i) and (viii), 67 Pa. Code §§ 175.65(a), 175.80(d)(1), 75 Pa.C.S. § 4525, 67 Pa. Code §§ 175.62 and 175.80(d)(3), 67 Pa. Code § 175.66(g), 67 Pa. Code §§ 175.64(a) and (b), 175.80(c)(5), 175.80(d)(7) and 75 Pa.C.S. § 4502. The complaint was issued on July 17, 1997, and was served on respondent on September 10, 1997.

6. That, by Initial Decision issued August 17, 1998, the complaint was sustained and respondent was ordered to pay a civil penalty in the amount of one thousand dollars (\$1,000.00). Said decision was served on respondent on August 31, 1998. The Initial Decision became final by Commission order entered on September 22, 1998. The order was served on respondent on or about November 6, 1998. To date, no response has been received from respondent and no payment was made on the \$1,000.00 fine.



7. That, on July 17, 1997, the Bureau of Transportation and Safety instituted a complaint at A-00110880C9705 against respondent alleging that respondent violated 52 Pa. Code §§ 33.2 and 33.1 and 66 Pa.C.S. § 501(c). The complaint was issued on July 17, 1997, and was served on respondent on September 10, 1997.

8. That, by Initial Decision issued August 17, 1998, the complaint was sustained and respondent was ordered to pay a civil penalty in the amount of three thousand dollars (\$3,000.00). Said decision was served on respondent on August 31, 1998. The Initial Decision became final by Commission order entered on September 22, 1998. The order was served on respondent on or about November 6, 1998. To date, no response has been received from respondent and no payment was made on the \$3,000.00 fine.

9. That respondent, in failing to pay the penalties within the specified time period, violated the Public Utility Code, 66 Pa.C.S. § 501(c) by failing to observe, obey and comply with Commission orders, and the terms and conditions thereof, entered on September 22, 1998, at A-00110880C9703, A-00110880C9704 and A-00110880C9705.

A certificate holder has an obligation to comply with the Commission's rules and regulations. A certificate of public convenience is neither a contract nor a property; it is a privilege. Where that privilege is violated, the Commission may, for due cause, exercise its power to revoke a carrier's privilege to operate. *Paradise v. Pennsylvania Public Utility Commission*, 132 A.2d 754, 184 Pa. Superior Court 8 (1957).

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke UJSP, Inc., t/d/b/a Blue & White Taxi's certificate of public convenience at A-00110880.

Respectfully submitted,

George T. Mahan, Director  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
(717) 783-3846

*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*

A. You must file an answer within twenty (20) days of the date of service of this complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice, 52 Pa. Code § 1.56(a). The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this complaint.

Your answer must be verified and the original and three (3) 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, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. The penalty could include the revocation of your certificate of public convenience or other remedy.

C. If you file an answer which admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty (see B).

D. If you file an answer which contests the complaint, the matter will be assigned to an administrative law judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Technical Unit at (717) 783-5945.

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Cryogenic Carriers, Inc.; Doc. Nos. A-00107495C99; A-00107495*

**Complaint**

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the 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 Cryogenic Carriers, Inc., respondent, maintains its principal place of business at 1300 East Ninth Street, Suite 100, Cleveland, Ohio 44114-1503 or 6500 Pearl Road, Cleveland, Ohio 44130.

2. That respondent was issued a certificate of public convenience by this Commission on March 21, 1988, at Application Docket No. A-00107495.

3. That on or before June 4, 1999, respondent abandoned or discontinued service without having submitted a letter to this Commission containing a statement that the service is no longer being rendered.

4. That respondent, by failing to submit a letter to this Commission containing a statement that the service is no longer being rendered, violated 52 Pa. Code § 3.381(a)(5).

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke Cryogenic Carriers, Inc.'s certificate of public convenience at A-00107495.

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*

A. You must file an answer within twenty (20) days of the date of service of this complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice, 52 Pa. Code § 1.56(a). The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this complaint. Your answer must be verified and the original and three (3) 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, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. The penalty could include the revocation of your certificate of public convenience or other remedy.

C. If you file an answer which admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty (see B).

D. If you file an answer which contests the complaint, the matter will be assigned to an administrative law judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Technical Unit at (717) 783-5945.

\_\_\_\_\_  
*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. George Transfer, Inc.; Doc. Nos. A-00090597C99; A-00090597, F. 3*

**Complaint**

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the 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 George Transfer, Inc., respondent, maintains its principal place of business at Interstate Route 83 at 439, P. O. Box 500, Parkton, MD 21120.

2. That respondent was issued a certificate of public convenience by this Commission on May 15, 1966, at Application Docket No. A-00090597, F. 3.

3. That on or before June 4, 1999, respondent abandoned or discontinued service without having submitted a letter to this Commission containing a statement that the service is no longer being rendered.

4. That respondent, by failing to submit a letter to this Commission containing a statement that the service is no longer being rendered, violated 52 Pa. Code § 3.381(a)(5).

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke George Transfer, Inc.'s certificate of public convenience at A-00097597, F. 3.

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*

A. You must file an answer within twenty (20) days of the date of service of this complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice, 52 Pa. Code § 1.56(a). The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this complaint. Your answer must be verified and the original and three (3) 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, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. The penalty could include the revocation of your certificate of public convenience or other remedy.

C. If you file an answer which admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty (see B).

D. If you file an answer which contests the complaint, the matter will be assigned to an administrative law judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Technical Unit at (717) 783-5945.

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Triple Ladies Agency, Inc., t/d/b/a T L Express; Doc. Nos. A-00112951C99; A-00112951*

**Complaint**

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Triple Ladies Agency, Inc., t/d/b/a T L Express, respondent, maintains its principal place of business at 4801 Commerce Parkway, Warrensville Heights, Ohio 44128.
2. That respondent was issued a certificate of public convenience by this Commission on June 19, 1996, at Application Docket No. A-00112951.
3. That on or before June 4, 1999, respondent abandoned or discontinued service without having submitted a letter to this Commission containing a statement that the service is no longer being rendered.
4. That respondent, by failing to submit a letter to this Commission containing a statement that the service is no longer being rendered, violated 52 Pa. Code § 3.381(a)(5).

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke Triple Ladies Agency, Inc., t/d/b/a T L Express's certificate of public convenience at A-00112951.

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*

A. You must file an answer within twenty (20) days of the date of service of this complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice, 52 Pa. Code § 1.56(a). The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this complaint. Your answer must be verified and the original and three (3) 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, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. The penalty could include the revocation of your certificate of public convenience or other remedy.

C. If you file an answer which admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty (see B).

D. If you file an answer which contests the complaint, the matter will be assigned to an administrative law judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Technical Unit at (717) 783-5945.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 99-1858. Filed for public inspection October 29, 1999, 9:00 a.m.]

**PUBLIC SCHOOL  
 EMPLOYES' 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 17, 1999	Donald D'Amico (Final Average Salary)	10:30 a.m.
January 19, 2000	Eugene Bird (D) (Change of Death Benefit)	1 p.m.
	Arlene E. Meter Multiple Service	2:30 p.m.
January 26, 2000	Jane L. Barnes (Change of Retirement)	1 p.m.
March 8, 2000	Francis B. Lorson (Multiple Service Membership)	1 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.

DALE H. EVERHART,  
*Secretary*

[Pa.B. Doc. No. 99-1859. Filed for public inspection October 29, 1999, 9:00 a.m.]

---

## STATE ETHICS COMMISSION

### Public Meeting

#### Gettysburg

The Public Official and Employee Ethics Law requires that the State Ethics Commission (Commission) hold at least two public hearings each year to seek input from

persons and organizations who represent an individual subject to the provisions of the law and from other interested parties.

The Commission will conduct a public meeting at the Eisenhower Inn & Conference Center, 2634 Emmitsburg Road, Gettysburg, PA (U. S. Business Route 15 South) on November 23, 1999, beginning at 9 a.m. for purposes of receiving the input and for the conduct of other agency business. Public officials, public employes, organizations and members of the general public may attend.

Persons seeking to testify or present any statement, information or other comments in relation to the Ethics Law, the regulations of the Commission or agency operations should contact Claire J. Hershberger at (717) 783-1610 or (800) 932-0936. Written copies of any statement should be provided at the time of the meeting.

AUSTIN M. LEE,  
*Chairperson*

[Pa.B. Doc. No. 99-1860. Filed for public inspection October 29, 1999, 9:00 a.m.]

---

# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

**EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.**

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:

The payment date specified in the contract.

30 days after the later of the receipt of a proper invoice or receipt of goods or services.

The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center  
 PA Department of Community and Economic Development  
 374 Forum Building  
 Harrisburg, PA 17120  
 800-280-3801 or (717) 783-5700

### Reader's Guide

#### Legal Services & Consultation—26

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services  
 Location: Harrisburg, Pa.  
 Duration: 12/1/93-12/30/93  
 Contact: Procurement Division  
 787-0000

③ Contract Information

④ Department

⑦

⑤ Location

(For Commodities: Contact:)  
 Vendor Services Section  
 717-787-2199 or 717-787-4705

⑥ Duration

#### REQUIRED DATA DESCRIPTIONS

① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.

② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.

③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.

④ Department: State Department or Agency initiating request for advertisement.

⑤ Location: Area where contract performance will be executed.

⑥ Duration: Time estimate for performance and/or execution of contract.

⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

## GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, "Frequently Asked Questions About State Contracts," explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**  
 Pennsylvania State Treasury  
 Room G13 Finance Building  
 Harrisburg, PA 17120  
 717-787-2990  
 1-800-252-4700

BARBARA HAFER,  
*State Treasurer*

### Commodities

**1164219** 2000 model delivery van truck. For copy of the bid package fax request to (717) 787-0725.

**Department:** General Services  
**Location:** Harrisburg, PA  
**Duration:** FY 99-00  
**Contact:** General Services, (717) 787-2199 or (717) 787-4705

**1212209** Remote activated transmitter including various items. For copy of bid package fax request to (717) 787-0725.

**Department:** State Police  
**Location:** Hershey, PA  
**Duration:** FY 99-00  
**Contact:** General Services, (717) 787-2199 or (717) 787-4705

**8248110** Patches for 2000 "Keep Pennsylvania Beautiful" Program. For copy of bid package fax request to (717) 787-0725.

**Department:** Transportation  
**Location:** Harrisburg, PA  
**Duration:** FY 99-00  
**Contact:** General Services, (717) 787-2199 or (717) 787-4705

**1195119** Furnish and install numerous HVAC units. For copy of bid package fax request to (717) 787-0725.

**Department:** Corrections  
**Location:** Camp Hill, PA  
**Duration:** FY 99-00  
**Contact:** General Services, (717) 787-2199 or (717) 787-4705

**8215740** Build shelter for salt brine production system. For copy of bid package fax request to (717) 787-0725.

**Department:** Transportation  
**Location:** Bradford, PA  
**Duration:** FY 99-00  
**Contact:** General Services, (717) 787-2199 or (717) 787-4705

## SERVICES

### Audio/Video—04

**SC 160075** Millersville University is seeking qualified bidders who can provide the university with telephone billing and accounting system design and installation. The university currently has an Intecom E mod 13 installed and uses Integratrak for its administrative billing and Telesoft for its student billing. There are approximately 5,000 lines of service. Millersville is seeking a solution on which to migrate both platforms. Interested bidders should fax their requests to be placed on a bidders list to Anna Stauffer, (717) 871-2000 no later than 2 p.m., Monday, November 8, 1999.

**Department:** State System of Higher Education  
**Location:** Millersville University, Millersville, PA 17551  
**Duration:** Approximately 3 months  
**Contact:** Anna Stauffer, (717) 872-3041

### Construction and Construction Maintenance—09

**FDC-414-262R** All electrical work associated with the renovation of the existing sewage treatment facilities at Promised Land State Park. Bid documents may be requested on or after November 1, 1999.

**Department:** Conservation and Natural Resources  
**Location:** Greene Township  
**Duration:** Complete all work by November 15, 2000  
**Contact:** Construction Management Section, (717) 787-5055

**0290-99001** This contract will provide manpower, equipment and incidental guide rail material for installation of approximately 12,000 linear feet of strong post guide rail at various locations throughout Juniata County. All guide rail material will be supplied by the Department of Transportation except for the bolts, nuts, washers, rotating brackets, bridge connection plates, anchor bolts, concrete for the end treatments, and the end anchorages. It will be the contractor's responsibility to pick up the material and deliver it to the work sites. A mandatory prebid meeting (only 1 day) will be held which will include review of the guide rail locations and a site will be determined where the guide rail material will be stored. The Department shall be responsible for removal of all existing guide rail and for any grading of shoulder stabilization prior to the placement of the guide rail contractor. Pennsylvania Prevailing Wage Act rates are applicable for this project. All bidder/contractors must be prequalified to bid on this project. All requests for bid packages must be received by fax (717) 436-5331, Roger Burchfield or Don Woodward, phone (717) 436-2187.

**Department:** Transportation  
**Location:** Various locations within Juniata County  
**Duration:** One Year  
**Contact:** Roger Burchfield, (717) 436-2187

**015DGS948-53Phase 1 Part C** Project title: Plumbing Improvements, Main Capitol Sub-Basement. Brief description: Replace plumbing lines and equipment in the sub-basement and install drip pans and sensors on A/C equipment throughout the Capitol Building and provide new service from water authority. Estimated range: \$1,000,000 to \$2,000,000. Plumbing Construction. Plans deposit: \$100 per set. Payable to: H. F. Lenz Company. 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. Mail a separate check for \$15 per set or provide your express mail account number to the office listed. Mail requests to: H. F. Lenz Company, 1407 Scalp Avenue, Johnstown, PA 15904-3329, (814) 269-9300. Bid date: Wednesday, November 17, 1999, at 2 p.m. A prebid conference has been scheduled for Thursday, November 4, 1999, at 4 p.m. in Room 8A East Wing, Main Capitol Bldg., Harrisburg, PA. Contact: Tim Werner with Reynolds Const. Mgmt., (717) 230-8367. The only walk through will be immediately following the prebid conference and the only opportunity to visit office spaces pertaining to drip pans and sensors. All contractors who have secured contract documents are invited and urged to attend this prebid and walk through.

**Department:** General Services  
**Location:** Capitol Building, Harrisburg, Dauphin County, PA  
**Duration:** 253 calendar days from date of initial job conference  
**Contact:** Contract and Bidding Unit, (717) 787-6556

**90881052** Install and insulate a ceiling in the gym located at Loysville Youth Development Center, R. D. 2, Box 365B, Loysville, PA 17047. Complete specifications will be mailed with bid.

**Department:** Public Welfare  
**Location:** Youth Development Center, R. D. 2, Box 365B, Loysville, PA 17047  
**Duration:** Anticipated start date of November 1, 1999 through June 30, 2000  
**Contact:** Dee Kuhn, Purchasing Agent, (717) 789-5509

**015DGS508-37Phase 2** Project title: Boiler Renovation. Brief description: Work includes replacement of boiler feed water pumps, water softeners, surge tank pumps, direct burial steam and condensate lines and high pressure condensate return lines all as detailed in specifications and drawings. Estimated range: \$100,000 to \$500,000. HVAC and Electrical Construction. Plans deposit: \$50 per set. Payable to: Radelet McCarthy Incorporated. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$10 per set or provide your express mail account number to the office listed. Mail requests to: Radelet McCarthy Incorporated, 1400 Arrott Building, 401 Wood Street, Pittsburgh, PA 15222, (412) 471-4445. Bid date: Wednesday, December 1, 1999, at 11 a.m.

**Department:** General Services  
**Location:** Mayview State Hospital, Bridgeville, Allegheny County, PA  
**Duration:** 180 calendar days from date of initial job conference  
**Contact:** Contract and Bidding Unit, (717) 787-6556

**90881050** Repair/replace soffit, fascia on the mansard roof section of Building No. 12 located at Loysville Youth Development Center, R. D. 2, Box 365B, Loysville, PA 17047. Complete specifications will be mailed with bid.

**Department:** Public Welfare  
**Location:** Youth Development Center, R. D. 2, Box 365B, Loysville, PA 17047  
**Duration:** Anticipated start date November 1, 1999 through June 30, 2000  
**Contact:** Dee Kuhn, Purchasing Agent, (717) 789-5509

**90881049** Repair/replace soffit, fascia on the mansard roof section of Building No. 10 located at Loysville Youth Development Center, R. D. 2, Box 365B, Loysville, PA 17047. Complete specifications will be mailed with bid.

**Department:** Public Welfare  
**Location:** Youth Development Center, R. D. 2, Box 365B, Loysville, PA 17047  
**Duration:** Anticipated start date of November 1, 1999 through June 30, 2000  
**Contact:** Dee Kuhn, Purchasing Agent, (717) 789-5509

**015DGS982-75Phase 3** Project title: Hazardous Materials Abatement Renovation and Restoration of Masonic Temple Facility. Brief description: Work consists of abatement of hazardous materials (asbestos, lead base paint, disinfecting/cleaning of biological hazards) in designated areas of the existing Masonic Temple Facility. Estimated range: \$1,000,000 to \$2,000,000. Hazardous Materials Abatement. Plans deposit: \$50 per set. Payable to: The Palumbo Group/Kessler Associates, Inc.—Joint Venture. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check or provide your express mail account number to the office listed. Mail requests to: The Palumbo Group/Kessler Associates, Inc.—Joint Venture, 318 Penn Avenue, Scranton, PA 18503-1931, (570) 961-2385. Bid date: Wednesday, December 1, 1999, at 1 p.m. A prebid conference has been scheduled for Wednesday, November 17, 1999, at 9 a.m. at the Scranton Cultural Center, on the Second Floor in the Library, Scranton, PA. Contact: Martin Yatsko, (570) 961-2385. All contractors who have secured contract documents are invited and urged to attend this prebid conference.

**Department:** General Services  
**Location:** Scranton Cultural Center, Scranton, Lackawanna County, PA  
**Duration:** 160 calendar days from date of initial job conference  
**Contact:** Contract and Bidding Unit, (717) 787-6556

**015DGS501-20Phase 2** Project title: Upgrade Electrical Distribution System. Brief description: Project to provide necessary work for power distribution to include primary switchgear replacement components, grounding, medium voltage (5KV) feeders, interrupter switches and ATS. Also low voltage (600V) feeders, temporary service, fans and sump pumps. Estimated range: \$500,000 to \$1,000,000. Electrical Construction. Plans deposit: \$40 per set. Payable to: Wallace & Watson-Associates PC. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check or provide your express mail account number to the address listed. Mail requests to: Wallace & Watson-Associates PC, 609 Hamilton Mall, Suite 200, Allentown, PA 18101-2189, (610) 437-4450. Bid date: Wednesday, December 1, 1999, at 1 p.m. A prebid conference has been scheduled for Monday, November 15, 1999, at 10 a.m. at Allentown State Hospital, in Maintenance Building No. 34, Allentown, PA. Contact: Ken Zimmerman, (610) 437-4450. All contractors who have secured contract documents are invited and urged to attend this prebid conference.

**Department:** General Services  
**Location:** Allentown State Hospital, Allentown, Lehigh County, PA  
**Duration:** 165 calendar days from date of initial job conference  
**Contact:** Contract and Bidding Unit, (717) 787-6556

**015DGS184-34** Project title: Channel Improvements to St. Clair Run. Brief description: Work consists of construction of reinforced concrete slab and walls plus precast reinforced box culvert. Estimated range: \$1,000,000 to \$2,000,000. General Construction. Plans deposit: \$50 per set. Payable to: Department of Environmental Protection. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check or provide your express mail account number to the office listed. Mail requests to: Department of Environmental Protection, Construction Contract Section, P. O. Box 8452, Harrisburg, PA 17105-8452, (717) 783-7994. Bid date: Wednesday, December 1, 1999, at 11 a.m. A prebid conference has been scheduled for Tuesday, November 16, 1999, at 10 a.m. at Johnstown Redevelopment Authority, 4th Floor, Public Safety Building in the City Counsel Chambers, 401 Washington St., Johnstown, PA 15901. Contact: Jake Kernoschak, (717) 783-0155. All contractors who have secured contract documents are invited and urged to attend this prebid conference.

**Department:** General Services  
**Location:** City of Johnstown, Cambria County, PA  
**Duration:** 330 calendar days from date of initial job conference  
**Contact:** Contract and Bidding Unit, (717) 787-6556

**90880016** Replace steel doors on exterior of buildings located at Youth Forestry Camp No. 3, R. D. 1, Box 175, James Creek, PA 16657. Complete specifications will be mailed with bid.

**Department:** Public Welfare  
**Location:** Loysville Complex, Youth Forestry Camp No. 3, R. D. 1, Box 175, James Creek, PA 16657  
**Duration:** Anticipated start date of November 1, 1999 through June 30, 2000  
**Contact:** Dee Kuhn, Purchasing Agent, (717) 789-5509

**FDC-414-261R** All general and mechanical work associated with the renovation of the sewage treatment facilities (earthwork, E&S measures; manholes, chain link fence; landscaping, concrete work and repairs; miscellaneous metals; waterproofing, painting, equipment for plant and controls and facility startup). Work is at Promised Land State Park. Bid documents may be requested on or after November 1, 1999.

**Department:** Conservation and Natural Resources  
**Location:** Greene Township  
**Duration:** Complete all work by November 15, 1999  
**Contact:** Construction Management Section, (717) 787-5055

**015DGS211-5 Phase 2** Project title: Renovations to the Pennsylvania State Police Academy. Brief description: Addition and interior renovation work consists of site improvements, concrete foundations, masonry bearing walls, steel framing, membrane roofing, windows, interior partitions, water tower renovation and finishes, to include new emergency generator, perimeter security controls, pool dehumidification, HVAC, plumbing and electrical systems. Estimated range: \$1,000,000 to \$2,000,000. General, HVAC, Plumbing and Electrical Construction. Plans deposit: \$300 per set. Payable to: Benetac Associates. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check or provide your express mail account number to the office listed. Mail requests to: Benetac Associates, 200 Airport Road, Capital City Airport, New Cumberland, PA 17070, (717) 901-7055. Bid date: Wednesday, December 1, 1999, at 2 p.m.

**Department:** General Services  
**Location:** Pennsylvania State Police Academy, Hershey, Dauphin County, PA  
**Duration:** 300 calendar days from date of initial job conference  
**Contact:** Contract and Bidding Unit, (717) 787-6556

**09881056** Install security screens on the remainder of 1st floor windows located at Weaversville Intensive Treatment Unit, 6710 Weaversville Road, Northampton, PA 18067. Complete specifications will be mailed with bid.

**Department:** Public Welfare  
**Location:** Loysville Complex, Weaversville Intensive Treatment Unit, 6710 Weaversville Road, Northampton, PA 18067  
**Duration:** Anticipated start date of November 1, 1999 through June 30, 2000  
**Contact:** Dee Kuhn, Purchasing Agent, (717) 789-5509

**09881051** Construct a salt cinder shed with three bays located at Loysville Youth Development Center, R. D. 2, Box 365B, Loysville, PA 17047. Complete specs will be mailed with bid.

**Department:** Public Welfare  
**Location:** Youth Development Center, R. D. 2, Box 365B, Loysville, PA 17047  
**Duration:** Anticipated start date of November 1, 1999 through June 30, 2000  
**Contact:** Dee Kuhn, Purchasing Agent, (717) 789-5509

**09881055** Replacement of the remaining portion of roof located at Allentown Secure Treatment Unit, 1560 Hanover Avenue, Allentown, PA 18103. Complete specifications will be mailed with bid.

**Department:** Public Welfare  
**Location:** Allentown Secure Treatment Unit, 1560 Hanover Avenue, Allentown, PA 18103  
**Duration:** Anticipated start date of November 1, 1999 through June 30, 2000  
**Contact:** Dee Kuhn, Purchasing Agent, (717) 789-5509

**025004** This contract will provide manpower, equipment and incidental guide rail material for installation of approximately 5,000 linear feet of strong post guide rail at various locations throughout McKean County. All guide rail material will be supplied by the Department of Transportation except for the bolts, nuts, washer, rotation brackets, bridge connection plates, anchor bolts, concrete for end treatments and end anchorages. It will be the contractor's responsibility to pick up the material and deliver it to the work sites. A mandatory prebid meeting (only 1 day) will be held which will include guide rail material review of locations and sites where guide rail will be stored. The Department shall be responsible for removal of all existing guide rail and for any grading of shoulder stabilization prior to the placement of the guide rail by the contractor. Request for bid packages must be received by fax at (814) 465-3186, Attention: Warren. All bidders must be prequalified to bid on project. PA Prevailing Wage Act does not apply.

**Department:** Transportation  
**Location:** Various locations within McKean County  
**Duration:** One Year  
**Contact:** Warren Buchanan, (814) 465-7754

**401-BL-596** Light Street Sewer. Provide all labor, equipment and material necessary to install approximately 500 feet of PVC sewer line starting at the Alumni House and connecting to the existing town sewer system near the Buckingham Maintenance Building. To obtain a copy of the bid documents submit a \$70 nonrefundable deposit to STV Architects, 205 West Welsh Drive, Douglasville, PA 19518, (610) 385-8325. There will be one general contractor. All information on the prebid on project will be contained in the package.

**Department:** State System of Higher Education  
**Location:** Bloomsburg University, Bloomsburg, PA  
**Duration:** 30 days  
**Contact:** Joseph C. Quinn, (570) 389-4311

**015DGS229-20** Project title: Roof Replacement. Brief description: Remove asbestos containing flashing and all gravel from roof area. Install a new thermoplastic single ply membrane roofing system. Estimated range: \$100,000 to \$500,000. General Construction. Plans deposit: \$25 per set. Payable to: Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5 per set or provide your express mail account number to the office listed. Mail requests to: Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, November 17, 1999, at 2 p.m.

**Department:** General Services  
**Location:** State Police Department Headquarters, Harrisburg, Dauphin County, PA  
**Duration:** 100 calendar days from date of initial job conference  
**Contact:** Contract and Bidding Unit, (717) 787-6556

**015DGS571-25** Project title: New Level 2 Housing Unit/Kitchen and Dining Renovations/Perimeter Security Improvements. Brief description: New L-2 housing unit, perimeter security improvements, kitchen/dining renovation. Work consists of site improvements, concrete foundations, masonry bearing walls, steel framing, metal roofing, windows, interior partitioning and finishes, to include HVAC, plumbing and electrical systems. Estimated range: Over \$10,000,000. General, HVAC, Plumbing and Electrical Construction. Plans deposit: \$550 per set. Payable to: The Kostecky Group. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check or provide your express mail account number to the office listed. Mail requests to: The Kostecky Group, 224 N. Front Street, Wormleysburg, PA 17043, (717) 763-5661. Bid date: Wednesday, December 1, 1999, at 2 p.m. A prebid conference has been scheduled for Tuesday, November 16, 1999, at 9:30 a.m. at the State Correctional Institution—Rockview; meet at Visitors' Entrance, Rockview, Centre County, PA. A walk through will proceed directly after the prebid conference. Photo identification is necessary. Contact: Louis McGill, (814) 355-4874. All contractors who have secured contract documents are invited and urged to attend the prebid conference and walk through.

**Department:** General Services  
**Location:** State Correctional Institution—Rockview, Rockview, Centre County, PA  
**Duration:** 450 calendar days from date of initial job conference  
**Contact:** Contract and Bidding Unit, (717) 787-6556

**0140-41** Materials and labor to construct a pole building approximately 90' long by 40' deep. To be enclosed on three sides, with metal skin and roof using 4/12 slope roof trusses with a 1' overhang. To have a minimum 14' vertical clearance at opening and a minimum 10' post spacing on (90') face. Work to be completed within 60 days after receipt of awarded bid.

**Department:** Transportation  
**Location:** 320 North Yard at the corner of Maple Street and Lamor Road in Mercer, PA  
**Duration:** Work to be completed within 60 days after receipt of awarded bid  
**Contact:** Harold E. Miller, (724) 662-5350

## Elevator Maintenance—13

**00873016** Complete elevator services. This shall be a full service contract including all required preventive maintenance, safety checks and tests, routine and emergency repairs, and labor and materials. Emergency service may be requested on Saturday, Sunday and/or holidays.

**Department:** Public Welfare  
**Location:** Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA 17105-1300  
**Duration:** The approximate starting period of contract is from July 1, 2000 through June 2003, a period of 5 years  
**Contact:** Jack W. Heinze, PAIII, (717) 772-7435

## Engineering Services—14

**RFP 98-31** Statewide Airport Pavement Management System Plan. The plan will examine the current condition of the Commonwealth's Airport Pavement System and determine the ability to properly manage and maintain this infrastructure investment. The proposed system consists of 96 public-use facilities.

**Department:** Transportation  
**Location:** Statewide  
**Duration:** Indeterminate 1999—2000  
**Contact:** Victor Banks, (717) 787-2491

**08430AG2435** To provide preliminary engineering and environmental studies on S. R. 3065, Section A01, Banksville Connection, in Allegheny County.

**Department:** Transportation  
**Location:** Engineering District 11-0  
**Duration:** Thirty-six (36) Months  
**Contact:** Consultant Agreement Division, (717) 783-9309



**08430AG2434** To retain an engineering firm to perform preliminary engineering/environmental studies, final design and services during construction for S. R. 2001, Sections 401 and 402 in Lehman and Delaware Townships, Pike County.

**Department:** Transportation  
**Location:** Engineering District 4-0  
**Duration:** Forty-eight (48) Months  
**Contact:** Consultant Agreement Division, (717) 783-9309

**08430AG2433** To perform preliminary engineering, final design and services during construction for S. R. 3007, Section A20, the replacement of the existing bridge over Georges Creek in Georges Township, Fayette County and for S. R. 4027, Section A10, the replacement of the existing bridge over Little Redstone Creek in Jefferson Township, Westmoreland County, Engineering District 12-0.

**Department:** Transportation  
**Location:** Engineering District 12-0  
**Duration:** Twenty-four (24) Months  
**Contact:** Consultant Agreement Division, (717) 783-9309

**08430AG2432** To perform preliminary engineering, final design and provide services during construction for S. R. 0202, Section 300 in Chester County.

**Department:** Transportation  
**Location:** Engineering District 6-0  
**Duration:** Forty-eight (48) Months  
**Contact:** Consultant Agreement Division, (717) 783-9309

**08430AG2431** To perform preliminary engineering and environmental studies for S. R. 6219, Section 020, in Somerset County.

**Department:** Transportation  
**Location:** Engineering District 9-0  
**Duration:** Thirty-six (36) Months  
**Contact:** Consultant Agreement Division, (717) 783-9309

**OA-PER-GLI-99** The Office of Administration is requesting proposals to provide group life insurance coverage to Commonwealth employees. This Request for Proposal (RFP) was initially issued directly by the Commonwealth on September 1, 1999, under RFP ID No. OA-PER-GLI-99. It is now being reissued through Buck Consultants, Inc. The selected carrier will provide group life insurance coverage in a cost-effective, consistent and efficient manner. The bidder will be expected to assume administrative tasks currently performed by the Commonwealth. Those duties are specified in the RFP and the accompanying documents. The scope of coverage includes the Commonwealth's basic group life insurance programs covering approximately 101,000 employees, and four separate plans sponsored by certain Commonwealth agencies to supplement the basic coverage. The Commonwealth's current basic group life insurance program pays a benefit of one times pay (rounded to the nearest \$1,000) to a maximum of \$40,000. The coverage also includes an additional \$10,000 work-related accidental death benefit. Benefits for active employees are reduced at ages 70 and 75. Benefits for disabled employees continue for life, as long as the individual continues to meet the definition of disability. Supplemental life benefits are provided to specified Commonwealth agencies under separate policies which are offset by benefits payable under basic life. The Office of Administration reserves the right to reject any and all proposals or to negotiate separately with any organization that submits a proposal. The Office of Administration will not be liable for any cost incurred by an organization prior to issuance of a contract. Seven copies of a bidder's proposal must arrive at the following location on or before 4:30 p.m., November 12, 1999: T. Frances Grimm, Group Life Insurance Coordinator, Employee Benefits Division, Office of Administration, Commonwealth of Pennsylvania, 402D, Finance Building, Harrisburg, PA 17120. Copies of the RFP may be obtained by writing to the above address or by calling Buck Consultant Elizabeth Freeze at (610) 651-8527.

**Department:** Governor's Office  
**Location:** 402D, Finance Building  
**Duration:** Indeterminate 1999-2000  
**Contact:** T. Frances Grimm, (717) 705-5693

## Extermination Services—16

**EXT-035** The Hiram G. Andrews Center is seeking bids for termite extermination services in specified areas. Bidders interested in obtaining a proposal package must request in writing to R. D. Robinson, Hiram G. Andrews Center, 727 Goucher Street, Johnstown, PA 15905 or fax request to (814) 255-8370. A prebid site visit will be mandatory.

**Department:** Labor and Industry  
**Location:** Office of Vocational Rehabilitation, Hiram G. Andrews Center, 727 Goucher Street, Johnstown, PA 15905  
**Duration:** Six months from award date of contract  
**Contact:** Robert D. Robinson, Purchasing Agent II, (814) 255-8210

## Financial and Insurance Consulting—17

**SP3590007578** Develop a comparison of the total state and local tax burden of the coal mining industry in the states of West Virginia, Kentucky, Pennsylvania, Illinois, Indiana and Ohio.

**Department:** Environmental Protection  
**Location:** See Contract Information  
**Duration:** Final report due within 30 days of notice to proceed  
**Contact:** Jackie Lincoln, (717) 783-9937

## Food—19

**F-200** Vendor will provide food stuffs including, but not limited to, meat, poultry, seafood, bakery, dairy, frozen vegetable and fruit products to the State Correctional Institution at Mahanoy, 301 Morea Road, Schuylkill County, Mahanoy Township, Frackville, PA. Bids and awards to be done weekly, biweekly, monthly or quarterly at the discretion of the agency. Bid package to be requested in writing to the purchasing agent of the institution.

**Department:** Corrections  
**Location:** State Correctional Institution at Mahanoy, 301 Morea Road, Frackville, PA 17932  
**Duration:** January 1, 2000 to December 31, 2000  
**Contact:** Ann M. Gavala, Purchasing, (570) 773-2158

**0780C-8-99** Prepared frozen juice.

**Department:** Public Welfare  
**Location:** White Haven Center  
**Duration:** January 1, 2000 to March 31, 2000  
**Contact:** Sandra A. Repak, P.A., (570) 443-4232

**Inquiry No. 8351** Perishable food items as follows: meat and meat products, poultry and poultry products, miscellaneous frozen foods, produce, prepared salads—fresh, fruits and vegetables—frozen, fish and fish products—frozen, cheese, dairy products, ice cream, sherbet and related items; novelties. Commodities and quantities are available from the Purchasing Office, Ebensburg Center, Rt. 22 West, P. O. Box 600, Ebensburg, PA 15931. Awards will be made in the best interest of the Commonwealth.

**Department:** Public Welfare  
**Location:** Ebensburg Center (Dietary Bldg.), Rt. 22 West, P. O. Box 600, Ebensburg, PA 15931  
**Duration:** January 1, 2000—March 30, 2000  
**Contact:** Marilyn Cartwright, Purchasing Agent, (814) 472-0259

**Inquiry No. 8353** Perishable food items as follows: bread, rolls and doughnuts and pies and cakes. Commodities and quantities available from Purchasing Office, Ebensburg Center, Rt. 22 W., P. O. Box 600, Ebensburg, PA 15931. To be commercial price. Award made in best interest of the Commonwealth.

**Department:** Public Welfare  
**Location:** Ebensburg Center (Dietary Building), Rt. 22 West, P. O. Box 600, Ebensburg, PA 15931  
**Duration:** January 1, 2000 to June 30, 2000  
**Contact:** Marilyn Cartwright, Purchasing Agent, (814) 472-0259

**F-100** Contractor will provide fresh fruit and vegetables to the State Correctional Institution at Mahanoy, 301 Morea Road, Schuylkill County, Mahanoy Township, Frackville, PA. Bids and awards will be done weekly, biweekly, monthly or quarterly at the discretion of the agency. Requests for bid package to be made in writing to the purchasing agent of the institution.

**Department:** Corrections  
**Location:** State Correctional Institution at Mahanoy, 301 Morea Road, Frackville, PA 17932  
**Duration:** January 1, 2000 to December 31, 2000  
**Contact:** Ann M. Gavala, Purchasing, (570) 773-2158

**0780C-5-99** Miscellaneous frozen foods.

**Department:** Public Welfare  
**Location:** White Haven Center  
**Duration:** January 1, 2000 to March 31, 2000  
**Contact:** Sandra A. Repak, P.A., (570) 443-4232

**Inquiry No. AC 8352** Perishable food items as follows: meat and meat products, poultry and poultry products, miscellaneous frozen foods, produce, prepared salads—fresh, fruits and vegetables—frozen, fish and fish products—frozen, cheese, dairy products and ice cream, sherbet and related novelties. Commodities and quantities available from Purchasing Office, Ebensburg Center, Rt. 22 W., P.O. Box 600, Ebensburg, PA 15931. Awards made in the best interest of the Commonwealth.

**Department:** Public Welfare  
**Location:** Altoona Center (Storeroom), 1515 Fourth Street, Altoona, PA 16601  
**Duration:** January 1, 2000 to March 30, 2000  
**Contact:** Marilyn Cartwright, Purchasing Agent, (814) 472-0259

**10078013** Meat and meat products.

**Department:** Public Welfare  
**Location:** White Haven Center  
**Duration:** January 1, 2000 to March 31, 2000  
**Contact:** Sandra A. Repak, P.A., (570) 443-4232

**Hazardous Material Services—21**

**00873002** The contractor shall render infectious waste removal/disposal services as deemed necessary and requested by the hospital. Contractor shall hold a current license from D.E.P. to transport, incinerate, sterilize or eradicate and subsequently landfill both types of waste.

**Department:** Public Welfare  
**Location:** Harrisburg State Hospital, Cameron and Maclay Street, Harrisburg, PA 17105-1300  
**Duration:** The approximate contract period is from July 1, 2000 through June 30, 2005, a period of 5 years.  
**Contact:** Jack W. Heinze, PAIII, (717) 772-7435

**HVAC—22**

**0315** Electrical equipment for emergency generator. Must be compatible with generator manufacturers specifications and brands so as not to void warranty. If interested fax bid request to (570) 587-7108.

**Department:** Public Welfare  
**Location:** Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505  
**Duration:** Indeterminate 1999—2000  
**Contact:** Stanley Rygelski, P.A., (570) 587-7291

**SCID NRM # 7** Grate Clip No. HF-639. Part for Riley Traveling Grate Stoker, Model RT-6059.

**Department:** Corrections  
**Location:** State Correctional Institution, Follies Road, Dallas, PA 18612  
**Duration:** 120 days  
**Contact:** Chris Chollak, (570) 675-1101, Ext. 359

**90881053** Install heat pumps in Building No. 17 located at Loysville Secure Treatment Unit, R. D. 2, Box 500, Loysville, PA 17047. Complete specifications will be mailed with bid.

**Department:** Public Welfare  
**Location:** Loysville Secure Treatment Unit, R. D. 2, Box 500, Loysville, PA 17047  
**Duration:** Anticipated start date of November 1, 1999 through June 30, 2000  
**Contact:** Dee Kuhn, Purchasing Agent, (717) 789-5509

**Project No. 680** Check the electrical substation at Fort Indiantown Gap, Annville, PA to determine if it is Y2K compatible. The contractor will be required to a) Test and inspect the equipment, b) Make recommendations to bring up to Y2K compliant, c) Provide a written report of inspection and findings, d) Provide a list of items needed and recommended suppliers, and e) Oversee the installation of required items to bring up to Y2K compatibility.

**Department:** Military Affairs  
**Location:** Fort Indiantown Gap, Annville, PA  
**Duration:** November 1, 1999 to December 20, 1999  
**Contact:** Eugene Ollar, (717) 861-2921

**90880014** Do second phase of electrical upgrade located at Youth Forestry Camp No. 3, R. D. 1, Box 175, James Creek, PA 16657. Complete specifications will be mailed with bid.

**Department:** Public Welfare  
**Location:** Loysville Complex, Youth Forestry Camp No. 3, R. D. 1, Box 175, James Creek, PA 16657  
**Duration:** Anticipated start date of November 1, 1999 through June 30, 2000  
**Contact:** Dee Kuhn, Purchasing Agent, (717) 789-5509

**6500-188** Vendor shall provide outdoor light fixtures, restrike bulbs, breakers, and the like to enable electrical staff at State Correctional Institution at Retreat to upgrade and repair existing perimeter lighting system. Specifications on file with institutional purchasing agent.

**Department:** Corrections  
**Location:** State Correctional Institution at Retreat, 660 State Route 11, Hunlock Creek, PA 18621  
**Duration:** November 1, 1999—February 28, 2000  
**Contact:** Barbara Swiatek, (570) 735-8754

**90880015** Changing Administration Annex Building to propane heat located at Youth Forestry Camp No. 3, R. D. 1, Box 175, James Creek, PA 16657. Complete specifications will be mailed with bid.

**Department:** Public Welfare  
**Location:** Loysville Complex, Youth Forestry Camp No. 3, R. D. 1, Box 175, James Creek, PA 16657  
**Duration:** Anticipated start date of November 1, 1999 through June 30, 2000  
**Contact:** Dee Kuhn, Purchasing Agent, (717) 789-5509

**FM0032** Installation of 1,600 amp automatic transfer switch 208/120 volts, connections from electrical distribution panel cabinet, all adaptations of bus bars as needed, provide all electrical connecting lugs, cable and any other miscellaneous material to successfully complete installation of standby genset to fully operate central office equipment division complex at 17th and Arsenal Blvd., Harrisburg, PA.

**Department:** Transportation  
**Location:** Equipment Division, 17th and Arsenal Blvd., Harrisburg, PA  
**Duration:** December 1, 1999 to February 29, 2000  
**Contact:** Craig Bolinger, (724) 439-7382

**Laboratory Services—24**

**RFP 98-07-20** Laboratories approved to perform chlamydia, gonorrhea and syphilis diagnostic testing, plus testing for HIV infection (ELISA and Western blot) shall provide laboratory services to approximately 300 provider sites in Pennsylvania. The anticipated number of tests per month is: chlamydia—7,000; gonorrhea—7,000; syphilis—6,000; HIV-ELISA—2,500. The laboratory shall provide all materials for the service including post-paid mailers. Courier service is desirable, but not necessary. Turnaround time is critical. Certain assurances, including previous testing experience, are required by the Department. Bidders should read RFP carefully to determine eligibility and successfully compete. Ten copies of the application should be submitted to the Pennsylvania Department of Health, Division of Contracts, Room 824 Health and Welfare Building, Harrisburg, PA 17108-0090.

**Department:** Health  
**Location:** Pennsylvania, primarily outside of Philadelphia  
**Duration:** July 1, 2000 through June 30, 2003  
**Contact:** Bureau of Laboratories, P.O. Box 500, Exton, PA, (610) 363-8500

**Legal Services—26**

**081-OGC-ITQ-99-01** The Governor's Office of General Counsel (OGC) intends to establish pools of qualified counsel to serve as bond counsel to the following agencies: Commonwealth of Pennsylvania, Office of the Budget; PENNVEST; Pennsylvania Housing Finance Agency; Pennsylvania Economic Development Financing Authority; Pennsylvania Industrial Development Authority; Pennsylvania Higher Educational Facilities Authority; and the State Public School Building Authority. OGC is seeking to review qualifications from legal service providers (law firms) for participation in four designated bond counsel pools to serve the above-identified financing agencies through a formal Invitation to Qualify (ITQ) process. To obtain a copy of the ITQ or information on OGC and the executive agencies to be served by the four bond counsel pools, law firms are encouraged to visit OGC's web site at [www.ogc.state.pa.us](http://www.ogc.state.pa.us). Law firms may also obtain a copy of the ITQ by sending a written request to M. Jane Demko by mail at Office of General Counsel, 333 Market Street, 17th Floor, Harrisburg, PA 17101, by e-mail at [jdemko@ogc.cmicpol.state.pa.us](mailto:jdemko@ogc.cmicpol.state.pa.us), or by fax at (717) 787-1788. Law firms should address questions pertaining to this ITQ to M. Jane Demko at the above-listed address, e-mail or fax. All submissions to this ITQ are due by 2 p.m. on November 22, 1999. OGC will reject as nonresponsive all submissions received after this date and time. OGC expects to make its bond counsel appointments for future Commonwealth financing transactions to law firms identified and qualified through this ITQ process and thus strongly encourages any and all interested law firms to participate at this time to ensure consideration of their qualifications to provide bond counsel services.

**Department:** Governor's Office  
**Location:** Office of General Counsel, 333 Market St., 17th Floor, Harrisburg, PA 17101  
**Duration:** December 1, 1999—December 31, 2002  
**Contact:** M. Jane Demko, (717) 783-6563

**Lodging/Meeting Facilities—27**

**SP3590007501** Provide meeting rooms and meals for the Department of Environmental Protection's External Work Group Meetings.

**Department:** Environmental Protection  
**Location:** Within a 15-mile radius of the Capitol Complex, Harrisburg, PA  
**Duration:** Through June 30, 2000, with option to renew  
**Contact:** Sherry Morrow, (717) 772-1216

**Medical Services—29**

**SP91200022** Vendors to contract for an external, independent assessment of managed care organizations' performance, including behavioral health services. All potential bidders must be licensed by the NCQA to perform HEDIS compliance reviews. Complete specifications can be obtained by contacting the procurement office.

**Department:** Public Welfare  
**Location:** Office of Medical Assistance Programs, 1401 North 7th Street, 6th Floor, Harrisburg, PA 17102-1110  
**Duration:** Projected term of the contract, January 1, 2000 through December 31, 2002  
**Contact:** Ed Blandy, Purchasing Agent, (717) 772-4883

**91234003** This Invitation to Qualify (ITQ) is to prequalify contractors who would be interested in bidding on a 3-year contract with a 2-year renewal option to develop clinical standards for determining medical necessity, implement and operate program exception process for procurement of durable medical equipment, provide required personnel, develop and implement tracking system, implement follow-up program for complaint tracking, provide expert testimony at appeals and hearings, and other work similar in nature needed by the Department. Qualified contractor must demonstrate to the Department's satisfaction experience, a proven work history of serving 450,000—500,000 covered lives or more and handling a large volume of claims generated by these lives. Reply by November 30, 1999 by fax (717) 772-2527 or in writing to address listed.

**Department:** Public Welfare  
**Location:** Department of Public Welfare  
**Duration:** Estimated 3-year contract with 2-year renewal option  
**Contact:** Ashok Shukla, (717) 772-2525

**Property Maintenance—33**

**035001** Installation of two new sliding gates to replace existing two-piece swinging gate. Gate length—33' and 30'. Installation of one new sliding gate and installation of new chain link fence. Gate length—22', fence length—58'. Location: Penn DOT S. P. 0350-01, 150 Sand Hill Road, Selinsgrove, PA 17870. Installation of one new sliding gate to replace existing two-piece swinging gate. Gate length—30'. Location: Penn DOT S. P. 0350-06, S. R. 3010, 2 miles east of Beavertown, PA. Removal and disposal of existing gates and hardware will be contractor's responsibility.

**Department:** Transportation  
**Location:** 150 Sand Hill Road, Selinsgrove, PA 17870 S. R. 3010, 2 miles east of Beavertown, PA  
**Duration:** Indeterminate 1999—2000  
**Contact:** David Sanders, (570) 374-8123

**03RS14** Tree removal and trimming in Lycoming County, 1.34 miles on S. R. 2039. Contractor to provide all equipment, labor, material and traffic control necessary to complete contract according to bid specification. Job is to be bid on per mile basis. Payment will be made lump sum. All requests for bid packages must be received by fax at (570) 368-4343.

**Department:** Transportation  
**Location:** S. R. 2039  
**Duration:** 4 months  
**Contact:** Lyndon B. Mink, (570) 368-4224

**90881048** Renovate chapel for L & I compliance located at Loysville Youth Development Center, R. D. 2, Box 365B, Loysville, PA 17047. Complete specs will be mailed with bid. To obtain a bid package contact Dee Kuhn, Purchasing Agent at (717) 789-5509.

**Department:** Public Welfare  
**Location:** Loysville Complex, Youth Development Center, R. D. 2, Box 365B, Loysville, PA 17047  
**Duration:** Anticipated start date of November 1, 1999 through June 30, 2000  
**Contact:** Dee Kuhn, Purchasing Agent, (717) 789-5509

**90881057** Renovate 2nd floor bathrooms located at Weaversville Intensive Treatment Unit, 6710 Weaversville Rd., Northampton, PA 18067. Complete specs will be mailed with bid. To obtain a bid package contact Dee Kuhn, Purchasing Agent at (717) 789-5509.

**Department:** Public Welfare  
**Location:** Loysville Complex, Weaversville Intensive Treatment Unit, 6710 Weaversville Rd., Northampton, PA 18067  
**Duration:** Anticipated start date of November 1, 1999 through June 3, 2000  
**Contact:** Dee Kuhn, Purchasing Agent, (717) 789-5509

**90881054** Renovations to farmhouse for Reed CRP program located at North Central Secure Treatment Unit, 210 Clinic Road, Danville, PA 17821. Complete specs will be mailed with bid. To obtain a bid package contact Dee Kuhn, Purchasing Agent at (717) 789-5509.

**Department:** Public Welfare  
**Location:** Loysville Complex, North Central Secure Treatment Unit, 210 Clinic Road, Danville, PA 17821  
**Duration:** Anticipated start date of November 1, 1999 through June 30, 2000  
**Contact:** Dee Kuhn, Purchasing Agent, (717) 789-5509

**90881046** Renovate East Penn Cottage 2nd floor bedrooms located at Loysville Youth Development Center, R. D. 2, Box 365B, Loysville, PA 17047. Complete specs will be mailed with bid. To obtain a bid package contact Dee Kuhn, Purchasing Agent at (717) 789-5509.

**Department:** Public Welfare  
**Location:** Loysville Complex, Youth Development Center, R. D. 2, Box 365B, Loysville, PA 17047  
**Duration:** Anticipated start date of November 1, 1999 through June 30, 2000  
**Contact:** Dee Kuhn, Purchasing Agent, (717) 789-5509

**90881045** Renovate ZB Cottage 1st floor dayroom located at Loysville Youth Development Center, R. D. 2, Box 365B, Loysville, PA 17047. Complete specs will be mailed with bid. To obtain a bid package contact Dee Kuhn, Purchasing Agent at (717) 789-5509.

**Department:** Public Welfare  
**Location:** Loysville Complex, Youth Development Center, R. D. 2, Box 365B, Loysville, PA 17047  
**Duration:** Anticipated start date of November 1, 1999 through June 30, 2000  
**Contact:** Dee Kuhn, Purchasing Agent, (717) 789-5509

**09881047** Renovate Williams Cottage 2nd floor bedrooms located at Loysville Youth Development Center, R. D. 2, Box 365B, Loysville, PA 17047. Complete specs will be mailed with bid. To obtain a bid package contact Dee Kuhn, Purchasing Agent at (717) 789-5509.

**Department:** Public Welfare  
**Location:** Loysville Complex, Youth Development Center, R. D. 2, P. O. Box 365B, Loysville, PA 17047  
**Duration:** Anticipated start date of November 1, 1999 through June 30, 2000  
**Contact:** Dee Kuhn, Purchasing Agent, (717) 789-5509

**060005** Mowing grass and trash pick-up and disposal at various residential areas owned by PennDOT in Bucks, Chester, Delaware, Montgomery and Philadelphia Counties.

**Department:** Transportation  
**Location:** PennDOT's District 6-0 Area  
**Duration:** April 1, 2000 to March 31, 2002 with 1-year renewal  
**Contact:** Charles Stone, (610) 964-6520

**064005** Mowing grass that is growing on traffic island dividers for highways in Bucks and Montgomery Counties. There are approximately 46 islands.

**Department:** Transportation  
**Location:** Bucks and Montgomery Counties  
**Duration:** April 1, 2000 to November 1, 2002 with one 2-year renewal  
**Contact:** Charles Stone, (610) 964-6520

**SP3864009007** Complete rehabilitation of the existing barn roof and two additions to the barn (approximately 38 squares of roof shingles) in Beltzville State Park, 2950 Pohopoco Drive, Lehighton, Carbon County, PA.

**Department:** Conservation and Natural Resources  
**Location:** Beltzville State Park, 2950 Pohopoco Drive, Lehighton, PA 18235  
**Duration:** June 30, 2000  
**Contact:** Regional Park Office, (215) 453-5016

**SP3864009008** Complete rehabilitation of the existing roof (approximately 22 squares) and repainting of outside surfaces on a Commonwealth-owned building located at Neshaminy State Park, 3401 State Road, Bensalem, Bucks County, PA 19020-5930.

**Department:** Conservation and Natural Resources  
**Location:** Neshaminy State Park, 3401 State Road, Bensalem, PA 19020-5930  
**Duration:** June 30, 2000  
**Contact:** Regional Park Office, (215) 453-5016

**SP3864009009** Complete rehabilitation of the existing roof on a Commonwealth-owned building located at Tyler State Park, 101 Swamp Road, Newtown, Bucks County, PA 18940-1151.

**Department:** Conservation and Natural Resources  
**Location:** Tyler State Park, 101 Swamp Road, Newtown, PA 18940-1151  
**Duration:** June 30, 2000  
**Contact:** Regional Park Office, (215) 453-5016

## Real Estate Services—35

**373883** Lease office space to the Commonwealth of Pennsylvania, Department of Labor and Industry, 1,575 useable sq. ft. of new or existing office space with parking for seven vehicles, in Clearfield, Clearfield County, PA within a 3-mile radius of the Clearfield Post Office. The Department of Labor and Industry will occupy the space. Proposals due: December 13, 1999. Solicitation No. 92912.

**Department:** Labor and Industry  
**Location:** 505 North Office Building, Harrisburg, PA 17125  
**Duration:** Indeterminate 1999—2000  
**Contact:** Jennings Ward, (717) 787-7412

**373883** Lease office space to the Commonwealth of Pennsylvania, Department of Labor and Industry, 1,575 useable sq. ft. of new or existing office space with parking for seven vehicles, in DuBois, Clearfield County, PA within a 3-mile radius of the DuBois Post Office. The Department of Labor and Industry will occupy the space. Proposals due: December 13, 1999. Solicitation No. 92912.

**Department:** Labor and Industry  
**Location:** 505 North Office Building  
**Duration:** Indeterminate 1999—2000  
**Contact:** Jennings Ward, (717) 787-7412

## Sanitation—36

**060214** Placement of one 8 cubic yard dumpster, pickup of the dumpster five times per week (Refuse Pickup), 52 weeks per year and 1 cubic yard dumpster, pickup three times per week (Recycling paper, and the like), 52 weeks per year.

**Department:** Transportation  
**Location:** 7000 Geerdes Boulevard, King of Prussia, PA 19406  
**Duration:** January 1, 2000 to December 31, 2002 with one 2-year renewal  
**Contact:** Michael Masterson/Larry McCool, (610) 964-6670

**3861179001** Service is required for the removal and disposal of solid waste from Parker Dam and S. B. Elliott State Parks. Sealed bids will be received at the State Park Region No. 1 Office, R. R. 4 Box 212, Emporium, PA 15834 and will be opened on Friday, November 12, 1999, at 2 p.m. Please contact the regional office for information and/or a bid package.

**Department:** Conservation and Natural Resources  
**Location:** Parker Dam/S. B. Elliott State Parks, R. R. 1 Box 165, Penfield, PA 15849  
**Duration:** January 1, 2000—December 31, 2002  
**Contact:** Christine Slusarick, Purchasing Agent, (814) 486-3365

## Miscellaneous—39

**00873011** Electric motor repair: The contractor shall provide all labor and parts necessary to repair electric motors throughout the hospital complex. Emergency service may be requested on Saturday, Sunday and/or holidays.

**Department:** Public Welfare  
**Location:** Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA 17105-1300  
**Duration:** The approximate starting period of contract is from July 1, 2000 through June 30, 2003, a period of 3 years.  
**Contact:** Jack W. Heinze, PAIII, (717) 772-7435

**10-E-99** Compact tractor loader backhoe. To be Terramite T5D or approved equal.

**Department:** Labor and Industry  
**Location:** Delivery: Department of Labor and Industry, Pennsylvania Conservation Corps., c/o Pete Nialez, Dallas Area Municipal Authority, Route 309, Trucksville, PA 18708  
**Duration:** Indeterminate 1999—2000  
**Contact:** J. Blosser, (717) 783-0326

**F-0019** The contractor shall furnish and install a replacement Intercom System in a housing unit located at the State Correctional Institution at Cresson. To be a Stenotofon Model P-9600 Intercom System to include three desk mounted master control stations, one central controller, nine talk back speakers, and all the necessary conduit and wire. Contractor must make onsite visit. Bid specifications on file in agency Purchasing Department.

**Department:** Corrections  
**Location:** State Correctional Institution at Cresson, P. O. Box A, Old Route 22, Cresson, PA 16630  
**Duration:** November 15, 1999—June 30, 2000  
**Contact:** Barbara A. Lloyd, Purchasing Agent, (814) 886-8181, Ext. 166

**1257** Tube bundles for Laundry and D-Group.

**Department:** Public Welfare  
**Location:** Selinsgrove Center, Box 500, Route 522, Selinsgrove, PA 17870  
**Duration:** Indeterminate 1999—2000  
**Contact:** Arletta K. Ney, Purchasing Agent, (570) 372-5070

**Inquiry No. 022** Model H-906—Jackson Recliner, mfg. by Jackson of Danville/Healthwise. Contact the Purchasing Department either by phone, (610) 740-3428 or by fax, (610) 740-3424.

**Department:** Public Welfare  
**Location:** Allentown State Hospital, Purchasing Department, 1600 Hanover Avenue, Allentown, PA 18103-2498  
**Duration:** June 30, 2000  
**Contact:** Lois Kerbacher, Purchasing Agent, (610) 740-3428

**1258** American Washer repair parts and labor.

**Department:** Public Welfare  
**Location:** Selinsgrove Center, Box 500, Route 522, Selinsgrove, PA 17870  
**Duration:** Indeterminate 1999—2000  
**Contact:** Arletta K. Ney, Purchasing Agent, (570) 372-5070

**GRA-4953** The State Correctional Institution at Graterford is seeking vendors to supply approximately 80,000 custom size shoeboxes. Patterns for two different size boxes will be supplied with bid package. Contracts will be awarded during the period of November 1, 1999—June 30, 2000.

**Department:** Corrections  
**Location:** State Correctional Institution Graterford, Box 246, Rt. 29, Graterford, PA 19426  
**Duration:** 1 year  
**Contact:** Gerald L. Arasin, Manager II, (610) 489-4151

**SU 32001-8** Shippensburg University is seeking vendors who are interested in bidding on bid proposal 32001-8 for window shades for a residence hall apartment. Bid due date will be November 5, 1999. Vendors interested in receiving a bid package should fax their request to Zora Frank, Purchasing Manager at (717) 532-1350. Persons who have questions, should call (717) 532-1386. The University encourages responses from small and disadvantaged, minority, and women-owned firms.

**Department:** State System of Higher Education  
**Location:** Shippensburg University, Shippensburg Township, Shippensburg, Cumberland County, PA 17257  
**Duration:** Indeterminate 1999—2000  
**Contact:** Zora Frank, (717) 477-1386

**RFP No. 7-99** The Department of Public Welfare is seeking a qualified vendor for the development and operation of a Statewide training system for all types of child care providers. Training will support health, safe and quality child care through a range of modalities and a flexible delivery system. One contract will be awarded.

**Department:** Public Welfare  
**Location:** To be determined  
**Duration:** Estimated July 1, 2000—June 30, 2001 with four 1-year renewals  
**Contact:** Kathy King-McCarthy, (717) 705-3878

[Pa.B. Doc. No. 99-1861. Filed for public inspection October 29, 1999, 9:00 a.m.]

---

## DESCRIPTION OF LEGEND

---

- |  |   |
|--|---|
| <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> |
|--|---|

GARY E. CROWELL,  
*Secretary*

STATE CONTRACTS INFORMATION

**Contract Awards**

The following awards have been made by the Department of General Services, Bureau of Purchases:

<b>Requisition or Contract #</b>	<b>PR Award Date or Contract Effective Date</b>	<b>To</b>	<b>In the Amount Of</b>
0040-09 (re-award)	10/15/99	Moore USA, Inc.	261,351.80
0065-07	11/01/99	David A. Smith Printing, Inc.	2,314.16
5660-03	11/01/99	Syro/Trinity Industries, Inc.	686,028.05
9985-02	10/08/99	IIFA Inc.	60,000.00
9985-02	10/08/99	Premier Caterers, Inc.	60,000.00
9985-02	10/08/99	Doe and Jerry's Barbecue Co.	60,000.00
9985-02	10/08/99	Accommac Inn, Inc.	60,000.00

<b>Requisition or Contract #</b>	<b>PR Award Date or Contract Effective Date</b>	<b>To</b>	<b>In the Amount Of</b>
9985-02	10/08/99	Kenneth E. Ribble dba Esquire Deli	60,000.00
9985-02	10/08/99	JDK Catering, Inc.	60,000.00
1091239-01	10/19/99	Safety League, Inc.	32,131.00
1128119-01	10/19/99	Xpedx	17,200.00
7314260-01	10/19/99	Packaging Service	90,772.50
8250320-01	10/19/99	Artco Equipment Sales, Inc.	329,829.00
8250440-01	10/19/99	Forklifts, Inc.	40,989.00

GARY E. CROWELL,  
*Secretary*

[Pa.B. Doc. No. 99-1862. Filed for public inspection October 29, 1999, 9:00 a.m.]