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# PENNSYLVANIA BULLETIN

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**Agencies in this issue:**

The General Assembly  
The Courts  
Department of Aging  
Department of Agriculture  
Department of Banking  
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Department of Health  
Department of Public Welfare  
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Independent Regulatory Review Commission  
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State Board for Certification of Sewage Treatment  
Plant and Waterworks Operators  
Turnpike Commission

**Detailed list of contents appears inside.**

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

**No. 300, November 1999**

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**PENNSYLVANIA**



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

## ***Pennsylvania Bulletin***

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

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

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

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

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

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

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

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

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

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

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

## ***Pennsylvania Code***

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

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

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

## **How to Find Documents**

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

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

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

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### Printing Format

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

### Fiscal Notes

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

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

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# List of Pa. Code Chapters Affected

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

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# THE GENERAL ASSEMBLY

## GENERAL ASSEMBLY

### Cost-of-Living Factor under the Public Official Compensation Law

Under section 4(d) of the Public Official Compensation Law (65 P. S. § 366.4(d)), for the 12-month period beginning December 1, 1999, through November 30, 2000, the salary of the members of the General Assembly shall be increased by a cost-of-living factor which is determined by increasing the amount of the salary by the percentage change in the Consumer Price Index for all Urban Consumers (CPI-U) for the Pennsylvania, New Jersey, Delaware and Maryland area, officially reported by the United States Department of Labor, Bureau of Labor Statistics for the period of November 1, 1998, through October 31, 1999.

The percentage increase and the new salary amount have been determined jointly by the Chief Clerk of the Senate and the Chief Clerk of the House of Representatives as follows:

CPI-U for November 1, 1998, through October 31, 1999, cumulative percentage change—2.4075%.

New salary amount—\$60,672.09.

Under section 4(d.1) of the Public Official Compensation Law (65 P. S. § 366.4(d)), for the 12-month period beginning December 1, 1999, through November 30, 2000, the additional compensation of the officers and leaders of the General Assembly shall be increased by a cost-of-living factor which is determined by increasing the amount of the salary by the percentage change in the Consumer Price Index for all Urban Consumers (CPI-U) for the Pennsylvania, New Jersey, Delaware and Maryland area, officially reported by the United States Department of Labor, Bureau of Labor Statistics for the period from November 1, 1998, through October 31, 1999.

The percentage increase and the new compensation amounts have been determined jointly by the Chief Clerk of the Senate and the Chief Clerk of the House of

Representatives as follows:

<i>Leadership Position</i>	<i>Increase</i>	<i>New Compensation</i>
Speaker/President pro tempore	2.4075%	34,040.92
Majority Floor Leader	2.4075%	27,234.03
Minority Floor Leader	2.4075%	27,234.03
Majority Whip	2.4075%	20,688.53
Minority Whip	2.4075%	20,688.53
Majority Caucus Chairman	2.4075%	12,887.01
Minority Caucus Chairman	2.4075%	12,887.01
Appropriations Chairman	2.4075%	20,688.53
Minority Appropriations Chairman	2.4075%	20,688.53
Majority Caucus Secretary	2.4075%	8,510.87
Minority Caucus Secretary	2.4075%	8,510.87
Majority Caucus Policy Chairman	2.4075%	8,510.87
Minority Caucus Policy Chairman	2.4075%	8,510.87
Majority Caucus Administrator	2.4075%	8,510.87
Minority Caucus Administrator	2.4075%	8,510.87

W. RUSSELL FABER,  
*Chief Clerk*  
*Senate of Pennsylvania*  
TED MAZIA,  
*Chief Clerk*  
*House of Representatives*

[Pa.B. Doc. No. 99-1996. Filed for public inspection November 24, 1999, 9:00 a.m.]

### 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 40 through 47 (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>
1999-40	Oct. 25	SB949	PN1181	Immediately	Conveyance—Commonwealth property in Chester County
1999-41	Nov. 3	SB456	PN1413	Jan. 1, 2000	Fish and Boat Code (30 Pa.C.S.)—omnibus amendments
1999-42	Nov. 3	HB148	PN2489	Immediately	County Code, The—omnibus amendments
1999-43	Nov. 10	SB392	PN1417	Immediately	Philadelphia Municipal Court Fee Law—initial service of process fee increased
1999-44	Nov. 10	SB602	PN1191	Immediately	Wholesale Prescription Drug Distributors License Act—wholesale distribution of prescription drugs definition
1999-45	Nov. 10	SB647	PN1446	Immediately*	Pennsylvania Construction Code Act—enactment

<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>
1999-46	Nov. 10	HB394	PN2485	60 days	First Class Township Code, The—township secretary election
1999-47	Nov. 10	HB1692	PN2613	Immediately*	Liquor Code—omnibus amendments

**1999 APPROPRIATIONS—ACT 44A**

<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>
1999-44A	Nov. 11	SB1050	PN1385	Immediately	American Battle Monuments Commission—National World War II Memorial construction

\* 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. 99-1997. Filed for public inspection November 24, 1999, 9:00 a.m.]

# THE COURTS

## Title 249—PHILADELPHIA RULES

### PHILADELPHIA COUNTY

#### Philadelphia Family Court; Administrative Order No. 99-04

In order to effectuate a more efficient and effective system of court appointment of counsel in Dependent Court cases, the following procedure is to be effective as of 11/15/99:

When counsel is needed to be appointed, all judges assigned to Dependent Court work (Courtrooms E, G, H, I), with the exception of Model Court, shall mark the file as follows: COURT TO APPOINT COUNSEL. The Dependent Court liaison representative will notify the Dependent Court operations office of the need for counsel to be appointed. All appointments will be made on a rotation basis by the office of the Dependent Court management from the Dependent Court list of qualified attorneys.

If there is a need to appoint counsel on an emergency basis in the courtroom, the Dependent Court manager will have available a list of attorneys assigned each day for this purpose. These assignments shall be for one day only. All Dependent Court counsel will be notified in advance by the manager of Dependent Court operations to ensure counsel is available in the courtroom.

Any exceptions to the foregoing procedure must be approved in writing by the Administrative Judge or his designee.

PAUL P. PANEPINTO,  
*Administrative Judge*  
*Family Court Division*

[Pa.B. Doc. No. 99-1998. Filed for public inspection November 24, 1999, 9:00 a.m.]

### PHILADELPHIA COUNTY

#### Philadelphia Family Court; Administrative Order No. 99-05

All appointed counsel in Dependent Court proceedings must submit petitions for payment within one year from the date of appointment regardless if the case is still pending.

All attorneys who have counsel fee petitions outstanding under the hourly rate system (old system) for Dependent Court matters, must file counsel fee petitions with the Office of the Administrative Judge of Family Court by no later than December 31, 1999 for review and authorization of payment. This includes petitions involving cases over one year old from the date of appointment that are still open.

If a petition is not timely filed, counsel may lose the right to payment of counsel fees.

PAUL P. PANEPINTO,  
*Administrative Judge*  
*Family Court Division*

[Pa.B. Doc. No. 99-1999. Filed for public inspection November 24, 1999, 9:00 a.m.]

### PHILADELPHIA COUNTY

#### Philadelphia Family Court; Administrative Order No. 99-06

Effective December 1, 1999, the cap authorization of fees for Dependency Attorney Fee Petitions on all cases under the hourly rate system (old system) shall be \$450.00. This is compatible with the Guaranteed Fee System (new system) which authorizes payments of \$300.00 for the first year and \$150.00 for the second year. The previous cap of \$750.00 is hereby rescinded.

All requests for fees over \$450.00 shall be made to the Administrative Judge of Family Court for review and disposition. Judges may make recommendations, in support of requested fee petitions in excess of \$450.00, to the Administrative Judge for consideration.

PAUL P. PANEPINTO,  
*Administrative Judge*  
*Family Court Division*

[Pa.B. Doc. No. 99-2000. Filed for public inspection November 24, 1999, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### CARBON COUNTY

#### Amendment of Local Rule L1915.1 Scope— Definitions and Adoption of Local Rule L1915.4 Mandatory Education Program for Parents in Custody Matters; No. 99-1590

#### Administrative Order No. 11-1999

And Now, this 12th day of November, 1999, it is hereby

*Ordered and Decreed*, effective thirty (30) days after publication in the *Pennsylvania Bulletin*, that the Carbon County Court of Common Pleas hereby *Amends* Local Rule L1915.1 governing the Scope and Definitions for custody actions and *Adopts* Local Rule L1915.4 establishing the Mandatory Education Program for Parents in Custody Matters.

The Carbon County District Court Administrator is *Ordered and Directed* to do the following:

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

2. File two (2) certified copies and one (1) diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

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

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

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

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

*By the Court*

JOHN P. LAVELLE,  
*President Judge*

**Rule L1915.1. Scope—Definitions.**

(1) (A) These rules govern local practice and procedure in all actions for custody, partial custody, visitation, modification of existing orders and contempt of court, including all actions heretofore commenced by petition for writ of habeas corpus and all claims for custody, partial custody or visitation asserted in an action of divorce or support.

(B) If a claim for custody, partial custody, visitation or modification of an existing order is raised during the course of an action for divorce or for support, the court shall enter an order directing that the determination of the claim shall be referred to a hearing officer appointed by the Court for an expeditious resolution of the claim.

(2) As used in these Rules, unless the context of a Rule indicates otherwise,

“Conference” means a pre-hearing negotiating session conducted under the auspices of the Court by a hearing officer appointed by the court.

“Court”, shall mean the Court of Common Pleas of Carbon County.

“De novo hearing”, means a hearing before a judge of the Court of Common Pleas of Carbon County.

“Hearing Officer”, means an attorney engaged in the practice of law who is duly licensed to practice law in the Commonwealth of Pennsylvania; who shall conduct pre-hearing conferences at such times and places as the court shall direct; shall encourage and supervise the formulation of consent orders; shall, in cases where consent orders cannot be obtained, conduct evidentiary hearings at which the hearing officer may examine the parties and all other witnesses whom the hearing officer may have reason to believe have knowledge of any facts relevant and material for the just and proper examination of the case; may recommend counseling and conduct oral examination of the child(ren) who is (are) the subject of the action and request investigation reports from social services agencies; shall submit a report to the Court which shall include a comprehensive opinion reflecting a thorough analysis of the record as a whole and specifying the reasons for the Hearing Officer's recommended order; and shall perform such other duties relating to actions involving custody of children and visitation rights as the Court may from time to time direct.

“Joint custody”, in the context of any report or opinion and order means shared custody as that term is defined in Pa.R.C.P. 1915.1(b).

“Program”, means the mandatory “Education Program for Divided Families” in custody and divorce matters.

“Provider”, means the qualified educators, counselors, and trainers selected by the Court of Common Pleas to present the “Education Program for Divided Families”.

**Rule 1915.4. Mandatory Education Program for Parents in Custody Matters.**

1. In all custody proceedings filed on or after May 1, 1999, as the Court may direct after the Preliminary Conference, where the interests of children under the age of eighteen (18) are involved, the parties shall attend and complete one 4-hour session entitled “Education Program for Divided Families”, referred to in these local rules as “Program”.

2. In all custody proceedings filed on or after May 1, 1999, each complaint or petition shall contain an order in accordance with Local Rule L1915.15 and shall be in compliance with Local Rule L206.1 or Local Rule L205.3.

3. If the parties are unable to agree at the Preliminary Conference, the Hearing Officer shall provide the parties with a copy of a Court Order requiring attendance at the Program, a registration form, and Program description with the applicable pleading upon the defendant.

4. The parties shall register for the Program within fifteen (15) days after he or she is served with the Court Order.

5. Every party shall attend the Program within sixty (60) days from the date of the Order requiring attendance. Any request for an extension of time to complete the Program shall be made to the Court.

6. The fee for the Program is \$25.00 per party and must be submitted with the registration form. Certified check, money order, or cash will be accepted for payment. Checks and money orders shall be made payable to the Carbon County Extension Special Fund. NOTE: NO PERSONAL CHECKS WILL BE ACCEPTED.

7. No conference or final hearing shall be held or order entered, until all parties have attended and completed the Program, unless the Court waives the requirement upon petition filed for good cause shown. Refusal of the non-moving party to attend the Program shall be considered good cause by the Court.

8. Failure to comply with the Order may result in the dismissal of the action, striking of pleadings, or other appropriate action, including sanctions for contempt.

9. Upon receipt of the Certificate of Completion, the Prothonotary shall advise the Court Calendar Officer to schedule a hearing.

10. Copies of this Rule, Program Registration Form, and Program Description shall be available in the Prothonotary's Office of the Court of Common Pleas of Carbon County.

[Pa.B. Doc. No. 99-2001. Filed for public inspection November 24, 1999, 9:00 a.m.]



# SUPREME COURT

Schedule of Holidays for Year 2000 for Staffs of  
the Appellate Courts and the Administrative Of-  
fice of Pennsylvania Courts; No. 214, Judicial  
Administration Doc. No. 1

## Order

*Per Curiam:*

*And Now*, this 9th day of November, 1999, it is hereby ordered that the order of this Court of March 26, 1999 establishing the holidays for calendar year 2000 be amended as follows:

January 3, 2000	New Year's Day (Observed)
November 10, 2000	Veterans Day (Observed)

[Pa.B. Doc. No. 99-2002. Filed for public inspection November 24, 1999, 9:00 a.m.]

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# RULES AND REGULATIONS

## Title 25—ENVIRONMENTAL PROTECTION

### ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 93]

#### Stream Redesignations (Hay Creek, et al.)

The Environmental Quality Board (Board) by this order amends §§ 93.9f and 93.9t (relating to Drainage List F; and Drainage List T) to read as set forth in Annex A.

This order was adopted by the Board at its meeting of September 21, 1999.

#### A. *Effective Date*

These amendments are effective upon publication in the *Pennsylvania Bulletin* as final rulemaking.

#### B. *Contact Persons*

For further information, contact Edward R. Brezina, Chief, Division of Water Quality Assessment and Standards, Bureau of Watershed Conservation, 10th Floor, Rachel Carson State Office Building, P. O. Box 8555, 400 Market Street, Harrisburg, PA 17105-8555, (717) 787-9637 or William J. Gerlach, Assistant Counsel, Bureau of Regulatory Counsel, 9th Floor, Rachel Carson State Office Building, P. O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This final rulemaking is available electronically through the Department of Environmental Protection's (Department) Web site (<http://www.dep.state.pa.us>).

#### C. *Statutory and Regulatory Authority*

This final rulemaking is being made under the authority of the following acts: sections 5(b)(1) and 402 of The Clean Streams Law (35 P. S. §§ 691.5(b)(1) and 691.402) and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20), which grant to the Board the authority to develop and adopt rules and regulations to implement the provisions of The Clean Streams Law (35 P. S. §§ 691.1—691.1001). In addition, the Federal regulation at 40 CFR 131.32 (relating to Pennsylvania) sets forth certain requirements for portions of the Commonwealth's antidegradation program.

#### D. *Background of the Amendments*

The Commonwealth's water quality standards, which are set forth in part in Chapter 93 (relating to water quality standards), implement sections 5 and 402 of The Clean Streams Law and section 303 of the Federal Clean Water Act (33 U.S.C.A. § 1313). Water quality standards are in-stream water quality goals that are implemented by imposing specific regulatory requirements (such as treatment requirements and effluent limits) on individual sources of pollution.

The Department considers candidates for Special Protection status or redesignation in its ongoing review of water quality standards. In general, Special Protection waters (High Quality (HQ) and Exceptional Value (EV) waters) shall be maintained at their existing quality, and wastewater treatment requirements shall comply with § 95.1 (relating to general requirements). Candidates may be identified by the Department based on routine

waterbody investigations. Requests for consideration may also be initiated by other agencies, such as the Fish and Boat Commission (FBC), and by the general public through a rulemaking petition to the Board.

The Department evaluated the following streams in response to requests from Department and FBC staff:

Sugarcamp Run, Hay Creek and South Fork Little Conemaugh River: Department of Environmental Protection

Mill and Little Mill Creeks, Sandy Run, and Bens Creek: FBC

The physical, chemical and biological characteristics and other information on these waterbodies were evaluated to determine the appropriateness of the current designations. Aquatic surveys of these streams were conducted by the Department's Bureau of Watershed Conservation. In reviewing whether waterbodies are subject to the Special Protection Waters Programs the Department utilizes applicable regulatory criteria and definitions. Based upon the data collected in these surveys and information gathered from Department records and other sources, the Board has made the designations in Annex A.

Copies of the Department's stream evaluation reports for these waterbodies are available from Edward R. Brezina whose address and telephone number are listed in Section B of this Preamble.

#### E. *Summary of Comments and Responses on the Proposed Rulemaking*

The Board approved the proposed rulemaking on June 17, 1997. The proposal was published at 27 Pa.B. 4094 (August 16, 1997) with provision for a 45-day public comment period.

The Board received a total of 130 comments on this proposed rulemaking. These comments were primarily concerned with the proposed redesignation of Hay Creek. In addition, some of the commentators, including the Independent Regulatory Review Commission (IRRC) provided general comments on the special protection waters program.

The following is a summary of the comments by IRRC and the public. The House and Senate Environmental Resources and Energy Committees did not provide comments on the proposed rulemaking.

A total of 124 of the 130 public comments were in support of the proposed redesignation of Hay Creek. These comments were provided by the general public, local and county governments, and environmental or sportsman's groups.

Four commentators questioned the scientific validity of the biological test used in recommending much of the Hay Creek basin for EV Waters designation and noted that some stations did not meet the 92% comparison to a reference station needed to qualify for EV. The Department believes that the recommended redesignation of Hay Creek is the result of a scientific evaluation including comparison of the aquatic community to that found in a reference stream that is designated EV Waters. Four of the five biological sampling stations on the main stem of Hay Creek scored greater than 92% of the EV reference stations used for the ecological significance evaluation, and thus qualify for EV protection. There was a short

reach of stream that did not attain a metrics score which would qualify it as EV. It appeared that although water chemistry was adequate, suboptimal habitat conditions in this short segment affected the macroinvertebrate community and prevented it from attaining the necessary metrics score. This segment is not recommended for redesignation except to add the Migratory Fishes (MF) use designation.

Two commentators stated that the proposed EV designation was based in part on the presence of a threatened species in a very limited portion of the watershed. The original report did cite the presence of bog bluegrass as meeting one of the special protection waters selection criteria and used that presence as part of the justification for recommending a portion of the Hay Creek basin for EV designation. The revisions to the Commonwealth's antidegradation regulations, adopted by the Board on May 19, 1999, and published at 29 Pa.B. 3720 (July 17, 1999) do not include the presence of threatened and endangered species as a criterion for recommending a water body for inclusion in the special protection waters program. The use of this criterion as a basis for the recommended redesignation has been removed from the evaluation report.

One commentator felt the proposed redesignation was an attempt to block the efforts of a landowner and private corporation to develop within the Hay Creek basin and that the author of this proposal was opposed to the Haines and Kibblehouse development. The Department does not inquire into the motivation of those requesting redesignation of a surface water. A stream is evaluated under the same protocols regardless of the reasons for a redesignation request. The evaluation of Hay Creek was conducted following established Department protocols.

IRRC commented that the selection criteria found in the *Special Protection Waters Implementation Handbook* are only guidance and stated that references to these criteria lack clarity because they are not in regulation and the references in the Handbook are not clearly linked to the criteria in the regulation. They also noted that the definition of EV in Chapter 93 requires the stream to be an outstanding resource and goes on to describe several examples including waters of substantial recreational or ecological significance. Further, they commented that the benthic macroinvertebrate comparisons do not appear to directly relate to the criterion of establishing the stream as an outstanding resource as required by the regulation. The Department notes that the biological tests have been specifically incorporated into the revised antidegradation regulations in § 93.4b(a)(2) and (b)(1)(v) (relating to qualifying as High Quality or Exceptional Value Waters). Candidate waters are compared to a reference stream or watershed and must attain an integrated benthic macroinvertebrate score of at least 83% of the reference stream or watershed to qualify for HQ Waters protection. To attain EV protection under the biological test, the candidate must qualify for HQ designation and achieve a score of at least 92% of the reference.

These regulatory changes allow wastewater treatment requirements for dischargers to these streams to be consistent with the water uses to be protected. These regulatory amendments do not contain standards or requirements which exceed requirements of the companion Federal regulations.

#### F. Summary of Changes to the Proposed Rulemaking

One change from the proposed rulemaking is the removal of Pine Creek (Crawford and Warren Counties)

from the package. During IRRC review of the revised antidegradation regulations, concern was expressed that some special protection candidate waters were compared to reference streams that are designated HQ Waters rather than EV Waters. Pine Creek was evaluated, in part, using HQ reference stations. The Department has removed Pine Creek from this package and will reevaluate it and submit its recommendations as proposed rulemaking in a future package.

The stream evaluation reports were revised as a result of the changes to the Commonwealth's antidegradation regulations. During this process, one of the recommendations for Hay Creek (Berks County) was changed. A majority of the Hay Creek basin had been recommended for redesignation to EV in the proposed rulemaking. One segment of Hay Creek which was proposed for EV protection is now recommended to retain its CWF designation with the addition of MF because it was determined to not attain a 92% biological metric score when compared to the reference station. This change affects the portion of the basin between Unnamed Tributary 63882 and Beaver Run.

The recommended designation for Sandy Run (Somerset County) was also changed from the proposed rulemaking. At the time the Sandy Run evaluation was conducted, the Department attempted to match the watershed drainage area of candidate and reference stations to the extent possible. Recent data and metrics evaluations have shown that this practice is not necessary. These evaluations indicate that stream order, stream gradient and alkalinity are the primary factors to consider when choosing a reference station. The biological metrics in the Sandy Run evaluation report were recalculated using one reference station, Blue Hole Creek. As a result of this reevaluation, the entire basin is now recommended to retain its High Quality-Cold Water Fishes (HQ-CWF) use designation.

During the report revisions, an inadvertent error was discovered in the recommended redesignation of Bens Creek (Cambria County). An unnamed tributary to Bens Creek (Stream Code 46100) should have been included with other streams/segments recommended to be redesignated from HQ-CWF to Cold Water Fishes (CWF) because of historic degradation by acid mine drainage. This error is corrected in the final rulemaking.

#### G. Benefits, Costs and Compliance

Executive Order 1996-1 requires a cost/benefit analysis of the amendments.

1. *Benefits*—Overall, the citizens of this Commonwealth will benefit from these recommended changes because they will reflect the appropriate designated use and maintain the most appropriate degree of protection for each stream in accordance with the existing use of the stream.

2. *Compliance Costs*—Generally, the changes should have no fiscal impact on, or create additional compliance costs for the Commonwealth or its political subdivisions. The streams recommended for redesignation are already protected at their existing use, and therefore the designated use change will have no impact on treatment requirements. No costs will be imposed directly upon local government by this recommendation. Political subdivisions that add a new sewage treatment plant or expand an existing plant in the basin may experience changes in cost as noted in the discussion of impacts on the private sector.

Persons conducting or proposing activities or projects that result in discharges to streams shall comply with the regulatory requirements relating to designated and existing uses. These persons could be adversely affected if they expand the discharge or add a new discharge point since they may need to provide a higher level of treatment for the new or expanded discharge to meet the designated and existing uses of the stream. These increased costs may take the form of higher engineering, construction or operating costs for wastewater treatment facilities. Treatment costs are site-specific and may depend upon the size of the discharge in relation to the size of the stream and many other factors. It is therefore not possible to precisely predict the actual change in costs. Economic impacts would primarily involve the potential for higher treatment costs for new or expanded discharges to streams which are upgraded, and potentially lower treatment costs for discharges to streams which are downgraded.

3. *Compliance Assistance Plan*—The regulatory revisions have been developed as part of an established program that has been implemented by the Department since the early 1980s. The revisions are consistent with and based on existing Department regulations. The revisions extend additional protection to selected waterbodies that exhibit exceptional water quality and are consistent with antidegradation requirements established by the Federal Clean Water Act and Pennsylvania Clean Streams Law. All surface waters in this Commonwealth are afforded a minimum level of protection through compliance with the water quality standards, which prevent pollution and protect existing water uses.

The amendments will be implemented through the National Pollutant Discharge Elimination System (NPDES) permitting program since the stream use designation is a major basis for determining allowable stream discharge effluent limitations. These permit conditions are established to assure water quality criteria are achieved and designated and existing uses are protected. New and expanded dischargers with water quality based effluent limitations are required to provide effluent treatment according to the water quality criteria associated with existing uses and revised designated water uses.

4. *Paperwork Requirements*—The regulatory revisions should have no direct paperwork impact on the Commonwealth, local governments and political subdivisions, or the private sector. These regulatory revisions are based on existing Department regulations and simply mirror the existing use protection that is already in place for these streams. There may be some indirect paperwork requirements for new or expanding dischargers to streams upgraded to Special Protection (HQ or EV). For example, NPDES general permits are not currently available for new or expanded discharges to Special Protection streams. Thus an individual permit, and its associated additional paperwork, would be required. Additionally, paperwork associated with demonstrating social and economic justification (SEJ), and the nonfeasibility of nondischarge alternatives, may be required for new or expanded discharges to certain Special Protection waters.

#### H. *Pollution Prevention*

The antidegradation program is a major pollution prevention tool because its objective is to prevent degradation by maintaining and protecting existing water quality and existing uses. Although new or expanded wastewater discharges are not prohibited by the antidegradation program, nondischarge alternatives are encouraged and required, when environmentally sound and cost effective.

Nondischarge alternatives, when implemented, remove impacts to surface water and reduce the overall level of pollution to the environment by remediation of the effluent through the soil.

#### I. *Sunset Review*

These amendments will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

#### J. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 5, 1997, the Department submitted a copy of the notice of proposed rulemaking, published at 27 Pa.B. 4094, to IRRC and to the Chairpersons of the Senate and House Environmental Resources and Energy Committees for review and comment. Under section 5(c) of the Regulatory Review Act, the Department also provided IRRC and the Committees with copies of the comments received, as well as other documentation.

In preparing these final-form regulations, the Department has considered all comments received from IRRC and the public. The Committees did not provide comments on the proposed rulemaking.

These final-form regulations were deemed approved by the House and Senate Committees on October 12, 1999. IRRC met on October 21, 1999, and approved the amendments in accordance with section 5.1(e) of the Regulatory Review Act.

#### K. *Findings*

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law, and all comments were considered.

(3) These regulations do not enlarge the purpose of the proposal published at 27 Pa.B. 4094 (August 16, 1997).

(4) These regulations are necessary and appropriate for administration and enforcement of the authorizing acts identified in Section C of this Preamble.

#### L. *Order*

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

(a) The regulations of the Department, 25 Pa. Code Chapter 93, are amended by amending §§ 93.9f and 93.9t to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

(c) The Chairperson shall submit this order and Annex A to IRRC and the Senate and House Environmental Resources and Energy Committees as required by the Regulatory Review Act.

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

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

(Editor's Note: The proposal to amend §§ 93.9q and 93.9v, included in the proposed rulemaking at 27 Pa.B. 4094 has been withdrawn by the Board.)

JAMES M. SEIF,  
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 29 Pa.B. 5777 (November 6, 1999).)

**Fiscal Note:** Fiscal Note 7-324 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 25. ENVIRONMENTAL PROTECTION**

**PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Subpart C. PROTECTION OF NATURAL RESOURCES**

**ARTICLE II. WATER RESOURCES**

**CHAPTER 93. WATER QUALITY STANDARDS**

**§ 93.9f. Drainage List F.**

**Delaware River Basin in Pennsylvania  
*Schuylkill River***

<b>Stream</b>	<b>Zone</b>	<b>County</b>	<b>Water Uses Protected</b>	<b>Exceptions To Specific Criteria</b>
	* * * * *			
3—Hay Creek	Basin, Source to Unnamed Tributary (UNT) 63882 at River Mile 8.1	Berks	EV	None
4—Unnamed Tributary (63882) to Hay Creek	Basin	Berks	CWF, MF	None
3—Hay Creek	Basin, UNT 63882 to Beaver Run	Berks	CWF, MF	None
4—Beaver Run	Basin	Berks	HQ-CWF, MF	None
3—Hay Creek	Basin, Beaver Run to Birdsboro Boundary	Berks	EV	None
3—Hay Creek	Basin, Birdsboro Boundary to Mouth	Berks	CWF, MF	None
	* * * * *			

**§ 93.9t. Drainage List T.**

**Ohio River Basin in Pennsylvania  
*Kiskiminetas River***

<b>Stream</b>	<b>Zone</b>	<b>County</b>	<b>Water Uses Protected</b>	<b>Exceptions To Specific Criteria</b>
	* * * * *			
6—Bens Creek	Main Stem, Confluence of South and North Forks to Mouth	Cambria	CWF	None
	* * * * *			
7—Mill Creek	Basin, Source to SR 0271 Bridge	Cambria	EV	None
7—Mill Creek	Basin, SR 0271 Bridge to Mouth	Somerset	HQ-CWF	None
	* * * * *			
5—Little Conemaugh River	Main Stem, Source to North Branch Little Conemaugh River	Cambria	CWF	None

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
6—Bens Creek	Basin, Source to Unnamed Tributary (UNT) 46100 at River Mile 1.20	Cambria	EV	None
7—Unnamed Tributary (46100) to Bens Creek	Basin	Cambria	CWF	None
6—Bens Creek	Basin, UNT 46100 to UNT 46099 at River Mile 0.74	Cambria	EV	None
7—Unnamed Tributary (46099) to Bens Creek	Basin	Cambria	CWF	None
6—Bens Creek	Basin, UNT 46099 to Mouth	Cambria	CWF	None
	* * * * *			
6—South Fork Little Conemaugh River	Basin, Source to Beaverdale Reservoir Dam	Cambria	EV	None
6—South Fork Little Conemaugh River	Main Stem, Beaverdale Reservoir Dam to UNT 45928	Cambria	EV	None
7—Unnamed Tributaries to South Fork Little Conemaugh River	Basins, Beaverdale Reservoir Dam to UNT 45928	Cambria	HQ-CWF	None
7—Bottle Run	Basin	Cambria	HQ-CWF	None
7—Unnamed Tributary (45928) to South Fork Little Conemaugh River	Basin	Cambria	HQ-CWF	None
6—South Fork Little Conemaugh River	Basin, UNT 45928 to SR 0869 Bridge	Cambria	HQ-CWF	None
6—South Fork Little Conemaugh River	Basin, SR 0869 Bridge to Beaverdam Run	Cambria	CWF	None
	* * * * *			

[Pa.B. Doc. No. 99-2003. Filed for public inspection November 24, 1999, 9:00 a.m.]

**ENVIRONMENTAL QUALITY BOARD**  
**[25 PA. CODE CHS. 121 AND 129]**  
**Mobile Equipment Repair and Refinishing**

The Environmental Quality Board (Board) amends § 121.1 and adds § 129.75 (relating to definitions; and mobile equipment repair and refinishing) to read as set forth in Annex A. The changes to § 121.1 add definitions of terms used in the substantive provisions of Chapter 129 (relating to standards for sources). A new § 129.75 establishes requirements to control volatile organic compound (VOC) emissions at mobile equipment repair and refinishing facilities. This notice is given under Board order at its meeting of September 21, 1999.

*A. Effective Date*

These amendments will be effective upon publication in the *Pennsylvania Bulletin* as final rulemaking.

*B. Contact Persons*

For further information, contact Terry Black, Chief, Regulation and Policy Development Section, Division of Air Resource Management, Bureau of Air Quality, 12th

Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-2030, or R. A. Reiley, Assistant Counsel, Bureau of Regulatory Counsel, Office of Chief Counsel, 9th Floor, Rachel Carson State Office Building, P. O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060.

*C. Statutory Authority*

This action is being taken under the authority of section 5(a)(1) of the Air Pollution Control Act (35 P. S. § 4005(a)(1)), which grants to the Board the authority to adopt regulations for the prevention, control, reduction and abatement of air pollution.

*D. Background of the Amendments*

This final rulemaking establishes controls on the VOC emissions from mobile equipment repair and refinishing facilities. These regulations implement the recommendations of the Southeast and Southwest Pennsylvania Ozone Stakeholder Working Groups. The Southwest Ozone Stakeholders recommended a point of sale regulation that would preclude the sale of noncompliant finishes. The Southeast Ozone Stakeholders recommended limiting the VOC content of automobile refinish material

to the levels imposed by California's South Coast Air Quality Management District (SCAQMD).

Subsequent to the recommendations of the Ozone Stakeholders, a separate stakeholder group was formed and was composed of representatives of the mobile equipment repair and refinishing community, equipment suppliers and members of the public. This stakeholder group identified a number of problems with a point of sale regulation and the SCAQMD limits and instead recommended establishing limitations on the VOC content of finishes, along with equipment specifications and work practice recommendations. The final regulations incorporate the recommendations of this stakeholder group.

The final rulemaking has deleted the proposed permitting requirement. This requirement was determined to not be a cost effective way to implement these regulations. Instead, these regulations will be implemented through an outreach education campaign and traditional enforcement methods.

The Department of Environmental Protection (Department) also consulted with the Air Quality Technical Advisory Committee (AQTAC) in the development of these final regulations. At its May 21, 1999 meeting, AQTAC recommended adoption of the final regulations.

#### E. Summary of Regulatory Revisions

The final changes to Chapter 121 add definitions of terms used in the substantive provisions in Chapter 129. The definitions include "automotive pretreatment," "automotive primer surfacer," "automobile primer-sealer," "automotive specialty coating," "automotive top coat," "antique motor vehicle," "classic motor vehicle," "mobile equipment," "automotive touch-up repair," "Airless spray" was added at final rulemaking for clarification and "automotive elastomeric coating," "automotive impact-resistant coating," "automotive jamber clearcoat," "automotive lacquer," "automotive low-gloss coating" and "automotive multicolored topcoat" were added to make the final rule consistent with the Federal regulation.

Section 129.75 establishes allowable VOC content requirements for coatings used in this source category. Section 129.75(b) establishes exceptions to the general applicability of the rules where the coating is done in an automobile assembly plant or by an individual who does not receive compensation for application of the coatings. Subsection (c) establishes the VOC content of automobile refinished coatings and subsection (d) provides the methodology for calculating VOC emissions. In the final regulations, the Board modified the formula in subsection (c) because it was incorrect since the units were not in agreement. Subsections (g) and (h), which established application techniques and time frames for existing and new facilities, were deleted and consolidated under subsection (e). Subsections (f) and (g) establish the requirements for cleaning spray guns associated with this source category and housekeeping, pollution prevention and training requirements for individuals applying mobile equipment repair and refinishing coatings. Finally, subsection (l) in the proposed rule, which required owners/operators of a facility to obtain a permit, was deleted from the final regulation.

Under these requirements, a person who applies mobile equipment repair and refinishing coatings will have to comply with applicable VOC content requirements for coatings. In addition to specifying application technique and cleaning requirements, the regulations establish training and pollution prevention requirements.

These final regulations will be submitted to the Environmental Protection Agency (EPA) as an amendment to the State Implementation Plan.

#### F. Summary of Comments and Responses on the Proposed Regulations

One commentator indicated that the equation in the proposed § 129.75(f)(1) is incorrect and suggested a correct equation for calculating the VOC content of coatings. The Board agrees, and the equation in the final regulation has been changed to be consistent with the equation published in the final EPA rule for automotive finishes.

A commentator supported requiring a permit to purchase and spray automotive finish materials. The final rulemaking will not require a permit for the purchase of automotive refinish materials or for any other component of this final rulemaking. The Board believes that a permitting program is not a cost effective way to implement these regulations. This program would be too costly and burdensome for both the Department and industry. Instead, the Department will embark on a public outreach education campaign and will enforce these regulations through traditional methods.

Another commentator indicated support for tighter requirements for paint booths and the emissions from spray booths. The final regulations do not require that spray booths be used to apply automotive refinish materials. The regulations do impose VOC limits consistent with the Federal limits on automotive refinish materials. In addition, the regulations specify paint and solvent management practices and other pollution prevention practices that will reduce emissions from automobile refinishing operations.

Another commentator suggested that no permits be issued to the facility unless the facility first passes certain VOC test limits. The final regulations specify VOC content limitations for coatings used by mobile equipment and repair facilities, and establish work practice standards related to paint and solvent use and storage. The Department does not plan to conduct emission tests at affected facilities, but will rely on coating manufacturers' certification and VOC testing of coatings, as appropriate, to determine compliance.

Several commentators indicated that if the Department requires permits for automotive refinishing facilities, the requirement should apply Statewide. As previously stated, the Board has determined that permits will not be required for effective automotive repair and refinish facilities under this regulation.

One commentator opposed the broad scope of the proposed regulation that would regulate any type of mobile equipment painting Statewide. The Board believes that application technology, gun cleaning and paint and solvent management practices are appropriate pollution prevention practices and that they should be applied Statewide. The finish material VOC limits are the limits specified by the Federal government for automotive refinish manufacture and import.

The same commentator indicated that it is unduly burdensome to require small painting operations to purchase specially formulated paints, to keep records documenting those purchases and to perform training. The final regulations do not require the purchase of specially formulated paints. The paint VOC content levels specified in the regulation are consistent with the VOC content limits in the Federal mobile equipment refinish and repair finish material regulations. The final regulations do not require recordkeeping to document paint pur-

chases. In addition, the training requirements in the regulations can be met by participation in coating and equipment supplier demonstrations and meetings onsite. They do not require special classes or other training.

This same commentator recommended that the touch-up and minor repairs be exempted from all requirements in the regulations especially if those are the only surface coating activities conducted onsite. The Board disagrees. Touch-up and repair operations will be subject to the regulations because these operations can result in significant emissions if appropriate work practices and pollution prevention practices are not implemented.

Additionally, this commentator suggested that the language in the definition and the regulation related to touch-up and repair is confusing. The Board has revised the regulation to clarify the provisions related to touch-up repairs. The regulation allows the use of brush and roller application, and other application technologies listed in § 129.75(e) for any finish operations, including touch-up and repair. Any other application technologies may be used for touch-up repair if the area is equal to or less than 1 inch in diameter.

Finally, this commentator indicated that small operations and facilities in rural areas should be exempted from the requirements because they have little impact on air quality. This commentator suggested that applicability could be determined based on paint throughput or location. The Board does not believe that applicability based on throughput is appropriate. This requirement would require additional recordkeeping and monitoring for all facilities. Because applicability based on location could impose competitive inequities, the regulations will be applied Statewide. In addition, the VOC standards in the regulation for coatings and other finishing materials are consistent with Federal requirements for the materials and impose no additional requirements. Materials that do not meet the standards will not be available or used after the effective date of the regulation. The finish material and solvent management practices specified in the regulation are consistent with good operating practices and should result in cost savings to the facilities. Finally, as previously stated, permits will not be required for affected facilities under the final regulations.

One commentator strongly supported a Statewide requirement that all facilities that provide automobile refinishing services for compensation meet all permitting regulations. The Board has determined that requiring permits for affected facilities is not a cost effective manner to implement the program. Consequently, permits will not be required under the final regulations for automotive repair and refinishing facilities.

One commentator objected to the permitting of vehicle dealerships that perform refinishing because of high costs of the permits. The Board has determined that permits will not be required. The final regulations do not contain either notification or permitting requirements for refinish facilities.

This same commentator suggested that the Department establish a confidential whistle blower program through which its noncompliant facilities could be reported. Under current procedures, individuals may file complaints with the Department regarding suspected noncompliance. The identity of the complainant is maintained as confidential information by the Department. Consequently, there is no need for a separate procedure under these regulations.

In addition, this commentator suggested that the Department revise the regulations to allow the use of

inventories of noncompliant finish materials. The Board disagrees. Allowing the exemption could reward operators who purchased significant stockpiles of noncompliant materials. When the quantity of material is small and it is clear that there was no intent on the part of the operator to circumvent the regulations, the Department can exercise enforcement discretion.

One commentator indicated that the Board should assure that the coating VOC limits in the regulations are consistent with the Federal rule published in the *Federal Register* on September 11, 1998. The Board has revised the Table of Allowable VOC Limits to make it consistent with the Federal rule.

The commentator indicated that the Department should clarify the actions that an operator should take to minimize spills. The Board has specified that spouts should be on larger containers of materials during transfer operations.

The commentator indicated that the Board should specify standards for the quality and content of training and validation of the training. The Board does not intend the training activities to be formalized to the extent that operators are required to attend formal training with testing and certification requirements. Training requirements are intended to assure that operators are advised of the proper finish material and equipment handling techniques and other required practices. Typically, this type of instruction is provided by finish and equipment suppliers as part of their customer service activities. Notation and employe records or other documentation of attendance at these sessions would be adequate to indicate the training. Employers may choose to send employes to formalized training programs if they desire. However, specific standards for the training have not been included in the final regulations.

One commentator indicated that the Board should clarify application technology exemptions related to brush coating and touch-up and repair by brush. The Board has revised the final regulations to clarify that all mobile equipment touch-up repair activities are exempt from the application technology requirements. In addition, refinish of larger areas by use of a brush and other listed application technology are accepted for larger areas. Additionally, the commentator indicates that the Board should consider a number of factors in establishing fees for permits including whether fees should be different based on facility size or emissions and whether the fee cost is consistent with the cost of implementing the program. The final regulations do not contain new requirements for permits for affected facilities. As previously stated, permits will not be required unless a facility is subject to other permitting requirements under Chapter 127 (relating to construction, modification, reactivation and operation of sources).

Finally, the commentator indicated that the regulation does not specify the manner of enforcement or the penalties for noncompliance. The commentator recommends that the Board reference applicable provisions in the regulations. The Board disagrees that the regulations should specify the manner of enforcement and penalties for noncompliance. Enforcement will be handled consistent with existing policies and procedures. Additionally, penalties for noncompliance are set forth in the Air Pollution Control Act (35 P. S. §§ 4001—4015).

#### G. *Benefits, Costs and Compliance*

Executive Order 1996-1 requires a cost-benefit analysis of the final regulations.



### Benefits

Overall, the citizens of this Commonwealth will benefit from these recommended changes because they provide appropriate controls on VOC emissions and automobile equipment and repair refinishing facilities.

### Compliance Costs

These regulations will increase compliance costs. Equipment costs will be slightly higher, but the increase in equipment costs will be recovered by savings and operating costs. There may be some increases in costs associated with the training requirement.

### Compliance Assistance Plan

The Department plans to educate and assist the public and the regulated community with understanding the newly revised regulations. The final regulations require that persons applying mobile equipment repair and refinishing coatings receive training in proper use in handling of coatings, solvents and related products. This will be accomplished through Department-sponsored training.

Low interest funding is available through the Department's Office of Pollution Prevention and Compliance Assistance for the purchase of spray guns and spray gun cleaners.

### Paperwork Requirements

The regulatory revisions will not increase the paperwork related to this class of facilities. The only required records are to demonstrate employe training. These should be maintained as a normal business practice.

### H. Sunset Review

These final-form regulations will be reviewed in accordance with the Sunset Review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

### I. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 8, 1998, the Department submitted a copy of the proposed rulemaking to IRRC and the Chairpersons of the Senate and House Environmental Resources and Energy Committees. In compliance with section 5(c) of the Regulatory Review Act, the Department also provided IRRC and the Committees with copies of the comments as well as other documentation.

In preparing these final-form regulations, the Department has considered the comments received from IRRC and the public. These comments are addressed in the Comment and Response Document and Section E of this Preamble. The Committees did not provide comments on the proposed rulemaking.

These final-form regulations were deemed approved by the House and Senate Environmental Resources and Energy Committees on October 25, 1999. IRRC met on November 4, 1999, and approved the final-form regulations in accordance with section 5.1(e) of the Regulatory Review Act.

### J. Findings

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and regulations promulgated thereunder in 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and all comments were considered.

(3) These final-form regulations do not enlarge the purpose of the proposal published at 28 Pa.B. 4867 (September 26, 1998).

(4) These final-form regulations are necessary and appropriate for administration and enforcement of authorizing acts defined in Section C of this Preamble and are reasonably necessary to achieve and maintain the NAAQS for ozone.

### K. Order

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

(a) The regulations of the Department, 25 Pa. Code Chapters 121 and 129, are amended by amending § 121.1 and by adding § 129.75 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

(c) The Chairperson shall submit this order and Annex A to IRRC and the Senate and House Environmental Resources and Energy Committees as required by the Regulatory Review Act.

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

(e) This order shall take effect immediately.

JAMES M. SEIF,  
Chairperson

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 29 Pa.B. 5963 (November 20, 1999).)*

**Fiscal Note:** Fiscal Note 7-334 remains valid for the final adoption of the subject regulations.

## Annex A

### TITLE 25. ENVIRONMENTAL PROTECTION PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

#### Subpart C. PROTECTION OF NATURAL RESOURCES

#### ARTICLE III. AIR RESOURCES

#### CHAPTER 121. GENERAL PROVISIONS

##### § 121.1. Definitions.

The definitions in section 3 of the act (35 P. S. § 4003) apply to this article. In addition, the following words and terms, when used in this article, have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

*Airless spray*—A spray coating method in which the coating is atomized by forcing it through a small nozzle opening at high pressure. The coating is not mixed with air before exiting from the nozzle opening.

\* \* \* \* \*

*Antique motor vehicle*—A motor vehicle, but not a reproduction thereof, manufactured more than 25 years prior to the current year which has been maintained in or

restored to a condition which is substantially in conformance with manufacturer specifications.

\* \* \* \* \*

*Automotive elastomeric coating*—A coating designed for application over surfaces of flexible mobile equipment and mobile equipment components, such as elastomeric bumpers.

*Automotive impact-resistant coating*—A coating designed to resist chipping caused by road debris.

*Automotive jambing clearcoat*—A fast-drying, ready-to-spray clearcoat applied to surfaces such as door jambs and trunk and hood edges to allow for quick closure.

*Automotive lacquer*—A thermoplastic coating applied directly to bare metal surfaces of mobile equipment and mobile equipment components which dries primarily by solvent evaporation, and which is resoluble in its original solvent.

*Automotive low-gloss coating*—A coating which exhibits a gloss reading less than or equal to 25 on a 60° glossmeter.

*Automotive multicolored topcoat*—A topcoat that exhibits more than one color, is packaged in a single container, and camouflages surface defects on areas of heavy use, such as cargo beds and other surfaces of trucks and other utility vehicles.

*Automotive pretreatment*—A primer that contains a minimum of 0.5% acid, by weight, that is applied directly to bare metal surfaces of mobile equipment and mobile equipment components to provide corrosion resistance and to promote adhesion of subsequent coatings.

*Automotive primer-sealer*—A coating applied to mobile equipment and mobile equipment components prior to the application of a topcoat for the purpose of providing corrosion resistance, promoting the following:

- (i) Adhesion of subsequent coatings.
- (ii) Color uniformity.
- (iii) The ability of the undercoat to resist penetration by the topcoat.

*Automotive primer-surfacer*—A coating applied to mobile equipment and mobile equipment components prior to the application of topcoat for the purpose of:

- (i) Filling surface imperfections in the substrate.
- (ii) Providing corrosion resistance.
- (iii) Promoting adhesion of subsequent coatings.

*Automotive specialty coating*—Coatings, including, but not limited to, elastomeric coatings, adhesion promoters, low gloss coatings, bright metal trim repair coatings, automotive jambing clearcoats, impact resistant coatings, rubberized asphaltic underbody coatings, uniform finish blenders, weld-through primers applied to automotive surfaces and lacquer topcoats applied to a classic motor vehicle or to an antique motor vehicle.

*Automotive topcoat*—A coating or series of coatings applied over an automotive primer-surfacer, automotive primer-sealer or existing finish on the surface of mobile equipment and mobile equipment components for the purpose of protection or beautification.

*Automotive touch up repair*—The application of automotive topcoat finish materials to cover minor finishing imperfections equal to or less than 1 inch in diameter.

\* \* \* \* \*

*Classic motor vehicle*—A motor vehicle, but not a reproduction thereof, manufactured at least 15 years prior to the current year which has been maintained in or restored to a condition which is substantially in conformity with manufacturer specifications and appearance.

\* \* \* \* \*

*Mobile equipment*—Equipment which may be driven or is capable of being driven on a roadway including, but not limited to:

- (i) Automobiles.
- (ii) Trucks, truck cabs, truck bodies and truck trailers.
- (iii) Buses.
- (iv) Motorcycles.
- (v) Utility bodies.
- (vi) Camper shells.
- (vii) Mobile cranes.
- (viii) Bulldozers.
- (ix) Street cleaners.
- (x) Golf carts.
- (xi) Ground support vehicles, used in support of aircraft activities at airports.
- (xii) Farm equipment.

\* \* \* \* \*

**CHAPTER 129. STANDARDS FOR SOURCES**

**SOURCES OF VOCs**

**§ 129.75. Mobile equipment repair and refinishing.**

(a) Except as provided in subsection (b), this section applies to a person who applies mobile equipment repair and refinishing or color matched coatings to mobile equipment or mobile equipment components.

(b) This section does not apply to a person who applies surface coatings to mobile equipment or mobile equipment components under one of the following circumstances:

- (1) The surface coating process is subject to the miscellaneous metal parts finishing requirements of § 129.52 (relating to surface coating processes).
- (2) The surface coating process is at an automobile assembly plant.
- (3) The person applying the coatings does not receive compensation for the application of the coatings.

(c) Beginning November 27, 2000, a person may not apply to mobile equipment or mobile equipment components any automotive pretreatment, automotive primer-surfacer, automotive primer-sealer, automotive topcoat and automotive specialty coatings including any VOC-containing materials added to the original coating supplied by the manufacturer, that contain VOC's in excess of the limits specified in Table III.

Table III  
Allowable Content of VOCs in Mobile Equipment  
Repair and Refinishing Coatings

**Allowable VOC Content  
(as applied)**

Weight of VOC per Volume of Coating (minus  
water and non-VOC solvents)

Coating Type	Limit Pounds per Gallon	Grams per Liter
Automotive pretreatment primer	6.5	780
Automotive primer-surfacer	4.8	575
Automotive primer-sealer	4.6	550
Automotive topcoat		
single stage-topcoat	5.0	600
2 stage basecoat/clearcoat	5.0	600
3 or 4-stage basecoat/clearcoat	5.2	625
Automotive multicolored topcoat	5.7	680
Automotive specialty	7.0	840

(d) A person who provides mobile equipment repair and refinishing coatings subject to this section shall provide documentation concerning the VOC content of the coatings calculated in accordance with the following:

(1) The mass of VOC per combined volume of VOC and coating solids, less water and exempt compounds, shall be calculated by the following equation:

$$\text{VOC} = \frac{(W_v - W_w - W_{ec})}{(V - V_w - V_{ec})}$$

where:

VOC = VOC content in grams per liter (g/l) of coating less water and non-VOC solvents,

$W_v$  = Mass of total volatiles, in grams.

$W_w$  = Mass of water, in grams.

$W_{ec}$  = Mass of exempt compounds, in grams.

$V$  = Volume of coating, in liters.

$V_w$  = Volume of water, in liters.

$V_{ec}$  = Volume of exempt compounds, in liters.

To convert from grams per liter to pounds per gallon (lb/gal), multiply the result (VOC content) by  $8.345 \times 10^{-3}$  (lb/gal/g/l).

(2) The VOC content of a multistage topcoat shall be calculated by the following equation:

$$\text{VOC}_{\text{multi}} = \frac{\text{VOC}_{\text{bc}} + \sum_{i=0}^M \text{VOC}_{\text{mci}} + 2(\text{VOC}_{\text{cc}})}{M + 3}$$

where:

$\text{VOC}_{\text{multi}}$  = VOC content of multistage topcoat, g/l

$\text{VOC}_{\text{bc}}$  = VOC content of basecoat, g/l

$\text{VOC}_{\text{mci}}$  = VOC content of the midcoat(s), g/l

$\text{VOC}_{\text{cc}}$  = VOC content of the clear coat, g/l

$M$  = number of midcoats

(e) Beginning November 27, 2000, a person at a facility subject to this section shall use one or more of the following application techniques to apply any finish material listed in Table III:

- (1) Flow/curtain coating.
- (2) Dip coating.
- (3) Roller coating.
- (4) Brush coating.
- (5) Cotton-tipped swab application.
- (6) Electrodeposition coating.
- (7) High volume low pressure (HVLP) spraying.
- (8) Electrostatic spray.
- (9) Airless spray.
- (10) Other coating application method that the person demonstrates and the Department determines achieves emission reductions equivalent to HVLP or electrostatic spray application methods.

(f) The following situations are exempt from the application equipment requirements in subsection (e):

- (1) The use of airbrush application methods for stenciling, lettering and other identification markings.
- (2) The application of coatings sold in nonrefillable aerosol containers.
- (3) Automotive touch-up repair.

(g) Spray guns used to apply mobile equipment repair and refinishing coatings shall be cleaned by one of the following:

- (1) An enclosed spray gun cleaning system that is kept closed when not in use.
- (2) Unatomized discharge of solvent into a paint waste container that is kept closed when not in use.
- (3) Disassembly of the spray gun and cleaning in a vat that is kept closed when not in use.
- (4) Atomized spray into a paint waste container that is fitted with a device designed to capture atomized solvent emissions.

(h) The owner and operator of a facility subject to this section shall implement the following housekeeping and pollution prevention and training measures:

- (1) Fresh and used coatings, solvent and cleaning solvents shall be stored in nonabsorbent, nonleaking containers. The containers shall be kept closed at all times except when filling or emptying.
- (2) Cloth and paper, or other absorbent applicators, moistened with coatings, solvents or cleaning solvents, shall be stored in closed, nonabsorbent, nonleaking containers.
- (3) Handling and transfer procedures shall minimize spills during the transfer of coatings, solvents and cleaning solvents through the use of devices including pumps or spouts on larger containers.

(4) Ensure that a person who applies mobile equipment repair and refinishing coatings has completed training in the proper use and handling of the mobile equipment repair and refinishing coatings, solvents and waste products to minimize the emission of air contaminants and to comply with this section.

[Pa.B. Doc. No. 99-2004. Filed for public inspection November 24, 1999, 9:00 a.m.]

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# PROPOSED RULEMAKING

## Title 6—AGING

### PART I. DEPARTMENT OF AGING

#### [6 PA. CODE CH. 15]

#### Protective Services for Older Adults

The Department of Aging (Department), to safeguard more effectively the rights and protection of incapacitated older adults, proposes to amend Chapter 15 (relating to protective services for older adults), to read as set forth in Annex A. The Department proposes these amendments under the authority of the Older Adults Protective Services Act (OAPSA) (35 P. S. §§ 10225.101—10225.5102). Proposed amendments clarify definitions and operational elements to reflect the experience of the protective services agencies (Area Agencies on Aging (AAA)) over the last decade, and add sections to implement the requirements of recent legislation requiring applicants and specified employes at care-providing facilities to obtain criminal history record checks and requiring administrators and employes at these facilities to report suspected abuse.

#### *Background*

The OAPSA which became law on November 6, 1987, established a program of protective services for older adults designed to provide for the detection and reduction, correction or elimination of abuse, neglect, exploitation and abandonment. To implement the OAPSA, the Department established a Statewide network of 52 local older adult protective services programs administered by AAAs. Since 1988, AAAs have administered local protective services plans, which include provisions for receiving, on a 24-hour a day, 365 days per year basis, reports of older adults in need of protective services, investigating these reports, and, as necessary, providing an array of protective services tailored to the needs of the older adult.

For SFY 1996-97, AAAs received 7,578 reports of need for protective services; of these, 2,075, or 27.4%, were substantiated. Services most often provided to protective services clients during SFY 1996-97 included, in rank order: care management, home-delivered meals, personal care, legal assistance, transportation, overnight shelter, home support, home health and day care.

Amendments are proposed to Chapter 15 to accomplish the following:

1. Updating regulatory language to reflect state-of-the-art program terminology and to replace outdated statutory and regulatory citations.
2. Clarification of definitions in § 15.2 (relating to definitions), and of text throughout the regulations, to reflect a decade of experience by AAAs in implementing both the OAPSA and protective services regulations.
3. Addition of definitions and of new sections dealing with criminal history record information reports and mandatory reporting of suspected abuse, to implement changes to the OAPSA made by the act of December 18, 1996 (P. L. 1125, No. 169) (Act 169) (35 P. S. §§ 10225.501—10225.508) and the act of June 9, 1997 (P. L. 160, No. 13) (Act 13) (35 §§ 10225.701—10225.708).

#### *Purpose of the Proposed Rulemaking*

AAAs have been providing protective services under the OAPSA for a decade; many AAAs provided them for many years before passage of the OAPSA and implementing regulations. Through this experience, it became apparent that, in several instances, the protective services regulations repeated language in the OAPSA without providing additional clarity or guidance. In addition, several regulatory provisions either unnecessarily restricted AAAs in carrying out their responsibilities under the OAPSA or, because they were written in 1988, inadequately described the ways in which AAAs could most efficiently and effectively provide a program of protective services. The proposed amendments to existing regulations in Chapter 15, as set forth in Annex A, responsibly address the previously mentioned needs for improvement. They reflect the input of a work group of AAA Administrators representing the Pennsylvania Association of Area Agencies on Aging and the recommendations of protective services supervisors and caseworkers from across this Commonwealth who participated in discussion sessions and responded to Departmental surveys.

Sections 504 and 708 of the OAPSA (35 P. S. §§ 10225.504 and 10225.708) require the Department to promulgate regulations necessary to carry out Chapters 5 and 7 of the OAPSA dealing, respectively, with criminal history record checks for applicants for employment and for certain employes of specified care-providing facilities, and with mandatory reporting of suspected abuse by administrators and employes of these same facilities. The proposed amendments are responsive to these statutory requirements and reflect preliminary input from attendees at a meeting of stakeholders representing the Departments of Education, Health and Public Welfare, the Pennsylvania Associations of Home Health Agencies, Non-Profit Homes for the Aging, County-Affiliated Homes, AAA Administrators and the Pennsylvania Health Care Association.

The following is a brief description of significant proposed changes, listed by section, which modify requirements under the original regulations published in 1988 and which add requirements to implement Acts 169 and 13:

#### A. *General Provisions*

*Section 15.2.* The proposed rulemaking adds or amends definitions of "abuse," "case file," "client assessment," "neglect," "open disposition," "operator," "protective services" and "State-licensed facility" to clarify or to update terminology. Definitions of "administrator," "applicant," "care," "care-dependent individual," "employe," "facility," "home health agency," "intimidation," "law enforcement official," "recipient," "serious physical injury," "serious bodily injury," "sexual abuse" and "State Police" are proposed to be added to conform to the OAPSA.

#### B. *Program Administration*

*Section 15.13.* The proposed rulemaking deletes the prohibition on generic caseworkers and on using Ombudsman and OPTIONS caseworkers, and deletes the requirement for annual submission of caseload adjustment method.

*C. Reporting Suspected Abuse, Neglect, Abandonment or Exploitation*

*Section 15.22.* The proposed rulemaking extends legal protection to persons who assist the Department; corrects language regarding damages; and adds a subsection on intimidation to conform to OAPSA.

*D. Investigating Reports of Need for Protective Services*

1. *Section 15.41.* The proposed rulemaking adds language to emphasize the importance of collateral information in investigating reports.

2. *Section 15.42.* The proposed rulemaking adds language to emphasize the Department's right to intervene in an agency's investigation; and removes requirement that investigations are completed only after provision of services.

3. *Section 15.45.* The proposed rulemaking adds a requirement to use a licensing agency's after-hours phone number, if there is one.

*E. Provision of Services*

1. *Section 15.91.* The proposed rulemaking adds language to make it clear that protective services are provided only subsequent to an investigation.

2. *Section 15.95.* The proposed rulemaking removes the requirement that all protective services cases be reassessed every 30 days; requires that a reassessment be done before a case is terminated, transferred or whenever the agency judges it to be appropriate.

*F. Staff Training*

1. *Section 15.123.* The proposed rulemaking adds the requirement that the protective services investigation training curriculum include topic dealing with coordination with other State agencies.

2. *Section 15.127.* The proposed rulemaking makes three specified topics for annual in-service training optional, rather than mandatory.

*G. Criminal History Record Information Reports*

Eight sections are added to carry out the provisions of Chapter 5 of the OAPSA. In addition to restating, as necessary, the quasi-regulatory language in Chapter 5 of the OAPSA, these sections accomplish the following:

1. *Section 15.131.* Language operationalizes the Department's responsibility to serve as intermediary between applicants and specified employees and the FBI to obtain Federal criminal history record information for nonresidents; allows facilities to require proof of residency and includes list of acceptable documents.

2. *Section 15.132.* Subsection (a)(5) and (6) provide clarification regarding employee provision of criminal history record information at facilities which supply, arrange for, or refer employees to provide care in other facilities. Subsection (b) absolves facilities of liability for employee failure to comply with section 5 of the OAPSA.

3. *Section 15.133.* Subsection (c) requires facilities to take specified actions whenever required information is not contained in criminal history background checks. Subsections (e)—(i), respectively, require facilities to explain to applicants their responsibility to obtain criminal history reports; require facilities to assure confidentiality; exempt certain facilities from maintaining State and Federal criminal history records; and require exempted facilities to assure that employees have complied with criminal history record information requirements and that their records are available when necessary.

4. *Section 15.134.* Details procedures for obtaining State and Federal criminal history record information; allows facilities to assume responsibility for fees; requires facilities to assist applicants and employees completing necessary forms, if requested; and places responsibility on applicants and employees to obtain required information which is not contained in criminal history background checks, to review criminal history record reports for accuracy and to request a review of the Department's determination.

5. *Section 15.135.* Sets forth applicants' rights to review, challenge and appeal the accuracy of criminal history record information reports and, upon successful challenge, to be considered for any available positions for which they qualify.

6. *Section 15.136.* Sets forth the rights of facility personnel to review, challenge and appeal the accuracy of criminal history record information reports and, upon successful challenge, to be reinstated to their former, or to an equivalent, position.

7. *Section 15.137.* Subsection (a)(5) requires that provisionally-employed applicants receive an orientation, describes the orientation and requires that applicants receive regular supervisory observation. Subsection (d) extends the period of provisional employment when information regarding criminal history record reports has not been received within specified timeframes because the State Police or FBI have not provided the information.

8. *Section 15.138.* Subsection (a)(4) requires representatives of Commonwealth agencies having knowledge of violations of the OAPSA to report them to the appropriate licensing agency.

*H. Reporting Suspected Abuse*

Nine sections are added to carry out the provisions of Chapter 7 of the OAPSA. In addition to restating, as necessary, the quasi-regulatory language in Chapter 7 of the OAPSA, these sections accomplish the following:

1. *Section 15.141.* Subsection (c) adds a requirement that AAAs notify State licensing agencies when written reports of abuse are received.

2. *Section 15.142.* Subsection (a)(2) details the procedure employees or administrators must follow in reporting to the Department.

3. *Section 15.143.* Subsection (a) allows facilities to duplicate report forms for submission to AAAs and law enforcement officials.

4. *Section 15.144.* Adopts the language of section 702 of the OAPSA; adds a requirement that AAAs provide the Department with a copy of all reports involving a victim/recipient under age 60.

5. *Section 15.145.* Subsection (a)(1)—(7) establish responsibility for conducting investigations in response to reports of abuse of persons over 60 and of persons under 60. They also direct that reports and notification be made to agencies consistent with victim/recipient place of residence or with the presence or absence of mental health or mental retardation issues.

6. *Section 15.146.* Subsections (a)—(e) require facilities, within 90 days of publication of these regulations, to develop and submit a facility supervision/suspension plan; establish minimum plan requirements; require that plans

be approved and followed; require facilities, when notified that an employe has committed abuse, to develop, submit and implement an individual plan of supervision; require that individual plans be approved and followed.

7. *Section 15.147.* Adopts the language of section 705 of the OAPSA.

8. *Section 15.148.* Subsection (a)(4) requires representatives of Commonwealth agencies who have knowledge of violations to report them to the appropriate licensing agency. Subsection (c) requires AAAs which learn of a person's refusal to complete all mandated reporting requirements to notify the police.

9. *Section 15.149.* Adopts the language of section 707 of the OAPSA.

*Persons and Entities Affected*

These proposed amendments will affect applicants and, with specified exceptions, employes of designated facilities who must obtain State or Federal, or both, criminal history record checks as a condition of initial or continued employment; applicants, employes and facilities who bear the cost of these record checks; facilities which are prohibited from hiring applicants, or from retaining employes, whose record reveals conviction of one or more specified offenses; the State Police, the FBI and the Department, which bear the cost of additional personnel to process criminal history record reports and related paperwork; and facility administrators and owners who are subject to civil or criminal penalties, or both, for committing specified prohibited acts or for failing to act.

These proposed amendments will also affect staff of the Departments of Aging, Health and Public Welfare, coroners' offices, law enforcement agencies, and AAAs, who will be receiving and investigating mandatory reports of abuse made by employes and administrators of facilities under their jurisdiction or in their geographic areas; residents of specified care-providing facilities who are victims of abuse; and administrators and staff of specified care-providing facilities, who are required to report suspected abuse and are subject to civil or criminal penalties, or both, for committing specified prohibited acts or for failing to act.

*Cost and Paperwork Requirements*

Costs imposed by this proposed rulemaking result from increased personnel costs to process criminal history background checks. In SFY 1998-99, the Department will incur costs of \$100,000 to process FBI checks. In SFY 1998-99, the State Police will incur costs estimated at \$161,625 to process the State Police Criminal Background checks.

Costs are also incurred by applicants for employment and specified employes at care-providing facilities to pay the fee for obtaining the State Police and FBI Criminal History Background checks. Alternatively, care-providing facilities may elect to bear these costs for employes and applicants. In SFY 1998-99, it is estimated that 3,746 persons will require FBI record checks, at a cost of \$24 for each record check. An estimated 15,077 persons will require Pennsylvania record checks, at a cost of \$10 for each record check, during this same period. The State Police receive the \$10 fee; the Department receives no part of the \$24 fee, which is passed through to the FBI.

There will be some increase in the costs of paperwork for care-providing facilities to make written reports of suspected abuse to AAAs and, in some cases, to law

enforcement officials. AAAs will be required in some cases to send reports of suspected abuse to the Department and coroners. Facilities will be required to send facility and individual supervision plans to AAAs and licensing agencies, and to make reports of suspected abuse available to specified persons and agencies.

*Effectiveness/Sunset Date*

The proposed amendments will take effect on the date of publication in the *Pennsylvania Bulletin* as final-form rulemaking.

The effectiveness of these regulations will be evaluated as part of the Department's annual review of the protective services program.

*Public Comment Period*

Interested persons are invited to submit any comments, suggestions or objections regarding these proposed amendments to Robert F. Hussar, Chief, Division of Program and Regulatory Coordination, Department of Aging, 555 Walnut Street, Fifth Floor, Harrisburg, PA, 17101-1919, (717) 783-6207, within 30 days of the date of publication of this Notice in the *Pennsylvania Bulletin*.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on November 15, 1999, the Department submitted a copy of this proposed proposed rulemaking to IRRC, and the Chairpersons of the House Aging and Youth and the Senate Aging and Youth Committees. In addition to submitting the proposed rulemaking, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the agency in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

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

RICHARD BROWDIE,  
*Secretary*

**Fiscal Note:** 1-17. (1) General Fund and Lottery Fund;

<i>State Police— General Government Operations (General Fund)</i>	<i>Department of Aging— General Government Operations (Lottery Fund)</i>
(2) Implementing Year 1998-99 is \$238,840	\$100,000;
(3) 1st Succeeding Year 1999-00 is \$241,200	\$ 85,000;
2nd Succeeding Year 2000-01 is \$246,560	\$ 89,000;
3rd Succeeding Year 2001-02 is \$251,920	\$ 93,000;
4th Succeeding Year 2002-03 is \$257,280	\$ 97,000;
5th Succeeding Year 2003-04 is \$262,640	\$101,000;
(4) 1997-98 \$119.612 Million	\$4.318 Million
1996-97 \$115.418 Million	\$4.298 Million
1995-96 \$109.830 Million	\$6.755 Million

(7) State Police—General Government Operations (General Fund) and Department of Aging—General Government Operations (Lottery Fund); (8) recommends adoption.

Annex A

TITLE 6. AGING

PART I. DEPARTMENT OF AGING

CHAPTER 15. PROTECTIVE SERVICES FOR OLDER ADULTS

GENERAL PROVISIONS

§ 15.1. Scope and authority.

\* \* \* \* \*

(b) This chapter applies to the Department, the Department of Health, the Department of Public Welfare, area agencies on aging, providers of protective services for older adults, parties to the making and investigation of reports of a need for protective services by older adults [ and ], subjects of reports and investigations, and the facilities defined in this chapter.

\* \* \* \* \*

§ 15.2. Definitions.

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

\* \* \* \* \*

Abuse—

[ (i) ] The occurrence of one or more of the following acts:

[ (A) ] (i) \*\*\*

[ (B) ] (ii) \*\*\*

[ (C) ] (iii) Sexual harassment, rape or abuse, as defined in [ the ] 23 Pa.C.S. §§ 6101—6117 (relating to the Protection From Abuse Act [ (35 P. S. §§ 10181—10190).

(ii) No older adult will be found to be abused solely on the grounds of environmental factors which are beyond the control of the older adult or the caretaker, such as inadequate housing, furnishings, income, clothing or medical care. ]

Act—The Older Adults Protective Services Act (35 P. S. §§ [ 10211—10224 ] 10225.101—10225.5102).

Administrator—The person responsible for the administration of a facility. The term includes a person responsible for employment decisions or an independent contractor.

\* \* \* \* \*

Applicant—An individual who submits an application, which is being considered for employment, to a facility.

\* \* \* \* \*

Care—Services provided to meet a person's need for personal care or health care. Services may include homemaker services, assistance with activities of daily living, physical therapy, occupational therapy, speech therapy medical social services, home-care aide services, companion-care services, private duty nursing services, respiratory therapy, intravenous therapy, in-home dialysis and durable

medical equipment services, which are routinely provided unsupervised and which require interaction with the care-dependent person. The term does not include durable medical equipment delivery.

Care-dependent individual—An adult who, due to physical or cognitive disability or impairment, requires assistance to meet needs for food, shelter, clothing, personal care or health care.

Caretaker—An individual or institution that has assumed the responsibility for the provision of care needed to maintain the physical or mental health of an older adult. This responsibility may arise voluntarily, by contract, by receipt of payment for care, as a result of family relationship or by order of a court of competent jurisdiction. [ It is not the intent of the act to impose responsibility on an individual if the responsibility would not otherwise exist in law. ]

Case file [ or ], case record or record—A complete record of the information received and the actions taken by the agency on each report of need received. [ of an older adult in need of protective services. The case file shall, when ] When applicable, it shall include, but not be limited to, the following elements:

\* \* \* \* \*

(iii) [ Client assessment ] Assessment.

\* \* \* \* \*

(v) Notifications of [ clients ] older adults, alleged perpetrators, police [ and the like ], agencies, organizations, and individuals.

\* \* \* \* \*

Client assessment—A determination based upon a comprehensive review of a client's social, physical and psychological status along with a description of the person's current resources and needs using the instruments and procedures established by the Department for this purpose.

\* \* \* \* \*

Court—A court of common pleas or a district [ justice ] magistrate, if applicable.

\* \* \* \* \*

Employe—An individual who is employed by a facility. The term includes contract employes who have direct contact with residents or unsupervised access to their personal living quarters. The term also includes any person who is employed by, or who enters into a contractual relationship with, or who establishes any other agreement or arrangement with a home health care agency to provide care to a care-dependent individual in the individual's place of residence for a fee, stipend or monetary consideration of any kind.

\* \* \* \* \*

Facility—Any of the following:

(i) A domiciliary care home as defined in section 2202-A of The Administrative Code of 1929 (71 P. S. § 581-2).

(ii) A home health care agency.

(iii) A long-term care nursing facility as defined in section 802.1 of the Health Care Facilities Act (35 P. S. § 448.802a).



(iv) An older adult daily living center as defined in section 2 of the Older Adult Daily Living Centers Licensing Act (62 P. S. § 1511.2).

(v) A personal care home as defined in section 1001 of the Public Welfare Code (62 P. S. § 1001) including those entities licensed as personal care homes who publicly advertise, promote or otherwise hold themselves out to the public as assisted living facilities.

*Home health care agency—*

(i) Any of the following:

(A) A home health care organization or agency licensed by the Department of Health.

(B) A public or private agency or organization, or part of an agency or organization, which provides care to a care-dependent individual in the individual's place of residence.

(ii) The term includes private duty home care providers, homemaker/home health aide providers, companion care providers, registry services, intravenous therapy providers, or any other entity which supplies, arranges for, or refers personnel to provide care for which that entity receives a fee, consideration or compensation of any kind.

*Intimidation—*An act or omission by a person or entity toward another person which is intended to, or with knowledge that the act or omission will, obstruct, impede, impair, prevent or interfere with the administration of the act or a law intended to protect older adults from mistreatment.

*Investigation—*A systematic inquiry conducted by the agency to determine if allegations made in a report of need for protective services can be substantiated or if the older adult referred to in the report of need is an older adult in need of protective services.

*Incapacitated older adult—*An older adult who, because of one or more functional limitations, needs the assistance of another person to perform or obtain services necessary to maintain physical or mental health. This term carries no reference to the competency or incompetency of an older adult as defined in [ the act of June 30, 1972 (P. L. 508, No. 164) (20 P. S. §§ 5501—5537) 20 Pa.C.S. §§ 5501—5555, known as the [ Incompetents ] Incapacitated Persons Act.

\* \* \* \* \*

*Law enforcement official—*One of the following:

- (i) A police officer of a municipality.
- (ii) A district attorney.
- (iii) The Pennsylvania State Police.

\* \* \* \* \*

*Neglect—*The failure to provide for oneself or the failure of a caretaker to provide goods or services essential to avoid a clear and serious threat to physical or mental health. [ An older adult who does not consent to the provision of protective services will not be found to be neglected solely on the grounds of environmental factors which are beyond the control of the older adult or the caretaker, such as inadequate housing, furnishings, income, clothing or medical care. ]

\* \* \* \* \*

*Open disposition—*A situation in which a criminal history background check contains arrest information but does not contain information regarding one or more of the following: a final decision or sentencing announced by the court, the offense code, grading of the offense, or other information required in making a determination regarding an applicant or employe.

*Operator—*A person, society, corporation, governing authority or partnership legally responsible for the administration and operation of a facility.

\* \* \* \* \*

*Protective services—*Activities, resources and supports provided to older adults under the act, subsequent to an investigation, to [ detect, ] prevent, reduce or eliminate abuse, neglect, exploitation [ and ] or abandonment.

\* \* \* \* \*

*Recipient—*An individual who receives care, services or treatment in or from a facility.

\* \* \* \* \*

*Serious bodily injury—*Injury resulting from abuse or neglect which creates a substantial risk of death or which causes serious permanent disfigurement or protracted loss or impairment of the function of a body member or organ.

*Serious physical injury—*An injury resulting from abuse or neglect that does one of the following:

- (i) Causes a person severe pain.
- (ii) Significantly impairs a person's physical functioning, either temporarily or permanently.

\* \* \* \* \*

*Sexual abuse—*Intentionally, knowingly or recklessly causing or attempting to cause rape, involuntary deviate sexual intercourse, sexual assault, statutory sexual assault, aggravated indecent assault, indecent assault or incest.

*State-licensed facility—*[ An ] For all purposes involved in the determination of whether an individual is an older adult in need of protective services, a State licensed facility is defined as an institution licensed by the Commonwealth to provide temporary or permanent residence to persons in need of personal care or medical care, including, but not limited to, nursing homes, personal care homes, hospitals, State hospitals and mental retardation centers.

*State Police—*The Pennsylvania State Police.

**PROGRAM ADMINISTRATION**

**§ 15.11. Administrative functions and responsibilities of the Department.**

(a) *General responsibilities.* The Department will establish and maintain a Statewide system of protective services for older adults who need them. These services will be available and accessible through local protective services agencies. In maintaining this system of protective services, the Department's functions and responsibilities include, but are not limited to, the following:

\* \* \* \* \*

\* \* \* \* \*

(4) The development and maintenance of a fiscal and service data collection system to collect information on local reports of a need for protective services, investigations [ of reports ], services provided and other relevant data on protective services activities.

\* \* \* \* \*

§ 15.12. Administrative functions and responsibilities of area agencies on aging.

\* \* \* \* \*

(b) Protective services plan. [ By February 24, 1989 an area agency on aging shall submit, as a supplement to its annual area plan, a protective services plan which includes a certification by the area agency that it is prepared to fulfill its responsibilities under the act. ] The area agency on aging shall submit [ thereafter ], on an annual basis, its protective services plan to the Department. The protective services plan shall contain, at a minimum, the following information:

(1) An explanation of the organizational structure and staffing of the area agency's protective services functions, including provisions for purchasing these services if applicable. For the purpose of advising the agency on medically related issues encountered during [ client ] assessment and the development of service plans, the organizational structure shall include the consultation services of a registered nurse or physician licensed to practice in this Commonwealth.

[ (2) An explanation of how the area agency's organizational structure and staffing of protective services will prevent a conflict of interest between the investigation of reports received under this chapter and the area agency's service delivery functions. The explanation shall include assurances that the minimum criteria required under § 15.13 (relating to organization and structure of protective services functions) will be met. ]

- [ (3) ] (2) \*\*\*
[ (4) ] (3) \*\*\*
[ (5) ] (4) \*\*\*
[ (6) ] (5) \*\*\*
[ (7) ] (6) \*\*\*

\* \* \* \* \*

§ 15.13. Organization and structure of protective services functions.

\* \* \* \* \*

[ (b) General structure. The agency shall provide for some separation of protective services functions from the general functions of other agency service management and casework. The agency may provide this separation by establishing a separately identifiable protective services unit. If the agency chooses not to establish a separate, identifiable protective services unit, the agency shall identify a subset of the staff in the organizational unit which has responsibility for protective services and the agency shall assign protective services cases as provided in subsection (c). ]

- [ (c) ] (b) \*\*\*

[ (4) The agency may not designate as a protective services caseworker an area agency on aging ombudsman or a caseworker under the Department's Long Term Care Assessment and Management Program (LAMP).

(5) (4) The protective services caseload assigned to a protective services caseworker may not be planned to exceed 30 ongoing protective services cases. [ If the agency wishes to assign protective services cases to a protective services caseworker who also has other responsibilities, the agency shall set forth in its plan how it will assure that the caseworker's overall caseload is adjusted for the increased intensity of workload imposed by performing protective services functions.

- (6) (5) \*\*\*

[ (d) ] (c) Other staff. The immediate supervisor of a protective services caseworker [ is permitted to discharge nonprotective service duties. The supervisor ] is required to be trained as set forth in §§ 15.121—15.127. [ The supervisor may not be responsible for direct supervision of more than eight full-time protective services caseworkers. ] An intake worker of the agency is permitted to discharge nonprotective service duties. An intake worker who receives a report of the need for protective services shall receive training as set forth in §§ 15.121—15.127.

[ (e) ] (d) Conflict of interest. The area agency on aging shall describe in its protective services plan the steps it will take to avoid or minimize the potential of a conflict of interest between the investigative and service delivery functions in the protective services caseload. The description shall identify points in the organization and structure of protective services delivery where a potential conflict of interest may exist and explain the specific organizational responses which the area agency on aging will make to avoid or minimize that potential. The responses may include provisions for assuring some separation between the investigative and service delivery functions. The description shall also include proposed steps for addressing an actual conflict of interest if one arises. Nothing in this chapter constitutes an absolute bar to an area agency from delivering protective services and other area agency on aging services [ themselves ] itself or through the same provider solely because of the potential existence of a conflict of interest.

- [ (f) ] (e) \*\*\*

REPORTING SUSPECTED ABUSE, NEGLECT, ABANDONMENT OR EXPLOITATION

§ 15.21. General reporting provisions.

(a) A person who has reasonable cause to believe that an older adult needs protective services may report this to the local provider of protective services. An area agency on aging shall publicize, on an ongoing basis, the name, address and phone number of the agency where reports are to be made. When applicable, reports shall comply with §§ 15.141—15.147 (relating to reporting suspected abuse).

(b) No older adult will be found to be abused or neglected solely on the grounds of environmental factors which are beyond the control of the older adult or the caretaker, such as inadequate housing, furnishings, income, clothing or medical care. If these factors do result in a finding that the older adult is in need of protective services, the older adult or guardian must provide consent before services can be provided to reduce or remove the need for protective services, except in those cases involving emergency involuntary intervention.

§ 15.22. Safeguards for those who make or receive reports.

(a) Protection from retaliation. Under the act, a person or entity who takes discriminatory, retaliatory or disciplinary action against an employe or other person who makes a report, against a person who cooperates with the agency or the Department to provide testimony or other information about a report, or against a victim of abuse, commits a violation of the act. The person who takes the discriminatory, retaliatory or disciplinary action is subject to a civil lawsuit by the person who made the report, the victim of abuse named in the report, or the person who cooperated with the agency or the Department. If the court which hears the lawsuit decides in favor of the plaintiff, the plaintiff shall recover triple compensatory damages, compensatory and punitive damages or \$5,000, whichever is greater, from the person or entity which committed the violation.

(b) Immunity from liability. As provided under the act, a person who participates in the making of a report or completion of an investigation or who provides testimony in an administrative or judicial proceeding arising out of a report shall be immune from civil or criminal liability because of these actions unless the person acted in bad faith or with malicious purpose. The act does not extend this immunity to liability for acts of abuse, neglect, exploitation or abandonment, even if the acts are the subject of the report or testimony.

(c) Intimidation; penalty. A person, including the victim, with knowledge sufficient to justify making a report or cooperating with the agency, including possibly providing testimony in an administrative or judicial proceeding, shall be free from intimidation by an employer or by another person or entity. A person who violates this subsection is subject to civil lawsuit by the person intimidated or the victim wherein the person intimidated or the victim shall recover treble compensatory damages, compensatory and punitive damages or \$5,000, whichever is greater.

§ 15.23. Receiving reports; general agency responsibility.

\* \* \* \* \*

(d) Reports from outside the planning and service area. The agency shall receive all reports made regardless of their place of origin or the location in this Commonwealth of the older adult in need of protective services. If the older adult who is the subject of a report does not reside in the planning and service area of the agency or, at that time, is not in the planning and service area, the agency shall notify the agency which provides protective services

in the planning and service area where the older adult [ can be ] is located and relay to that agency the information received in the report.

§ 15.24. Receiving reports; agency intake process.

(a) Personnel who may receive reports. A report shall be received only by persons who have received training on the minimum requirements and procedures for receiving, recording, screening and referring reports under § 15.124 (relating to protective services intake training curriculum). When the agency uses an answering service to receive calls from persons reporting a need for protective services, the agency shall have one of the following options:

\* \* \* \* \*

(2) To provide that all calls are forwarded directly to designated protective services intake workers or caseworkers of the agency for completion of a Report of Need form.

\* \* \* \* \*

§ 15.25. Report form and content.

(a) Standardized [ reports ] forms. \*\*\*

\* \* \* \* \*

§ 15.26. Screening and referral of reports received.

\* \* \* \* \*

(b) Referral categories and actions.

\* \* \* \* \*

(5) No need for protective services.

(i) A report shall be placed in this category when the person reported to be in need of protective services [ does not meet ] meets one or more of the following criteria:

(A) Is [ at least ] under 60 years [ old ] of age.

(B) [ Cannot ] Has the capacity to perform or obtain, without help, services necessary to maintain physical or mental health, as set forth in § 15.2 (relating to definitions) of an older adult in need of protective services.

(C) Has [ no ] a responsible caretaker at the time of the report.

(D) Is not at imminent risk of danger to his person or property. (ii) A report in this category shall be referred to a protective services caseworker of the agency within the normal business hours of the agency's current or next day of business. The protective services caseworker shall review the details of the report and take whatever steps necessary to confirm or reject the categorization of no need for protective services. If the caseworker confirms the screening categorization, appropriate referrals shall be made to the area agency on aging [ service ] care management system or, if concerning an adult under 60 years of age, to another community agency. If the caseworker rejects the categorization, the report shall be placed in the appropriate category and be handled accordingly.

(iii) A report may not be placed in this category due to the temporary relocation of the victim to a safe environment, such as a hospital or emergency shelter, from which the victim will be released to return to the original abusive situation or to a new location which has not yet been determined to be safe.

§ 15.27. Handling of completed reports.

\* \* \* \* \*

(b) *Appropriate routing of reports.* A completed report form shall be promptly routed to appropriate staff of the agency under § 15.26(b) (relating to screening and referral of reports received) and, if involving a State-licensed facility, provided to the appropriate State licensing agency, and shall be handled in a manner which safeguards the confidentiality of information contained in the report. Sections 15.103 and 15.104 (relating to responsibilities of staff with access to confidential information; and penalties for violation of confidentiality provisions) also apply to staff of an emergency response agency under contract with the agency to receive reports during times when the agency is not open for business.

INVESTIGATING REPORTS OF NEED FOR PROTECTIVE SERVICES

§ 15.41. Reports required to be investigated.

(a) *General.* The agency shall provide for an investigation of a report received under §§ 15.23 (relating to receiving reports; general agency responsibility) and referred under § 15.26 (relating to screening and referral of reports received) to determine if the report can be substantiated and, if so, immediate steps that are necessary to remove or reduce an imminent risk to person or property. The investigation shall be initiated within 72 hours following the receipt of a report or sooner as provided under § 15.42 (relating to standards for initiating and conducting investigations) and include sufficient collateral information provided by interviews, documents, reports or other methods to determine if the older adult is in need of protective services. Where applicable, reports and investigations shall comply with §§ 15.141—15.147.

\* \* \* \* \*

§ 15.42. Standards for initiating and conducting investigations.

\* \* \* \* \*

(d) *Completing investigations of reports.* The agency shall make all reasonable efforts to complete an investigation of a report of need for protective services under this section as soon as possible and, in cases of abuse and neglect, at least within 20 days of the receipt of the report. [ The investigation of the report is completed only when the report has been determined to be substantiated or unsubstantiated and, if substantiated, after necessary steps have been taken to reduce an imminent risk to the older adult's person or property. ]

(e) *Interference.* If the Department determines that there may be interference with the course of a protective services investigation, the Department reserves the right to intervene in the agency's investigation.

§ 15.43. Resolution of unsubstantiated reports.

(a) When, upon investigation of a report, it is determined that there is no need for protective services, the report shall be classified as [ an ] unsubstantiated [ report ].

(b) A case opened by an unsubstantiated report shall be closed and information identifying the person who made the report and the alleged perpetrator of abuse, if applicable, shall be immediately deleted from the [ records ] case record [ in the case file ].

(c) For the purposes of substantiating a pattern of abuse, neglect, exploitation or abandonment, the name of the person reported to need protective services and other information relevant to the circumstances which led to the report may be maintained for [ a period of ] 6 months in a separate locked file accessible only to limited authorized staff for review when it is necessary to establish that a previous report was made. At the end of 6 months, case [ files ] records maintained under this subsection shall be destroyed unless additional reports lead to their being reopened.

\* \* \* \* \*

§ 15.44. Resolution of substantiated reports.

(a) When an investigation confirms the details of a report made under § 15.23 (relating to receiving reports; general agency responsibility) or determines that the subject of the report is an older adult in need of protective services, the report shall be classified as [ a ] substantiated [ report ].

(b) The agency shall provide for a timely [ client ] assessment of the need for protective services by the older adult who is the subject of a substantiated report if the older adult gives informed consent to an assessment. If an older adult found to need protective services does not consent to [ a client ] an assessment, the agency may seek, when appropriate, a court order under § 15.61 (relating to access to persons).

(c) On the basis of the [ completed client ] assessment, the agency shall provide for the development of a service plan of recommended actions which reflect the least restrictive alternatives for removing or reducing imminent risk to person or property and promote client self-determination and continuity of care being provided at the time of the agency's intervention. The service plan may include, when appropriate, the pursuit of civil or criminal remedies.

\* \* \* \* \*

§ 15.45. Situations involving State-licensed facilities.

\* \* \* \* \*

(b) *Agency coordination with the licensing agency.*

\* \* \* \* \*

(1) Except as provided under subsection (c), the agency shall notify the appropriate licensing agency under procedures developed by the Department, in consultation with the licensing agency. **Notification shall be made immediately using the licensing agency's after-hours reporting phone number, if one exists; if not,** within 24 hours of the initiation of the investigation or before the close of business during the next day of the licensing agency's normal hours of business, that an investigation has been initiated in a facility licensed by the State licensing agency. The notification shall identify the facility, the older adult and the nature of the report.

\* \* \* \* \*

**§ 15.46. Law enforcement agencies as available resources.**

\* \* \* \* \*

(f) *Simultaneous investigation.* **[ If an investigation of a report results in a police investigation ]** When both a report of need for protective services and a police report have been filed, the protective services investigation shall continue simultaneously with the police investigation. The agency may take steps to coordinate its investigation with the police investigation **and the investigation of the State Licensing Agency** and shall make available as provided under § 5.105 (relating to limited access to records and disclosure of information) relevant information from the case record.

\* \* \* \* \*

**AGENCY ACCESS TO PERSONS AND RECORDS**

**§ 15.61. Access to persons.**

(a) *Access assured by law.* The agency shall have access to older persons who have been reported to need protective services to:

\* \* \* \* \*

(2) Assess **[ client ]** the older person's need and develop a service plan for addressing determined needs.

\* \* \* \* \*

(c) *When access is denied.* If the agency is denied access to an older adult reported to need protective services and access is necessary to complete the investigation or the **[ client ]** assessment and service plan, or the delivery of needed services to prevent further abuse, neglect, exploitation or abandonment of the older adult reported to need protective services, the protective services caseworker shall make reasonable efforts to clearly inform the party denying access of the legal authority for access in section **[ 7 ] 304** of the act (35 P. S. § **[ 10217 ] 10225.304**) and the available recourse through a court order. If the party continues to deny the agency access to the older adult, the agency may petition the court for an order to require the appropriate access when one of the following conditions applies:

(1) The caretaker or a third party has interfered with the completion of the investigation, the **[ client ]** assessment and service plan or the delivery of services.

\* \* \* \* \*

**§ 15.62. Access to records.**

(c) *When access to records is denied.* If the agency is denied access to records necessary for the completion of a proper investigation of a report or **[ a client ]** an assessment and service plan, or the delivery of needed services to prevent further abuse, neglect, exploitation or abandonment of the older adult reported to need protective services, the protective services caseworker shall clearly inform the party denying access to the records of the legal authority for access as set forth in section **[ 7 ] 304** of the act (35 P. S. § **[ 10217 ] 10225.304**) by the agency and the available recourse through a court order. If the party continues to deny access to relevant records, the agency may petition the court of common pleas for an order requiring the appropriate access when one of the following conditions applies:

\* \* \* \* \*

**EMERGENCY INTERVENTION**

**§ 15.71. Involuntary intervention by emergency court order.**

(a) *General.* When there is clear and convincing evidence that, if protective services are not provided, the person to be protected is at imminent risk of death or serious physical harm, the agency may petition the court for an emergency order to provide the necessary services. The person to be protected shall be an older adult in need of protective services as defined in this chapter. The courts of common pleas of each judicial district shall ensure that a judge or district **[ justice ] magistrate** is available on a 24-hour-a-day, 365-day-a-year basis to accept and decide on petitions for an emergency court order under this section whenever the agency determines that delay until normal court hours would significantly increase the danger the older adult faces. Only the agency, through its official representative, may bring a petition for involuntary intervention by emergency court order.

\* \* \* \* \*

**INDIVIDUAL RIGHTS OF PARTIES INVOLVED**

**§ 15.81. Rights of protective services clients.**

The agency shall observe the following minimum requirements to safeguard the rights of an older adult who is reported to need protective services:

(1) The agency shall discreetly notify the older person during the investigation that a report **of need for protective services** has been made and shall provide the person with a brief summary of the nature of the report. The protective services worker performing the investigation shall determine when and how this notification is accomplished.

(2) If the older adult requests additional information contained in the **[ report ] record**, the agency shall provide the information subject to the requirements in § 15.105 (relating to limited access to records and disclosure of information).

\* \* \* \* \*

(4) Nothing in this chapter limits the rights of an older adult to file a petition under [The Protection Abuse Act (35 P. S. §§ 10181—10190)] 23 Pa.C.S. §§ 6101—6117 (relating to the Protection from Abuse Act).

\* \* \* \* \*

PROVISION OF SERVICES

§ 15.91. General.

(a) Protective [Services] services. Protective services are activities, resources and supports provided to older adults under the act subsequent to an investigation to [detect,] prevent, reduce or eliminate abuse, neglect, exploitation and abandonment. Protective services activities include, but are not limited to, the following:

\* \* \* \* \*

(7) Arranging for available services needed to fulfill service plans, which may include, as appropriate, arranging for services for other household members in order to reduce, correct or eliminate abuse, neglect, exploitation or abandonment of an older adult. A partial listing of the services which may be made available to reduce, correct or eliminate abuse, neglect, exploitation or abandonment of an older adult is found in § 15.93(c) (relating to service plan).

\* \* \* \* \*

(d) Client consent exemptions. Protective services may be provided to older adults in need of protective services without client consent only in the following situations:

(1) When ordered by a court under section [7] 304 of the act (35 P. S. § [10217] 10225.304).

\* \* \* \* \*

§ 15.92. [Client needs assessment] Assessment.

(a) When a report is substantiated by the agency, or if [a client] an assessment is necessary to determine whether or not the report is substantiated, the agency shall, with the consent of the older adult, provide for a timely [client] assessment. If the older adult does not consent, the agency may apply §§ 15.61 or § 15.71 (relating to access to persons; or involuntary intervention by emergency court order).

\* \* \* \* \*

§ 15.93. Service plan.

(a) Upon completion of the [client needs] assessment and with the consent of the older adult, a service plan shall be prepared. The service plan shall be cooperatively developed by the agency staff, the older person or his appointed guardian, and other family members, if appropriate. Protective services may not be provided under the act to a person who does not consent to the services or who, having consented, withdraws consent, unless the services are ordered by a court, requested by a court-appointed guardian of the older adult or provided under § 15.71 (relating to involuntary intervention by emergency court order).

\* \* \* \* \*

(d) The service plan shall also address, if applicable, special needs of other members of the household unit as they may affect the older adult's need for protective services. The identification in a [service] care plan of

service needs of other members of the older adult's household does not obligate the agency to pay the costs of the services.

§ 15.95. Case management.

\* \* \* \* \*

(c) Reassessment. Reassessment shall be done for protective service clients.

[(1) Reassessment shall be carried out within time limits specified in the service plan. It shall be done at least every 30 days if continuous protective service intervention is being provided as part of the service plan.

(2) (1) Reassessment shall be [comprehensive and involve the areas of client functioning listed under § 15.92 (relating to client needs assessment) and] written in the standardized format [selected for the original assessment] established by the Department.

[(3) (2) Reassessment shall be done before a protective service client's case is terminated, [or if the level of client need has changed] transferred or it is the agency's judgment that a reassessment is appropriate.

[(4) The reassessment shall be documented and followed by an updating of the service plan if changes occur in the client's needs, in goals to be achieved or in the pattern of service delivery.

(5) When services are being provided through the temporary purchase of services, the need for continuation of the services shall be discussed and efforts to provide the services through other resources described, as required under § 15.113 (relating to time limitation on service purchases).]

§ 15.96. Termination of protective services.

\* \* \* \* \*

(b) Except when the older adult withdraws consent to the delivery of protective services, the agency may terminate protective services in one of the following ways:

(1) By closing the case when no further service intervention is required by the [client] older adult.

(2) By closing the case when a court order for services has terminated and the [client] older adult does not consent to further service intervention.

(3) By transferring the [client] older adult to the service management system of the area agency.

(4) By transferring the [client] older adult to another appropriate agency.

(c) When the agency terminates protective services, the agency shall inform the older adult and, if applicable, responsible [caretakers] caregivers of this action and its rationale. [and shall attempt to secure a signed statement of understanding concerning the action. The] When the agency transfers a protective services case, the case record shall reflect the transfer of a client to another agency, the specific agency of referral and the acceptance of the referral by the other agency.

CONFIDENTIALITY

§ 15.102. Maintenance of case [files] records.

(a) Protective services case [files] records shall be kept, when not in use by authorized persons, in a locked

container and separate from other agency files. The report, the record of investigation, notes of contact with the client and others involved with the case, court documents and letters of notification may not be transferred to, or reprinted for, other agency files. The [client] assessment and service plan may be transferred to other agency case files with assurance by the agency that a client's complete protective services case record can be immediately produced.

(b) When an individual case [file] record is removed from its storage location for use by an authorized person, the person shall sign for the [file] record according to sign-out procedures developed by the agency.

(c) Except as provided under § 15.105 (relating to limited access to records and disclosure of information) only staff with direct responsibility for protective services functions may be authorized by the agency to have access to the protective services case [files] records. General access is restricted to protective services supervisors, protective services caseworkers and clerical staff assigned to type and maintain case records.

(d) As provided under § 15.43 (relating to resolution of unsubstantiated reports), when the agency cannot substantiate a report of a need for protective services the case opened by the unsubstantiated report shall be closed and information identifying the person who made the report and the alleged perpetrator of abuse, if applicable, shall be immediately deleted from [records in] the case [file] record.

(e) For the purposes of substantiating a pattern of abuse, neglect, exploitation or abandonment, the name of the person reported to be in need of protective services and other information relevant to the circumstances which led to the report may be maintained for [a period of] 6 months in a separate locked file accessible only to authorized staff for review when necessary to establish that a previous report was made. At the end of 6 months, case [files] records maintained under this subsection shall be destroyed unless additional reports lead to their being reopened.

(f) The agency shall develop written procedures for the deletion or expungement of information in case [files] records and for the destruction of case [files] records so that unauthorized persons are not able to gain access to information from case [files] records. The procedures shall be submitted to the Department in the protective services plan required under § 15.12(b) (relating to administrative functions and responsibilities of area agencies on aging).

**§ 15.103. Responsibilities of staff with access to confidential information.**

(a) The agency shall assure that staff with access to information contained, or to be contained, in a case [file] record are fully aware of the confidentiality provisions of this chapter and of the local agency.

(b) A staff person who is authorized to have access to information contained, or to be contained, in a case [file] record is required to take every possible step to safeguard the confidentiality of that information. This requirement extends to known information related to a case but not recorded in writing.

\* \* \* \* \*

**§ 15.105. Limited access to records and disclosure of information.**

Information in a protective services case [file] record may not be disclosed, except as provided in this section.

(1) Information may be disclosed to a court of competent jurisdiction [or] under a court order. [Disclosure shall be made only to the court of common pleas.] The protective service agency shall disclose case [file] record information for the purpose of in camera review by the court.

\* \* \* \* \*

(6) When the Department is involved in the hearing of an appeal by a subject of a report made under § 15.23, the appropriate Department staff shall have access to information in the [report] case record relevant to the appeal.

\* \* \* \* \*

**FINANCIAL OBLIGATIONS**

**§ 15.111. Coordination of available resources.**

\* \* \* \* \*

(b) The agency shall attempt to establish the [client's] older adult's eligibility for appropriate public and private entitlements and resources and shall exhaust the eligibility for benefits prior to the utilization of funds authorized by the act for the provision of services.

\* \* \* \* \*

**§ 15.112. Uses of funding authorized by the act.**

The agency may utilize funding authorized by the act to pay for activities, including, but not limited to, the following:

\* \* \* \* \*

(4) Conducting [client] assessments and developing service plans under §§ 15.92 and 15.93 (relating to [client needs] assessment; and service plan).

\* \* \* \* \*

**§ 15.113. Time limitation on service purchases.**

\* \* \* \* \*

(c) If at the end of 30 days of continuous service purchase on behalf of an individual protective services client, the services are still necessary and still available only through purchase, complete justification of the need for services and documentation of the unavailability of the services shall be made a part of the client [reassessment required by] record as required by § 15.95(b) (relating to case management).

**STAFF TRAINING AND EXPERIENCE STANDARDS**

**§ 15.121. Protective services staff qualifications.**

\* \* \* \* \*

(b) *Criminal record.* The protective services agency shall require persons to be hired or to be assigned to carry out responsibilities for protective services investigations, [client] assessments and service planning and arrangement to submit the following information:

\* \* \* \* \*

**§ 15.122. Protective services casework training curriculum.**

The protective services casework training curriculum shall consist of comprehensive training including, but not limited to, the following topics:

\* \* \* \* \*

(9) [ **Incompetence** ] **Incapacity.**

\* \* \* \* \*

**§ 15.123. Protective services investigation training curriculum.**

The protective services investigation training curriculum shall consist of comprehensive training including, but not limited to, the following topics:

\* \* \* \* \*

(6) Interviewing [ **the** ] reporters.

\* \* \* \* \*

(8) Interviewing [ **the victim** ] victims.

\* \* \* \* \*

(14) **Coordination with other State agencies.**

**§ 15.127. In-service training.**

(a) In addition to the required training set forth in §§ 15.122 and 15.123 (relating to protective services casework training curriculum; and protective services investigation training curriculum), protective services supervisors and protective services caseworkers shall participate in in-service training in protective services as required by the Department each year beginning with the calendar year following completion of the required **basic protective services training set forth in § 11.122 (relating to protective services casework training curriculum).**

(b) Annual in-service training [ **shall** ] **may** include, but not be limited to, the following topics:

\* \* \* \* \*

(*Editor's Note:* Sections 15.131—15.138 and 15.141—15.149 are proposed to be added. They are printed in regular type to enhance readability.)

**CRIMINAL HISTORY RECORD INFORMATION REPORTS**

**§ 15.131. Prospective facility personnel.**

(a) *General rule.* A facility, as defined in § 15.2, shall require all applicants for employment to submit with their applications the following criminal history record information, obtained within the 1-year period immediately preceding the date of application, as appropriate:

(1) *State Police report.* Facilities shall require all applicants to submit a report of criminal history record information obtained from the State Police or a written statement from the State Police that their central repository contains no such information relating to the applicant.

(2) *FBI report.* Facilities shall require all applicants, who are not residents of this Commonwealth or have not resided in this Commonwealth for an uninterrupted period of 2 years preceding the date of application to the facility, to submit an FBI criminal history record information report pursuant to the FBI's appropriation under the Departments of State, Justice and Commerce, the Judiciary and Related Agencies Appropriation Act of 1978 (Pub. L. No. 92-544, 86 Stat. 1109).

(3) Fingerprints. Applicants required to submit an FBI criminal history record information report shall submit a full set of fingerprints to the Department which will be forwarded to the FBI, to comply with the requirement of this subsection.

(b) Proof of residency. Facilities may require an applicant to furnish proof of residency, including, but not limited to, the following documentation, one or more of which shall be considered reasonable proof of residency:

(1) Motor vehicle records, such as a valid driver's license.

(2) Housing records, such as mortgage records, rent receipts or certification of residency in a nursing home.

(3) Public utility records and receipts, such as electric bills.

(4) Local tax records.

(5) A completed and signed, Federal, State or local income tax return with the applicant's name and address preprinted on it.

(6) Records of contacts with public or private social agencies.

(7) Employment records, including records of unemployment compensation.

**§ 15.132. Facility personnel requirements.**

(a) The following facility personnel are required to submit criminal history record information, as described in § 15.131 (relating to prospective facility personnel):

(1) Persons serving as facility administrators and operators on July 1, 1998, who have direct contact with clients and were employed by the facility as administrators and operators for less than 1 year of continuous employment shall comply with resident and, as applicable, nonresident criminal history record information requirements by July 1, 1999.

(2) Administrators and operators who have direct contact with clients and who began serving as administrators and operators after July 1, 1998, shall comply with the criminal history record information requirements within 90 days from the date of employment.

(3) Employees of a facility on July 1, 1998, who were employed by the facility for less than 1 year of continuous employment shall comply with the criminal history record information requirements by July 1, 1999.

(4) Exceptions are as follows:

(i) Employees of the facility on July 1, 1998, who were employed by the facility for a continuous period of at least 1 year prior to July 1, 1998, are exempt from the requirements of this section.

(ii) Employees who have complied with the requirements of this section who transfer to another facility established or supervised, or both, by the same operator are exempt from compliance with the requirements of § 15.131.

(5) Employees at facilities which supply, arrange for, or refer their employees to provide care, as defined in this chapter, in other facilities shall comply with criminal history record information requirements in paragraph (3) by providing criminal history record information to the facility which supplies, arranges for, or refers them. The grandfathering and transfer exemptions in paragraph (4) also, as applicable, apply to these employees. (Example: Employees of a home health care staffing agency assigned



by the agency to provide care in a long-term care nursing facility must provide criminal history record information to the staffing agency).

(6) Employees referenced in paragraph (5) who have complied with applicable criminal history record information requirements in accordance with this chapter are not required to submit criminal history record information to the facilities to which they are supplied, referred or for which their services are arranged.

(b) Employees are responsible for determining whether they are required to obtain a criminal history record information report as required by this section. If an employe fails to comply with the requirements of this section and is subsequently terminated for failure to comply within the required time period, the facility cannot be held liable for failure to inform the employe of his obligations under this section.

### § 15.133. Facility responsibilities

(a) A facility may not hire an applicant nor retain an employe required to submit a criminal history record information report when the report reveals a felony conviction under The Controlled Substance, Drug, Device or Cosmetic Act (35 P. S. §§ 780-101—780-149).

(b) A facility may not hire an applicant nor retain any employe required to submit a criminal history record information report when the report reveals a conviction under one or more of the following provisions of 18 Pa.C.S. (relating to the Crimes Code):

- (1) Chapter 25 (relating to criminal homicide).
- (2) Section 2702 (relating to aggravated assault).
- (3) Section 2901 (relating to kidnapping).
- (4) Section 2902 (relating to unlawful restraint).
- (5) Section 3121 (relating to rape).
- (6) Section 3122.1 (relating to statutory sexual assault).
- (7) Section 3123 (relating to involuntary deviate sexual intercourse).
- (8) Section 3124.1 (relating to sexual assault).
- (9) Section 3125 (relating to aggravated indecent assault).
- (10) Section 3126 (relating to indecent assault).
- (11) Section 3127 (relating to indecent exposure).
- (12) Section 3301 (relating to arson and related offenses).
- (13) Section 3502 (relating to burglary).
- (14) Section 3701 (relating to robbery).
- (15) A felony offense under Chapter 39 (relating to theft and related offenses), or two or more misdemeanors under Chapter 39.
- (16) Section 4104 (relating to forgery).
- (17) Section 4114 (relating to securing execution of documents by deception).
- (18) Section 4302 (relating to incest).
- (19) Section 4303 (relating to concealing death of child).
- (20) Section 4304 (relating to endangering welfare of children).
- (21) Section 4305 (relating to dealing in infant children).
- (22) Section 4952 (relating to intimidation of witnesses or victims).

(23) Section 4953 (relating to retaliation against witness or victim).

(24) A felony offense under § 5902(b) (relating to prostitution and related offenses).

(25) Section 5903(c) or (d) (relating to obscene and other sexual materials and performances).

(26) Section 6301 (relating to corruption of minors).

(27) Section 6312 (relating to sexual abuse of children).

(c) If a facility receives a report from the State Police showing open disposition for a crime which would prohibit hiring an applicant or retaining an employe, the administrator or designee shall require the applicant or employe to obtain and submit court documents showing disposition within 60 days of receipt of the original report. Failure to provide court documents as required will result in an administrative prohibition against hiring or retention. If the reason for open disposition is court scheduling, the administrator or designee shall check status every 30 days until a court date is set and, thereafter, as appropriate in order to receive the disposition as soon as possible.

(d) A facility may not hire an applicant nor retain an employe required to submit a criminal history record information report when the criminal background check reports conviction of a Federal or out-of-state offense similar in nature, as determined by the Department, to those listed in subsections (a) and (b).

(e) A facility shall ensure that applicant responsibility to obtain criminal history record checks is explained to each applicant orally in a language understood by the applicant.

(f) A facility shall ensure that information obtained from the criminal history record remains confidential and is used solely to determine an applicant's eligibility for employment.

(g) Facilities, except those referenced in § 15.132 (a)(6) (relating to facility personnel requirements), shall maintain employment records which include a copy of the completed request form for the State Police criminal history record check or of the completed State Police criminal history record check, SP-4-64, issued in response to a request for a criminal background check.

(h) Facilities, except those referenced in § 15.132 (a)(6) shall maintain employment records which include, as applicable, a copy of the completed request form for the FBI criminal history record check or a copy of the FBI criminal history record check form showing no convictions for one or more Federal or out-of-State offenses similar in nature to the provisions in subsection (b), as determined by the Department.

(i) Facilities at which care is provided by employes supplied, referred or arranged by other facilities shall, at a minimum, obtain from those other facilities written assurance that:

(1) Employees who are supplied, referred or arranged have complied with criminal history record information requirements in this chapter.

(2) Employe criminal history record information will be made available when necessary.

### § 15.134. Procedure.

(a) Applicants and facility personnel required to obtain a criminal history record information report from the State Police may obtain forms from a State Policy facility.

(1) The State Police may charge a fee of not more than \$10. A facility's check, cashier's check, certified check or money order shall accompany the request unless other payment arrangements are made with the State Police.

(2) Facilities may at their option require that applicants and facility personnel return the form to a designated individual for submission of the request by the facility.

(b) Applicants and facility personnel required to obtain a Federal criminal history record information report from the FBI shall obtain the information packet from the facility or contact the Department for instructions, all necessary forms and the required FBI fingerprint card.

(1) Applicants and facility personnel shall return the FBI fingerprint card and forms, and a check in an amount not to exceed the established fee set by the FBI. Upon receipt, the Department will submit the request to the State Police within 5 working days for transfer to the FBI. Checks shall be written to the FBI.

(2) Upon receipt of the completed criminal history record information report from the FBI, the Department will determine if the applicant is eligible for employment and will contact the applicant with a written statement within 10 working days.

(3) If the Department receives a report from the FBI showing open disposition for a crime which would prohibit hiring an applicant or retaining an employee, the Department will require the applicant or employee to obtain and submit to the Department court documents showing disposition, within 60 days of the date the Department notifies the applicant or employee. Failure to provide court documents as required will result in an administrative prohibition against hiring or retention.

(c) While submission of criminal history record information to facility administrators or their designees is the responsibility of the applicant, facility administrators may assume financial responsibility for the fees through a quarterly payment system.

(d) Applicants and facility personnel are responsible to fill out all necessary forms to comply with this section. Facilities shall assist an applicant or employee in complying with this requirement if requested.

(e) Applicants and facility personnel shall obtain both Pennsylvania and FBI criminal history record information reports obtained no longer than 1 year prior to their application for employment. Administrators, operators and non-exempt employees shall, within the time limits required for submitting criminal checks, provide Pennsylvania and FBI checks obtained no longer than 1 year prior to their date of submission. If the date of the record report exceeds the 1 year prior to application for employment or the required date of submission for administrators, operators and nonexempt employees, a new clearance shall be obtained.

(f) Applicants and facility personnel are responsible for reviewing all criminal history record information reports for accuracy.

(g) Applicants and facility personnel may question the Department's determination by submitting a request for review within 30 days of receipt of the determination.

#### **§ 15.135. Applicant rights of review.**

(a) An applicant may review, challenge and appeal the completeness or accuracy of the applicant's criminal history record information report under 18 Pa.C.S. §§ 9152—9183 (relating to Criminal History Record Infor-

mation Act) and, if applicable, Federal regulations at 28 CFR 16.34 (relating to procedure to obtain change, correction or update of identification records).

(b) If an applicant's criminal history record is, as a result of a challenge by the applicant, changed so as to remove a disqualification for employment, a facility may reconsider the applicant's application for positions available at that time.

(c) If an applicant's challenge to the criminal history record is deemed invalid, the applicant's rights for reconsideration by the facility are exhausted.

#### **§ 15.136. Facility personnel rights of review and appeal.**

(a) Facility personnel may review, challenge and appeal the completeness or accuracy of criminal history record information report under 18 Pa.C.S. §§ 9152—9183 (relating to Criminal History Record Information Act) and, if applicable, Federal regulations in 28 CFR 16.34 (relating to procedure to obtain change, correction or update of identification records).

(b) If an employee's criminal history record information report is, as a result of a challenge by the employee, changed so as to remove any basis for termination, the facility shall reinstate the employee to either the employee's former position or an equivalent position.

(c) An employee's challenge to the criminal record information report is limited to the appeal rights set forth in 18 Pa.C.S. §§ 9152—9183.

#### **§ 15.137. Provisional hiring.**

(a) Administrators may employ applicants on a provisional basis for a single period, not to exceed 30 days for applicants applying for the Pennsylvania criminal history record information report, and not to exceed 90 days for applicants applying for the FBI criminal history record information report, if all of the following conditions are met:

(1) Applicants have applied for the information required under § 15.131 (relating to prospective facility personnel) and provide the administrator with a copy of the completed request forms.

(2) The administrator has no knowledge about applicants which would disqualify them from employment under the acts, subject to 18 Pa.C.S. § 4911 (relating to tampering with public record information).

(3) Applicants swear or affirm in writing that they are not disqualified from employment under the act.

(4) If the information obtained from the criminal history record checks reveals that the applicant is disqualified from employment under § 15.133 (relating to facility responsibilities), the applicant shall be dismissed immediately.

(5) The provisionally employed applicant receives:

(i) An orientation which provides information on policies, procedures and laws which address standards of proper care and recognition and reporting of abuse or neglect, or both, of recipients.

(ii) Regular supervisory observation of the applicant carrying out the applicant's duties.

(6) For a home health care agency, the supervision of a provisionally employed applicant shall include random, direct observation/evaluation of the applicant and care recipient by an employe who has been employed by the home health agency for at least 1 year.

(7) For a home health agency which has been in business for less than 1 year, supervision of a provisionally employed applicant shall include random, direct observation/evaluation of the applicant and care recipient by an employe with prior employment experience of at least 1 year with one or more other home health care agencies.

(b) The administrator or designee shall on the 30th day of provisional employment for a Pennsylvania resident applicant or the 90th day for a non-resident applicant review the contents of the applicant's personnel file to ensure that the required copy of the State Police or FBI criminal background check results is physically present in the folder along with the correspondence from the State Police or the Department advising that the applicant's employment may be continued or must be terminated.

(c) Except as provided in subsection (d), if inspection of the file on day 30 or 90, as appropriate, reveals that the information noted in subsections (a) and (b) has not been provided to the employer, the applicant's employment shall be immediately suspended or terminated.

(d) If information regarding criminal history record reports has not been provided as required due to the inability of the State Police or the FBI to provide it within the mandated time frames, the period of provisional employment is extended until the facility receives the required reports from the State Police or FBI.

#### § 15.138. Violations.

##### (a) *Administrative.*

(1) An administrator or a designee who intentionally or willfully fails to comply or obstructs compliance with §§ 15.131—15.136 commits a violation of this chapter and shall be subject to an administrative penalty under paragraph (3).

(2) A facility owner that intentionally or willfully fails to comply with or obstructs compliance with §§ 15.131—15.136 commits a violation of this chapter and shall be subject to an administrative penalty under paragraph (3).

(3) The Commonwealth agency which licenses the facility has jurisdiction to determine violations of this chapter and may issue an order assessing a civil penalty of not more than \$2,500. An order under this paragraph is subject to 2 Pa.C.S. Chapter 5, Subchapter A and Chapter 7, Subchapter A (relating to practice and procedure of Commonwealth agencies; and judicial review of Commonwealth agency action).

(4) To assist Commonwealth agencies to implement the responsibilities set forth in paragraph (3), representatives of these agencies who have knowledge of violations shall report them to the appropriate Commonwealth licensing agency.

##### (b) *Criminal.*

(1) An administrator or a designee who intentionally or willfully fails to comply or obstructs compliance with this chapter commits a misdemeanor of the third degree and shall, upon conviction, be sentenced to pay a fine of \$2,500 or to imprisonment for not more than 1 year, or both.

(2) A facility owner that intentionally or willfully fails to comply with or obstructs compliance with this chapter

commits a misdemeanor of the third degree and shall, upon conviction, be sentenced to pay a fine of \$2,500 or to imprisonment for not more than 1 year, or both.

### REPORTING SUSPECTED ABUSE

#### § 15.141. General requirements.

(a) Administrators or employes who have reasonable cause to suspect that a client is a victim of abuse shall:

(1) Immediately make an oral report to the agency.

(2) Within 48 hours of making the oral report, make a written report to the agency.

(b) Employes making oral or written reports shall immediately notify the facility administrator of these reports.

(c) Agencies shall notify facility administrators, or their designees, and State agencies with facility licensing responsibilities immediately when written reports of abuse are received.

(d) Employes required to report abuse may request facility administrators or their designees to make, or assist them to make, oral or written reports.

#### § 15.142. Additional reporting requirements.

(a) Employes or administrators who have reasonable cause to suspect that a recipient is the victim of sexual abuse, serious physical injury or serious bodily injury, or that a recipient's death is suspicious, shall, in addition to the reporting requirements in § 15.141(a) (relating to general requirements):

(1) Immediately make an oral report to law enforcement officials. An employe shall immediately notify the administrator or a designee following a report to law enforcement officials.

(2) Make an oral report to the Department during the current business day or, if the incident occurs after normal business hours, at the opening of the next business day.

(3) Within 48 hours of making the oral report, make a written report to law enforcement officials and the agency.

(b) Law enforcement officials will promptly notify facility administrators or their designees that reports have been made with them.

#### § 15.143. Contents of reports.

(a) Written reports under §§ 15.141 and 15.142 (relating to general requirements; and additional reporting requirements) shall be made on forms supplied by the Department. The Department will provide facilities with initial supplies; facilities may duplicate report forms for submission to agencies and law enforcement officials.

(b) The report shall include, at a minimum, the following information:

(1) The name, age and address of the recipient.

(2) The name and address of the recipient's guardian or next-of-kin.

(3) The facility name and address.

- (4) A description of the incident.
- (5) The specific comments or observations.

**§ 15.144. Reports to Department and coroner by agencies.**

(a) *Department.*

(1) Within 48 hours of receipt of a written report under § 15.142 (relating to additional reporting requirements) involving sexual abuse, serious physical injury, serious bodily injury or suspicious death, the agency shall transmit a written report to the Department.

(2) Within 48 hours of receipt of a written report under § 15.142 involving a victim/recipient under 60 years of age, the agency shall transmit a copy of the report to the Department.

(3) A report under this subsection shall be made in a manner and on forms prescribed by the Department. The report shall include, at a minimum, the following information.

- (i) The name and address of the alleged victim.
- (ii) Where the suspected abuse occurred.
- (iii) The age and sex of the alleged perpetrator and victim.
- (iv) The nature and extent of the suspected abuse, including evidence of prior abuse.
- (v) The name and relationship of the individual responsible for causing the alleged abuse to the victim, if known, and evidence of prior abuse by that individual.
- (vi) The source of the report.
- (vii) The individual making the report and where that individual can be reached.
- (viii) The actions taken by the reporting source, including taking of photographs and X-rays, removal of the recipient and notification under subsection (b).

(b) *Coroner.* For a report under § 15.142 which concerns the death of a recipient, if there is reasonable cause to suspect that the recipient died as a result of abuse, the agency shall give the oral report and forward a copy of the written report to the appropriate coroner within 24 hours.

**§ 15.145. Investigation.**

(a) *Response.* Upon receipt of a report under §§ 15.141 and 15.142 (relating to general requirements; and additional reporting requirements), protective services officials shall respond as follows:

- (1) If the victim/recipient is aged 60 or older, the agency shall conduct an investigation to determine if the older person who is the subject of the report is in need of protective services. The investigation by the agency shall be conducted as set forth at §§ 15.41—15.47 (relating to investigating reports of need for protective services).
- (2) If the victim/recipient is under 60 years of age, the agency may not conduct an investigation. Investigation of these reports shall be conducted by the State agency, if any, which licensed the facility.
- (3) If the victim/recipient is under 18 years of age, the agency shall notify, and forward reports to, the regional office of the Department of Public Welfare, Office of Children, Youth and Families or the State "ChildLine" and the county office of child protective services.
- (4) If the under 60 years of age victim/recipient resides in a nursing home or is receiving home health services,

the agency shall notify the Regional Office of the Department of Health and forward reports to that Office.

(5) If the under 60 years of age victim/recipient resides in a personal care home, the agency shall notify the Regional Office of the Department of Public Welfare and forward reports to that Office.

(6) If the under 60 years of age victim/recipient resides in a domiciliary care home or receives services from an adult day care center, the agency shall notify the Department and forward reports to that Department.

(7) If the agency has knowledge or believes that the victim/recipient has mental retardation or mental health issues, the agency shall notify the county MH/MR office in addition to making other reports required by this subsection.

(b) *Cooperation.* To the fullest extent possible, law enforcement officials, the facility and the agency shall coordinate their respective investigations. Law enforcement officials, the facility and the agency shall advise each other and provide applicable additional information on an ongoing basis.

**§ 15.146. Restrictions on employees.**

(a) By \_\_\_\_\_ (*Editor's Note:* The blank refers to a date 90 days after the effective date of adoption of this proposal), facilities shall develop and submit to the agency and the Commonwealth agency with regulatory authority over the facility a copy of their facility supervision/suspension plan. The plan shall:

(1) Describe policies and procedures to be followed upon notification that an employe is alleged to have committed abuse of a recipient.

(2) Describe how and by whom supervision of alleged abusers will be carried out.

(3) Describe the process of rendering a decision to suspend an employe.

(b) Following written approval of plans by the agency and the Commonwealth agency with regulatory authority over the facility, facilities shall follow these plans in instances involving allegations of abuse by employes.

(c) Changes to plans shall be approved in writing by the agency and the Commonwealth agency with regulatory authority over the facility prior to their implementation.

(d) Upon notification that an employe is alleged to have committed abuse, the facility shall immediately implement the plan of supervision or, when appropriate, suspension of the employe. The facility shall immediately submit to the agency and the Commonwealth agency with regulatory authority over the facility a copy of the employe's supervision plan pertaining to the specific instance of alleged abuse for approval.

(e) Following approval of an individual plan of supervision/suspension/termination by the agency and Commonwealth agency, the facility shall follow the plan. Changes to the plan must be approved by the agency and the Commonwealth agency with regulatory authority over the facility prior to their implementation.

(f) The plan of supervision established by a home health care agency shall, in addition to the requirements

in subsections (a)—(e), include periodic, random direct observation/evaluation of the employe and care recipient by an individual continuously employed by the home health care agency for at least 1 year. For a home health agency in business for less than 1 year, supervision shall include random, direct observation/evaluation by an employe with prior employment experience of at least 1 year with one or more other home health care agencies.

(g) Upon filing of criminal charges against an employe, the Commonwealth agency which licenses the facility shall order the facility to immediately prohibit that employe from having access to recipients at the facility. If the employe is a director, operator, administrator or supervisor, the employe shall be subject to restrictions deemed appropriate by the Commonwealth agency which licenses the facility to assure the safety of recipients at the facility.

**§ 15.147. Confidentiality of and access to confidential reports.**

(a) *General rule.* Except as provided in subsection (b), all information concerning a report under this chapter shall be confidential.

(b) *Exceptions.* Relevant information concerning a report under this chapter shall be made available to the following:

(1) An employe of the Department or of an agency in the course of official duties in connection with responsibilities under this chapter.

(2) An employe of the Department of Health or the Department of Public Welfare in the course of official duties.

(3) An employe of an agency of another state which performs protective services similar to those under this chapter.

(4) A practitioner of the healing arts who is examining or treating a recipient and who suspects that the recipient is in need of protection under this chapter.

(5) The director, or an individual specifically designated in writing by the director, of a hospital or other medical institution where a victim is being treated if the director or designee suspects that the recipient is in need of protection under this chapter.

(6) The recipient or the guardian of the recipient.

(7) A court of competent jurisdiction pursuant to a court order.

(8) The Attorney General.

(9) Law enforcement officials of any jurisdiction as long as the information is relevant in the course of investigating cases of abuse.

(10) A mandated reporter under who made a report of suspected abuse. Information released under this paragraph shall be limited to the following:

(i) The final status of the report following the investigation.

(ii) Services provided or to be provided by the agency.

(c) *Excision of certain names.* The name of the person suspected of committing the abuse shall be excised from a report made available under subsection (b)(4), (5) and (10).

(d) *Release of information to alleged perpetrator and victim.* Upon written request, an alleged perpetrator and victim may receive a copy of all information, except that prohibited from being disclosed by subsection (e).

(e) *Protecting identity of person making report.* Except for reports to law enforcement officials, the release of data that would identify the individual who made a report under this chapter or an individual who cooperated in a subsequent investigation is prohibited. Law enforcement officials shall treat all reporting sources as confidential information.

**§ 15.148. Penalties.**

(a) *Administrative.*

(1) An administrator or a designee who intentionally or willfully fails to comply or obstructs compliance with §§ 15.141—15.147 or who intimidates or commits a retaliatory act against an employe who complies in good faith with this chapter commits a violation of this chapter and shall be subject to an administrative penalty under paragraph (3).

(2) A facility owner that intentionally or willfully fails to comply with or obstructs compliance with §§ 15.141—15.147 or that intimidates or commits a retaliatory act against an employe who complies in good faith with this chapter commits a violation of this chapter and shall be subject to an administrative penalty under paragraph (3).

(3) The Commonwealth agency which regulates the facility has jurisdiction to determine violations of this chapter and may issue an order assessing a civil penalty of not more than \$2,500. An order under this paragraph is subject to 2 Pa.C.S. Chapter 5, Subchapter A and Chapter 7, Subchapter A (relating to practice and procedure of Commonwealth agencies; and judicial review of Commonwealth agency action).

(4) To assist Commonwealth agencies to implement the responsibilities set forth in paragraph (3), representatives of these agencies who have knowledge of violations will report them to the appropriate Commonwealth licensing agency.

(b) *Criminal.*

(1) An administrator or a designee who intentionally or willfully fails to comply, or obstructs compliance, with this chapter commits a misdemeanor of the third degree and shall, upon conviction, be sentenced to pay a fine of \$2,500 or to imprisonment for not more than 1 year, or both.

(2) A facility owner that intentionally or willfully fails to comply with, or obstructs compliance with, this chapter, commits a misdemeanor of the third degree and shall, upon conviction, be sentenced to pay a fine of \$2,500 or to imprisonment for not more than 1 year, or both.

(c) *Penalties for failure to report.* A person required under this chapter to report a case of suspected abuse who willfully fails to do so commits a summary offense for the first violation and a misdemeanor of the third degree for a second or subsequent violation. If the agency learns of a person's refusal to complete all reporting requirements, the agency shall notify the police.

**§ 15.149. Immunity.**

An administrator or a facility will not be held civilly liable for any action directly related to good faith compliance with this chapter.

**OTHER ADMINISTRATIVE PROVISIONS**

**§ 15.[ 131 ]161. Waivers.**

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[Pa.B. Doc. No. 99-2005. Filed for public inspection November 24, 1999, 9:00 a.m.]

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# NOTICES

## DEPARTMENT OF AGRICULTURE

### Year 2000 Dog Control Facility Bill Reimbursement Grant Program

The Department of Agriculture (Department) gives notice that it intends to award up to \$100,000 in grants under its Year 2000 Dog Control Facility Bill Reimbursement Program (program). The program will award bill reimbursement grants of up to \$5,000-per-recipient to humane societies or associations for the prevention of cruelty to animals that meet the guidelines and conditions of this program. The program will be funded from the Dog Law Restricted Account, from funds which are declared to be surplus funds for the limited purposes set forth in the Dog Law (3 P. S. § 459-1002(b)).

The proposed guidelines and conditions for the program are set forth as follows. In fulfillment of the requirement of 7 Pa. Code § 23.4 (relating to conditions and guidelines), the Department invites public and legislative review of these proposed guidelines and conditions. Commentators should submit their comments, in writing, so they are received by the Department no later than 30 days from the date the proposed guidelines and conditions are published in the *Pennsylvania Bulletin*. Comments should be directed to Richard Hess, Director, Bureau of Dog Law Enforcement, Department of Agriculture, 2301 North Cameron Street, Harrisburg, PA 17110-9408.

The Department will review and consider all written comments in preparing the final guidelines and conditions for the program. The final guidelines and conditions for the program will be published in the *Pennsylvania Bulletin* after the close of the comment period referenced previously. The Department will invite the submission of grant applications at that time.

#### *Proposed Guidelines and Conditions for the Year 2000 Dog Control Facility Bill Reimbursement Grant Program*

##### 1. *Definitions.*

The following words and terms, when used in these guidelines and conditions, have the following meanings:

*Department*—The Pennsylvania Department of Agriculture.

*Dog control*—The apprehending, holding and disposing of stray or unwanted dogs, or as otherwise defined in the Dog Law at 3 P. S. § 459-102.

*Eligible Bill*—A document seeking payment for materials, services or utilities from a grant recipient, setting forth the following:

- i. The date the document is issued.
- ii. The name and address of the humane society or association for the prevention of cruelty to animals to which the bill is issued.
- iii. If for materials, a description of the materials and the date of delivery.
- iv. If for services, a description of the nature of the services and the dates upon which the services were rendered.

v. If for utilities (such as electricity, water, sewer, waste disposal and similar purposes), a statement of the period for which the utility for which payment is sought was provided.

vi. The name, address and telephone number of the entity issuing the document.

*Humane society or association for the prevention of cruelty to animals*—A nonprofit society or association duly incorporated under 15 Pa.C.S. Ch. 53, Subch. A (relating to incorporation generally) for the purpose of prevention of cruelty to animals, or as otherwise defined in the Dog Law at 3 P. S. § 459-102.

*Program*—The Year 2000 Dog Control Facility Bill Reimbursement Program.

##### 2. *Eligibility.*

A humane society or association for the prevention of cruelty to animals is eligible to apply to receive a grant under the program if that humane society or association for the prevention of cruelty to animals:

- a. Has been in operation for at least 1 year immediately preceding the application date.
- b. Has performed dog control functions for at least 1 year immediately preceding the application date.
- c. Has, in the performance of its dog control functions, accepted at least 100 stray or unwanted dogs into its facility within the year immediately preceding the application date.
- d. Is not a party to a contract with the Department under which the Department pays that humane society or association for the prevention of cruelty to animals for dog control activities performed in the year 2000.
- e. Agrees—as a condition of receiving any grant money under the program—to continue to perform dog control activities through the year 2000.

f. Has a total operating budget of \$150,000 or less for the 2000 calendar year or, if its budget is on a basis other than calendar year, has a total operating budget of \$150,000 or less for each fiscal year comprising any portion of calendar year 2000.

##### 3. *Use of Grant Funds.*

The Department will allocate a specific maximum grant amount to a successful grant applicant through a written grant agreement. This maximum grant amount will be specified in the grant agreement, and will not exceed \$5,000 with respect to any application. The maximum grant amount will be retained by the Department and used to reimburse the grant recipient for eligible bills the grant recipient has paid with respect to materials, services or utilities provided to the grant recipient from January 1, 2000 through December 31, 2000. The total reimbursement the Department will pay a grant recipient will not exceed the maximum grant amount. Any money remaining in a grant allocation beyond the termination date of the grant agreement will lapse into the Dog Law Restricted Account. If a bill covers materials, services or utilities provided, in whole or in part, before January 1, 2000 or after December 31, 2000, that bill is not an eligible bill and will not be reimbursed by the Department under the program.

#### 4. *Application Process.*

a. *Application required.* A humane society or association for the prevention of cruelty to animals seeking a grant under the program must complete a written application form and deliver it to the Department no later than 30 days from the date the final guidelines and conditions are published in the *Pennsylvania Bulletin*. Applications received by the Department beyond that date will not be considered.

b. *Obtaining an application form.* The Department will provide grant application forms upon request. Requests for application forms should be directed to Richard Hess, Director, Bureau of Dog Law Enforcement, Pennsylvania Department of Agriculture, 2301 North Cameron Street, Harrisburg, PA 17110-9408, telephone: (717) 787-4833, fax: (717) 772-4352.

c. *Contents of grant application form.* A grant application form shall require the following information:

- i. The name and address of the applicant.
- ii. Information to verify that the applicant is a humane society or association for the prevention of cruelty to animals and otherwise meets the eligibility requirements set forth in paragraph 2, above.
- iii. The maximum grant amount sought by the applicant—not to exceed \$5,000.

iv. A description of the eligible bills for which the grant applicant intends to seek reimbursement, including a description (and copies, if available) of bills received by the applicant in 1999 for the same type of materials, services or utilities for which reimbursement will be sought under the grant agreement.

v. Such other information as the Department might reasonably require.

#### 5. *Review and approval of grant application.*

a. *Review and notification.* The Department will review each timely grant application and provide the applicant written notification of whether the Department awards the grant, denies the grant or awards a grant in some amount less than the applicant sought. This written notification will be mailed no later than 45 days from the date the final guidelines and conditions are published in the *Pennsylvania Bulletin*, to the address provided by the applicant on the grant application form. If an application is incomplete or the Department requires additional information or documentation to evaluate the grant request, it will so advise the applicant.

b. *Review criteria.* The Department will consider the following, among other factors, in determining whether to award a grant application:

- i. The number of applications received and the availability of funds for the grants sought.
- ii. The relative contribution of the applicant to dog control activities in the area it serves.

iii. The relative contribution of the applicant to dog control as compared to the relative contribution of other applicants.

iv. The relative importance of the grant to the continued operation of the applicant's dog control facility.

v. The expense or logistical difficulty the Department would encounter if the applicant's dog control facility was no longer in operation.

#### 6. *Grant agreement.*

a. *Grant agreement required.* A successful grant applicant must execute a grant agreement with the Department, setting forth the terms and conditions under which the grant money will be used by the Department to reimburse the grant recipient for payment of eligible bills.

b. *Reimbursement requests.* The grant agreement will set forth the exact procedure by which a grant recipient shall seek reimbursement from the Department for payment of eligible bills. The basic reimbursement request procedure will be as follows:

By May 15, 2000, the grant recipient will: (1) Deliver copies of the eligible bills it has paid between January 1 and April 30, 2000; (2) Verify that these bills have been paid and are eligible for reimbursement; and (3) Provide a detailed report of the dog control activities performed by the successful applicant during the referenced 4-month period.

By September 15, 2000, the grant recipient will: (1) Deliver copies of the eligible bills it has paid between May 1 and August 31, 2000; (2) Verify that these bills have been paid and are eligible for reimbursement; and (3) Provide a detailed report of the dog control activities performed by the successful applicant during the referenced 4-month period.

By January 15, 2001, the grant recipient will: (1) Deliver copies of the eligible bills it has paid between September 1 and December 31, 2000; (2) Verify that these bills have been paid and are eligible for reimbursement; and (3) Provide a detailed report of the dog control activities performed by the successful applicant during the referenced 4-month period.

c. *Payment by the Department.* The Department will reimburse a grant recipient for eligible bills within 60 days of receiving a complete and timely reimbursement request.

d. *Termination.* The Department may terminate a grant agreement at any time by providing the grant recipient written notice of termination at the address set forth on the grant application.

SAMUEL E. HAYES, Jr.,  
Secretary

[Pa.B. Doc. No. 99-2006. Filed for public inspection November 24, 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 November 16, 1999.



**BANKING INSTITUTIONS**  
**Holding Company Acquisitions**

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
11-9-99	Omega Financial Corporation, State College, to acquire up to 24.9% of Clearfield Bank & Trust Company, Clearfield	State College	Withdrawn

**Branch Applications**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-11-99	Patriot Bank Pottstown Montgomery County	Wegman's Plaza Tilghman Street Allentown Lehigh County	Opened
11-4-99	The Drovers & Mechanics Bank York York County	Route 15 & Spring Lane Dillsburg Carroll Township York County	Opened
11-8-99	Fulton Bank Lancaster Lancaster County	Cumberland Business Park 360 Cumberland Parkway Mechanicsburg Upper Allen Township Cumberland County	Opened
11-9-99	The Glen Rock State Bank Glen Rock York County	3090 Cape Horn Road Red Lion York County	Filed
11-9-99	The Drovers & Mechanics Bank York York County	30 West Patrick Street Frederick Frederick County Maryland	Filed
11-12-99	Northern State Bank Towanda Bradford County	120 West Fourth Street Williamsport Lycoming County	Filed

**Articles of Amendment**

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
11-12-99	Pocono Community Bank Stroudsburg Monroe County	Amendment to Article Six provides for an increase in the number of authorized shares of common stock from 3,000,000 to 4,000,000 and a change in the par value per share of common stock from \$5.00 to \$2.50, thereby effecting a two-for-one stock split.	Effective

**SAVINGS ASSOCIATIONS**

No activity.

**CREDIT UNIONS**

**Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
11-15-99	Schuylkill County School Employees Credit Union, Pottsville, and Good Samaritan Hospital Pottsville Federal Credit Union, Pottsville Surviving Institution—Schuylkill County School Employees Credit Union, Pottsville	Pottsville	Approved

DAVID E. ZUERN,  
*Secretary*

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

### APPLICATIONS

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

##### [National Pollution Discharge Elimination System Program (NPDES)]

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

##### (Part I Permits)

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

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

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

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

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

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

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

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

**PA 0061042.** Sewerage, **Mapleway, Inc.**, 1149 Old Trail Road, Clarks Summit, PA 18411.

This proposed action is for renewal of an NPDES permit to discharge treated sewage into a wet weather channel to Ackerly Creek in Glenburn Township, **Lackawanna County**.

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

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

The proposed effluent limits for Outfall 001 based on a design flow of .0019 mgd are:

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

The EPA waiver is in effect.

**PA 0020915.** Sewerage, SIC, **Borough of Pine Grove**, One Snyder Avenue, Pine Grove, PA 17963.

This proposed action is for renewal of an NPDES permit to discharge treated sewage into Swatara Creek in Pine Grove Township, **Schuylkill County**.

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

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Swatara Dam on Swatara Creek in Lebanon County.

The proposed effluent limits for Outfall 001, based on a design flow of 0.600 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25.0	40.0	50.0
Total Suspended Solids	30.0	45.0	60.0
Phosphorous as P	2.0	3.0	4.0
Dissolved Oxygen	a minimum of 6.0 mg/l at all times		
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean		
(10-1 to 4-30)	2,000/100 ml as a geometric mean		
pH	6.0 to 9.0 standard units at all times		
Total Residual Chlorine (1st Month—24th Month)	monitor and report	monitor and report	
(25th Month—Expiration Date)	1	2	

The EPA waiver is in effect.

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

**PA 0001937.** Industrial waste, SIC: 3612, **Cooper Power Systems**, Cooper Industries, 600 Travis, Suite 5800, Houston, TX 77002.

This application is for renewal of an NPDES permit to discharge treated groundwater and stormwater from the Canonsburg Plant in Cecil Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, unnamed tributary to Chartiers Creek and Chartiers Creek, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is the West View Municipal Authority, located at 210 Perry Highway, Pittsburgh, PA 15229, 33 miles below the discharge point.

*Outfall 001: existing discharge*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
PCB-1260			not detectable using EPA Method 608		
Oil and Grease			15.0		30.0
pH	not less than 6.0 nor greater than 9.0				

*Other Conditions:* Compliance schedule to permit and construct treatment facilities.

*Outfall 002: existing discharge*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
PCB-1260			not detectable using EPA Method 608		
Oil and Grease			15.0		30.0
Arsenic			monitor and report		
Copper			monitor and report		
Selenium			monitor and report		
Zinc			monitor and report		
Cyanide (Free)			monitor and report		
(Total)			monitor and report		
Tetrachloroethylene			monitor and report		

Outfall 002: existing discharge

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Trichloroethylene					
Vinyl Chloride					
pH	not less than 6.0 nor greater than 9.0				

Outfall 002: existing discharge

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
PCB-1260			not detectable using EPA Method 608		
Oil and Grease			15.0		30.0
Arsenic			0.06	0.12	0.15
Copper			0.014	0.028	0.035
Selenium			0.006	0.012	0.015
Zinc			0.09	0.18	0.22
Cyanide (Free)			0.006	0.012	0.015
(Total)				monitor and report	
Tetrachloroethylene			0.002	0.004	0.005

Outfall 002: existing discharge

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Trichloroethylene			0.011	0.022	0.0275
Vinyl Chloride			0.000076	0.000152	0.00019
pH	not less than 6.0 nor greater than 9.0				

Outfall 003: existing discharge

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
PCB-1260			not detectable using EPA Method 608		
Oil and Grease			15.0		30.0
pH	not less than 6.0 nor greater than 9.0				

Outfall 004: existing discharge

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
PCB-1260			not detectable using EPA Method 608		
Oil and Grease			15.0		30.0
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

**PA 0002062.** Industrial waste, SIC: 4911, **GPU Generation, Inc.**, 1001 Broad Street, Johnstown, PA 15907.

This application is for amendment of an NPDES permit to discharge treated stormwater, leachate and untreated stormwater from the Keystone Generating Station in Plumcreek Township, **Armstrong County**.

The following effluent limitations are proposed for discharge to the receiving waters, unnamed tributary to Crooked Creek, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is the Cadogan Township W. W., located at Post Office, Cadogan, PA 16212, 26.5 miles below the discharge point.

*Outfall 010:* new, interim discharge

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum

This discharge shall consist solely of uncontaminated stormwater runoff from the construction of the West Valley Disposal Site.

*Outfalls 010—012:* new discharges

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Total Suspended Solids			30		100
Iron			3.5		7.0
Aluminum				monitor and report	
Manganese			2.0		4.0
Nickel				monitor and report	
Zinc				monitor and report	
pH	not less than 6.0 nor greater than 9.0				

*Outfalls 013—014:* new discharges

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Iron				monitor and report	
Manganese				monitor and report	
Total Suspended Solids				monitor and report	
Sulfate				monitor and report	
Barium				monitor and report	
Arsenic				monitor and report	
pH	not less than 6.0 nor greater than 9.0				

*Outfall 015—020:* new discharges

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum

These discharges shall consist solely of uncontaminated stormwater runoff.

*Other Conditions:* Conditions relating to stormwater associated with the construction activities.

The EPA waiver is not in effect.

**PA 0005754.** Industrial waste, SIC: 3312, **J & L Specialty Steel, Inc.**, One PPG Place, 18th Floor, P. O. Box 3373, Pittsburgh, PA 15230.

This application is for renewal of an NPDES permit to discharge treated process water and cooling water, and untreated cooling water, stormwater, backwash and steam condensate from the Midland Plant in Midland Borough, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, Ohio River, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is Midland Borough Water Authority, located near the Midland Plant Outfall 003 discharge point.

*Outfall 001:* existing discharge, design flow of 6.86 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)				monitor and report	
Temperature (°F)				110	
Oil and Grease			15		30
Total Residual Chlorine			0.5		1.17
pH	not less than 6.0 nor greater than 9.0				

*Other Conditions:* Solids disposal, control floating solids, chemical additives, IMAX limit, priority pollutant sampling, cooling water conditions, stormwater conditions, control lab reagent disposal, TRC conditions, temperature conditions and elimination of Outfall 201.

*Outfall 101: Discharge Volume 0.0216 mgd*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Average Monthly</i>	<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Maximum Daily</i>		<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)				monitor and report	
Total Suspended Solids	72	217	25	70	87
Oil and Grease	22	65	10		30
Lead	0.087	0.26	0.3	0.9	1.1
Zinc	0.13	0.39	0.45	1.35	1.7
Chromium			0.4	1.0	1.2
pH	not less than 6.0 nor greater than 9.0				

*Outfall 003: existing discharge, design flow of 1.52 mgd*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Average Monthly</i>	<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Maximum Daily</i>		<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)				monitor and report	
Total Residual Chlorine			0.5		1.17
Mercury				monitor and report	

*Outfall 004: existing discharge, design flow of 3.54 mgd*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Average Monthly</i>	<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Maximum Daily</i>		<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)				monitor and report	
Temperature (°F)					110
Oil and Grease			15		30
Iron			4		7
Total Residual Chlorine			0.5		1.17
pH	not less than 6.0 nor greater than 9.0				

*Outfall 104: existing discharge, design flow of 1.58 mgd*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Average Monthly</i>	<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Maximum Daily</i>		<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	monitor and report				
Total Suspended Solids	524	1,220	30	60	75
Oil and Grease	30	90	10		30
Chromium	7.0	17.5	0.4	1.0	1.2
Nickel	5.2	15.7	0.3	0.9	1.1
Naphthalene		0.0149		0.1	
Tetrachloroethylene		0.0223		0.15	
CBOD <sub>5</sub>				monitor and report	
Nitrate/Nitrite Nitrogen				monitor and report	
pH	not less than 6.0 nor greater than 9.0				

*Outfall 204: existing discharge, design flow of 0.036 mgd*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Average Monthly</i>	<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Maximum Daily</i>		<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	monitor and report				
Total Suspended Solids			30		60
Iron			2.4		4.8
Chromium			0.4		1.2
Nickel			0.3		1.1
pH	not less than 6.0 nor greater than 9.0				

*Outfall 304: existing discharge, design flow of 0.26 mgd*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	monitor and report				
Total Suspended Solids			30		60
Iron			2.4		4.8
pH	not less than 6.0 nor greater than 9.0				

*Outfall 404: existing discharge*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	monitor and report				
Total Suspended Solids			30		60
Total Iron			2.0		4.0
Aluminum			4.0		8.0
Manganese			1.0		2.0
pH	not less than 6.0 nor greater than 9.0				

*Outfall 504: existing discharge*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	monitor and report				
Total Suspended Solids			30		60
Total Iron			2.0		4.0
Aluminum			4.0		8.0
Manganese			1.0		2.0
pH	not less than 6.0 nor greater than 9.0				

*Outfall 005: existing discharge of stormwater*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Zinc	monitor and report				

*Outfalls 006 and 007: discharge of stormwater*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Zinc					monitor and report
Oil and Grease					monitor and report
Iron					monitor and report

The EPA waiver is not in effect.

**PA 0098001.** Industrial waste, SIC: 3312, **Koppers Industries, Inc.**, 436 Seventh Avenue, Pittsburgh, PA 15219-1800.

This application is for renewal of an NPDES permit for stormwater, groundwater and noncontact cooling water from the Clairton Plant in Clairton, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, Peters Creek, classified as a trout stock fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing proposed downstream potable water supply (PWS) is PA-American Water Company, located at 410 Cooke Lane, Pittsburgh, PA 15234, 15.2 miles below the discharge point.

*Outfall 001: existing stormwater discharge.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Iron					monitor and report
Zinc					monitor and report

Outfall 002: existing stormwater discharge.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Zinc	monitor and report		monitor and report		

Outfall 002: existing discharge, design flow of 0.216 mgd. Limits are applicable only when noncontact cooling water is discharged.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	monitor and report		monitor and report		
Temperature (°F)	monitor and report		110		
pH	not less than 6.0 nor greater than 9.0				

Outfall 009: existing discharge, design flow of 0.068 mgd. Effective from permit effective date through 3 years after effective date.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	monitor and report		monitor and report		
Suspended Solids	monitor and report		30	75	
Benzene	monitor and report		monitor and report		
Phenolics	monitor and report		monitor and report		
pH	not less than 6.0 nor greater than 9.0				

Outfall 009: existing discharge, design flow of 0.068 mgd. Effective from 3 years after permit effective date through expiration date.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	monitor and report		monitor and report		
Suspended Solids	monitor and report		30	75	
Benzene	monitor and report		0.001	0.003	
Phenolics	monitor and report		0.02	0.05	
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

PA 0110159. Industrial waste, SIC: 4011, **Norfolk Southern Railway Company**, 110 Franklin Road S. E., P. O. Box 13, Roanoke, VA 24042-0013.

This application is for renewal of an NPDES permit to discharge treated process water and stormwater from the Cresson Enginehouse in Cresson Borough, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, unnamed tributary of Clearfield Creek, classified as a cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. There are no public water supply intakes within 100 miles downstream of the discharge.

Outfall 001: existing discharge, design flow of 0.6 mgd, from permit issuance through 3 years after permit issuance.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Benzene	monitor and report		monitor and report		
Ethylbenzene	monitor and report		monitor and report		
Toluene	monitor and report		monitor and report		
Total Xylenes	monitor and report		monitor and report		
Dissolved Iron	monitor and report		monitor and report		
Total Iron	monitor and report		7.0		
Beryllium	monitor and report		monitor and report		
Lead	monitor and report		monitor and report		
Thallium	monitor and report		monitor and report		
Zinc	monitor and report		monitor and report		
Aluminum	monitor and report		monitor and report		
Cobalt	monitor and report		monitor and report		



Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Napthalene				monitor and report	
Total Suspended Solids			30.0	60.0	75.0
Oil and Grease			15.0	30.0	30.0
pH	not less than 6.0 nor greater than 9.0				

*Outfall 001:* existing discharge from 3 years after permit issuance through expiration.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Benzene			0.001	0.002	0.0025
Ethylbenzene			0.003	0.006	0.0075
Toluene			0.002	0.004	0.005
Total Xylenes			0.009	0.018	0.0225
Iron					
(Dissolved)			0.12	0.24	0.3
(Total)			1.5	3.0	3.75
Beryllium			0.01	0.02	0.025
Lead			0.003	0.006	0.0075
Thallium			0.002	0.004	0.005
Zinc			0.1	0.2	0.25
Aluminum			0.5	1.0	1.25
Cobalt			0.02	0.04	0.05
Napthalene			0.01	0.02	0.025
Total Suspended Solids			30.0	60.0	75.0
Oil and Grease			15.0	30.0	30.0
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

*Other Conditions:* Requirement to construct treatment facilities, prohibition of sheens, prohibition of floating substances and/or scums.

**PA 0218081.** Industrial waste, SIC: 3547, **West Homestead Engineering and Machine Company (WHEMCO)**, P. O. Box 438, West Seventh Avenue, Homestead, PA 15120.

This application is for issuance of an NPDES permit to discharge treated process water and untreated cooling water and stormwater from the West Homestead Plant (including Hays Heat Treatment Building) in West Homestead Borough, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, Streets Run, West Run and Monongahela River, classified as warm water fisheries with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is PA-American Water Company, Becks Run Intake, located at Pittsburgh, PA, over 1-1/2 miles below the discharge point.

*Outfall 006:* existing discharge, design flow of 0.0948 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Average Daily	Instantaneous Maximum
Flow (mgd)	monitor and report				
Oil and Grease	monitor and report				
Temperature (°F)					
February 1—29				102	110
March 1—November 15				110	110
November 16—November 30				100	110
December 1—31				85	110
January 1—31				110	110
pH	not less than 6.0 nor greater than 9.0 s.u.				

*Outfall 106:* existing discharge, design flow of 0.0786 mgd.

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

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Average Daily	Instantaneous Maximum
Oil and Grease				10	
Total Suspended Solids			15	40	
Iron			3.4	6.8	
pH	not less than 6.0 nor greater than 9.0 s.u.				

Outfalls 003, 004, 008, 013, 014: existing discharge, stormwater discharge.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Average Daily	Instantaneous Maximum
Zinc					monitor and report
pH (s.u.)					monitor and report

Outfalls 001, 002, 005, 007, 009, 010, 011 and 012: existing discharge, stormwater discharge

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Average Daily	Instantaneous Maximum
Zinc					monitor and report
Oil and Grease					monitor and report

Other Conditions: Solids disposal, stormwater, floating solids, temperature and cooling water, Part II application and identify outfalls.

The EPA waiver is in effect.

**PA 0218227.** Industrial waste, SIC: 4941, **Municipal Authority of the Township of Washington**, 1390 Fayette Avenue, Belle Vernon, PA 15012.

This application is for issuance of an NPDES permit to discharge treated process water and untreated stormwater from the MATW Water Treatment Plant in Fayette City Borough, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, Monongahela River, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is the Belle Vernon Municipal Authority, located at Belle Vernon on the Monongahela River, over 2.5 miles below the discharge point.

Outfall 001: new discharge, design flow of 0.55 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	monitor and report				
Total Suspended Solids			30		60
Total Iron			2.0		4.0
Aluminum			4.0		8.0
Manganese			1.0		2.0
Total Residual Chlorine			0.5		1.17
pH	not less than 6.0 nor greater than 9.0 s.u.				

Other Conditions: Residual solids control, floating solids control, stormwater conditions, chemical additive requirements, Total Residual Chlorine conditions, effluent concentration requirement.

The EPA waiver is in effect.

Outfall 002: new stormwater discharge

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Outfall to consist solely of uncontaminated stormwater discharge.					

**PA 0027618.** Sewage, **Bethel Park Municipal Authority**, 5100 West Library Avenue, Bethel Park, PA 15102.

This application is for renewal of an NPDES permit to discharge treated sewage from the Bethel Park Sewage Treatment Plant (Piney Fork STP) in South Park Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Piney Fork, which are classified as a trout stock 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 Pennsylvania-American Water Company at Monongahela River Mile 4.4.

Outfall 001: existing discharge, design flow of 4.92 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	10	15		20
Suspended Solids	25	38		50
Ammonia Nitrogen				
(5-1 to 10-31)	2.0	3.0		4.0
(11-1 to 4-30)	4.0	6.0		8.0
Copper				
(1st month—36th month)	monitor and report			
(37th month—expiration)	0.017			0.034
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine				
(1st month—36th month)	monitor and report			
(37th month—expiration)	0.16			0.53
Dissolved Oxygen	not less than 6.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is not in effect.

**PA 0216623.** Sewage, **Joseph J. and Dolores M. Hajas**, R. R. 4, Box 296, Blairsville, PA 15717.

This application is for renewal of an NPDES permit to discharge treated sewage from Evergreen Restaurant and Lounge STP in Derry Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as drainage swale to unnamed tributary of Stony Run, which are classified as a cold 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 Saltsburg Municipal Water Works on the Conemaugh River.

Outfall 001: existing discharge, design flow of 0.00081 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	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)	2,000/100 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 0100048.** Sewage, **Spectrum Control, Inc.**, 8061 Avonia Road, Fairview, PA 16415.

This application is for renewal of an NPDES permit to discharge treated sanitary sewage to an unnamed tributary to Brandy Run in Fairview Township, **Erie County**. This is an existing non-POTW 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 existing/proposed downstream potable water supply (PWS) to consider during the evaluation.

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

Parameter	Effluent Concentration (mg/l)	
	Average Monthly	Instantaneous Maximum
CBOD <sub>5</sub>	25	50
Total Suspended Solids	30	60

<i>Parameter</i>	<i>Effluent Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Instantaneous Maximum</i>
NH <sub>3</sub> -N (5-1 to 10-31)	3.5	7
(11-1 to 4-30)	10.5	21
Phosphorus as P	1.0	
Dissolved Oxygen	minimum of 3.0 mg/l at all times	
Total Residual Chlorine	1.4	3.3
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	2,000/100 ml as a geometric average	
pH	6.0 to 9.0 standard units at all times	

The EPA waiver is in effect.

**PA 0026832.** Sewage, **Ellwood City Borough**, 525 Lawrence Avenue, Ellwood City, PA 16117.

This application is for renewal of an NPDES permit to discharge treated sewage to Connoquenessing Creek in Ellwood City, **Lawrence County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Beaver Falls Municipal Authority on the Beaver River located at Eastvale, approximately 8.5 miles below point of discharge.

The proposed effluent limits for Outfall No. 001, based on a design flow of 2.1 mgd, are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Weekly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX		
CBOD <sub>5</sub>	30	45	60
Total Suspended Solids	35	50	70
Ammonia Nitrogen (5-1 to 10-31)	16		32
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	43,000/100 ml as a geometric average		
Total Residual Chlorine	0.5		1.6
pH	6.0—9.0 at all times		

XX—monitor and report on monthly DMRs.

*Other Requirements:* — Combined Sewer Overflow Management  
— Stream Biomonitoring  
— Industrial User Control Program

The EPA waiver is not in effect.

**PA 0001252.** Industrial waste, SIC: 2813, **Air Products Chemicals, Inc.**, Delano Road, Meadville, PA 16335.

This application is for renewal of an NPDES permit, to discharge treated waste to an unnamed tributary of Conneaut Outlet in Greenwood Township, **Crawford County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fish, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Franklin City General Authority on French Creek located at Franklin, approximately 29.9 miles below point of discharge.

The proposed discharge limits for Outfall No. 001 and 002, based on a design flow of 0.00087 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	monitor and report		
pH	within 6.0 to 9.0 standard units at all times		

The EPA waiver is in effect.

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

**Applications under the Pennsylvania Clean  
Streams Law**

**(Part II Permits)**

**Applications**

The following permit applications and requests for plan approval have been received by the Department of Environmental Protection. 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 of Environmental Protection at the address indicated above each permit application or plan. Each written protest should contain the following: name, address and telephone number; identification of the plan or application to which the protest is addressed and a concise statement in sufficient detail to inform the Department of the exact basis of the protest and the relevant facts upon which it is based. The Department may conduct a fact-finding hearing or an informal conference concerning the plan, action or application to which the protests relates is held. To insure consideration by the Department prior to final action on permit applications and proposed plans, initial protests and additions or amendments to protests already filed should be filed within 15 calendar days from the date of this issue of the *Pennsylvania Bulletin*. A copy of each permit application and proposed plan is on file in the office indicated and is open to public inspection.

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

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

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

**WQM Permit No. 1799402.** Sewerage. Submitted by **Turbotville Borough Authority**, P. O. Box 264, Turbotville, PA 17772. The application was received by the Northcentral Regional Office on November 1, 1999. This application is for an increase in the permitted loading rate of their existing sewage treatment plant.

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

**A. 0274469, Amendment No. 3.** Sewerage. **Allegheny County Sanitary Authority (ALCOSAN)**, 3300 Preble Avenue, Pittsburgh, PA 15233-1092. Application for the substitution and operation of centrifuge dewatering units for belt filter presses at the existing ALCOSAN Wastewater Treatment Plant located in the City of Pittsburgh, **Allegheny County**.

**A. 6584433, Amendment No. 2.** Sewerage. **Antiochian Orthodox Christian Archdiocese of North America**, P. O. Box 638, Ligonier, PA 15658-0638. Application for revisions to Antiochian Village Sewage Treatment Plant in Fairfield Township, **Westmoreland County**.

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

**WQM Permit No. 2499402.** Sewage. **City of St. Marys**, P. O. Box 1994, 808 South Michael Road, St. Marys, PA 15857. This project is for the replacement of two manholes and clay pipe sewer line for the 4th Street bridge replacement in the City of St. Marys, **Elk County**.

**WQM Permit No. 2599419.** Sewage. **Washington Township Sewer Authority**, 11800 Edinboro Road, Edinboro, PA 16412. This project is for the installation of a new, additional microscreen at the existing wastewater treatment plant in Washington Township, **Erie County**.

**WQM Permit No. 109941.** Sewage, **Anna McMurdo Estate**, c/o Annabelle Eichler, Executor, 218 North Clay Street, Apt. H, Zelienople, PA 16063. This project is for the construction of a single residence sewage treatment plant in Forward Township, **Butler County**.

**SAFE DRINKING WATER**

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

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

**A. 4699512.** Public water supply. **Red Hill Water Authority**, P. O. Box 26, Red Hill, PA 18076. This proposal involves the installation of two activated carbon filters to remove TCE from Well No. 1 in Upper Hanover Township, **Montgomery County**.

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

**Application No. Minor Amendment.** The Department has received a permit application from **Wellsboro Municipal Authority**, 28 Crafton Street, Wellsboro, PA 16901, Duncan Township, replace the vertical turbine pump in Mann's Well with a new submersible pump.

**LAND RECYCLING AND  
ENVIRONMENTAL REMEDIATION**

**Under Act 2, 1995**

**Preamble 1**

**Acknowledgment of Notices of Intent to Remediate  
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 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 a 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 below 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 below. During this comment period the municipality may request that the person identified below, as the remediator of the site, develop and implement a public involvement plan. Requests to be involved, and comments, should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, please contact the Environmental Cleanup Program Manager in the Department 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 Notices of Intent to Remediate:

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

**Upper Nike Property**, Schuylkill and Tredyffrin Townships, **Chester County**. Joseph W. Standen, Jr., Leggette, Brashears & Graham, Inc., 426 Brandywine Parkway, West Chester, PA 19380, has submitted a Notice of Intent to Remediate site soil contaminated with petroleum hydrocarbons. The applicant proposes to remediate the site to meet the Statewide health standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Chester County Daily Local News* on October 8, 1999.

**Sunoco, Former No. 3 Tank Farm**, Bethel Township, **Delaware County**. James H. Mulry, Mulry & Cresswell Environmental, Inc., 1691 Horseshoe Pike, Suite 1, Glenmoore, PA 19343, has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reported to have been published in *The Delaware County Times* on October 20, 1999.

**Levitz Furniture Facility**, Middletown Township, **Bucks County**. Gregory L. McIsaac, ATC Associates, Inc., 8989 Herrmann Drive, Suite 300, Columbia, MD 21045, has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with lead, heavy metals, solvents, BTEX, petroleum hydrocarbons and

polycyclic aromatic hydrocarbons. The applicant proposes to remediate the site to meet the Statewide health and site-specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Bucks County Courier Times* on October 25, 1999.

**The Former Heinz Corp. Property, Parcel A**, City of Philadelphia, **Philadelphia County**. Ted Haldis, Gen. Manager, HBR Heintz Associates, L.P., 826 East Erie Ave., Philadelphia, PA 19134, has submitted a Notice of Intent to Remediate site soil contaminated with lead, heavy metals, solvents, BTEX and polycyclic aromatic hydrocarbons; and groundwater contaminated with solvents and BTEX. The applicant proposes to remediate the site to meet Statewide health and site-specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Daily News* on October 25, 1999.

**The Former Heinz Corp. Property, Parcel B**, City of Philadelphia, **Philadelphia County**. Ted Haldis, Gen. Manager, HBR Heintz Associates, L.P., 826 East Erie Ave., Philadelphia, PA 19134, has submitted a Notice of Intent to Remediate site soil contaminated with lead, heavy metals, solvents, BTEX and polycyclic aromatic hydrocarbons; and groundwater contaminated with solvents and BTEX. The applicant proposes to remediate the site to meet site-specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Daily News* on October 25, 1999.

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

**Pennsylvania Power & Light Company (PP&L)—Distribution Pole #65136S48011 (Gary Street, between 13th and 14th Streets)**, City of Bethlehem, **Lehigh County**. PP&L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101, has submitted a Notice of Intent to Remediate concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The notice indicates that the site will be remediated to meet the Statewide human health standard. A Final Report was simultaneously submitted. Please refer to additional *Pennsylvania Bulletin* notice.

**Pennsylvania Power & Light Company (PP&L)—Distribution Pole #63020S47718 (North 6th Street Extension)**, Whitehall Township, **Lehigh County**. PP&L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101, has submitted a Notice of Intent to Remediate concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The notice indicates that the site will be remediated to meet the Statewide human health standard. A Final Report was simultaneously submitted. Please refer to additional *Pennsylvania Bulletin* notice.

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

**Northeast Fish Hatchery**, Porter Township, **Clinton County**. Jeffrey L. Case, P.E., on behalf of the US Fish & Wildlife Service, P. O. Box 75, Tylersville Road, Lamar, PA 16848, has submitted a Notice of Intent to Remediate soil contaminated with asbestos. The applicant proposes to remediate the site to meet the background standard. A

summary of the Notice of Intent to Remediate was reported to have been published in the *Lock Haven Express* on October 23, 1999.

### **SOLID AND HAZARDOUS WASTE RESIDUAL WASTE PROCESSING FACILITIES**

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

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

**A. 300657. Allegheny Ludlum Corp.**, 100 River Road, Brackenridge, PA 15014-1597. Route 356 Landfill, State Route 356, Allegheny Township, PA 15656. An application for a permit renewal of a captive residual waste landfill in Allegheny Township, **Westmoreland County** was received in the Regional Office on August 18, 1999.

### **AIR QUALITY**

#### **Public Notice**

#### **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 through 143, the Federal Clean Air Act and regulations adopted under the act.

### **OPERATING PERMITS**

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

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

**35-313-011: Metkote Laminated Products, Inc.** (Keyser Avenue and Union Street, Taylor, PA 18517), for operation of a metal/vinyl lamination line in Taylor Borough, **Lackawanna County**.

**48-399-037: Tirenergy Corp.** (918 Clover Hill Road, Wynnewood, PA 19096), for operation of a tire pyrolysis furnace on Male Road, Plainfield Township, **Northampton County**.

### **PLAN APPROVALS**

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

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

**PA-09-0124: Statoil Energy Power, Inc.** (USX Industrial Park, Fairless Hills, PA 19030), for construction of a combined-cycle electric power generator in Falls Township, **Bucks County**.

**PA-09-0105A: Naceville Materials** (Springfield Street and Route 309, Coopersburg, PA 19474), for construction of an asphalt batch plant in Springfield Township, **Bucks County**.

**PA-15-0058: Martin Limestone, Inc.** (199 Quarry Road, Honey Brook, PA 19344), for installation of a tertiary crusher and sizing screen in West Brandywine Township, **Chester County**.

**OP-15-0010: Lukens Steel Co.** (50 South First Avenue, Coatesville, PA 19320), for modification of a Facility VOC/NOX RACT in City of Coatesville, **Chester County**.

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

**39-317-012C: Nestle USA, Inc.** (Friskie Petcare Division, 2050 Pope Road, Allentown, PA 18104), for modification of a dry petfood process in South Whitehall Township, **Lehigh County**.

**40-303-020: Pikes Creek Asphalt** (Haines and Kibblehouse, Inc., P. O. Box 196, Skippack, PA 19474), for construction of a batch asphalt plant on Trojan Road, Lehman Township, **Luzerne County**.

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

**06-01007V: Carpenter Technology Corp.** (101 Bern Street, Reading, PA 19601), for modification of the "F" electric arc furnace and associated melt shop equipment and casting operation controlled by a fabric collector in Reading/Muhlenberg Township, **Berks County**. The source is subject to 40 CFR Part 60, Subpart AA—Standards of Performance for Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels.

**36-05107A: Pepperidge Farm, Inc.** (2195 North Reading Road, Denver, PA 17517), for modification of the cracker production line and the installation of a new oxidizer in East Cocalico Township, **Lancaster County**.

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

**PA-43-315A: Russell Standard Corp.** (1210 Perry Highway, Mercer, PA 16137), for construction of a manufacturing process that produces modified asphalt cement in Springfield Township, **Mercer County**. A flare will be installed to control emissions generated.

**42-399-019A: Allegheny Particleboard Ltd. Partnership** (R. R. 1, Box 266, Kane, PA 16735), for modification of the high pressure chip air system in Mt. Jewett, **McKean County**.

**42-399-015: Allegheny Particleboard Ltd. Partnership** (R. R. 1, Box 266, Kane, PA 16735), for installation of a wet ESP to control emissions from the three dryers and oil heater in Mt. Jewett, **McKean County**.

**42-399-027B: Allegheny Medium Density Fiberboard Ltd. Partnership** (R. R. 1, Box 268, Kane, PA 16735), for installation of a wet ESP to control emissions from the two stage dryer and modification of fuel usage from sanderdust to natural gas in Mt. Jewett, **McKean County**.

**42-302-025A: Allegheny Medium Density Fiberboard Ltd. Partnership** (R. R. 1, Box 268, Kane, PA 16735), for modification of existing permits to accommodate natural gas fuel as the primary fuel used in Mt. Jewett, **McKean County**.

**42-399-025A: Allegheny Medium Density Fiberboard Ltd. Partnership** (R. R. 1 Box 268, Kane, PA 16735), for installation of a bioscrubber system to control emissions from the press vent exhausts in Mt. Jewett, **McKean County**.

## MINING

### APPLICATIONS TO CONDUCT COAL AND NONCOAL ACTIVITIES

#### MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.31); 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. 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 § 86.31—34 and § 77.121—23 (relating to public notices of filing of permit applications, opportunity for comment, and informal conferences).

Where any of the mining activities listed below will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. The NPDES permits will contain, at a minimum, technology-based effluent limitations (as described in the Department's regulations—25 Pa. Code §§ 77.522, 87.102, 88.92, 88.187, 88.242, 89.52, and 90.102) for iron, manganese, suspended solids, settleable solids, alkalinity, and pH. In addition to the above, more restrictive effluent limitations, restrictions on discharge volume, or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit when necessary for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies which have requested review of the NPDES permit requirements for a particular mining activity within the above-mentioned public comment period will be provided with a 30-day period to review and submit comments on those requirements.

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

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

#### *Coal Applications Received*

**03990108. Thomas J. Smith, Inc.** (R. R. 1, Box 260D, Shelocta, PA 15775). Application received for commencement, operation and reclamation of a bituminous surface auger mine located in Plumcreek Township, **Armstrong County**, proposed to affect 57.4 acres. Receiving streams: unnamed tributary to Plumcreek to Plumcreek to Crooked Creek. Application received: November 1, 1999.

**03940105R. Thomas J. Smith, Inc.** (R. R. 1, Box 260D, Shelocta, PA 15774). Renewal application received for continued reclamation of a bituminous surface auger mine located in Plumcreek Township, **Armstrong County**, affecting 94.5 acres. Receiving streams: Dutch Run, unnamed tributary to Plum Creek and Plum Creek. Renewal application received: November 8, 1999.

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

**40990204. HUD, Inc. t/a Emerald Anthracite** (P. O. Box 27, 200 East Front Street, Nanticoke, PA 18634), commencement, operation and restoration of an anthracite coal refuse reprocessing operation in the City of Nanticoke and Hanover Township, **Luzerne County**



affecting 45.2 acres, receiving stream—Nanticoke Creek. Application received October 29, 1999.

**49990201. Black Diamond Mining, Inc.** (P. O. Box 139, Elysburg, PA 17824), commencement, operation and restoration of a coal refuse reprocessing operation in Mt. Carmel Township, **Northumberland County** affecting 124.859 acres, receiving stream—North Branch of Shamokin Creek. Application received November 3, 1999.

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

**30841313. Consolidation Coal Co.** (P. O. Box 100, Osage, WV 26543), to revise the permit for the Dilworth Mine in Cumberland Township, **Greene County** to add 29.54 acres to subsidence control plan, no additional discharges. Application received September 28, 1999.

**04971301. M. J. Mining Co.** (1021 Whitestown Rd., Butler, PA 16001), to revise the permit for the M. J. Mine No. 1 in Greene Township, **Beaver County** to revise the subsidence control boundary and add 578.2 acres, no additional discharges. Application received October 29, 1999.

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

**16890110. Original Fuels, Inc.** (P. O. Box 343, Punxsutawney, PA 15767). Renewal of an existing bituminous surface strip and tippel refuse disposal operation in Limestone Township, **Clarion County**, affecting 175.6 acres. Receiving streams: Two unnamed tributaries to Parsons Run, Parsons Run to Sloan Run to Piney Creek to the Clarion River to the Allegheny River. Application for reclamation only. Application received November 3, 1999.

**10980109. Ben Hal Mining Company** (389 Irishtown Road, Grove City, PA 16127). Application to mine within 100 feet and construct a haul road crossing over unnamed tributary B to Bear Run in Muddy Creek Township, **Butler County**. Receiving streams: Unnamed tributary to Bear Run to Lake Arthur to Muddy Creek to Slippery Rock Creek to the Beaver River. Application received November 4, 1999.

**24813008. Tamburlin Bros. Coal Co., Inc.** (P. O. Box 1419, Clearfield, PA 16830). Renewal of an existing bituminous surface strip, auger and clay removal operation in Horton and Snyder Townships, **Elk and Jefferson Counties**, affecting 458.0 acres. Receiving streams: Coal Hollow Run, Mead Run and Little Toby Creek. Application for reclamation only. Application received November 5, 1999.

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

*Noncoal Applications Received*

**6172SM6C5. Bear Gap Stone, Inc.** (R. R. 1, Box 138, Elysburg, PA 17824), renewal of NPDES Permit No. PA0227484 in Ralpho Township, **Northumberland County**, receiving stream—unnamed tributary to South Branch Roaring Creek. Application received November 1, 1999.

**8073SM1C5. Highway Materials, Inc.** (1750 Walton Road, P. O. Box 1667, Blue Bell, PA 19422), renewal of NPDES Permit No. PA0614602 in Marlborough Township, **Montgomery County**, receiving stream—Unami Creek. Application received November 3, 1999.

**40870301C. Pennsy Supply, Inc.** (1001 Paxton Street, P. O. Box 3331, Harrisburg, PA 17105), correction to a quarry operation in Dorrance Township, **Luzerne County** (currently transferring from Small Mountain

Quarry) affecting 85.8 acres, receiving stream—Wapwalopen Run and Balliet Creek. Application received November 3, 1999.

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

**3072SM3. Allegheny Mineral Corporation** (P. O. Box 1022, Kittanning, PA 16201). Renewal of an existing limestone operation in Marion and Mercer Townships, **Butler County**, affecting 356.2 acres. Receiving streams: Two unnamed tributaries to McMurray Run and McMurray Run and one unnamed tributary to North Branch Slippery Rock Creek to Slippery Rock Creek to the Connoquenessing Creek to the Beaver River to the Ohio River. Renewal of NPDES Permit No. PA0605336. Application received November 2, 1999.

**3778SM10. Franklin Gravel Co.** (411 Grant Street, Franklin, PA 16323). Renewal of an existing sand and gravel permit in the City of Franklin, **Venango County** affecting 9.7 acres. Receiving streams: Patchel Run to French Creek to Allegheny River to the Ohio River. Renewal of NPDES Permit No. PA0108812. Application received November 4, 1999.

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

**26992001. Coolspring Mining, Inc.** (P. O. Box 1328, Uniontown, PA 15401). Application received for commencement, operation and reclamation of a large industrial mineral (limestone) underground quarry located in North Union and Dunbar Townships, **Fayette County**, affecting 410 acres. There are no surface activities or discharges associated with this permit, however, the area streams are tributaries to Cove Run, tributaries to and Dunbar Creek, tributaries to Coolspring Run, and Shutes Run. Application received: November 1, 1999.

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

### ENCROACHMENTS

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

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

**E46-855.** Encroachment. **Norristown Borough**, 235 East Airy Street, Norristown, PA 19401-5048. To renovate, operate and maintain an existing parking lot located in the vicinity of an existing flood control project within the 100-year floodplain of Saw Mill Creek. Work will include grading improvements and bituminous paving. This site is located at 300 East Main Street (Norristown, PA Quadrangle N: 20.4-inches; W: 12.5-inches) in the Borough of Norristown, **Montgomery County**.

**E23-042T-2.** Encroachment. **Fox's Grove Marina**, 6 Bartram Avenue, Essington, PA 19029. To reissue and amend the existing Fox's Grove Marine Facility, Permit E23-042T-2, for construction and maintenance of a Travel Lift, consisting of two 40-foot long rails supported by piles approximately 5 feet center to center and 40 linear feet of bulkhead in and along the Delaware River impacting a de minimis area of tidal wetlands (PEM). This site is located between Bartram Avenue and Saude Avenue (Bridgeport, NJ-PA, Quadrangle N: 20.5 inches and W: 6.60 inches) in Tinicum Township, **Delaware County**.

**E23-390.** Encroachment. **G & D Developers**, 627 South Central Blvd., Broomall, PA 19008. To place fill within a 0.46 acre body of water (POW) associated with the construction of lot 6 of a proposed residential subdivision. This site is located approximately 600 feet southeast of the terminus of Wootton Road (Norristown, PA Quadrangle N: 1.2 inches; W: 12.3 inches) in Radnor Township, **Delaware County**.

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

**E40-532.** Encroachment. **Hunlock Township**, P. O. Box 164, Hunlock Creek, PA 18621. To repair and maintain an existing railroad tie and mortared stone retaining wall along southern streambank of Hunlock Creek (CWF) with work consisting of the following: (1) construction of a gabion basket retaining wall having a height of approximately 12 feet and length of 84 feet to stabilize an eroded section of the existing wall; and (2) placement of approximately 144 feet of R-7 riprap to reduce the potential for future scour along the toe of the existing wall. This work is associated with PADEP—Bureau of Waterways Engineering Project No. S40:117 and is located along the Wildoner Property, just upstream from S. R. 4016 (Nanticoke, PA Quadrangle N: 15.2 inches; W: 10.8 inches), Hunlock Township, **Luzerne County** (Baltimore District, U. S. Army Corps of Engineers).

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

**E12-118.** Encroachment. **Independence Pipeline Company**, 500 Renaissance Center, Detroit, MI 48243-1902. To construct and maintain a natural gas pipeline, 36 inches in diameter, under Oviatt Branch (EV stream), five tributaries to Brewer Fork (EV), Havens Run (CWF), North Creek (HQ-CWF), Pepper Run (HQ-CWF), Waldy Run (HQ-CWF), a tributary to Waldy Run (HQ-CWF), Roaring Branch (HQ-CWF), Fourmile Run (CWF), Sinemahoning Portage Creek (CWF), a tributary to Sinemahoning Portage Creek (CWF), Lucore Hollow (CWF), Salt Run (CWF), a tributary to Salt Run (CWF), Rednor Hollow (CWF), Bucher Hollow (CWF), and McNuff Branch (HQ-CWF) and across eight wetlands. The pipeline in Cameron County begins at the northwest corner of Cameron County (Wildwood Fire Tower, PA Quadrangle N: 21.2 inches; W: 5.5 inches) and ends about 0.75 mile south of the intersection of Stream Mill Road with the

Potter County/Cameron County Line (Emporium, PA Quadrangle N: 10.0 inches; W: 1.5 inches) in Shippen and Portage Townships, **Cameron County**. Total estimated stream disturbance is 240 feet and total temporary wetland impact is 0.5 acre.

**E17-338.** Encroachment. **Seth Cowder**, R. R. 1, Box 98, Woodland, PA 16881. To construct and maintain a culvert crossing consisting of three pipes, 36 inches in diameter, in Jake Run to access a proposed residential development. This crossing is located off Mutton Hollow Road approximately 1,500 feet south of Route 970 (Wallaceton, PA Quadrangle N: 19.0 inches; W: 13.1 inches) in Bradford Township, **Clearfield County**. Estimated stream disturbance is 50 feet; stream classification is CWF.

**E41-454.** Encroachment. **Pennsylvania Department of Transportation**, Engineering District 3-0, P. O. Box 218, Montoursville, PA 17754-0218. To remove the existing structure and to construct and maintain a concrete culvert with a span of 91 inches and underclearance of 58 inches in Sugar Run located on S. R. 2061, Segment 0240, approximately 0.7 mile south of S. R. 2073 (Picture Rocks, PA Quadrangle N: 3.7 inches; W: 4.2 inches) in Penn Township, **Lycoming County**. Estimated stream disturbance is 60 feet; stream classification is CWF.

**E59-386.** Encroachment. **North Penn Gas Company**, 76-80 Mill Street, Port Allegany, PA 16743. The applicant proposes to repair, operate and maintain a gas pipeline beneath Tan Creek (cold water fishery); and to restore the channel of the same waterway for the transmission of natural gas. The channel restoration work shall consist of installing steel reinforcement rod doweled into the bedrock of the former channel, grouting rock into the former channel, and constructing a channel to carry low flow through the reach. All steel reinforcement rods shall not extend above the 14-inch gas pipeline. The project will not impact wetlands while impacting a maximum of 50 feet of waterway. The project is located along the western right-of-way of S. R. 0015 approximately 1,645 feet south of S. R. 2025 and S. R. 0015 intersection (Blossburg, PA Quadrangle N: 15.1 inches; W: 11.55 inches) in Covington Township, **Tioga County**.

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

**E03-381 A1.** Encroachment. **Pennsylvania Department of Transportation**, Engineering District 10-0, P. O. Box 429, Indiana, PA 15701. To amend permit E03-381 and to construct and maintain stream bank stabilization and fish habitat improvements to 19 locations along Cowanshannock Creek (TSF) for the purpose of mitigation for aquatic habitat loss associated with the Kittanning Bypass highway project. This stream work is located within 1 mile downstream from the Sunnyside Bridge (S. R. 0085); (Begin: Mosgrove, PA Quadrangle N: 11.9 inches; W: 13.2 inches; End: Mosgrove, PA Quadrangle N: 12.3 inches; W: 15.2 inches) in Rayburn Township, **Armstrong County**.

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

**E10-308.** Encroachment. **Mars Housing, Inc.**, P. O. Box 868, Mars, PA 16046. To remove the existing culvert and to construct and maintain a 24-foot-long, 68-inch-wide by 43-inch-high reinforced concrete elliptical pipe culvert in a tributary to Breakneck Creek on Gilkey Drive serving as access to the Mars Housing Inc. facility (Penn Mar Plaza apartments) east of Pittsburgh Street approxi-

mately 1,000 feet north of SR 228 (Mars, PA Quadrangle N: 12.25 inches; W: 2.2 inches) in Mars Borough, **Butler County**.

**E25-597. Encroachment. PA Department of Transportation**, District 1-0, 255 Elm Street, Oil City, PA 16301. To remove the existing bridge and to construct and maintain a prestressed concrete spread box beam bridge having a clear normal span of 58.5 feet and an average underclearance of 11.5 feet across Sixteenmile Creek on SR 0089 Segment 0570 Offset 0000 approximately 100 feet south of SR 426 (North East, PA Quadrangle N: 14.82 inches; W: 11.7 inches) in North East Borough, **Erie County**.

**E25-598. Encroachment. PA Electric Company d/b/a GPU Energy**, 2800 Pottsville Pike, Reading, PA 19640. To install a fiber optic cable and to operate and maintain the existing aerial electric distribution line (Line No. 50110) supported by single poles across French Creek upstream of SR 97 approximately 2.7 miles west of SR 0006 (Waterford, PA Quadrangle N: 6.0 inches; W: 3.0 inches) located in LeBoeuf Township, **Erie County**.

**E43-274. Encroachment. PA Dept. of Transportation**, District 1-0, 255 Elm Street, Oil City, PA 16301. To remove the existing bridge and to construct and maintain a prestressed concrete adjacent box beam bridge having a clear span of 38.5 feet and an average underclearance of 5.3 feet on an 80 degree skew across Sugar Run on SR 0058 Segment 0050 Offset 0000 approximately 2 miles west of SR 322 at Jamestown (Greenville West, PA Quadrangle N: 18.4 inches; W: 14.6 inches) located in Greene Township, **Mercer County**.

**E62-356. Encroachment. PA Electric Company d/b/a GPU Energy**, 2800 Pottsville Pike, Reading, PA 19640. To install a fiber optic cable and to operate and maintain the existing aerial NWS electric distribution and transmission line supported by H-pole towers across the Allegheny River approximately 0.4 mile upstream of the Pennsylvania Avenue Bridge in Warren (Clarendon, PA Quadrangle N: 13.5 inches; W: 15.0 inches) located in Glade and Mead Townships, **Warren County**.

**E62-357. Encroachment. Mead Township**, R. D. 1, Box 1226-A, Clarendon, PA 16313. To modify and maintain the existing 14-foot 2-inch-wide by 3-foot 11-inch-high corrugated steel plate box culvert in Sixmile Run on Sixmile Run Road approximately 2 miles east of SR 6 at the village of Tiona (Clarendon, PA Quadrangle N: 2.5 inches; W: 5.0 inches) located in Mead Township, **Warren County**. Modification includes extension of the structure by feet upstream and downstream, new headwall, wingwalls and minor channel work within 20 feet of the structure.

## 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 has taken the following actions on previously received permit appli-

cations and requests for plan approval and has issued the following significant orders.

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

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

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

**Permit No. 5899401. Sewerage. Monteforte Enterprises**, R. R. 2, Box 34A, New Milford, PA 18834. Permit to construct and operate a sewage treatment plant, located in New Milford Township, **Susquehanna County**.

**NPDES Permit No. PA-0041742. Sewerage. Nazareth Borough Municipal Authority**, 872 Tatamy Road, P. O. Box A, Nazareth, PA 18064, is authorized to discharge from a facility located in Lower Nazareth Township, **Northampton County**.

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

**WQM Permit No. 1795408-A37. Sewerage. Bradford Township**, P. O. Box 79, Woodland, PA 16881. Renewal granted for permit to install a treatment system to serve the new home to be built. The design was previously approved on October 19, 1999 as a pilot program. Facility located at Bradford Township, **Clearfield County**.

**NPDES Permit No. PA0111945. Industrial waste. Ward Manufacturing Inc.**, P. O. Box 9, Blossburg, PA 16912-0009. Renewal granted to NPDES industrial waste to discharge from the three plants in Blossburg Borough. Facility located at Blossburg Borough, **Tioga County**.

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

**NPDES Permit No. PA0003042-A1. Industrial waste. Welland Chemical, Inc.**, P. O. Box 26, Mill Street, Newell, PA 15466, is authorized to discharge from a facility located at the Newell Works, Newell Borough, **Fayette County** to receiving waters named Monongahela River.

**NPDES Permit No. PA0032425. Sewerage. DCNR—Bureau of State Parks**, Ohiopyle State Park, P. O. Box 105, Dinnerbell Road, Ohiopyle, PA 15470-0105, is authorized to discharge from a facility located at Ohiopyle State Park Campground Sewage Treatment Plant,

Stewart Township, **Fayette County** to receiving waters named Unnamed Tributary of Youghiogheny River.

**NPDES Permit No. PA0216747.** Sewage. **Consol PA Coal Company**, Waynesburg Operations, P. O. Box 174, Graysville, PA 15337, is authorized to discharge from a facility located at West Finley Portal STP, West Finley Township, **Washington County** to receiving waters named Drainage Swale to Robinson Fork.

**Permit No. 0291412-A1.** Sewerage. **Ott Enterprises, Inc.**, 208 Rivercrest Drive, Coraopolis, PA 15108. Construction and operation of a tablet chlorination system located in Borough of Sewickley, **Allegheny County** to serve the Woodland Estates STP.

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

**NPDES Permit No. PA0221210.** Sewage. **Faith Baptist Church of Albion**, 11311 State Route 18, Albion, PA 16401-0013, is authorized to discharge from a facility located in Conneaut Township, **Erie County** to an unnamed tributary to Conneaut Creek.

**NPDES Permit No. PA0002038.** Industrial waste. **OMG Americas**, Two Mile Run Road, Franklin, PA

16323, is authorized to discharge from a facility located in Sugarcreek Borough, **Venango County** to the Allegheny River, Two Mile Run and Rale Run.

**NPDES Permit No. PA0222950.** Sewage, **Joseph C. Cochran and Susan Losey**, 52 Hathaway Lane, Sheffield, PA 16347, is authorized to discharge from a facility located in Sheffield Township, **Warren County** to Unnamed tributary to the South Branch of Tionesta Creek.

**WQM Permit No. 6299412.** Sewerage, **Joseph C. Cochran and Susan Losey SRSTP**, 52 Hathaway Lane, Sheffield, PA 16347. Construction of Joseph C. Cochran and Susan Losey SRSTP located in Sheffield Township, **Warren County**.

**INDIVIDUAL PERMITS**

**(PAS)**

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10S021-R	Blue Mountain Lake Associates, L.P. One Blue Mountain Lake E. Stroudsburg, PA 18301	Monroe County Stroud Township	Sambo Creek and a tributary to Brodhead Creek
PAS10U117	J. G. Petrucci Co., Inc. 171 Route 173 Suite 201 Asbury, NJ 08802	Northampton County Forks Township	Bushkill Creek

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

**PAS-10-4507.** Individual NPDES. **James F. Knarr**, Rt. 322, Box 577, Milroy, PA 17063. To implement an erosion and sedimentation control plan for the construction of a combination commercial, single family lots and multifamily dwelling subdivision known as Taylor Park Subdivision on 64.6 acres in Brown Township, **Mifflin County**. The project is located on the west side of SR 0322 at the community of Church Hill (Burnham, PA Quadrangle N: 11.7 inches; W: 14.0 inches). Drainage will be to an unnamed tributary to Tea Creek. (HQ-CWF).

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10F079	PA Dept. of Transportation 1924-30 Daisy St. Clearfield, PA 16830	Patton, Huston, Worth, Taylor Townships, Centre County, Snyder Township, Blair County	N. Bald Creek, S. Bald Eagle, Buffalo 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 Permits to discharge wastewater into the surface waters of this Commonwealth; (2) NOIs for coverage under General Permits for Beneficial Use of Sewage Sludge or Residential Septage by Land Application in Pennsylvania; or (3) Notifications for First Land Application of Sewage Sludge.

The 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 (Department) 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 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
PAG-10	General Permit for Discharges Resulting From Hydrostatic Testing of Tanks and Pipelines

*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>
Northampton County Lehigh Township	PAR10U125	Richard Becker 4691 Maple Drive Walnutport, PA 18088	Hokendauqua Creek	Northampton CD (610) 746-1971
Butler County Buffalo Township	PAS10E069	High Point Plan of Lots Cabot Resources 700 Ekastown Rd. Sarver, PA 16055	Little Buffalo Creek	Butler Conservation District 122 McCune Drive Butler, PA 16001-65001 (724) 284-5270
Luzerne County Jenkins Township	PAR10R177	United Methodist Homes For the Aging 700 Harry L. Drive Suite 300 P. O. Box 350 Johnson City, NY 13790	Susquehanna River	(570) 674-7991
Lackawanna County Dickson City Borough	PAR10N091	Keystone Property Assoc., LLC 2 Heathcote Avon, CT 06001	Unnamed Tributary to Lackawanna River	(570) 281-9495
Oxford Township Adams County	PAR-10-0094	Delbert Piper and Larry Piper 20 Kevin Drive New Oxford, PA 17350	S. Branch of Conewego Creek	Adams County CD 57 North Fifth Street Gettysburg, PA 17325 (717) 334-0636
Robeson Township Berks County	PAR-10-C293	High Point Lake High Point Baptist Chapel P. O. Box 188, Chapel and Furnace Rds. Geigertown, PA 19523	Hay Creek	Berks County CD P. O. Box 520 1238 County Welfare Road Leesport, PA 19533 (610) 372-4657
West Cocalico Township Lancaster County	PAR-10-O-393	Daniel E. Martin 1850 W. Rt. 897 Denver, PA 17517	Unt. Little Cocalico Creek	Lancaster County CD 1383 Arcadia Road Rm. 6 Lancaster, PA 17601 (717) 299-5361

## NOTICES

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<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 Hempfield Township Lancaster County	PAR-10-O-401	Wawa Inc. 260 W. Baltimore Pike Wawa, PA 17543	Little Conestoga Creek	Lancaster County CD 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
Ephrata Township Lancaster County	PAR-10-O-403	New Joy Brethren in Christ Church 206 Marion Terrace Ephrata, PA 17543	Cocalico Creek	Lancaster County CD 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
Mount Joy Township Lancaster County	PAR-10-O-417	Remax Cornerstone Realty 222 S. Market Street Suite 101 Elizabethtown, PA 17022	Chickies Creek	Lancaster County CD 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
West York Borough West Manchester Township York County	PAR-10-Y403	New Middle School West York Area School District 2605 W. Market Street York, PA 17404	Codorus Creek	York County CD 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
Manchester Township York County	PAR-10-Y419	Farmbrook Industrial Park, Lot 402 Manchester Business Park Assoc. Box 131 AA, R. D. 1 Seven Valleys, PA 17360	Unt. to Little Conewago Creek	York County CD 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
York Township York County	PAR-10-Y414	Yorktown Heights MGM Enterprises One Waterford Professional Center York, PA 17402	Mill Creek	York County CD 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430

*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>
Greene County Perry Township	PAR116120	Swanson Plating Co., Inc. 2680 Smithtown Road Morgantown, WV 26508-2494	Dunkard Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Allegheny County Pittsburgh	PAR156103	The Valspar Corporation 2000 Westhall Street Pittsburgh, PA 15233	Ohio River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-4*

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Washington County Jefferson Township	PAG046195	Cheryl A. Czap Dennis F. Dorman, III 115 Dam Road Burgettstown, PA 15021	Tributary of Harmony Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Clearfield County Bradford Township	PAG045075	Lisa McGonigal R. R. 1, Box 507 Woodland, PA 16881	Unnamed tributary Millstone Run	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664

*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>
Greene Township Franklin County	PAG-09-3525	Rodger Wingert 2946 Black Gap Road Chambersburg, PA 17201	Wingert Farm Greene Township Franklin County	SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

*General Permit Type—PAG-10*

<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>
Statewide Use	PAG109601	The Peoples Natural Gas Co. 625 Liberty Avenue Pittsburgh, PA 15222	Statewide Use- Water body information to be provided to the Department before discharge	Central Office 400 Market Street Harrisburg, PA 17105 (717) 787-8184
Statewide Use	PAG109602	CNG Transmission Corporation 445 W. Main Street P. O. Box 2450 Clarksburg, WV 26302	Statewide Use- Water body information to be provided to the Department before discharge	Central Office 400 Market Street Harrisburg, PA 17105 (717) 787-8184

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

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

**Permit No. 0499503.** Public water supply. **Beaver County Commissioners**, 810 Third Street, Beaver, PA 15009-2196.

*Type of Facility:* Beaver County Jail water storage tank and transmission lines.

*Permit for Construction Issued:* October 28, 1999.

**Permit No. 6399506.** Public water supply. **Tri-County Joint Municipal Authority**, 26 Monongahela Avenue, P. O. Box 758, Fredericktown, PA 15333.

*Type of Facility:* Water storage tanks, booster station and transmission lines.

*Permit for Construction Issued:* November 10, 1999.

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

**Permit No. 0899501.** The Department issued a construction permit to **Wyalusing Personal Care Home**, R. R. 1, Box 186, Wyalusing, PA 18853, Wyalusing Township, **Bradford County**. This permit authorizes construction of Well No. 1, softeners, chlorinator, chlorine contact tanks, finished water storage tanks, booster pumps and distribution lines.

*Northwest Regional Office: Regional Manager, Water Supply Management, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6899.*

**Permit No. 2599505.** Public water supply. **Millcreek Township Water Authority**, 3608 W. 26th Street, Erie, PA 16505. Permit issued for the installation of four pump

stations to serve additional areas of Millcreek Township, specifically Echo Hills, in Millcreek Township, **Erie County**.

*Type of Facility:* Public water supply

*Consulting Engineer:* Arthur M. Kuholski, P.E., Lake Engineering, 140 Meadville Street, Edinboro, PA 16412.

*Construction Permit Issued:* November 9, 1999.

## **HAZARDOUS SITES CLEANUP**

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

**Notices of Prompt Interim Response under the Hazardous Sites Cleanup Act**

**Jacob Kline Cooperage Site**

**City of Allentown, Lehigh County**

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.101—6020.1305) (HSCA), has initiated a prompt response at the Jacob Kline Cooperage Site (site). This response has been undertaken under section 505(b) of HSCA. The site is located at 701—725 East Highland Street in the City of Allentown, Lehigh County, PA.

The site consists of wastes stored in 11 van-type truck trailers, two rolloff containers, and within drums on the ground next to these trailers. The wastes within the trailers are primarily contained within metal and plastic drums except for one of the trailers which contains a solid material stored directly in the trailer. The wastes are located in the northeast corner of the property near the intersection of E. Congress and N. Graham Streets. The site is located within a light industrial park and was used in the past by a drum recycling business, which operated on the property for many years until the early 1990s. An estimated 500 drums of waste will be addressed by this response action. Although there is no definitive inventory of the wastes contained in the drums at the site, it is believed that the wastes include oils, paints and solvents, corrosives, and other materials handled or generated by the drum reconditioners. Prior to the start of this response, the site was easily accessible and access was unrestricted.

The objective of the prompt interim response is to remove the hazardous substances and contaminants from the site and to safely dispose of them at offsite facilities that have regulatory approvals for the treatment and disposal. This response will eliminate the immediate and direct threats posed by these wastes to human health and safety and the environment.

Given the specific circumstances at this site, the Department determined that the removal of the hazardous substances and contaminants and offsite treatment and disposal is the only viable alternative to implement at this site. This response action is needed in a prompt manner to protect human health and the environment.

On November 1, 1999, the Department mobilized an interim response services contractor to the site to conduct a prompt interim response. The work at the site will include securing the work area, handling and staging of the waste containers, identification and analysis of the wastes, proper packaging of the wastes for offsite transportation, and the disposal of the wastes at approved facilities.

This notice is being provided under sections 505(b) and 506(b) of HSCA. The administrative record which contains the information that forms the basis and documents

the selection of this response action is available for public review and comment. The administrative record is located at the DEP Bethlehem District Office at 4530 Bath Pike (Route 512) in Hanover Township, Northampton County and is available for review Monday through Friday from 8 a.m. to 4 p.m.

The administrative record will be open for comment from November 27, 1999, until February 25, 2000. Persons may submit written comments into the record during this time only, by sending them to James Kunkle, DEP Project Officer, at the DEP Bethlehem Office at 4530 Bath Pike (Route 512) in Hanover Township, Northampton County or by delivering them to this office in person.

In addition, persons may present oral comments on the remedy chosen by the Department, for inclusion in the administrative record, at a public hearing. The Department has scheduled the hearing for January 11, 2000 at 2 p.m. at the Bethlehem Office. Persons wishing to present comments must register with James Kunkle before 4 p.m. on January 5, 2000, by telephone at (610) 861-2070 or in writing at the DEP Bethlehem District Office.

If no person registers to present oral comments by January 5, 2000, the hearing will not be held. Persons interested in finding out if individuals have registered, and if the hearing will be held, should contact James Kunkle.

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

## **LAND RECYCLING AND ENVIRONMENTAL REMEDIATION**

**Under Act 2, 1995**

**Preamble 2**

### **LAND RECYCLING AND ENVIRONMENTAL REMEDIATION**

**Under Act 2, 1995**

**Preamble 2**

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**The following final reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 60260.101—6026.908).**

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Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of final reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or 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, please contact the Environmental Cleanup Program Man-



ager in the Department of Environmental Protection 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 of Environmental Protection has received the following final reports:

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

**Pennsylvania Power & Light Company (PP&L)—Distribution Pole #65136S48011 (Gary Street, between 13th and 14th Streets), City of Bethlehem, Lehigh County.** PP&L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101, has submitted a Final Report concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The report was submitted to document remediation of the site to meet the Statewide human health standard. A Notice of Intent to Remediate was simultaneously submitted. Please refer to additional *Pennsylvania Bulletin* notice.

**Pennsylvania Power & Light Company (PP&L)—Distribution Pole #63020S47718 (North 6th Street Extension), Whitehall Township, Lehigh County.** PP&L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101, has submitted a Final Report concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The report was submitted to document remediation of the site to meet the Statewide human health standard. A Notice of Intent to Remediate was simultaneously submitted. Please refer to additional *Pennsylvania Bulletin* notice.

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

**Anchor/Darling Valve Company,** City of Williamsport, **Lycoming County.** Anchor/Darling Industries, Inc., Suite 400, 3 Radnor Corp. Center, Radnor, PA 19807, has submitted a Remedial Investigation Report and Final Report concerning the remediation of site soils and groundwater contaminated with heavy metals, solvents, BTEX, PHCs and PAHs. The reports are intended to document remediation of the site to meet the site-specific standard.

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

**CKE, Rectifier Division,** White Township, **Indiana County.** CKE, Inc., 2866 Route 422 West, Indiana, PA 15701 and Alan D. Halperin, P.G., D. Appolonia Engineering, 275 Center Road, Monroeville, PA 15146, have submitted a Final Report concerning remediation of site soil contaminated with lead and heavy metals. The report is intended to document remediation of the site to meet the site-specific standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

### Preamble 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediations 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 Remediations Standards Act (act). Plans and reports required by provisions of the Act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report, and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of reuse of the property, and in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. A cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed, and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

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

The Department of Environmental Protection has acted upon the following plans and reports:

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

**Brinkers Fuels Facility,** Doylestown Township, **Bucks County.** Matthew H. Jones, WIK Associates, Inc., P. O. Box 287, New Castle, DE 19720, has submitted a Final Report concerning remediation of site soil contaminated with BTEX. The Report demonstrated attainment of the Statewide health standard and was approved by the Department on October 18, 1999.

**U. S. Plywood Corp. Facility (Former).** Eugene A. Belli, ENSR, 2005 Cabot Blvd., West Langhorne, PA 19047, has submitted a Baseline Remedial Report

concerning remediation of site soil contaminated with PCBs, lead, heavy metals, pesticides, solvents, BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons and groundwater contaminated with lead, heavy metals solvents, BTEX and polycyclic aromatic hydrocarbons. The Report was approved by the Department on October 18, 1999.

**Kardon Park**, Downingtown Borough, **Chester County**. Richard C. Karr, McLaren Hart Inc., Blue Bell Executive Campus, 470 Norristown Road, Suite 300, Blue Bell, PA 19422, has submitted a Final Report concerning remediation of site soil contaminated with lead and heavy metals and groundwater contaminated with lead. The Report demonstrated attainment of site-specific standards and was approved by the Department on October 21, 1999.

**Five Tower Bridge**, Conshohocken Borough, **Montgomery County**. James M. Connor, P.G., Dames & Moore, 2325 Maryland Road, Willow Grove, PA 19090, has submitted a Final Report concerning remediation of site soil contaminated with PCBs, lead, heavy metals, solvents, BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons; and groundwater contaminated with lead, heavy metals, solvents, BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The Report demonstrated attainment of the Statewide health standard and was approved by the Department on October 21, 1999.

**Action Arms LTD (Mutual Pharmaceutical Co.)**, City of Philadelphia, **Philadelphia County**. Richard C. Karr, McLaren Hart Inc., Blue Bell Executive Campus, 470 Norristown Road, Suite 300, Blue Bell, PA 19422, has submitted a Final Report concerning remediation of site soil contaminated with lead, heavy metals, petroleum hydrocarbons and polycyclic aromatic hydrocarbons; and groundwater contaminated with pesticides, solvents and petroleum hydrocarbons. The Report demonstrated attainment of Statewide health, background and site-specific standards and was approved by the Department on October 22, 1999.

**Martin E. Braam, III Property**, Bensalem Township, **Bucks County**. Richard C. Parker, Esq., 175 Strafford Avenue, Suite 220, Wayne, PA 19087, has submitted a Final Report concerning remediation of site groundwater contaminated with solvents. The Report was withdrawn by the applicant and returned to the applicant on October 26, 1999.

**Former Service Station—102 Bala Avenue**, Lower Merion Township, **Montgomery County**. Christopher Orzechowski, RT Environmental Services, Inc., 215 W. Church Road, King of Prussia, PA 19406, has submitted a Final Report concerning remediation of site soil contaminated with lead, solvents and polycyclic aromatic hydrocarbons. The Report demonstrated attainment of the Statewide health standard and was approved by the Department on October 26, 1999.

**Keystone Financial Bank, NA**, Kennett Square Borough, **Chester County**. Marco Droese, P.G., Mulry & Cresswell Environmental Inc., 1691 Horseshoe Pike, Suite 1, Glenmoore, PA 19343, has submitted a Final Report concerning remediation of site soil contaminated with lead, BTEX and petroleum hydrocarbons; and groundwater contaminated with BTEX and petroleum hydrocarbons. The Report demonstrated attainment of Statewide health and site-specific standards and was approved by the Department on October 28, 1999.

**Serena, Inc. & Sernapa, (Former O'Brien Machinery Site)**, Downingtown Borough, **Chester County**.

Janet S. Kole, 900 Haddon Avenue, Suite 412, Collingswood, NJ 08108, has submitted a Final Report concerning remediation of site soil contaminated with benzo(a)pyrene. The Report demonstrated attainment of the Statewide health standard and was approved by the Department on November 1, 1999.

**Serena, Inc. & Sernapa, (Former O'Brien Machinery Site)**, Downingtown Borough, **Chester County**. Janet S. Kole, 900 Haddon Avenue, Suite 412, Collingswood, NJ 08108, has submitted a Final Report concerning attainment of site soil contaminated with lead and arsenic. The Report demonstrated attainment of the Statewide health standard and was approved by the Department on November 2, 1999.

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

**Johnstown Corporation (AOC-1)**, Johnstown, **Cambria County**. Bryan I. Fitzpatrick, QST Environmental, 5205 Militia Hill Road, Plymouth Meeting, PA 19642, has submitted a final report concerning remediation of site soil and groundwater contaminated with PHCs. The final report demonstrated attainment of the Statewide health standard and was approved by the Department on October 12, 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) and regulations to operate solid waste processing or disposal area or site.**

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

**Permit ID No. 100277**. Sanitary Landfill, **Westmoreland Waste, LLC**, 1428 Delberts Drive, Unit 2, Monongahela, PA 15063. Operation of a municipal waste landfill in Rostraver Township, **Westmoreland County**. Permit modification to expand the facility boundaries by 102.66 acres to encompass a total area of 270.0 acres issued in the Regional Office on November 8, 1999.

**Permit ID No. 301326**. **LubriClear of Pittsburgh, L.P.**, 1155 William Pitt Way, Pittsburgh, PA 15238. Operation of a waste oil processing facility in Gilpin Township, **Armstrong County**. Permit issued in the Regional Office on November 4, 1999.

## AIR QUALITY

### OPERATING PERMITS

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

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

**15-313-050A: Cauldron Process Chemistry** (383 Phoenixville Pike, Malvern, PA 19355), on November 5, 1999, for reactors, centrifuge, scrubber in Charlestown Township, **Chester County**.

**OP-46-0035: SmithKline Beecham Pharm., Inc.** (709 Swedeland Road, King of Prussia, PA 19406), on November 10, 1999, for Facility VOCs/NOx RACT in Upper Merion Township, **Montgomery 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.**

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

**OP-09-0087: Solkatronic Chemicals, Inc.** (351 Philadelphia Avenue, Morrisville, PA 19067), on November 5, 1999, for operation of a surface coating operation in Falls Township, **Bucks County**.

#### PLAN APPROVALS

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

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

**PA-46-0005K: Merck & Co., Inc.** (770 Sumneytown Pike, West Point, PA 19486), on November 5, 1999, for operation of Boiler No. 4 in Upper Gwynedd Township, **Montgomery County**.

**PA-23-0031: Mercy Fitzgerald Hospital** (1500 Lansdowne Avenue, Darby, PA 19023), on November 8, 1999, for operation of an MSB emergency generator in Darby Borough, **Delaware County**.

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

**54-399-027: Goulds Pumps (PA), Inc.** (500 East Centre Street, Ashland, PA 17921), on November 8, 1999, for construction of AOD system with fabric collector in Ashland Borough, **Schuylkill County**.

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

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

**PA-15-0027B: Johnson Matthey, Inc.** (456 Devon Park Drive, Wayne, PA 19087), on October 28, 1999, for operation of a drum dryer in Tredyffrin Township, **Chester County**.

**PA-15-0027A: Johnson Matthey, Inc.** (456 Devon Park Drive, Wayne, PA 19087), on October 28, 1999, for operation of a drum dryer dust collector in Tredyffrin Township, **Chester County**.

**15-309-016A: Johnson Matthey, Inc.** (456 Devon Park Drive, Wayne, PA 19087), on October 28, 1999, for operation of an SCR System No. 1 in Tredyffrin Township, **Chester County**.

**PA-15-0015A: Sartomer Co., Inc.** (610 South Bolmar Street, West Chester, PA 19382), on October 28, 1999, for operation of an emergency generator in West Chester Borough, **Chester County**.

**PA-46-0025A: Lonza, Inc.** (900 River Road, Conshohocken, PA 19428), on November 2, 1999, for operation of four prescrubbers in Upper Merion Township, **Montgomery County**.

**PA-46-0005E: Merck & Co., Inc.** (770 Sumneytown Pike, West Point, PA 19486), on November 2, 1999, for operation of a waste heat incinerator in Upper Gwynedd Township, **Montgomery County**.

**09-313-074B: Solkatronic Chemicals, Inc.** (351 Philadelphia Ave., Morrisville, PA 19067), on November 2, 1999, for operation of a specialty gas plant in Falls Township, **Bucks County**.

**23-302-127: Sunoco, Inc. (R&M)** (Delaware Ave. and Green Street, Marcus Hook, PA 19061), on November 2, 1999, for operation of Boiler No. 9 in Marcus Hook Borough, **Delaware County**.

**PA-15-0016B: Worthington Steel Co.** (45 N. Morehall Road, Malvern, PA 19355), on November 8, 1999, for operation of a coil coating line in East Whiteland Township, **Chester County**.

**PA-46-0025B: Lonza, Inc.** (900 River Road, Conshohocken, PA 19428), on November 8, 1999, for operation of a hydrogenation reactor train in Upper Merion Township, **Montgomery County**.

## MINING

### APPROVALS TO CONDUCT COAL AND NONCOAL ACTIVITIES

#### MINING ACTIVITY ACTIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.31); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 water quality certification. Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4401—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).

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

#### Coal Permits Issued

**16940105. Original Fuels, Inc.** (P. O. Box 243, Punxsutawney, PA 15767). Renewal of an existing bituminous strip operation in Perry Township, **Jefferson County** affecting 220.0 acres. Receiving streams: Three unnamed tributaries to the Allegheny River. Application received: August 27, 1999. Permit issued: November 2, 1999.

**33940107. Fred A. Deemer, Jr.** (R. D. 1, Reynoldsville, PA 15851). Renewal of an existing bituminous strip operation in Washington and Winslow Townships, **Jefferson County** affecting 15.5 acres. Receiving streams: Two unnamed tributaries to Sandy Lick Creek. Application received: September 2, 1999. Permit issued: November 2, 1999.

**33940106. Ed Hanslovan Coal Co., Inc.** (R. D. 2, Box 230, Morrisdale, PA 16858). Renewal of an existing bituminous strip and auger operation in Snyder and Washington Townships, **Jefferson County** affecting 169.3 acres. This renewal is issued for reclamation only. Receiving streams: Three unnamed tributaries to Rattlesnake Run and Rattlesnake Run. Application received: October 12, 1999. Permit issued: November 8, 1999.

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

**65921601. Seward Land & Development** (P. O. Box 363, Seward, PA 15954), to revise the permit for the Sugar Run Coal Yard in St. Clair Township, **Westmoreland County**, postmining land use change, no additional discharges. Permit issued November 5, 1999.

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

**26880106R. Theodore R. Genovese II Coal Co.** (General Delivery, Box 360, Chalk Hill, PA 15421). Renewal permit issued for continued operation and reclamation of a bituminous surface auger mine located in Springhill Township, **Fayette County**, affecting 72.9 acres. Receiving streams: unnamed tributary to the Monongahela River and unnamed tributary to Georges Creek. Renewal application received: August 11, 1999. Renewal permit issued: November 9, 1999.

**65970901. Ralph Smith & Son, Inc.** (R. R. 1, Box 184C, Derry, PA 15627). Permit issued for commencement, operation and reclamation of an incidental coal extraction permit located in Salem Township, **Westmoreland County**, affecting 34.7 acres. Receiving streams: unnamed tributary to Porters Run to Beaver Run Reservoir. Application received: October 23, 1997. Permit issued: November 12, 1999.

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

**54840103R3. Shepco Coal Company** (P. O. Box 98, Hazleton, PA 18201), renewal of an existing anthracite surface mine operation in East Union and North Union Townships, **Schuylkill County** affecting 660.0 acres, receiving stream—none. Renewal issued November 8, 1999.

**49861311T. A. L. Coal Co.** (672 Bear Valley Avenue, Shamokin, PA 17872), transfer of an existing anthracite underground mine operation in Zerbe Township, **Northumberland County** affecting 1.4 acres, receiving stream—none. Transfer issued November 10, 1999.

**54900105C. Tuscarora Mines & Minerals Corp.** (P. O. Box 116, Tuscarora, PA 17982), correction to an existing anthracite surface mine operation in Schuylkill Township, **Schuylkill County** affecting 20.0 acres, receiving stream—Schuylkill River. Correction issued November 12, 1999.

*Knox District Office, P. O. Box 669, Knox, PA 16232. Small Noncoal (Industrial Minerals) Permits Issued*

**16992802. Lester C. Henry** (R. D. 1, Box 103, Emlenton, PA 16373). Commencement, operation and restoration of a small noncoal sandstone operation in Ashland Township, **Clarion County** affecting 7.0 acres. Receiving streams: None. Application received: August 2, 1999. Permit issued: October 29, 1999.

**25992802. Walter Kuhl** (9415 Peck Road, Erie, PA 16510). Commencement, operation and restoration of a small noncoal sand and gravel operation in Greene Township, **Erie County** affecting 5.0 acres. Receiving

streams: Unnamed tributary to Four Mile Creek. Application received February 4, 1999. Permit issued: October 29, 1999.

**301947-25992802-E-1. Walter Kuhl** (9415 Peck Road, Erie, PA 16510). Application for a stream encroachment to conduct mining activities within 100 feet but no closer than 25 feet of Unnamed tributary to Four Mile Creek for the purposes of mining and support facility construction and maintenance in Greene Township, **Erie County**. Receiving streams: Unnamed tributary to Four Mile Creek. Application received: February 4, 1999. Permit issued: October 29, 1999.

**20992803. Elden Miller** (58 Putnam Street, Union City, PA 16438). Commencement, operation and restoration of a small noncoal sand and gravel operation in Bloomfield Township, **Crawford County** affecting 6.0 acres. Receiving streams: None. Application received: May 3, 1999. Permit issued: November 4, 1999.

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

**28992806. Snoko's Excavating & Paving, Inc.** (P. O. Box 247, Walnut Bottom, PA 17266), commencement, operation and restoration of a quarry operation in Southampton Township, **Franklin County** affecting 5.0 acres, receiving stream—none. Permit issued November 10, 1999.

**58990830. Peter Brozonis** (R. R. 3, Box 3426, Laceyville, PA 18623), commencement, operation and restoration of a bluestone quarry operation in Rush Township, **Susquehanna County** affecting 1.0 acre, receiving stream—none. Permit issued November 10, 1999.

**64990802. Brian W. Smith** (HC 1, Box 1156, Milanville, PA 18443), commencement, operation and restoration of a quarry operation in Damascus Township, **Wayne County** affecting 1.0 acre, receiving stream—none. Permit issued November 10, 1999.

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

**25990303. Waste Management Disposal Service of PA, Inc.** (1121 Bordentown Road, Morrisville, PA 19067). Commencement, operation and restoration of a shale operation in Summit Township, **Erie County** affecting 77.6 acres. Receiving streams: Unnamed tributaries to Walnut Creek. Application received: March 2, 1999. Permit issued: November 2, 1999.

**302511-25990303-E-1. Waste Management Disposal Service of PA, Inc.** (1121 Bordentown Road, Morrisville, PA 19067). Application for a stream encroachment mine within 100 feet of unnamed tributaries to Walnut Creek and mine through unnamed tributaries 2 and 3 to Walnut Creek and reconstruct them as a single channel in Summit Township, **Erie County**. Receiving streams: Unnamed tributaries to Walnut Creek. Application received: March 2, 1999. Permit issued: November 2, 1999.

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

The Department of Environmental Protection has taken the following actions on previously received permit applications, 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)).

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

**Actions on applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and sections 5 and 402 of The Clean Streams Law (35 P. S. §§ 691.5 and 691.402) and notice of final action for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).** (Note: Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description).

*Permits Issued and Actions on 401 Certifications:*

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

**E15-626.** Encroachment. **Downingtown Borough**, 4-10 West Lancaster Avenue, Downingtown, PA 19335-2800. To perform minor grading and construct and maintain a bituminous walking trail system within the 100-year floodway and 100-year floodplain of the Brandywine Creek (WWF-MF). This work is associated with the proposed Brandywine Trail located in the vicinity of the intersection of Lancaster Avenue (S. R. 3070) and Brandywine Creek (Downingtown USGS Quadrangle N: 0.9 inch; W: 11.0 inches) in Downingtown Borough, **Chester County**.

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

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

**E12-116.** Encroachment. **Mid-Cameron Authority**, 421 North Broad Street, Emporium, PA 15834. To construct and maintain a gravity sanitary sewer line across West Creek, a side channel of West Creek at three

locations, Day Run at two locations, Thayer Run, Lyons Run at two locations, Towner Run at two locations and across 10 wetlands. The sewer line begins at the western end of the Borough of Emporium (Emporium, PA Quadrangle N: 1.7 inches; W: 16.5 inches) and extends west along Route 120 to a location approximately 3 miles from the Borough (West Creek, PA Quadrangle N: 21.1 inches; W: 6.4 inches) in the Borough of Emporium and Shippen Township, **Cameron County**.

**E49-227.** Encroachment. **Terry and Alpha Strohecker**, R. R. 1, Herndon, PA 17830. To maintain an existing dike approximately 300 feet long by 8 feet high by 15 feet wide to help protect an agricultural field from stream water erosion. The project is located adjacent to the top of bank of Mahantango Creek (Klingerstown, PA Quadrangle N: 5.3 inches; W: 16.8 inches) in Jordan Township, **Northumberland County**. The project will not impact on wetlands or waterways. Mahantango Creek is a Warm Water Fisheries Stream. This permit was issued under § 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E53-332.** Encroachment. **Galen Zeger**, 2156 Buchanan Trail East, Greencastle, PA 17225. To 1) maintain a gated public stream crossing consisting of three corrugated metal pipes 10 feet in diameter and 30 feet long; 2) to construct and maintain a 3-foot deep by 20-foot wide trapezoidal grassed overflow swale in the left side approach fill in the West Branch of Pine Creek, located approximately 2 miles south of Galeton on S. R. 2002 (Galeton, PA Quadrangle N: 14.5 inches; W: 12.0 inches) in West Branch Township, **Potter County** to access rented summer camps and hunting grounds. This permit was issued under § 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

**E63-472.** Encroachment. **Raymond H. Patterson**, 71 Patterson Road, Eighty-Four, PA 15330. To construct and maintain a 72-inch diameter corrugated metal pipe (invert depressed 12 inches) and two parallel 24-inch diameter overflow pipes in a tributary to Mingo Creek (HQ-TSF) for the purpose of providing access for farm equipment. The project is located along Patterson Road approximately 3,000 feet north of Mingo Creek Road (Hackett, PA Quadrangle N: 14.5 inches; W: 11.0 inches) in Nottingham Township, **Washington County**.

**E65-733.** Encroachment. **Pennsylvania Department of Conservation and Natural Resources**, Division of Design, P. O. Box 8552, Harrisburg, PA 17105-8552. To remove the existing superstructure and to construct and maintain a new superstructure of a bridge having a clear span of 2.438 m and an underclearance of 2.202 across Rock Run (HQ-CWF) located on Linn Run Road (T958) in Linn Run State Park at a point approximately 4.4 km south of the intersection of S. R. 381 and S. R. 2043. The project includes construction of a concrete jacket along the existing abutments and wingwalls (Ligonier, PA Quadrangle N: 6.1 inches; W: 15.0 inches) in Cook Township, **Westmoreland County**.

**E65-736.** Encroachment. **Pennsylvania Department of Conservation and Natural Resources**, Bureau of Forestry—Division of Design, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8451, Harrisburg, PA 17105-8451. To rehabilitate and maintain a bridge having a clear span of 4.61 m and an underclearance of 1.89 m across Grove Run (HQ-CWF) located on Linn Run Road (T-958) at a point approximately 4.8 km south of intersection of S. R. 2043 with S. R. 381 in Linn Run State Park. The project includes removing the existing steel I-beam deck and replacing it with a glued laminated timber deck and installing riprap protection along the existing masonry abutments and approximately 18 feet of stream bank. Also to construct and maintain a temporary roadway crossing consisting of two 600 mm diameter pipe culverts during the construction (Ligonier, PA Quadrangle N: 5.1 inches; W: 14.1 inches) in Cook Township, **Westmoreland County**.

**E02-1266.** Encroachment. **Anthony Merante**, 3240 Brownsville Road, Pittsburgh, PA 15227. To construct and maintain a bridge having a span of 56.0 feet with a minimum underclearance of 6.0 feet across Streets Run (WWF) to provide access to the applicant's property which will consist of self storage units located approximately 2,300 feet northeast from the intersection of Prospect Road and Streets Run Road (Glassport, PA Quadrangle N: 20.0 inches; W: 10.5 inches) in West Mifflin Borough, **Allegheny County**.

**E65-730.** Encroachment. **Pennsylvania Department of Transportation**, P. O. Box 459, Uniontown, PA 15401-0459. To remove existing structures, construct and maintain new structures, relocate and maintain streams and impact wetlands as listed per Attachment A as part of the S. R. 0022, Section B07 widening project proposed for the purpose of improving roadway standards and transportation safety. The project starts at the western interchange of S. R. 0022 and S. R. 0119 (Saltsburg, PA Quadrangle N: 3.7 inches; W: 9.7 inches) and extends approximately 2 miles eastward in New Alexandria Borough, Derry and Salem Townships, **Westmoreland County**.

#### Attachment A

1. To remove the existing structure, to construct and maintain a dual bridge structure having three normal spans of 36.65 meters, 35.90 meters and 36.65 meters and an underclearance of 18.1 meters across Loyalhanna Creek (WWF) located on S. R. 0022, Station 23+875, and to construct, maintain and remove a temporary stream crossing consisting of six 1.22 meter diameter pipes in Loyalhanna Creek (WWF) for the purpose of constructing the new structure.

2. Structure 2: to operate and maintain the existing 71-meter long concrete arch culvert, to construct and maintain 0.3-meter depressed 4.862-meter x 3.505-meter concrete box culvert extensions extending 60 meters upstream from the inlet and 9 meters downstream from the outlet in an unnamed tributary to Loyalhanna Creek (WWF) and to construct and maintain and remove a temporary stream crossing consisting of three 0.6-meter corrugated metal pipes in an unnamed tributary to Loyalhanna Creek (WWF) located on S. R. 0022, Station 23+228.

3. Structure 5: to operate and maintain the existing 30-meter long concrete arch culvert, to construct and maintain a 4.1-meter long, 0.3-meter depressed, 3.05-meter x 2.44-meter concrete box culvert extension at the outlet of the existing culvert in an unnamed tributary to Loyalhanna Creek (WWF) and to construct and maintain

and remove a temporary stream crossing consisting of two 0.6-meter corrugated metal pipes in an unnamed tributary to Loyalhanna Creek (WWF). Structure 5 is located on S. R. 0022, Station 24+786.7.

4. Structure 6: to operate and maintain the existing culvert and to construct and maintain a 4.8-meter long, 0.3-meter depressed, 3.05-meter x 2.135-meter concrete box culvert extension at the outlet of the existing culvert in an unnamed tributary to Loyalhanna Creek (WWF) located on S. R. 0022, Station 25+244.8.

5. Structure 7: to operate and maintain the existing culvert and to construct and maintain a 6.5-meter long, 0.3-meter depressed 3.05-meter x 2.135-meter concrete box culvert extension at the inlet of the existing culvert in an unnamed tributary to Loyalhanna Creek (WWF) located on S. R. 0981, Station 12+977.5.

6. To permanently place and maintain fill in 0.06 hectare of palustrine forested wetlands, 0.19 hectare of palustrine scrub/shrub wetlands, and 0.11 hectare of palustrine emergent wetlands.

7. To temporarily place and maintain fill in 0.28 hectare of palustrine forested wetlands, 0.242 hectare of palustrine scrub/shrub wetlands, and 0.291 hectare of palustrine emergent wetlands.

[Pa.B. Doc. No. 99-2008. Filed for public inspection November 24, 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 "January 1999 Inventory" heading is the Governor's List of Non-regulatory Documents. The "Search the Inventory of Technical Guidance Documents" heading is a database of the Inventory. The "Final Documents" heading is the link to a menu of the various DEP bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to DEP's draft technical guidance documents.

DEP will continue to revise its documents, as necessary, throughout 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.

#### Draft Guidance—Substantive Revision—Extension of Open Comment Period

DEP ID: 274-0300-001 Title: Continuous Source Monitoring Manual (Revision Number 7) Description: The purpose of revising this guidance is to update require-

ments relative to monitoring system design and performance, testing, recordkeeping, reporting, and quality assurance for affected industrial and utility sources which are required to continuously monitor emissions of pollutants or operational parameters. Deadline for Comments: Extended until January 31, 2000 Anticipated Effective Date: March 31, 2000 Contact: Joseph Nazzaro at (717) 783-9247.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 99-2009. Filed for public inspection November 24, 1999, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Notice of Requests for Exceptions

Under 28 Pa. Code § 51.33 (relating to exceptions), the Department of Health (Department), gives notice that the following long-term care facilities have requested exceptions to specific requirements of the regulations for long-term care facilities, 28 Pa. Code § 201.2 et seq.

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 201.17 (relating to location):

Parkview Skilled Nursing Facility  
1331 East Wyoming Avenue  
Philadelphia, PA 19124

Montgomery Hospital Skilled Nursing Unit  
1301 Powell Street  
P. O. Box 992  
Norristown, PA 19404-0992

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 201.18(e) (relating to management):

Progressive Care Center@Hamot  
201 State Street  
Erie, PA 16550

Somerset Hospital Center for Health  
225 South Center Avenue  
Somerset Borough, PA 15501

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 201.22(c) and (k) (relating to prevention, control and surveillance of tuberculosis)

UPMC Horizon TCU—Greenville  
110 N. Main Street  
Greenville, PA 16125

UPMC Horizon TCU—Shenango  
2200 Memorial Drive  
Farrell, PA 16121

UPMC Passavant Subacute Unit  
9100 Babcock Boulevard  
Pittsburgh, PA 15237

Meadville Medical Center  
1034 Grove Street  
Meadville, PA 16335

Northwest Medical Center TCU  
174 East Bissell Avenue  
P. O. Box 1068  
Oil City, PA 16301

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building):

The Baptist Home  
8301 Roosevelt Boulevard  
Philadelphia, PA 19152

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.25(d) (relating to kitchen):

Skilled Nursing Unit—Greene County Memorial Hospital  
Bonar Avenue and Seventh Street  
Waynesburg, PA 15370

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.33(a) (relating to utility room):

Skilled Nursing Unit—Greene County Memorial Hospital  
Bonar Avenue and Seventh Street  
Waynesburg, PA 15370

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.36(a) (relating to bathing facilities):

Skilled Nursing Unit—Greene County Memorial Hospital  
Bonar Avenue and Seventh Street  
Waynesburg, PA 15370

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.36(c) (relating to bathing facilities):

Foulkways@Gwynedd  
1120 Meetinghouse Road  
Gwynedd, PA 19436

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.38(c) and (d) (relating to toilet facilities):

Skilled Nursing Unit—Greene County Memorial Hospital  
Bonar Avenue and Seventh Street  
Waynesburg, PA 15370

The requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from: Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax: (717) 772-2163, e-mail Address: PAEXCEPT@HEALTH.STATE.PA.US.

Those persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail, or facsimile to the division and address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aide service or other accommodation to do so, should contact V/TT: (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 99-2010. Filed for public inspection November 24, 1999, 9:00 a.m.]

### Health Policy Board Meeting

The Health Policy Board is scheduled to hold a meeting on December 8, 1999, at 10 a.m. in Room 812, Health & Welfare Building, Seventh & Forster Streets, Harrisburg, PA.

This meeting is subject to cancellation without notice.

For additional information or for persons with a disability who desire to attend the meeting and require an auxiliary aid service or other accommodation to do so, please contact Robin Bowman at (717) 783-2500, V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Services at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 99-2011. Filed for public inspection November 24, 1999, 9:00 a.m.]

Department as to the reason for its occurrence and the steps that the health care facility shall take to rectify the situation.

Under 28 Pa. Code § 601.13, any owner of a home health care agency shall immediately report to the Department, by phone and written follow up report, any action by the agency that causes an interruption or cessation of services.

Questions or inquiries concerning this notice should be sent to: Helen Burns, Acting Director, Bureau of Facility Licensure and Certification, 930 Health and Welfare Building, Harrisburg, PA 17108, or call V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Services at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 99-2012. Filed for public inspection November 24, 1999, 9:00 a.m.]

### Required Notifications to the Department of Health

In accordance with 28 Pa. Code § 101.196 and § 201.23 enacted under the Health Care Facilities Act adopted by the Commonwealth at 35 P. S. § 448.801 et seq., any acute care general hospital and long term care facility which intends to close is to give written notice of such intent to the Department, not less than 90 days prior to the anticipated date of closing. The notice shall include a contingency plan which addresses the following:

—A transition plan for the closure of patient care units including the orderly transfer or discharge of patients and their medical record information;

—The current status of payments to vendors who provide supplies and/or services to patients;

—The policy and procedure for the diversion of emergency room admissions;

—The policy and procedure for the restriction of new admissions;

—The policy and procedure for the disposition of pharmaceuticals including controlled substances;

—The policy and procedure for the disposition and handling of biomedical, hazardous radioactive waste;

—A communication plan which includes providing information to patients, employees, the community, fire, safety and ambulance companies, vendors, government officials and relevant government agencies.

Under 28 Pa. Code § 51.3(c), any health care facility which intends to reduce the number of operational beds (from the date of the last survey) or to cease providing an existing health care service, which would include such things as closing an obstetrical/gynecological service, renal dialysis program, transplant program, outpatient clinic, home care department, is to provide written notice to the Department at least 60 days prior to the effective date it intends to cease providing an existing health care service or reduce its number of operational beds.

Under 28 Pa. Code § 51.3(f), if a health care facility is aware of a situation or the occurrence of an event at the facility which could seriously compromise quality assurance or patient safety, the facility shall immediately notify the Department in writing. The notification shall include sufficient detail and information to alert the

## DEPARTMENT OF PUBLIC WELFARE

### Office of Medical Assistance Programs; Increase in Family Planning Clinic Services and Payment for the ParaGuard I.U.D.

By this notice, the Department of Public Welfare (Department) announces the following increases in Family Planning Clinic Services, effective May 1, 1999:

1. Procedure Code W6003 (DepoProvera Visit—1 per year), Type of Service AR, has been added to the Medical Assistance Program Fee Schedule with a reimbursement rate of \$40.

2. Procedure Code Z9997 (Medication for vaginal infection) and Z9984 (Antibiotics for sexually transmitted diseases) may be billed with Procedure Codes W9181 (Comprehensive visit), W9184 (Routine revisit) and W9182 (Problem visit).

In addition, the Department is increasing the reimbursement rate for Procedure Code Z9999 (ParaGuard I.U.D.) to \$262 per occurrence for Type of Service 30 and AR.

The fiscal note was prepared under provision of section 612 of The Administrative Code of 1929 (71 P. S. § 232).

#### Contact Person

A copy of this notice is available for review at local County Assistance Offices. Interested persons are invited to submit written comments to this notice within 30 days of this publication. These comments should be sent to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Deputy Secretary's Office, Attention: Regulations Coordinator, Room 515 Health and Welfare Building, Harrisburg, PA 17120.

Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). Persons 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-226. (1) General Fund; (2) Implementing Year 1999-00 is \$49,000; (3) 1st Succeeding Year 2000-01 is \$49,000; 2nd Succeeding Year 2001-02 is \$49,000; 3rd Succeeding Year 2002-03 is \$49,000; 4th Succeeding Year 2003-04 is \$49,000; 5th Succeeding Year 2004-05 is \$49,000; (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. There are funds available in the Department's budget to cover the cost of this increase.

[Pa.B. Doc. No. 99-2013. Filed for public inspection November 24, 1999, 9:00 a.m.]

### Payments to Nursing Facilities; 1998-1999 Final Rates

The purposes of this notice are to announce: the final payment rates for nursing facilities beginning July 1, 1998, October 1, 1998, January 1, 1999 and April 1, 1999; the MDS 2.0 Transition Payments for FY 1998-1999; and the reconciliation of interim rates for FY 1998-1999.

Proposed rate notices and information concerning the MDS 2.0 Transition Payments and interim rates were published at 29 Pa.B. 1444 (March 13, 1999), 29 Pa.B. 1445 (March 13, 1999) and 29 Pa.B. 1790 (April 3, 1999).

The Department of Public Welfare (Department) is publishing this notice in accordance with 42 U.S.C.A. § 1902(a)(13)(A), as amended by section 4711 of the Balanced Budget Act of 1997 (P. L. 105-33) and 42 C.F.R. 447.205.

#### *Rates and Payments*

The final rates for July 1, 1998, October 1, 1998, January 1, 1999 and April 1, 1999, and information concerning the MDS 2.0 Transition Payments and interim rates are available through the Bulletin Board System (BBS) at (800) 833-5091, at the local County Assistance Offices throughout this Commonwealth, or by contacting Tom Jayson in the Policy Section of the Bureau of Long Term Care Programs at (717) 772-2570.

#### *Methodology*

The methodology that the Department used to set the final rates is contained in 55 Pa. Code Chapter 1187, Subchapter G (relating to rate setting) and the Commonwealth's approved Title XIX State Plan. The methodology for the MDS 2.0 Transition Payments is contained in the Commonwealth's approved Title XIX State Plan.

#### *Justification*

The regulations at 55 Pa. Code Chapter 1187 and/or the Commonwealth's approved Title XIX State Plan require the establishment of final rates and the MDS 2.0 Transition Payments.

#### *Background*

In April 1999, the Department announced its intention to revise payment rates and make MDS 2.0 Transition Payments for Medical Assistance (MA) nursing facility services based on comments received concerning earlier notices and ongoing discussions with the nursing facility trade associations. (See 29 Pa.B. 1790 (April 3, 1999)). The Department also established interim rates by which it would pay for MA nursing facility services pending the issuance of final rates and MDS 2.0 Transition Payments for FY 1998-99.

The comments received concerning the payment rates and the discussions with the nursing facility trade associations focused on the Department's use of quarterly assessment data to calculate case-mix indices (CMIs) for price and rate-setting purposes. As a result of these discussions, the Department decided to recalculate nursing facility CMIs for picture dates commencing February 1998 using only resident data reported for admission, annual and significant change assessments. The final rates announced by this notice are based on the recalculated MA CMIs.

As also announced in the April 3, 1999 notice, the Department submitted a State Plan Amendment regarding the MDS 2.0 Transition Payments. (See 29 Pa.B. 1790). As indicated in that notice, the purpose of the MDS 2.0 Transition Payments is to minimize any negative impact the MDS 2.0 assessment instrument may have on nursing facility payment rates for the FY 1998-99. On June 30, 1999, the Department received approval of the State Plan Amendment relating to MDS 2.0 Transition Payments. Nursing facility providers and other interested parties may refer to the notice at 29 Pa.B. 1790 (April 3, 1999) for a detailed description of the MDS 2.0 Transition Payments.

The April 3, 1999 notice also announced the Department's intentions with regard to payments to nursing facility providers during the period between the announcement of proposed rates and the establishment of final rates for each quarter beginning July 1, 1998 through June 30, 1999. (See 29 Pa.B. 1790). Consistent with that notice, the Department will reconcile each facility's interim payments for FY 1998-99 based on its final rates and any MDS 2.0 Transition Payment to which a facility may be entitled as indicated in the April 3, 1999 notice (29 Pa.B. 1790).

The estimated increase in annual aggregate expenditures for Medical Assistance nursing facility services for FY 1998-1999, based on these final rates, is \$48.433 million (\$22.372 million in State funds).

Comments may be submitted to Tom Jayson, Policy Section, Department of Public Welfare, Division of Long Term Care Provider Services, P. O. Box 8025, Harrisburg, PA 17105. Persons with a disability may use the AT&T Relay Services by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). Persons who require another alternative should contact Thomas Vracarich in the Office of Legal Counsel at (717) 783-2209.

FEATHER O. HOUSTOUN,  
*Secretary*

**Fiscal Note:** 14-NOT-227. (1) General Fund; (2) Implementing Year 1999-00 is \$22.372 Million; (3) 1st Succeeding Year 2000-01 is -0-; 2nd Succeeding Year 2001-02 is -0-; 3rd Succeeding Year 2002-03 is -0-; 4th Succeeding Year 2003-04 is -0-; 5th Succeeding Year 2004-05 is -0-; (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. There are funds available in the Department's budget to cover this one time rate adjustment.

[Pa.B. Doc. No. 99-2014. Filed for public inspection November 24, 1999, 9:00 a.m.]

# DEPARTMENT OF TRANSPORTATION

## Retention of Engineering Firms

### Westmoreland County

#### Project Reference No. 08430AG2450

The Department will retain an engineering firm to perform preliminary engineering, final design and services during construction (construction consultation, shop drawing review and plans recordation) for S. R. 0136, Section L01, the replacement of an existing concrete slab bridge over a branch of Little Sewickley Creek, in Hempfield Township, Westmoreland County. The estimated construction cost is \$400 thousand.

The selected firm will be required to: develop and evaluate roadway and structure improvement alternatives; perform field surveys; plot topography and cross sections; prepare design field view submission; prepare 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; prepare CEE Documentation and associated studies and reports; complete structure designs, prepare type, size and location reports, conduct soils investigations and prepare soil reconnaissance report and develop a core boring layout, prepare a foundation report and foundation design; develop traffic control plans and narratives; investigate utility involvement; provide materials 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; investigate and design roadway drainage; prepare construction plans, specifications and estimate submission; provide project scheduling; participate in project partnering; coordinate and participate in public involvement and provide services during construction and other services that may be required to complete this project.

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 the firm. The specific experience of individuals who constitute the firms will be considered.
- b. Understanding of the Department's requirements, Design Manuals, policies, procedures and specifications.
- c. Past record of performance with respect to cost control, work quality and ability to meet schedules.
- d. Location of the consultant with respect to the District office. This will include ability/provisions for quick response to District requests.
- e. Method of controlling quality of projects and submissions. Consideration will be given to coordination 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. Michael E. Wedl, 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. Michael E. Wedl, P.E., District 12-0, at (724) 439-7257.

### Fayette County

#### Project Reference No. 08430AG2451

The Department will retain an engineering firm to perform preliminary engineering, final design and services during construction (construction consultation, shop drawing review and plans recordation) for S.R. 2027, Section B01, the replacement of an existing continuous riveted four span 114.3 meter long thru girder/floorbeam structure over CSX Railroad (dual tracks) located approximately 2.6 kilometers northeast of the City of Uniontown in North Union Township, Fayette County. The estimated construction cost is \$1,412,500.00.

The selected firm will be required to: develop and evaluate roadway and structure improvement alternatives; perform field surveys; plot topography and cross sections; prepare design field view submission; prepare 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; prepare CEE Documentation and associated studies and reports; complete structure designs, prepare type, size and location reports, conduct soils investigations and prepare soil reconnaissance report and develop a core boring layout, prepare a foundation report and foundation design; develop traffic control plans and narratives; investigate utility involvement; provide materials 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; investigate and design roadway drainage; prepare construction plans, specifications and estimate submission; provide project scheduling; participate in project partnering; coordinate and participate in public involvement and provide services during construction and other services that may be required to complete this project.

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 the firm. The specific experience of individuals who constitute the firms will be considered.
- b. Understanding of the Department's requirements, Design Manuals, policies, procedures and specifications.

c. Past record of performance with respect to cost control, work quality and ability to meet schedules.

d. Location of the consultant with respect to the District office. This will include ability/provisions for quick response to District requests.

e. Method of controlling quality of projects and submissions. Consideration will be given to coordination 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. Michael E. Wedl, 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. Michael E. Wedl, P.E., District 12-0, at (724) 439-7257.

#### Fayette County

##### Project Reference No. 08430AG2452

The Department will retain an engineering firm to perform preliminary engineering, final design and services during construction (construction consultation, shop drawing review and plans recordation) for S. R. 0281, Section E00, the replacement of an existing 9750 mm single span non-composite steel cover-plated I-Beam bridge located approximately 11 meters south of intersection of S. R. 0281 with TR-880 (Taylor Road) and TR-380 (Tub Run Road), Henry Clay Township, Fayette County. The estimated construction cost is \$400 thousand.

The selected firm will be required to: develop and evaluate roadway and structure improvement alternatives; perform field surveys; plot topography and cross sections; prepare design field view submission; prepare 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; prepare CEE Documentation and associated studies and reports; complete structure designs, prepare type, size and location reports, conduct soils investigations and prepare soil reconnaissance report and develop a core boring layout, prepare a foundation report and foundation design; develop traffic control plans and narratives; investigate utility involvement; provide materials 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; investigate and design roadway

drainage; prepare construction plans, specifications and estimate submission; provide project scheduling; participate in project partnering; coordinate and participate in public involvement and provide services during construction and other services that may be required to complete this project.

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 the firm. The specific experience of individuals who constitute the firms will be considered.

b. Understanding of the Department's requirements, Design Manuals, policies, procedures and specifications.

c. Past record of performance with respect to cost control, work quality and ability to meet schedules.

d. Location of the consultant with respect to the District office. This will include ability/provisions for quick response to District requests.

e. Method of controlling quality of projects and submissions. Consideration will be given to coordination 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. Michael E. Wedl, 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. Michael E. Wedl, P.E., District 12-0, at (724) 439-7257.

#### Berks, Carbon, Lehigh, Monroe, Northampton and Schuylkill Counties

##### Project Reference No. 08430AG2453

The Department will retain an engineering firm for an Open-End Contract to perform various engineering and/or environmental services on various projects located in Engineering District 5-0, that is Berks, Carbon, Lehigh, Monroe, Northampton and Schuylkill Counties. The Contract will be for a sixty (60) month period with projects assigned on an as-needed basis. The maximum amount of the Open-End Contract will be \$2.0 million. The Department reserves the option to extend the Contract duration and/or increase the maximum amount.

The Department will establish an order of ranking of a minimum of three (3) firms for the purpose of negotiating an Open-End Contract based on the Department's evalua-

tion of the acceptable letters of interest received in response to this solicitation. The ranking will be established directly from the acceptable letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

a. Specialized experience and technical competence of firm. The specific experience of individuals who constitute the firms will be considered.

b. Past record of performance (timeliness, responsiveness, quality, cost control, ability to meet schedules).

c. Diversity of experience and technical competence.

d. Location of engineering firm with respect to District Office. This will include ability/provisions for quick responses to District requests.

e. Relative size of the firm to potential assignments.

The work and services required under this Contract may encompass a wide range of environmental studies and engineering efforts with the possibility of several different types of projects with short completion schedules being assigned concurrently. The anticipated types of projects include, but not limited to, bridge replacements or bridge rehabilitation with minor approach work, environmental studies, roadway betterments (3R type,) minor capital improvement projects (bridges or roadway), railroad grade crossing projects, and minor location studies, etc.

The engineering work and services which may be required under this Contract include, but are not limited to, perform field surveys; plot topography and cross sections; prepare submission for utility verification and relocations engineering; prepare all pertinent submissions and materials necessary for the Department to prepare the application to PUC and for the PUC field conference; attend and supply any required information for all PUC meetings and hearings during the design of the project; develop erosion control details and narrative; prepare right of way plans; complete structure designs including type, size and location reports, core boring layouts and foundation designs and reports; develop traffic control plans with narratives; conduct soils investigations and prepare soils reports; investigate utility involvement on projects; provide material for and participate in value engineering reviews; coordinate contacts with railroad officials and procure railroad related costs, permits, and insurance; collect signal timing, accident data and other traffic flow data; document engineering study findings and activities; alternative analysis to assess impacts and mitigation; communications technology assistance (i.e., web-page development and management, legislative liaison) and prepare construction plans, specifications, and estimates.

The areas of environmental study required under the Contract may include, but are not limited to: air quality; noise; energy; vibration; hazardous waste; surface water and ground water quality; surface water and ground water hydrology; terrestrial ecology including threatened and endangered species; wetlands; soils; geology; farmlands; visual quality; socio-economic resources; cultural resources; Section 4(f) Evaluations; early coordination and; scoping correspondence; meeting minutes; public meeting and hearing presentations; visualization materials, handouts and displays; technical basis reports (TBRs) and/or technical files; NEPA environmental documents;

Section 106 documents; mitigation plans and reports; wetland and floodplain findings; and preliminary engineering plans, and remote sensing/mapping innovations; The format and content of all documents will be consistent with applicable State and Federal regulations, policies and guidelines.

The engineering services and environmental studies identified above are the general work activities that can be expected under this Open-End Contract. A more specific and project-related Scope of Work will be outlined for each individual Work Order developed under this Open-End Contract.

This project reference assignment is considered non-complex. The letter of interest shall be limited to a maximum of three (3) pages, 8 1/2" x 11", one sided, plus an organizational chart (up to 11" x 17" size), and additional resumes, if applicable. (See the General Requirements and Information Section).

The Letter of Interest submission shall be sent to:

Mr. Walter E. Bortree, P.E., District Engineer  
Engineering District 5-0  
1713 Lehigh Street  
Allentown, PA 18103

Attention: Mr. James R. McGee, 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. James R. McGee, P.E., District 5-0, at (610) 798-4158.

#### **Allegheny and Beaver Counties**

#### **Project Reference No. 08430AG2454**

The Department will retain an engineering firm to provide supplementary construction inspection staff of approximately eleven (11) inspectors, under the Department's Inspector(s)-in-Charge for construction inspection and documentation services on the following projects:

Group Jobs 2000: 111-00-7135-1, 111-00-7135-2,  
111-00-7135-3, 111-00-7135-4,  
111-00-7135-5, 111-00-7135-6,  
112-00-7135-1

These Group Jobs involve milling, resurfacing, base repairs, manual patching, shoulders and bituminous gutters, drainage, guiderail and maintenance and protection of traffic to various state routes in Allegheny and Beaver Counties.

The Department will establish an order of ranking of a minimum of three (3) firms for the purpose of negotiating an Engineering Agreement based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

a. Review of inspectors' resumes with emphasis on construction inspection capabilities and specialized experience in Maintenance and Protection of Traffic, milling, asphalt resurfacing, shoulder work, drainage, guiderail, and minor excavation. (References for each inspector should be made available upon request).

- b. Understanding of Department's requirements, policies, and specifications.
- c. Past Performance.
- d. Number of NICET certified inspectors in each payroll classification.
- e. Number of available inspectors in each payroll classification.

The qualifications and experience required of the firm's inspectors will be established by the Department, and the qualifications of the firm's proposed employees will be reviewed and approved by the Department.

It is anticipated that the supplementary construction inspection staff for this assignment will consist of the following number of inspectors who meet the requirements for the following inspection classifications:

<i>Classification</i>	<i>No. of Inspectors</i>
Transportation Construction Ins. Super. (TCIS) (NICET Highway Construction Level 3 or equivalent)	2 (2)
Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent)	7 (5)
Technical Assistant (TA) (NICET Highway Construction Level 1 or equivalent)	2 (0)

The number(s) in parenthesis above indicate the number of inspectors in each Classification that must meet at least one of the following requirements:

1. Be certified by the National Institute for Certification in Engineering Technologies (NICET) in the field of Transportation Engineering Technology, subfield of Highway Construction, or subfield of Highway Materials, at the Level required for the Inspection Classification.
2. Be registered as a Professional Engineer by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
3. Be certified as an Engineer-in-Training by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
4. Hold a Bachelor of Science Degree in Civil Engineering or a Bachelor of Science Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.
5. Hold an Associate Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

The maximum reimbursement per hour of inspection for each Department Payroll Classification for calendar year of 1999:

<i>Payroll Classification</i>	<i>Maximum Straight Time Reimbursement Per Hour Of Inspection</i>
(TCIS)	\$40.54
(TCI)	\$35.47
(TA)	\$24.39

The maximum reimbursement per hour of inspection includes all costs for providing construction inspection services at the project site during the normal work week.

Maximum reimbursement per hour of inspection for subsequent calendar years, if applicable, will be established at the scope of work meeting.

The firm selected may be required to attend a pre-construction conference with the Department and the construction contractor for this project. Under the supervision and direction of the Department, the selected firm will be required to keep records and document the construction work; prepare current and final estimates for payment to the construction contractor; assist the Department in obtaining compliance with the labor standards, safety and accident prevention, and equal opportunity provisions of the contract item; two (2) inspectors certified in computer documentation and perform other duties as may be required.

The firm selected will be required to supply the following equipment at no direct cost to the Department:

- 1 Nuclear Densometer Gauge/License \*\*\*\*
- 1 Vehicle for the Transportation of that Nuclear Gauge \*\*\*\*
- 7 Cellular Telephones (Two-way Radios also acceptable)

\*\*\*\* At point of need when needed

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be ten percent (10%) of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information Section after the advertised project(s).

Letters of interest for this project must include a letter, signed by the individuals you propose for all TCIS positions, giving their approval to use their name in your letter of interest for this specific project.

The maximum number of resumes to be included in the letter of interest shall be as follows:

<i>Classification</i>	<i>No. of Resumes</i>
TCIS	3
TCI	9

This project reference assignment is considered non-complex. The letter of interest shall be limited to a maximum of three (3) pages, 8 1/2" x 11", one sided, plus an organizational chart (up to 11" x 17" size), and additional resumes, if applicable. (See the General Requirements and Information Section).

The Letter of Interest submission shall be sent to:

Mr. Raymond S. Hack, P.E., District Engineer  
 Engineering District 11-0  
 45 Thoms Run Road  
 Bridgeville, PA 15017  
 Attention: Design Liaison Unit

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. Brian A. Krul, District 11-0, at (412) 429-3801.

**Allegheny County**

**Project Reference No. 08430AG2455**

The Department will retain an engineering firm to provide supplementary construction inspection staff of approximately seventeen (17) inspectors, under the Department's Inspector(s)-in-Charge for construction inspection and documentation services on the following projects:

1. S.R. 0279, Section A52, Allegheny County

Local Name: Fort Pitt Bridge—Phase B

This is the second phase (Phase B) of the Fort Pitt Bridge Rehabilitation Project. It includes the rehabilitation of S.R. 0279 Northbound as well as the Northbound ramps and Portal Bridge. Bridges will receive new decks, steel repairs and painting. The Portal Bridge will receive a new latex deck overlay, new parapets and cosmetic repairs. There will be bituminous reconstruction on the roadways. New lighting and signing will also be placed throughout the project. The Fort Pitt Bridge Rehabilitation Project is located at the Point Interchange in the City of Pittsburgh, Allegheny County.

S. R. 0279, Section A53, Allegheny County

Local Name: Fort Pitt Tunnels—Phase B

This is the tunnel work on the second phase (Phase B) of the Fort Pitt Bridge Rehabilitation Project. This involves the rehabilitation of the Fort Pitt Tunnels including electrical, ventilation and safety systems. This work will prepare the tunnels for the replacement of the lighting system in the next phase, Phase C.

2. S. R. 0279, Section A06, Allegheny County

Local Name: Fort Pitt Bridge—Phase C

This is the final phase (Phase C) of the Fort Pitt Bridge Rehabilitation Project. Bridge work will consist of rehabilitation to the main river span of the Fort Pitt Bridge and parts of the approach spans including the Eastbound Interstate 376 viaduct. Work will include complete deck replacement and repairs, modifications and replacement of some superstructure and substructure components. The Fort Pitt Bridge Rehabilitation Project is located at the Point Interchange in the City of Pittsburgh, Allegheny County.

S. R. 0279, Section A07, Allegheny County

Local Name: Fort Pitt Tunnels—Phase C

This is the tunnel work of the final phase (Phase C) of the Fort Pitt Bridge Rehabilitation Project. Tunnel work will consist of installation of a new lighting system in the Fort Pitt Tunnels along with new safety and surveillance systems. New barriers will replace the existing walkways and bulb gutters. The brick pavement will be replaced with a bituminous wearing surface. Repairs will be made to damaged ceilings and walls. Parts of the ventilation system will be upgraded and refurbished. Numerous repairs, upgrades, and updates will be made to other miscellaneous components throughout the tunnel.

The Department will establish an order of ranking of a minimum of three (3) firms for the purpose of negotiating an Engineering Agreement based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- a. Review of inspectors' resumes with emphasis on construction inspection capabilities and specialized experience in Maintenance and Protection of Traffic, bridge rehabilitation, deck replacement, concrete paving, asphalt paving, and signing and lighting. Inspectors should also have a background in tunneled structures including lighting, electrical, ventilation and safety systems, and struc-

tural repairs. (References for each inspector should be made available upon request).

- b. Understanding of Department's requirements, policies, and specifications.
- c. Past Performance.
- d. Number of NICET certified inspectors in each payroll classification.
- e. Number of available inspectors in each payroll classification.

The qualifications and experience required of the firm's inspectors will be established by the Department, and the qualifications of the firm's proposed employees will be reviewed and approved by the Department.

It is anticipated that the supplementary construction inspection staff for this assignment will consist of the following number of inspectors who meet the requirements for the following inspection classifications:

<i>Classification</i>	<i>No. of Inspectors</i>
Transportation Construction Manager 1 (TCM-1) (NICET Highway Construction Level 4 or equivalent)	2 (2)
Transportation Construction Ins. Super. (TCIS) (NICET Highway Construction Level 3 or equivalent)	4 (4)
Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent)	15 (11)
Technical Assistant (TA) (NICET Highway Construction Level 1 or equivalent)	5 (0)

The number(s) in parenthesis above indicate the number of inspectors in each Classification that must meet at least one of the following requirements:

- 1. Be certified by the National Institute for Certification in Engineering Technologies (NICET) in the field of Transportation Engineering Technology, subfield of Highway Construction, or subfield of Highway Materials, at the Level required for the Inspection Classification.
- 2. Be registered as a Professional Engineer by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
- 3. Be certified as an Engineer-in-Training by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
- 4. Hold a Bachelor of Science Degree in Civil Engineering or a Bachelor of Science Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.
- 5. Hold an Associate Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

The maximum reimbursement per hour of inspection for each Department Payroll Classification for calendar year of 1999:

<i>Payroll Classification</i>	<i>Maximum Straight Time Reimbursement Per Hour Of Inspection</i>
(TCM-1)	\$46.27
(TCIS)	\$40.54

	<i>Maximum Straight Time Reimbursement Per Hour Of Inspection</i>
<i>Payroll Classification</i>	
(TCI)	\$35.47
(TA)	\$24.39

The maximum reimbursement per hour of inspection includes all costs for providing construction inspection services at the project site during the normal work week.

Maximum reimbursement per hour of inspection for subsequent calendar years, if applicable, will be established at the scope of work meeting.

The firm selected may be required to attend a pre-construction conference with the Department and the construction contractor for this project. Under the supervision and direction of the Department, the selected firm will be required to keep records and document the construction work; prepare current and final estimates for payment to the construction contractor; assist the Department in obtaining compliance with the labor standards, safety and accident prevention, and equal opportunity provisions of the contract item; four (4) inspectors certified in computer documentation and perform other duties as may be required.

The firm selected will be required to supply the following equipment at no direct cost to the Department:

- 1 Nuclear Densometer Gauge/License \*\*\*\*
- 1 Vehicle for the Transportation of that Nuclear Gauge \*\*\*\*
- 10 Cellular Telephones (Two-way Radios also acceptable)

\*\*\*\* At point of need when needed

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen percent (15%) of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information Section after the advertised project(s).

Letters of interest for this project must include a letter, signed by the individuals you propose for all TCM-1 and TCIS positions, giving their approval to use their name in your letter of interest for this specific project.

The maximum number of resumes to be included in the letter of interest shall be as follows:

<i>Classification</i>	<i>No. of Resumes</i>
TCM-1	3
TCIS	5
TCI	18

This project reference assignment is considered non-complex. The letter of interest shall be limited to a maximum of three (3) pages, 8 1/2" x 11", one sided, plus an organizational chart (up to 11" x 17" size), and additional resumes, if applicable. (See the General Requirements and Information Section).

The Letter of Interest submission shall be sent to:

Mr. Raymond S. Hack, P.E., District Engineer  
Engineering District 11-0  
45 Thoms Run Road  
Bridgeville, PA 15017  
Attention: Design Liaison Unit

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. Brian A. Krul, District 11-0, at (412) 429-3801.

**Armstrong, Butler, Clarion, Indiana, and Jefferson Counties**

**Project Reference No. 08430AG2456**

The Department will retain an engineering firm for an Open-End Contract for various engineering services and environmental studies on various projects located in Engineering District 10-0, that is Armstrong, Butler, Clarion, Indiana, and Jefferson Counties. The Contract will be for a sixty (60) month period with projects assigned on an as-needed basis. The maximum amount of the Open-End Contract will be \$2.0 million. The Department reserves the option to extend the duration and/or increase maximum amount of this Contract.

The Department will establish an order of ranking of a minimum of three (3) firms for the purpose of negotiating an Open-End Contract based on the Department's evaluation of the letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- a. Past record of performance with respect to cost control, work quality, ability to meet schedules, and previous experience on Open-End Contracts. The specific experience of individuals who constitute the firms shall be considered.
- b. Specialized experience and technical competence of firm.
- c. Available staffing for this assignment.
- d. Location of consultant in respect to the District.

The work and services required under this Contract may encompass a wide range of design and environmental efforts with the possibility of several different types of projects with short completion schedules. The emphasis of this Contract will be on the performance of various engineering services. The anticipated types of projects include, but not limited to, bridge replacements or bridge rehabilitations with minor approach work, roadway betterments (3R type,) minor capital improvement projects (bridges or roadways), and minor location studies.

The engineering work and services which may be required under this Contract include, but are not limited to, attend field views and prepare minutes; prepare submissions for field views and safety review meeting; field surveys; plot topography and cross sections; prepare all pertinent submissions and materials necessary for the Department to prepare the application to PUC and for the PUC field conference; attend and supply any required information for all PUC meetings and hearings during the design of the project; develop erosion control details and narrative; prepare right of way plans; complete structure designs including type, size and location reports, prepare hydraulic report for waterway approval; prepare bridge drawings; procure core boring; develop traffic control plans with narratives; provide the soils and foundation engineering report; investigate utility and property involvement; prepare and disseminate right of entry letters; prepare prints and information required for

a value engineering review; make the necessary investigations and adjustments to the design as a result of the value engineering review comments; conduct a value engineering review; make all necessary contact with railroad officials and procure railroad related costs, permits, insurance, approvals, and other required information; collect traffic signal timing and accident data; perform traffic counts and speed delay studies; prepare plans for signal design and implementation of signal interconnections; evaluate alternatives using benefit/cost analysis; document study activities and findings; and prepare construction plans, specifications, and estimates.

The areas of environmental study required under the Contract may include, but are not limited to: air quality; surface water and ground water hydrology; stream enhancements/relocations; terrestrial ecology; wetlands; soils; geology; farmlands; visual quality; socio-economic; cultural; Section 4(f) and Section 106 documents, threatened and endangered species, including the services of a qualified malacologist; hazardous waste investigations; public involvement coordination; and other related studies not identified above. The environmental studies will be conducted in accordance with Department policy and accepted analysis techniques and methodologies.

The firm may also be required to perform any or all, but not limited to the following in order to ensure a complete environmental investigation has been performed: provide all necessary environmental services, material, and equipment necessary to collect, analyze, and organize data; assess impacts; conduct agency and public involvement activities; and prepare reports and design mitigation plans.

The reports and other graphic material to be prepared may include, but are not limited to, early coordination and scoping correspondence; plans of study; meeting minutes; public meetings and hearing presentations; handouts and displays; technical basis reports; NEPA environmental documents; Section 106 documents; Section 4(f) evaluations; mitigation plans and reports; and wetland and floodplain findings.

The firm may be required to perform design phase partnering and facilitation moderation on projects designed by consultants and/or in-house forces.

The firm may also be required to perform landscape architect duties which involve preparing landscaping plans, terrestrial mitigation plans, wetland mitigation planting plans, and other associated duties.

The format and content of all documents, plans, and Specifications will be consistent with applicable State and Federal regulations and guidelines.

The engineering services and environmental studies identified above are the general work activities that can be expected under this Open-End Contract. A more specific and project-related Scope of Work will be outlined for each individual Work Order developed under this Open-End Contract.

This project reference assignment is considered non-complex. The letter of interest shall be limited to a maximum of three (3) pages, 8 1/2" x 11", one sided, plus an organizational chart (up to 11" x 17" size), and additional resumes, if applicable. (See the General Requirements and Information Section).

The Letter of Interest submission shall be sent to:

Mr. Richard H. Hogg, P.E., District Engineer  
Engineering District 10-0  
Route 286 South, P. O. Box 429  
Indiana, PA 15701  
Attention: Mr. Shaun E. Werner

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. Shaun E. Werner, District 10-0, at (724) 357-7614.

#### **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 certifying that the firm is qualified to perform engineering services in accordance with the laws of the Commonwealth of Pennsylvania. A firm not conforming to this requirement may submit a letter of interest as a part of a joint venture with an individual, firm or corporation which is permitted under State law to engage in the practice of engineering.

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. 99-2015. Filed for public inspection November 24, 1999, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

### Notice of Proposed Settlement; E-Z Ship Recycling, Inc. v. DEP; EHB Doc. No. 97-142-R

The Department of Environmental Protection (Department) and E-Z Ship Recycling, Inc. (E-Z Ship) have agreed to settlement of the above case. E-Z Ship appealed the Department's revocation of a General Permit issued under the Solid Waste Management Act that authorized the company to store and process waste tires. The major provision of the settlement agreement states that E-Z Ship has agreed to withdraw its appeal of the Department's action with the parties reserving rights.

This notice is being provided under 25 Pa. Code § 1021.120(d). The settlement agreement is subject to final approval by the Environmental Hearing Board (Board). The Board may schedule a hearing prior to taking action on the settlement agreement. Any appeal of the settlement agreement must be filed with Commonwealth Court within 30 days of the date of the Board's action. The proposed settlement agreement can be examined during normal business hours at the Department's Southwest Regional Office of Chief Counsel at 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Persons desiring to review the settlement agreement should call (412) 442-4262 (which also may be reached through the AT&T Relay Service at (800) 654-5984). The proposed settlement agreement is also available during normal business hours at the office of the Environmental Hearing Board, 2nd Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105-8457. Comments should be directed to the Board within 30 days of this publication.

GEORGE J. MILLER,  
*Chairperson*

[Pa.B. Doc. No. 99-2016. Filed for public inspection November 24, 1999, 9:00 a.m.]

### Plymouth Township v. DEP and Montenay Montgomery Limited Partnership; EHB Doc. No. 97-178-C

The Department of Environmental Protection (Department), Montenay Montgomery Limited Partnership (Montenay), and Plymouth Township (Plymouth) have entered into a proposed consent adjudication to settle the above matter. On July 29, 1997, the Department issued a revised Solid Waste Permit No. 400558 authorizing Montenay to process certain types of municipal-like residual waste. Plymouth filed a timely appeal of the revised Solid Waste Permit. On or about August 23, 1999 the Department modified Solid Waste Permit 400558.

The parties have agreed to a settlement, the major provisions of which include: the Department has modified Solid Waste Permit 400558 regarding the types of municipal like residual waste the Facility may receive and the procedures by which it will be accepted, handled and processed, and Plymouth will not appeal the permit and will withdraw a related challenge filed in Commonwealth Court (No. 779 M.D. 1997), Montenay will submit to Plymouth a written identification of all legally-required currently applicable emission limitations and reporting and shutdown requirements, Montenay will provide Plymouth with a copy of all reports submitted to the Department, Montenay shall pay Plymouth \$2 for each ton of Form S waste that it receives and processes, and Plymouth shall have the right to inspect Form S waste deliveries during normal operating hours.

This notice is provided under 25 Pa. Code § 1021.120(d). The proposed consent adjudication is subject to final approval by the Department and the Environmental Hearing Board. The proposed consent adjudication containing the specific terms of the proposed settlement is available for public review and comment. Under 25 Pa. Code § 1021.120(d), the public comment period will extend for 30 days from today's date. Persons may submit written comments on the proposed consent adjudication to the Department by December 27, 1999, by submitting

them to Douglas White, Esquire at the address provided as follows. Copies of the full Consent Adjudication may be obtained from:

Eli R. Brill, Esquire, Dechert Price & Rhoads, 4000 Bell Atlantic Tower, 1717 Arch Street, Philadelphia, PA 19103-2793, (215) 994-2122; and Luther E. Weaver, III, Esquire, Bowser & Weaver, P.C., 250 S. 16th Street, Philadelphia, PA 19102, (215) 790-0600; and Douglas G. White, Esquire, Assistant Counsel, Commonwealth of Pennsylvania, Department of Environmental Protection, Office of Chief Counsel—Southeast Region, Lee Park, 555 E. North Lane, Suite 6015, Conshohocken, PA 19428-6015, (610) 632-6300.

The proposed consent adjudication is also available at the office of the Environmental Hearing Board, 2nd 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. Interested parties may telephone the Environmental Hearing Board at (717) 783-3483.

The Environmental Hearing Board may schedule a hearing prior to taking action on the proposed consent adjudication. Under 25 Pa. Code § 1021.120(d), any appeal of the consent adjudication must be filed with the Commonwealth Court within 30 days of the date of the Environmental Hearing Board's action.

GEORGE J. MILLER,  
*Chairperson*

[Pa.B. Doc. No. 99-2017. Filed for public inspection November 24, 1999, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Designations of Waters Subject to Special Fishing Regulations

The Fish and Boat Commission (Commission) is designating the following waters as subject to 58 Pa. Code Chapter 65 (relating to special fishing regulations), effective January 1, 2000:

*§ 65.4b. All-Tackle Selective Harvest Program.*

The following waters are designated to be regulated and managed under the All-Tackle Selective Harvest Program and are added to the list of waters subject to these regulations (58 Pa. Code § 65.4b):

<i>County</i>	<i>Water</i>	<i>Description</i>
Clinton	Rauchtown Creek	1.2 mile section from the confluence of Krape Run and Rocky Run downstream to the SR 0880 crossing located upstream of the Ravensburg State Park Picnic Area

*§ 65.6. Delayed harvest artificial lures only areas.*

The following waters are designated to be regulated and managed under the Delayed Harvest Artificial Lures Only Program and are added to the list of waters subject to these regulations (58 Pa. Code § 65.6):

<i>County</i>	<i>Water on which located</i>	<i>Description</i>
Bradford	Schrader Creek	1.2 mile section from 100 yards downstream of the confluence of Bull Run upstream to the boundary of State Game Land No. 36

The limits of the following waters that are currently regulated and managed under the Delayed Harvest Artificial Lures Only Program have been redesignated:

<i>County</i>	<i>Water on which located</i>	<i>Description</i>
Lycoming	Little Pine Creek	1.1 mile section from the confluence of Otter Run downstream to the confluence of Schoolhouse Hollow
Susquehanna	Salt Lick Creek	0.15 mile downstream of the T-638 bridge downstream to the downstream boundary of State Game Lands No. 35, a distance of 1.45 miles.

*§ 65.8. Warmwater/coolwater species special conservation waters.*

The following waters are deleted from the list of "Warmwater/Coolwater Species Special Conservation Waters" designated under 58 Pa. Code § 65.8:

<i>County</i>	<i>Water</i>
Cumberland	Opossum Creek Lake

*§ 65.9. Big bass special regulations.*

The following lakes are designated to be regulated and managed under the Big Bass Special Regulations and are added to the list of waters subject to these regulations (58 Pa. Code § 65.9):

<i>County</i>	<i>Water</i>
Cumberland	Opossum Creek Lake
Greene	Duke Lake (formerly known as Ryerson Station Lake)
Wayne	Lower Woods Pond
Westmoreland	Lower Twin Lake
Westmoreland	Mammoth Lake

*§ 65.10. Select Trout Stocked Lake Program.*

The following lakes are designated to be regulated and managed under the Select Trout Stocked Lake Program and are added to the list of waters subject to this regulation (58 Pa. Code § 65.10):

<i>County</i>	<i>Water</i>
Luzerne	Lake Took-a-While
Tioga	Beechwood Lake
Wayne	Upper Woods Pond

*§ 65.11. Panfish enhancement special regulation.*

The following lakes are designated to be regulated and managed under the Panfish Enhancement Special Regulation and are added to the list of waters subject to this regulation (58 Pa. Code § 65.11):

<i>County</i>	<i>Water</i>	<i>Applicable Species</i>
Berks	Blue Marsh Reservoir	Crappie
Centre	J.F. Sayers Lake*	Sunfish Crappie
Lancaster	Speedwell Forge Lake	Crappie
Lehigh	Leaser Lake	Sunfish Yellow Perch Crappie
Montour	Lake Chillisquaque*	Sunfish Crappie
Pike	Lower Promised Land Lake	Sunfish Yellow Perch
Pike	Upper Promised Land Lake	Sunfish Yellow Perch
Somerset	High Point Lake	Yellow Perch
Washington	Cross Creek Lake	Sunfish Crappie
Westmoreland	Lower Twin Lake	Crappie
Westmoreland	Upper Twin Lake	Crappie

\*The Commission previously designated this water as a Panfish Enhancement Special Regulation water and applied the regulation to all three of the panfish species, that is, sunfish, yellow perch and crappie. The Commission is now applying the regulation only to the species listed.

PETER A. COLANGELO,  
*Executive Director*

[Pa.B. Doc. No. 99-2018. Filed for public inspection November 24, 1999, 9:00 a.m.]

## **Buoy and Sign Guidelines for Run-of-the-River Dams**

### *A. Introduction*

The act of June 18, 1998 (P. L. 702, No. 91) (Act 91) went into effect on January 1, 1999. This law amends 30 Pa.C.S. (relating to Fish and Boat Code), and applies to owners of existing run-of-the-river dams and permittees for the construction or installation of new run-of-the-river dams. It requires them to mark the areas above and below the dams and on the banks immediately adjacent to the dams with signs and buoys to warn the swimming, fishing and boating public of the hazards posed by the dam.

Under this law, the owners of dams identified by the Department of Environmental Protection (Department) as meeting the statutory definition of a "run-of-the-river" dam must mark the dam and its environs with signs and buoys. The design and content of these signs and buoys is determined by the Fish and Boat Commission (Commission), after consultation with the Department. The signs are intended to warn the swimming, fishing and boating public of the hazards posed by the dam. Act 91 provides

that the Commission shall publish the guidelines establishing the size, location and content of the signs and buoys as a notice in the *Pennsylvania Bulletin* and may from time-to-time modify them as circumstances require.

On February 27, 1999, the Commission published a notice at 29 Pa.B. 1137 containing the proposed guidelines for the contents and location of signs to mark run-of-the-river dam. As a result of the comments received in response to these proposed guidelines, the Commission, in consultation with the Department, modified them to provide different requirements for marking smaller dams. These modified requirements were sent to each owner of a run-of-the-river dam identified by the Department under Act 91, with a further invitation for comments and suggestions to be submitted on or before June 15, 1999.

The Commission received numerous comments focusing on the issue of whether an exclusion zone should be required for smaller dams. Many of the comments related to Benton Dam in Columbia County.

The Commission reviewed and considered the comments. The Commission believes that it is clear that Act 91 was intended to, and did, give the Commission, in

consultation with the Department, the authority to require marking of enforceable exclusion zones around run-of-the-river dams. Act 91 states that the Commission will establish requirements for the content of the signs, and 30 Pa.C.S. § 3510(h)(3) establishes a penalty for persons who enter "an exclusion zone marked under the provisions of this section."

The more difficult question is whether Act 91 allows for the possibility of marking dams with signs that do not create an exclusion zone. Although marking an exclusion zone is clearly referred to in Act 91, the Commission has broad discretion, within the intent of the law, to specify the contents of the warning signs and buoys. If the signs merely warn about the dangers of the dam but do not create an exclusion zone, then no exclusion zone will exist around the dam in question. In promulgating these final guidelines, the Commission has decided to give the owners of certain small run-of-the-river dams the option of placing warning signs that do not create an exclusion zone in limited circumstances. This change to the proposed guidelines addresses many of the comments and concerns expressed about the original guidelines.

#### B. Purpose

The purpose of these guidelines is to provide Statewide guidance for marking of run-of-the-river dams and the design of signs and buoys and their placement and maintenance. Compliance with the standards and guidelines established by the Commission is required to meet the requirements of Act 91 and to provide effective and efficient visual aids (signs and buoys) that meet safety standards at these lowhead dams.

#### C. Required Signs

1. Owners of dams 200 feet or more in length must purchase, post and maintain a pair of exclusion zone signs on each side of their dams—one pair facing upstream and one pair facing downstream. Owners will post these signs so that individuals walking, boating, swimming, wading or fishing near the dam are aware of the dangers and informed of the size of the exclusion zone around the dam. The signs will be 4 feet x 4 feet and will create an exclusion zone by displaying wording prohibiting boating, swimming and wading at the dam on a white reflective background. The exclusion zone ordinarily will extend 200 feet upstream from the dam breast and 100 feet downstream from the boil of these dams. The Commission suggests that these signs be constructed of .080 gauge aluminum, but alternate materials (wood, plastic and the like) are acceptable as long as the signs meet the size and text requirements. Owners will display and maintain these signs 365 days a year unless the Commission approves an alternative display schedule based on exigent or unusual circumstances.

2. Owners of dams less than 200 feet in length must purchase, post and maintain at least two general warning signs on their dams—one facing upstream and one facing downstream. Owners will post these signs so that individuals walking, boating, swimming, wading or fishing near the dam are made aware of the dangers of activities in the immediate vicinity of the dam. The signs will be at least 2 feet x 2 feet. The Commission suggests that these signs be constructed of .080 gauge aluminum, but alternate materials (wood, plastic and the like) are acceptable as long as the signs meet the size and text requirements set forth as follows. Owners will display and maintain these signs 365 days a year.

a. *Text Requirements for Exclusion Zone Signs on Dams.* Except in special cases described in subsection (b),

the signs will establish an exclusion zone in the area around the dam. The suggested text for the exclusion zone signs on the dam are the same as those for the upstream and downstream exclusion zone signs for larger dams except that the size of the exclusion zone may vary for these smaller dams. The sign will contain wording that creates an exclusion zone by prohibiting boating, swimming and wading at or near the dam. The size of the exclusion zone upstream and downstream of these smaller dams ordinarily should be 100 feet upstream from the dam breast and 50 feet downstream from the boil, but the Commission may adjust the size of the exclusion zone or the signage requirements on application of the dam owner or by its own order based on the nature of the dam. Owners will display and maintain these signs 365 days a year unless the Commission approves an alternative display schedule based on exigent or unusual circumstances.

b. *Text Required for Warning Zone Signs.* Upon submission of a written statement from the owner of a dam less than 200 feet in length, placement of warning signs in lieu of exclusion zone signs may be considered. Use of warning signs, in lieu of exclusion signs, is only appropriate where the dam is under the entire control of a single owner or, in the case, of multiple owners, all owners agree to the use of these signs and certify in writing that they agree and will assume responsibility. In no case will warning signs be posted on one part of a dam and exclusion zone signs posted on another part of the same dam. This will cause confusion for the public and will raise issues about liability and responsibility. The warning sign will contain wording that creates a warning zone by warning all persons of the dangers boating, swimming and wading at or near the dam. Owners may place warning signs in lieu of exclusion zone signs when they determine that the areas at and near the dam are sufficiently safe and controlled that it is unnecessary to exclude the public from these areas. The owner must submit a certification to the Commission that such a determination has been made. The certification must be provided on forms furnished by the Commission and must state that the owner shall assume responsibility and liability for all the consequences of such a determination.

3. Vinyl or water resistant paper 11 inch x 14 inch signs may be posted along pathways leading to or banks within the exclusion area to provide additional warning to the restrictions at the dam. Vinyl or water resistant 11 inch x 14 inch paper signs may be posted along pathways leading to or banks within the warning zones to provide additional warning of conditions at the dam. These signs are available through the Commission at a cost of \$2 per sign.

#### D. Buoys.

1. The owners of dams 200 feet or more in length are required to install buoys on the upstream and downstream side of dams when the normal water low level is 3 feet or greater in depth.

2. Buoys will be installed and maintained at a minimum of 200 feet on the upstream side. The downstream buoys must be installed at least 100 feet downstream of the maximum boil line. Exception to this rule requires specific approval of the Commission.

3. Buoys must be spaced evenly, not more than 150 feet apart.

4. All buoys, symbols and features will meet the requirements of the U.S. Aids to Navigation system. All buoys will have an orange "diamond w/cross" symbol meaning "Boats Keep Out" and the words "Danger Dam."

5. Buoys are not required for dams less than 200 feet in length, but may be placed at the discretion of the dam owner.

6. Owners and permittees must submit a completed Application for Permit to Install Floating Structures and Private Aids to Navigation—Form PFBC-277 to the Commission for review and approval. This permit may give some flexibility regarding the location and number of buoys and installation and removal dates. Owners and permittees should read the entire permit application and regulations on the reverse side of the form before submitting it to the Commission for review.

PETER A. COLANGELO,  
*Executive Director*

[Pa.B. Doc. No. 99-2019. Filed for public inspection November 24, 1999, 9:00 a.m.]

## HISTORICAL AND MUSEUM COMMISSION

### National Register Nominations to be Reviewed by the Historic Preservation Board

Notice of properties to be considered at the December 14, 1999 meeting of the Historic Preservation Board for nomination to the National Register of Historic Places. The meeting will start at 9:45 a.m. in the Fifth Floor Board Room of the State Museum, 3rd and North Streets, Harrisburg, PA, with the review of National Register nominations beginning roughly at 10:30 a.m.

Individuals with a disability who wish to attend this meeting and require an auxiliary aid, service or other accommodation to participate should contact Dan Deibler at (717) 783-8946 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the agency can accommodate their needs. If there are any questions or comments, please contact the Bureau for Historic Preservation at (717) 783-8946.

#### I. *National Register Nominations to be Reviewed*

##### *Allegheny Plateau*

1. *Spalding Memorial Library/Tioga Point Museum.* 724 S. Main Street, Athens, Bradford County.

##### *Anthracite Region and Poconos*

No nominations

##### *Great Valley and Piedmont Region*

2. *Pleasureville Historic District.* Situated along N. Sherman Street between Cherry Lane and Park View Road, Springettsbury Township, York County.

3. *Morton Morton House.* Confluence of Muckinipates and Darby Creeks, Norwood, Delaware County.

4. *Henry Melchior Muhlenberg House.* 201 W. Main Street, Trappe, Montgomery County.

5. *Manheim Borough Historic District.* Roughly bounded by Colebrook Street, Laurel Street, Fuller Drive and Fulton Street, Manheim, Lancaster County.

##### *Ridge and Valley*

No nominations

##### *Southwestern Pennsylvania*

6. *North Hill Historic District.* Roughly bounded by Delaware and Neshannock Avenues; Crescent, Falls, Beaver, Jefferson, Mercer Streets; Hillcrest and Fairmont Avenues, New Castle, Lawrence County.

#### II. *Petition for Removal from National Register to be Considered*

*Kent, Thomas, Jr., Farm.* Franklin Township, Greene County.

BRENT D. GLASS,  
*Executive Director*

[Pa.B. Doc. No. 99-2020. Filed for public inspection November 24, 1999, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received, on the dates indicated, the following regulations for review. To obtain the date and time of the meeting, interested parties may contact the office of the Commission at (717) 783-5417. To obtain a copy of the regulation, interested parties should contact the agency promulgating the regulation.

#### *Final-Form*

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
19-4	Corrections County Correctional Institutions	11/16/99

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 99-2021. Filed for public inspection November 24, 1999, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application for Approval to Acquire Control

Tuscarora Wayne Mutual Insurance Company has filed an application to acquire control of Washington Mutual Fire & Storm Insurance Company, a Pennsylvania domiciled mutual 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, or by fax to (717) 787-8557.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 99-2022. Filed for public inspection November 24, 1999, 9:00 a.m.]

### Application for Domestic Certificate of Authority

Lackawanna American Insurance Company has applied for a Certificate of Authority to operate as a domestic stock casualty insurance company in Pennsylvania. The filing was made under the requirements set forth under The Insurance Company Law, Act of May 17, 1921, P. L. 682, as amended. Persons wishing to comment on the application are invited to submit a written statement to the Insurance Department within 30 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. 99-2023. Filed for public inspection November 24, 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 James E. Crouse; file no. 99-181-06061; Liberty Mutual Fire Insurance Company; doc. no. P99-11-003; December 14, 1999, at 1 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses and the like necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Commissioner may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner 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. 99-2024. Filed for public inspection November 24, 1999, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The following Liquor Control Board lease will expire:

Bucks County, Wine & Spirits Shoppe #0903, 720 Easton Road, Riegelsville, PA 18077-0111.

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,000 net useable square feet of new or existing retail commercial space in Durham Township on Route 611 near Route 412.

*Proposals due:* December 17, 1999 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113  
**Contact:** Robert Jolly, (215) 482-9671

Centre County, Wine & Spirits Shoppe #1402, 2051 South Atherton Street, State College, PA 16801-7608.

*Lease Expiration Date:* October 31, 2004

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 5,000 to 6,000 net useable square feet of new or existing retail commercial space in a shopping center environment located near the intersection of University Drive and South Atherton Street in College Township.

*Proposals due:* December 17, 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:** Joseph Molhoek, (412) 565-5130

JOHN E. JONES, III,  
*Chairperson*

[Pa.B. Doc. No. 99-2025. Filed for public inspection November 24, 1999, 9:00 a.m.]

## MEDICAL PROFESSIONAL LIABILITY CATASTROPHE LOSS FUND

### Notice of and Amount of Surcharge

The Medical Professional Liability Catastrophe Loss Fund, under the authority granted by section 701(e) of the Health Care Services Malpractice Act (40 P.S. § 1301.701(e)), as amended by Act 135 of 1996, has determined that the annual surcharge to be assessed for calendar year 2000 shall be 61% applied to the prevailing primary premium for each health care provider.

Act 135 of 1996 defines "prevailing primary premium" as the schedule of occurrence rates approved by the Insurance Commissioner for the Joint Underwriting Association (JUA). For purposes of the 2000 annual surcharge, the JUA rates to be used are \$400,000/\$1,200,000 for health care providers other than hospitals, and \$400,000/\$2,000,000 for hospitals.

Health care providers having approved self-insurance plans shall be surcharged an amount equal to the surcharge imposed on a health care provider of like class, size, risk and kind as determined by the Fund's Director.

JOHN H. REED,  
*Director*

[Pa.B. Doc. No. 99-2026. Filed for public inspection November 24, 1999, 9:00 a.m.]

## MILK MARKETING BOARD

### Hearing for All Milk Marketing Areas; Over-Order Premium

Under the Milk Marketing Law (31 P.S. § 700j-101 et seq.), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Areas 1, 2, 3, 4, 5 and 6 on December 1, 1999, at 10:30 a.m. in Room 202 of the Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning whether an adjustment should be made to the level of the over-order premium, which is currently \$.40 per hundredweight.

The staff of the Board is deemed to be a party to this hearing, and the attorneys representing staff are deemed to have entered their appearances. Other persons who wish to present evidence may be included on the Board's list of parties by (1) having their attorney file with the Board on or before 1 p.m. November 29, 1999, a notice of

appearance substantially in the form prescribed by 1 Pa. Code § 31.25 or (2) if unrepresented by counsel, filing with the Board on or before 1 p.m. November 29, 1999, notification of their desire to be included as a party.

The parties shall observe the following requirements for advance filing of witness information and exhibits. The Board may exclude witnesses or exhibits of a party that fails to comply with these requirements. In addition, the parties shall have available in the hearing room at least 20 additional copies made available for the use of nonparties attending the hearing.

1. By 4 p.m. November 30, 1999, each party shall file with the Board seven copies and ensure receipt by all parties of one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise.

b. Each exhibit to be presented, including testimony to be offered in written form.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board, or who wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code §§ 35.164, 35.165, 35.167 or 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

A prehearing conference for all parties will be held at 10 a.m. in Room 110 of the Agriculture Building.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110. Persons who require this information in an alternate format, call (717) 787-4194 or (800) 654-5984 (PA Relay Service for TDD users).

LYNDA J. BOWMAN,  
*Secretary*

[Pa.B. Doc. No. 99-2027. Filed for public inspection November 24, 1999, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before December 20, 1999, as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protests 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-00112157, Folder 2. Mountain Line, Inc.** (R. D. 1, Box 338, Pine Grove, Schuylkill County, PA 17963), a corporation of the Commonwealth of Pennsylvania—persons in scheduled route service from Williamstown, Dauphin County, to Lickdale, Lebanon County, by way of Route 209 to Exit 33, thence south on Interstate Route 81 to Exit 30. *Attorney:* Joseph D. Kerwin, 4245 Route 209, Elizabethville, PA 17023.

**A-00116363. Kevin R. Bippus and Sheri D. Bippus, Copartners, t/d/b/a Lifestyle Limousine of Lancaster** (107 Buchland Road, Ephrata, Lancaster County, PA 17522)—persons in limousine service, between points in the counties of Lancaster, Berks, Lebanon, York and Chester, and from points in the said counties, to points in Pennsylvania, and return.

**A-00116363, F. 2. Kevin R. Bippus and Sheri D. Bippus, Copartners, t/d/b/a Lifestyle Limousine of Lancaster** (107 Buchland Road, Ephrata, Lancaster County, PA 17522)—persons in group and party service, using vehicles seating 15 passengers or less, including the driver, between points in the counties of Lancaster, Berks, Lebanon, York and Chester, and from points in the said counties, to points in Pennsylvania, and return.

**A-00116365. Lawrence Allen, t/d/b/a L. Allen Express** (719 High Street, Williamsport, Lycoming County, PA 17701)—persons, in paratransit service: (1) From points in the county of Lycoming, to all State and Federal correctional institutions located in Pennsylvania, and return; and (2) From the county of Lycoming, to points in the city and county of Philadelphia, and vice versa.

**A-00116366. Patrick M. Kelsey** (P. O. Box 1512, Norristown, Montgomery County, PA 19404)—persons in paratransit service, between points in the city and county of Philadelphia, and the county of Montgomery, and from points in said counties, to points in Pennsylvania, and vice versa.

**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-00116364. Pegasus Transportation Holdings, Inc.** (6030 Bunker Hill, Pittsburgh, Allegheny County, PA 15206-1156), a corporation of the Commonwealth of Pennsylvania—persons in limousine service, between points in those portions of the counties of Beaver, Butler, Washington and Westmoreland which are located within an airline distance of 18 statute miles of the city of Pittsburgh, Allegheny County, and from said area, to points in Allegheny County, and vice versa; subject to the following condition: That no right, power or privilege is granted to provide transportation from points in Westmoreland County, to the Greater Pittsburgh International Airport in the township of Moon, Allegheny County and from points in Westmoreland County to the restaurant facilities of J. Paul Sghetti's, Inc., in the township of Huntingdon, Westmoreland County, and vice versa; which is to be a transfer of the limousine right authorized Landmark Transportation Services, Inc., under the certificate issued at A-00111633, subject to the same limitations and conditions. *Attorney:* William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219-2383.

**Applications of the following for amendment to the certificate of public convenience approval of the right and privilege to partially discontinue/abandon operating as common carriers by motor vehicle for the transportation of household goods in use as described under each application.**

**A-00096429, F. 1, Am-J. William J. Brown Trucking, Inc.** (390 Lade Mill Road, Valencia, Butler County, PA 16059), a corporation of the Commonwealth of Pennsylvania—amendment to its common carrier certificate: *So as to permit* the discontinuance of household goods in use authority which reads as follows: (1) To transport, as a Class B carrier, household goods in use between points in the township of Middlesex, Butler County; (2) To transport, as a Class D carrier, household goods in use from points in the township of Middlesex, Butler County, to points within 40 miles by the usually traveled highways of the limits of the said township, and vice versa; which is to be a cancellation of the 5th and 6th rights contained in the order at A-00096429, entered March 29, 1971.

**A-00107901, F. 1, Am-A. R & R Truck Sales & Service, Inc.** (115 Kutz Road, Temple, Berks County, PA 19560), a corporation of the Commonwealth of Pennsylvania—amendment to its common carrier certificate: *So as to permit* the discontinuance of household goods in use authority which reads as follows: (1) To transport, as a Class D carrier, household goods in use from points in the townships of Upper Milford and Lower Milford, Lehigh County, to points within 40 miles by the usually traveled highways of the limits of the said townships, and vice versa; and (2) To transport, as a Class B carrier, household goods in use between points in the townships of Upper Milford and Lower Milford, Lehigh County; which is to be a cancellation of the 1st and 3rd rights contained in the order at A-00107901, adopted May 13, 1988, entered May 19, 1988.

**Applications of the following for approval of the right and privilege to discontinue/abandon operating as common carriers by motor vehicle for the transportation of persons as described under each application.**

**A-00104201, F. 1, Am-A. Irene M. Mariscotti, t/d/b/a Your Door to the Airport** (324 Third Street, California, Washington County, PA 15419), for amendment to her common carrier certificate: *So as to permit* the discontinuance of service and cancellation of the certificate at A-00104201 which authorizes the following service: To transport, as a common carrier, persons in airport transfer service, between points within the borough of California, Washington County, and points in Washington County within a radius of 15 miles of said borough, to the Greater Pittsburgh Airport in the township of Moon, Allegheny County; subject to the following condition: That no right, power or privilege is granted to provide airport transfer service on a scheduled route basis; all transportation herein being specifically limited to movement on prior requests for service from the point of said request in the authorized service area to the Greater Pittsburgh Airport, and vice versa.

**Applications of the following for approval of the right to begin to operate as a broker for the transportation of persons as described under each application.**

**A-00106305, Folder 4. Star Limousine Service, Inc.** (910 Sheraton Drive, Sheraton Hotel/Northwest, Mars, Butler County, PA 16046), a corporation of the Common-



wealth of Pennsylvania—additional right—to operate as a broker, to arrange for the transportation of persons, between points in Pennsylvania. *Attorney:* William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219-2383.

**Application of the following for the approval of the transfer of stock as described under each application.**

**A-00108330, F. 5001. J. C. Stilwell's Son, Inc.** (1408 Calcon Hook Road, Sharon Hill, Delaware County, PA 19079), a corporation of the Commonwealth of Pennsylvania—stock transfer—approval of the transfer of all issued and outstanding stock from Stephen Eder (50 shares) to J. C. Stilwell's Son, Inc. *Attorney:* Richard A. Franklin, 1700 Sansom Street, Philadelphia, PA 19103.

**A-00111774, F. 5001. Economy Moving & Storage, Inc.** (1408 Calcon Hook Road, Sharon Hill, Delaware County, PA 19079), a corporation of the Commonwealth of Pennsylvania—stock transfer—approval of the transfer of all issued and outstanding stock from Stephen Eder (5 shares) to Economy Moving & Storage, Inc. *Attorney:* Richard A. Franklin, 1700 Sansom Street, 12th Floor, Philadelphia, PA 19103.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 99-2028. Filed for public inspection November 24, 1999, 9:00 a.m.]

**Telecommunications  
Interconnection Agreement**

**A-310743F0002. Bell Atlantic-Pennsylvania, Inc. and PaeTec Communications, Inc.** Joint Petition of Bell Atlantic-Pennsylvania, Inc. and PaeTec Communications, Inc. for approval of an amendment to the Interconnection Agreement.

Bell Atlantic-Pennsylvania, Inc. and PaeTec Communications, Inc., by its counsel, filed on November 8, 1999, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of an amendment to the Interconnection Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Bell Atlantic-Pennsylvania, Inc. and PaeTec Communications, Inc. Joint Petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 99-2029. Filed for public inspection November 24, 1999, 9:00 a.m.]

**Telecommunications  
Interconnection Agreement**

**A-310814F0002. Bell Atlantic-Pennsylvania, Inc. and US LEC of Pennsylvania, Inc.** Joint Petition of

Bell Atlantic-Pennsylvania, Inc. and US LEC of Pennsylvania, Inc. for approval of an Interconnection Agreement under section 252(e) of the Telecommunications Act of 1996.

Bell Atlantic-Pennsylvania, Inc. and US LEC of Pennsylvania, Inc., by its counsel, filed on November 5, 1999, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of an Interconnection Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Bell Atlantic-Pennsylvania, Inc. and US LEC of Pennsylvania, Inc. Joint Petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 99-2030. Filed for public inspection November 24, 1999, 9:00 a.m.]

**STATE BOARD FOR  
CERTIFICATION OF  
SEWAGE TREATMENT  
PLANT AND WATERWORKS  
OPERATORS**

**Examination Announcement for 2000**

*Examination Dates:*

April 29, 2000—Applications must be received, complete and correct, no later than February 14, 2000.

November 4, 2000—Applications must be received, complete and correct, no later than August 21, 2000.

The certification examination will be offered in the area of the following cities: Altoona, Harrisburg, Meadville, Philadelphia, Pittsburgh, Williamsport and Wilkes-Barre.

Applications may be obtained from and must be returned to the Department of Environmental Protection, Certification and Licensing, P. O. Box 8454, 400 Market Street, Harrisburg, PA 17105-8454, (717) 787-5236, by the established cutoff dates stated above (not postmarked). Information regarding the certification examination can be obtained by contacting this same address and telephone number.

Information on training courses can be obtained by contacting the Department of Environmental Protection, Technical Training, P. O. Box 8467, Harrisburg, PA 17105-8467, (717) 787-0122.

Applicants requesting two examinations (water and sewage) must be examined in the Harrisburg area.

Qualified applicants will receive a "letter of notification" approximately 3 weeks prior to the examination. This

letter must be presented at the examination center for admission to the examination.

All applicants will be notified of examination results within 75 days after the examination date.

The sewage and water treatment plant operator examination consists of 100 multiple-choice questions. A formula conversion table is provided with the examination package at the test site.

Persons with a disability who require accommodation to take the sewage treatment plant or waterworks operator exam should contact the Board at (717) 787-5236 or through PA AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Board may accommodate their needs.

ROBERT J. SLATICK,  
*Secretary*

[Pa.B. Doc. No. 99-2031. Filed for public inspection November 24, 1999, 9:00 a.m.]

## TURNPIKE COMMISSION

### Retention of an Engineering or Construction Management Firm

#### Project Oversight

#### Fiber Optic Resource Sharing Project Systemwide

#### Reference No. 3-122

The Turnpike Commission (Commission) may retain an Engineering or Construction Management firm to provide project oversight services for the design and construction of a Statewide fiber optic system along the Pennsylvania Turnpike. This project is scheduled to begin in the Spring of 2000 and be completed within a 2-year period. Construction costs are estimated to be \$125,000,000.

The consultant agreement is anticipated to begin by February 2000 and have a completion date of October 31, 2002.

The firm will be required to work and coordinate with representatives of the Turnpike's Engineering and Information Technology Departments and the Fiber Optic Resource Sharing Partner, who will design and construct the project. During the design phase, the selected consultant will review, comment and provide recommendations of preliminary design, final design, and other submissions received from the Fiber Optic Resource Sharing Partner. In addition, the consultant may distribute documents, conduct and prepare minutes from Review Team meetings, review proposed contractors submitted by the Fiber Optic Resource Sharing Partner, and perform constructability reviews. During the construction phase, the selected consultant will inspect and document the construction activities, verify compliance with plans and specifications, assist in obtaining construction permits, approve cable path changes, review contractor submissions, prepare correspondence, provide as-built drawings, assist with public relations, interact with public agencies and Turnpike neighbors, coordinate operations and other duties as required. Testing or witnessing of quality control testing of onsite materials will also be required.

Eighty percent of the inspection staff assigned to this Commission constructed project must meet the following Requirements:

1. Be certified by the National Institute for Certification in Engineering Technologies, (NICET) as a Transportation Engineering Technician—Construction Level 2 or higher.

2. Be registered as a professional engineer by the Commonwealth of Pennsylvania with 1 year highway inspection experience acceptable to the Commission.

3. Be certified as an Engineer-in-Training by the Commonwealth of Pennsylvania with 2 years of highway inspection experience acceptable to the Commission.

4. Hold a Bachelor of Science Degree in Civil Engineering or Civil Engineering Technology with 2 years of highway inspection experience acceptable to the Commission.

5. Hold an Associate Degree in Civil Engineering Technology with 3 years of highway inspection experience acceptable to the Commission.

The remaining 20% assigned to this project shall meet the following education and experience requirements:

*Education*—Graduation from High School or equivalent certification or formal training. Completion of a training program in construction inspection approved by the Commission may be substituted for High School graduation.

*Experience*—One year of experience in construction inspection or workmanship which requires reading and interpreting construction plans and specifications, or 1 year of experience in a variety of assignments involving the testing of materials used in highway or similar construction projects. A 2 to 4 year engineering college degree may be substituted for 1 year of experience.

The Commission is committed to the inclusion of disadvantaged, minority and woman firms in contracting opportunities. The minimum participation level for DBE/MBE/WBEs in this contract will be 10%. Responding firms shall clearly identify DBE/MBE/WBE firms, expected to participate in this contract, in their letter of interest. If the selected firm does not meet the minimum requirement for DBE/MBE/WBE participation, they will be required to demonstrate good faith efforts to achieve the required level. Proposed DBE/MBE/WBE firms must be certified by the Pennsylvania Department of Transportation at the time of the submission of the letter of interest. If further information is desired concerning DBE/MBE/WBE participation, direct inquiries to the Office of Equal Opportunity Development, Pennsylvania Turnpike Commission at the above address, or by calling (717) 939-9551 Ext. 4241.

The following factors will be considered by the Commission during the evaluation of the firms submitting Letters of Interest for this project:

- a. Specialized experience and technical competence of prime consultant and subconsultants. The Team must clearly demonstrate an ability to analyze available data to make decisions and develop plans to complete the project in a timely and cost effective manner.

- b. Past record of performance with respect to cost control, work quality, ability to meet schedules and previous experience on similar projects. The consultant should identify similar projects that have been completed by that firm as the prime, the magnitude of the project, and the client.

- c. The specific experience and number of individuals who constitute the firm.

- d. Location of consultant's office where the work will be performed.

e. Workload of the prime consultant and subconsultants for all Department of Transportation and Turnpike Commission projects.

f. Other factors, if any, specific to the project.

Address these items and any necessary further details in a brief yet comprehensive manner in the letter of interest.

Questions and inquiries concerning this Project should be directed to Matthew J. Wagner, P.E., at (717) 939-9551, Ext. 5210, or by email at mwagner@paturndpike.com.

#### 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. The Letters of Interest must include the following:

1. One page transmittal letter clearly identifying the project reference number, brief description of the project from the advertisement, the firm's Federal identification number, the firm's legal name, contact person or project manager, address of corporate office and project office. If the firm has multiple offices, the location of the office performing the work must be identified.

2. Three page expression of interest in the advertised project. Each firm should demonstrate their ability to perform the specific requirements indicated for this project and provide explanation that the firm has successfully completed similar type projects of the same magnitude.

3. An organization chart for the Project, identifying key personnel and any subconsultants and their roles. Any deviation from the subconsultants listed in the letter of interest will require written approval from the Commission.

4. Tabulation of workload for the prime consultant and all subconsultants for all Department of Transportation and Turnpike Commission projects.

5. A copy of the Annual Qualification Package submitted to the Pennsylvania Department of Transportation for the current year that is in the same District as this project or one that is best suited for this project.

The Annual Qualification Package should contain at a minimum, the following information for the prime consultant and all subconsultants which should be attached to the back of the letter of interest (subs to follow primes):

- Standard Form (SF) 254—Architect-Engineer and Related Services Questionnaire in its entirety, not more than 1 year old as of the date of the advertisement.

- Resumes of key personnel expected to be involved in the project. (limit to one 8 1/2 x 11 page, one side, per person). Only resumes of key personnel should be included.

- Copy of the firm's registration to do business in this Commonwealth as provided by the Department of State for firms with out-of-State headquarters or corporations not incorporated in Pennsylvania.

- A copy of the Department's DBE/WBE Certification, if applicable.

If a Joint Venture responds to a project advertisement, the Commission will not accept separate letters of interest from joint venture constituents. A firm will not be permitted to submit a letter of interest on more than one 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 subconsultant to another firm that responds to the same project advertisement. This does not preclude a firm from being set forth as a designated subconsultant to more than one prime consultant responding to the project advertisement.

Firms interested in performing the above services are invited to submit a letter of interest and required information to Michael W. Flack, P.E., Assistant Chief Engineer for Construction, at the Turnpike Commission Administration Building located at 176 Kost Road, Carlisle, PA 17013-9779 (parcel delivery address) (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676).

The letter of interest and required information must be received by 12 p.m. (noon), Friday, December 10, 1999. Any letters of interest received after this date and time will be time-stamped and returned.

Based on an evaluation of acceptable letters of interest received in response to this solicitation, one firm will be selected for this project. The order of preference will be established for the purpose of negotiating an agreement with the highest ranked firm established by the Technical Review Committee and approved by the Selection Committee. Technical Proposals or Requests for Proposals will not be requested prior to selection.

The Commission reserves the right to reject all letters of interest, to cancel solicitation requested under this notice, and/or to re-advertise solicitation for the work and services.

JAMES F. MALONE, III,  
*Chairperson*

[Pa.B. Doc. No. 99-2032. Filed for public inspection November 24, 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

**1258119** Entrance and exit doors, various sizes. For a copy of the bid package fax request to (717) 787-0725.

**Department:** Corrections  
**Location:** Waynesburg, PA  
**Duration:** FY 99-00  
**Contact:** Vendor Services, (717) 787-2199

**1120219** 2000 Model converted van type wheelchair/passenger vehicle in accordance with bid specifications. For a copy of the bid package fax request to (717) 787-0725.

**Department:** General Services  
**Location:** Harrisburg, PA  
**Duration:** FY 99-00  
**Contact:** Vendor Services, (717) 787-2199

**968-236** The Pennsylvania Department of Transportation, District 4-3, Luzerne is looking to purchase the following: 50 feet—42" Snap-Tite pipe liner for a 48" pipe—10 foot lengths, 95 feet—30" Snap-Tite pipe liner for a 36" pipe—10 foot lengths, 35 feet—12" Snap-Tite pipe liner for a 15" pipe—10 foot lengths.

**Department:** Transportation  
**Location:** District 4-3, 3450 Bear Creek Blvd., S. R. 0115, Bear Creek, PA 18602  
**Duration:** Indeterminate 1999-2000  
**Contact:** Robert J. Watkins, (570) 826-5404

**8212530** Special aluminum plates to be numbered in consecutive sequence with both title and vehicle identification number in accordance with bid sample. For a copy of the bid package fax request to (717) 787-0725.

**Department:** Transportation  
**Location:** Harrisburg, PA  
**Duration:** FY 99-00  
**Contact:** Vendor Services, (717) 787-2199

**1277189** Requesting # 10 double window envelopes. For a copy of the bid package fax request to (717) 787-0725.

**Department:** Revenue  
**Location:** Harrisburg, PA  
**Duration:** FY 99-00  
**Contact:** Vendor Services, (717) 787-2199

**1249119** EDRO 125 lb. open pocket suspension mount extractor model DX 125SM, or approved equal with various attachments. For a copy of the bid package fax request to (717) 787-0725.

**Department:** Corrections  
**Location:** Frackville, PA  
**Duration:** FY 99-00  
**Contact:** Vendor Services, (717) 787-2199

**1253219** Skid mounted diesel generators with various kilowatts and voltage. For a copy of the bid package fax request to (717) 787-0725.

**Department:** Public Welfare  
**Location:** Torrance, PA  
**Duration:** FY 99-00  
**Contact:** Vendor Services, (717) 787-2199

**1232159** Furnish, install and make operational, a turnkey system of audio/visual equipment at Pennsylvania State University, Middletown Campus. For a copy of the bid package fax request to (717) 787-0725.

**Department:** State System of Higher Education  
**Location:** Middletown, PA  
**Duration:** FY 99-00  
**Contact:** Vendor Services, (717) 787-2199

**1119219** 2000 Model converted van type wheelchair/passenger vehicle in accordance with bid specifications. For a copy of the bid package fax request to (717) 787-0725.

**Department:** General Services  
**Location:** Harrisburg, PA  
**Duration:** FY 99-00  
**Contact:** Vendor Services, (717) 787-2199

**1243119** Trays, polystyrene 5 compartment school trays 500 per case. For a copy of the bid package fax request to (717) 787-0725.

**Department:** Corrections  
**Location:** Graterford, PA  
**Duration:** FY 99-00  
**Contact:** Vendor Services, (717) 787-2199

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# SERVICES

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## Computer Related Services—08

**1891810045** Data processing service to provide a daily transmission of bankruptcy filing information for all cases filed in Pennsylvania. Transmission of specific data elements in a database compatible file within 5 days of availability at court. Provider to transmit sequencing reports on a weekly basis.

**Department:** Revenue  
**Location:** Bureau of Compliance, 9th Floor, Strawberry Square, Harrisburg, PA 17128  
**Duration:** 18 months with option to renew by mutual agreement  
**Contact:** Sean Hannon, (717) 772-1955

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## Construction & Construction Maintenance—09

**015DGSA1700-32** Project Title: HVAC System Controls. Brief Description: Remove existing electric and provide new electronic direct digital controls. Abatement of asbestos from building construction, mechanical piping and equipment. Remove existing and provide new hydronic equipment, terminal equipment, piping, insulation, chemical treatment and electric circuits. Estimated Range: \$100,000 to \$500,000. HVAC 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, December 15, 1999 at 2 p.m.

**Department:** General Services  
**Location:** State Fire Academy, Lewistown, Mifflin County, PA  
**Duration:** 180 Calendar Days from Date of Initial Job Conference  
**Contact:** Contract and Bidding Unit, (717) 787-6556

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**015DGS423-1REVISED REBID** Project Title: Construction of a New Facility. Brief Description: New office building for the PA Emergency Management Agency. Estimated Range: \$500,000 to \$1,000,000. General, HVAC, Plumbing and Electrical 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 \$10 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, December 15, 1999 at 11 a.m. A Prebid Conference has been scheduled for Tuesday, November 30, 1999 at 9:30 a.m. at the National Guard Armory Building, Indiana, Indiana County, PA. Contact: Mel Jacobson, (717) 772-3495. Contractors who have secured Contract Documents are invited and urged to attend this Prebid Conference.

**Department:** General Services  
**Location:** Western Area Emergency Operations Center, Indiana, Indiana County, PA  
**Duration:** 180 Calendar Days from Date of Initial Job Conference  
**Contact:** Contract & Bidding Unit, (717) 787-6556

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**015DGS1103-40DE1** Project Title: Demolition of Existing Building and Environmental Remediation Multi-Purpose Complex. Brief Description: Demolition of existing buildings, site utilities, hazardous materials, road repairs and new site fence located at Forbes Avenue and Bouquet Streets in Pittsburgh, PA. Estimated Range: \$500,000 to \$1,000,000. Demolition Construction. Plans Deposit: \$55 per set. Payable to: JSA (Johnson/Schmidt & 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: JSA (Johnson/Schmidt & Associates), 6450 Steubenville Pike, Pittsburgh, PA 15205-1004, (412) 788-1500. Bid Date: Wednesday, December 15, 1999 at 11 a.m. A Prebid Conference has been scheduled for Thursday, December 2, 1999 at 1:30 p.m. Meet at 210 S. Bouquet Street, Pittsburgh, PA. (One Block from the "O" Restaurant. Contact: Scott Womack, (412) 788-1500. Contractors who have secured Contract Documents are invited and urged to attend this Prebid Conference.

**Department:** General Services  
**Location:** University of Pittsburgh, Pittsburgh, Allegheny County, PA  
**Duration:** 130 Calendar Days from Date of Initial Job Conference  
**Contact:** Contract and Bidding Unit, (717) 787-6556

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**015DGS992-10** Project Title: Permanent Exhibits and Period Rooms in Mine Owner's House. Brief Description: Restore interior finishes, in five first floor spaces to include lead paint removal, plaster repair, paint stripping, painting, graining, antique wallpaper, millwork, hardware and electrical. Estimated Range: \$100,000 to \$500,000. General Construction. Plans Deposit: \$150 per set. Payable to: Thomas & Couch Associates, P.C. 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 Thomas & Couch Associates, P.C., 2314 South Street, A, Philadelphia, PA 19146-1122, (215) 546-6677. Bid Date: Wednesday, December 15, 1999 at 1 p.m. A Prebid Conference has been scheduled for Wednesday, December 1, 1999 at 1:30 p.m. at Eckley Miner's Village in the Museum Conference Room, Weatherly, PA. Contact: Robert Couch, (215) 546-6677. Contractors who have secured Contract Documents are invited and urged to attend this Prebid Conference.

**Department:** General Services  
**Location:** Eckley Miner's Village, Weatherly, Luzerne County, PA  
**Duration:** 140 Calendar Days from Date of Initial Job Conference  
**Contact:** Contract and Bidding Unit, (717) 787-6556

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**CPC 99.051A** The work of this Contract includes but is not limited to the following: To design, fabricate and install temporary enclosures for winter protection of the Barnard Statuary at the State Capitol Building. Statues are found at the west entrance of the Main Capitol Building. Bids are for the design and erection of steel or aluminum framing and covered with fabric enclosure material for the duration of the winter months. The bid is to include removal and storage of the temporary structures through the summer months, and reinstallation for 3 years during the winter period. Proposals are due by December 6, 1999 at 2 p.m. Mandatory site inspection will be held December 1, 1999 at 10 a.m.

**Department:** PA Capitol Preservation Committee  
**Location:** Main Capitol Building, Room 630, Dauphin County  
**Duration:** Six Months  
**Contact:** Ruthann Hubbert-Kemper, Susan Ellison, (717) 783-6484

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## Elevator Maintenance Services—13

**SP# 00670003** The contractor shall provide all labor, parts and equipment required to inspect, maintain and repair the elevators at the Embreeville Complex, Coatesville, PA 19320. To receive specifications, submit fax to Beverly O. Epting, PA, Hamburg Center, Hamburg, PA 19526, (610) 562-6025.

**Department:** Public Welfare  
**Location:** Embreeville Complex, 1822 W. Strasburg Road, Coatesville, PA 19320  
**Duration:** Anticipated dates: 9/1/00—8/31/03  
**Contact:** Beverly O. Epting, PA, (610) 562-6031

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**Engineering Services—14**

**BWE-99:2** Retain a mechanical/electrical engineering firm to perform design professional services for the repair, rehabilitation and/or modification of flood protection pumping stations located in the Borough of Danville, Montour County; Borough of Everett, Bedford County; Borough of Sayre, Bradford County; Borough of Stroudsburg, Monroe County and Smithfield Township, Huntingdon County.

**Department:** Environmental Protection  
**Location:** Bedford, Bradford, Monroe, Montour and Huntingdon Counties  
**Duration:** Through June 2002  
**Contact:** Larry Oliver, (717) 787-7432

**08430AG2451** To perform preliminary engineering, final design and services during construction for the replacement of a bridge located over dual tracks (CSX Railroad) on S. R. 2027, Section B01 in North Union Township, Fayette County.

**Department:** Transportation  
**Location:** Engineering District 12-0  
**Duration:** Thirty days after construction completion  
**Contact:** Consultant Agreement Division, (717) 783-9309

**08430AG2450** To provide preliminary engineering, final design and services during construction for the replacement of a bridge over a branch of Little Sewickley Creek on S. R. 0136, Section L01 in Hempfield Township, Westmoreland County.

**Department:** Transportation  
**Location:** Engineering District 12-0  
**Duration:** Thirty days after construction completion  
**Contact:** Consultant Agreement Division, (717) 783-9309

**08430AG2452** To perform preliminary engineering, final design and services during construction for the replacement of a bridge located on S. R. 0281, Section E00 in Henry Clay Township, Fayette County.

**Department:** Transportation  
**Location:** Engineering District 12-0  
**Duration:** Thirty days after construction completion  
**Contact:** Consultant Agreement Division, (717) 783-9309

**08430AG2453** To perform various engineering and/or environmental services on various projects located in Engineering District 5-0, that is, Berks, Carbon, Lehigh, Monroe, Northampton and Schuylkill Counties.

**Department:** Transportation  
**Location:** Engineering District 5-0  
**Duration:** Sixty Months  
**Contact:** Consultant Agreement Division, (717) 783-9309

**08430AG2454** To provide construction inspection services on seven group jobs in Allegheny and Beaver Counties.

**Department:** Transportation  
**Location:** Engineering District 11-0  
**Duration:** Thirty days after construction completion  
**Contact:** Consultant Agreement Division, (717) 783-9309

**08430AG2455** To provide construction inspection services on S. R. 0279, Sections A52, A53, A06 and A07, Fort Pitt Bridge and Tunnels Phases B and C, in Allegheny County.

**Department:** Transportation  
**Location:** Engineering District 11-0  
**Duration:** Thirty days after construction completion  
**Contact:** Consultant Agreement Division, (717) 783-9309

**08430AG2456** Open-End Contract for various engineering and environmental services in Engineering District 10-0, that is, Armstrong, Butler, Clarion, Indiana and Jefferson Counties.

**Department:** Transportation  
**Location:** Engineering District 10-0  
**Duration:** Thirty Months  
**Contact:** Consultant Agreement Division, (717) 783-9309

**Environmental Maintenance Services—15**

**304-07481** Contractor shall provide the necessary labor to tear down and remanufacture York Y-53 central air conditioning compressors 2 and 4 in the Finance Bldg. The York Y-53 compressor will have to be dismantled and remanufactured because of their inability to maintain proper oil levels, and for operating under extremely high discharge pressures during summer operation.

**Department:** General Services  
**Location:** Finance Building, North St. and Commonwealth Avenue, Harrisburg, PA 17125  
**Duration:** January 4, 2000 through June 30, 2000  
**Contact:** Tom Frisby, (717) 787-5273

**Financial & Insurance Consulting—17**

**SBC # 991100** Rebid—International Student Insurance Service is needed by East Stroudsburg University. Fax requests for the bid package to (570) 422-3232. All responsible firms are invited to participate including MBE/WBE firms. Bid opening is January 20, 2000 at 2 p.m.

**Department:** State System of Higher Education  
**Location:** East Stroudsburg University, East Stroudsburg, PA 18301  
**Duration:** 1 Year  
**Contact:** Ann Zaffuto, (570) 422-3595

**HVAC—22**

**AE-5104 Re-Bid** Fuel conversion and gas-fired heaters in accordance with the attached specifications and drawings. To obtain a copy of this bid package please fax the following information to Tina Chubb at (717) 783-7971: Contact # AE-5104 Re-Bid, Company Name, Company Contract Name, Address, Telephone Number, and fax number. Please reference AE-5104 on the fax.

**Department:** Transportation  
**Location:** Pike County Maintenance District 4-4 Facility, 101 Bennett Ave., Millford, PA 18331  
**Duration:** 90 Calendar Days  
**Contact:** Tina Chubb, (717) 787-7001

**AE-5159 Re-Bid** Installation of vehicle exhaust systems. To obtain a copy of this bid package please FAX the following information to Tina Chubb at (717) 783-7971: Contract # AE-5159 Re-Bid, Company Name, Company Contract Name, Address, Telephone Number, and fax number. Please reference AE-5159 Re-Bid on the fax.

**Department:** Transportation  
**Location:** Lycoming County Maintenance Bldg. No. 002-5762, 716 Jordan Ave., P. O. Box 218, Montoursville, PA 17754  
**Duration:** 90 Calendar Days  
**Contact:** Tina Chubb, (717) 787-7001

**1999-SC-LAW** Furnish and install Tappan gas-fired furnace model G6RC-120C20 and condensing unit model S3BA-060K or approved equal at South Central Law Enforcement Office, Newville, PA, Cumberland County, PA. Vendor shall supply and install a central heating and air conditioning system with sufficient capacity to handle entire office building.

**Department:** Fish and Boat Commission  
**Location:** South Central Law Enforcement, 1704 Pine Road, Newville, PA 17241  
**Duration:** 12/20/99 to 3/31/00  
**Contact:** Kathi Tibbott, (814) 359-5131

### Janitorial Services—23

**SP 3590007757** Provide janitorial services for the Hawk Run District Office, Hawk Run, PA.

**Department:** Environmental Protection  
**Location:** Empire Road, Box 209, Hawk Run, PA  
**Duration:** Through 6/30/01, with option to renew  
**Contact:** Sherry Morrow, (717) 772-1216

**Bid # 8005** Furnish all materials, equipment and labor to perform janitorial services four visits per week at the New Castle Station, R. D. 5, Box 5265, New Castle, PA 16105. Detailed Work Schedule and Bid must be obtained from Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** New Castle Station, R. D. 5, Box 5265, New Castle, PA 16105  
**Duration:** 4/1/00 to 6/30/02  
**Contact:** Donna Enders, (717) 783-5484

**Bid # 8007** Furnish all materials, equipment and labor to perform janitorial services four visits per week at the PA State Police, Mansfield Station, 1745 Valley Road, Mansfield, PA 16933-0230. Detailed Work Schedule and Bid must be obtained from Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Mansfield Station, 1745 Valley Road, Mansfield, PA 16933-0230  
**Duration:** 2/1/00 to 6/30/03  
**Contact:** Donna Enders, (717) 783-5484

**Bid # 8006** Furnish all materials, equipment and labor to perform janitorial services, three visits per week at the PA State Police, Tunkhannock Station, 915 SR6W, Tunkhannock, PA 18657-6148. Detailed Work Schedule and Bid must be obtained from Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Tunkhannock Station, 915 SR6W, Tunkhannock, PA 18657-6148  
**Duration:** 3/1/00 to 6/30/02  
**Contact:** Donna Enders, (717) 783-5484

### Laboratory Services—24

**00873015** The contractor shall provide Complete Laboratory Services for the Harrisburg State Hospital as required. The Laboratory must be licensed by the Department of Health of Pennsylvania and hold a current HCFA registration. The contractor shall provide the necessary number of phlebotomists Monday through Friday including State Holidays to draw samples on the wards between the hours of 6 a.m. and 10 a.m. or until the required procedures are completed.

**Department:** Public Welfare  
**Location:** Harrisburg State Hospital, Cameron and Maclay Streets, 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, Purchasing Agent, (717) 772-7435

### Lodging/Meeting Facilities—27

**SP 3590007313** Provide lodging, meeting rooms and meals for the Department of Environmental Protection Workshop for approximately 125—150 attendees.

**Department:** Environmental Protection  
**Location:** Within a 25-mile radius of downtown Danville, PA  
**Duration:** Through June 30, 2000  
**Contact:** Sherry Morrow, (717) 772-1216

**BOOT-99-018** Provide accommodations and meals for participants in a "Chemistry of Hazardous Materials" class to be conducted at the Pennsylvania State Fire Academy, 1150 Riverside Drive, Lewistown, PA 17044. Accommodations must be within 15 miles of the State Fire Academy. Morning and evening meals are to be at the same facility as the lodging. Noon meals are to be catered to the State Fire Academy. The class will be conducted from March 12 through March 24, 2000. To request a bid package, please contact Fiscal Management at (717) 651-2189 referencing bid package number BOOT-99-018.

**Department:** PA Emergency Management Agency  
**Location:** Noon meals to be catered at the Pennsylvania State Fire Academy, 1150 Riverside Drive, Lewistown, PA 17044  
**Duration:** March 12 through March 24, 2000  
**Contact:** Christopher Nolan, (717) 651-2189

### Medical Services—29

**00873017** Psychological Rehabilitative Specialist contractor is to provide consultation to patients and staff to develop behavior plans which will help the chronically mentally ill patient to reside successfully in the community. The contract must have a proven track record, with at least 5 years experience, in providing this type of service to individuals serviced by the community MH/MR programs.

**Department:** Public Welfare  
**Location:** Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA 17105-1300  
**Duration:** The approximate start date of this contract is from July 1, 2000 through June 30, 2003, a period of 3 years  
**Contact:** Jack W. Heinze, Purchasing Agent, (717) 772-7435

**00873019** Special X-rays: Contractor to provide special radiologic studies, interpretations, and furnish typed, signed reports to Harrisburg State Hospital Contract Administrator 36 hours after date of test. Emergency studies will have the report called for faxed to the hospital within 2 hours of test completion. All special radiologic studies will be administered by qualified technicians and interpreted by a Board Certified Radiologist.

**Department:** Public Welfare  
**Location:** Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA 17105-1300  
**Duration:** The estimated period of this contract is from July 1, 2000 through June 30, 2003, a period of 3 years  
**Contact:** Jack W. Heinze, Purchasing Agent, (717) 772-7435



**Photography Services—32**

**120001** Film Processing. To provide service for the processing and developing of film for Engineering District 12-0.

**Department:** Transportation  
**Location:** 825 North Gallatin Ave., P. O. Box 459, Uniontown, PA 15401  
**Duration:** July 1, 2000 through June 30, 2001 (with three renewal options)  
**Contact:** Pam Ferens-Wolfe, (724) 439-7350

**Property Maintenance—33**

**FM-0035** Construction of 36 ft. x 45 ft. bulk material storage building. To obtain a copy of this bid package please fax the following information to Roberta Cooper at (717) 783-7971: Contract # FM-0035, Company Name, Company Contact Name, Address, Telephone Number, and fax number. Please reference FM-0035 on your fax.

**Department:** Transportation  
**Location:** PennDOT Stockpile # 15, Route 220, approximately 1/2 mile North of New Albany, Bradford County, PA  
**Duration:** 90 Calendar Days  
**Contact:** Roberta Cooper, (717) 787-4006

**SP# 00670004** The contractor shall provide all labor, parts and equipment required to inspect, maintain and repair the overhead doors at the Embreeville Complex, Coatesville, PA 19320. To receive specifications, submit fax to Beverly O. Epting, PA, Hamburg Center, Hamburg, PA 19526, (610) 562-6025.

**Department:** Public Welfare  
**Location:** Embreeville Complex, 1822 W. Strasburg Road, Coatesville, PA 19320  
**Duration:** Anticipated date: 7/1/00-6/31/03  
**Contact:** Beverly O. Epting, PA, (610) 562-6031

**Real Estate Services—35**

**373883** Lease Office Space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Office of Attorney General with 3,599 useable sq. ft. of new or existing office space in Erie, Erie County, PA, with minimum parking for 5 vehicles, within the following boundaries: 13th Street West and Sassafrass Street; 2nd Street West and Sassafrass Street; 2nd Street East and French Street; 13th Street East and French Street, Office of Attorney General, Bureau of Consumer Protection Unit will occupy the space. Proposals Due: December 20, 1999. Solicitation No.: 92920.

**Department:** Attorney General  
**Location:** 505 North Office Building, Harrisburg, PA 17125  
**Duration:** Indeterminate 1999-2000  
**Contact:** Cynthia Lentz, (717) 787-0952

**Sanitation—36**

**00873010** Refuse handling: collection and disposal of refuse, such as general trash, kitchen garbage, glass, tin cans, and anything of a refuse nature, that could accumulate at the hospital. The containers are to remain the property of the successful contractor. Garbage and waste material shall be removed between the hours of 8 a.m. and 4 p.m. (Monday through Friday).

**Department:** Public Welfare  
**Location:** Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA 17105-1300  
**Duration:** The approximate start date of this contract is from July 1, 2000 through June 30, 2005, a period of 5 years  
**Contact:** Jack W. Heinze, Purchasing Agent, (717) 772-7435

**SP 3864009013** Collection and disposal of solid waste at Tobyhanna and Gouldsboro State Parks.

**Department:** Conservation and Natural Resources  
**Location:** Tobyhanna State Park, P. O. Box 387, PA Route 423, Tobyhanna, PA 18466-0387  
**Duration:** January 1, 2000 to December 31, 2004  
**Contact:** Regional Park Office, (215) 453-5016

**043109** Sweeping approximately 875 lane miles of curbed and uncurbed roadways in Luzerne County. Materials in curbed areas to be picked up and removed. Roadway to be cleared of all anti-skid material and debris. All mileage is estimated mileage. Work starting and ending dates to be determined by the Maintenance Manager. All work shall be performed during the months of April, May, June 2000. All work shall be governed by the Pennsylvania Department of Transportation Specifications Publications 408 and 203.

**Department:** Transportation  
**Location:** District 4-3, 3450 Bear Creek Blvd., S. R. 0115, Bear Creek, PA 18602  
**Duration:** April 1, 2000 to March 31, 2001  
**Contact:** Robert J. Watkins, (570) 826-2386

**Miscellaneous—39**

**SP 3890069** Gypsy Moth/Native Insects Suppression Project aerial application of insecticides of approximately 115,000 acres over certain populated and nonpopulated forested areas in Adams, Berks, Blair, Cameron, Centre, Clearfield, Clinton, Cumberland, Dauphin, Elk, Franklin, Fulton, Huntingdon, Juniata, Lycoming, Mifflin, Northumberland, Perry, Schuylkill, Snyder, Tioga, Union, Venango and Wyoming counties in the Commonwealth of Pennsylvania to prevent defoliation of high-value trees by the gypsy moths.

**Department:** Conservation and Natural Resources  
**Location:** Various counties in Pennsylvania as listed above.  
**Duration:** Approximately April 15, 2000 through June 30, 2000  
**Contact:** Ruth DeWalsche, (717) 783-0760

**038-8120-9-01** Site preparation and installation of woven wire fences around timber sales on the Wyoming State Forest. The vendor will provide all materials and labor to construct fences. The five fence sites are in Sullivan County.

**Department:** Conservation and Natural Resources  
**Location:** Separate areas in Sullivan County  
**Duration:** Through August 31, 2000  
**Contact:** Richard A. Glinski, (570) 387-4727

**PDA 398** The Pennsylvania Hardwoods Development Council seeks interested parties to submit proposals that will assist the hardwoods industry in the development of a mobile education program and exhibit to provide elementary school students with information on forestry practices, forest products and the scientific characteristics of wood. Proposals should include one or more of the following activities: 1) Development of a "script" outlining the curriculum for a 2-hour presentation and development of a storyline for a mobile museum exhibit; 2) Development of a training program for volunteer instructors presenting this program.

**Department:** Agriculture  
**Location:** 2301 North Cameron Street - Room 310, Harrisburg, PA 17110-9408  
**Duration:** Upon execution/approval through 8/31/2000  
**Contact:** Paul A. Lyskava, Executive Director, (717) 772-3715

**119902** Provide the following: Quilted mattress pads (fitted) size 39" x 80", contour sheets—soft-fit knitted size 36" x 80", flat sheets, soft-fitted size 36" x 80" and B & C draperies pillow cases.

**Department:** Public Welfare  
**Location:** Ebensburg Center, Rt. 22 West, P. O. Box 600, Ebensburg, PA 15931  
**Duration:** Indeterminate 1999-2000  
**Contact:** Marilyn Cartwright, Purchasing Agent, (814) 472-0290

**120799-01** Bid for various Percussion Equipment. Bid due date will be December 7, 1999. For a copy of bid package, please fax request to (814) 732-2281.

**Department:** State System of Higher Education  
**Location:** Edinboro University of Pennsylvania  
**Duration:** Indeterminate 1999-2000  
**Contact:** Barbara James, (814) 732-2704

**KURFP-0015** Kutztown University is seeking to outsource their Printing Services Management for the Public Relations Department. The position of Printing Services Coordinator will be responsible for coordinating the workflow for design, composition and production of all on-campus printing. The Coordinator will work onsite for 40 hours per week and be fully trained to operate/supervise the operation of a Xerox Docutech 6180 and Docucolor 40 printers and all related equipment in the printing services area. The Coordinator will report directly to the Director of Public Relations in performance of his/her duties. Individuals or firms interested in receiving a copy of the Request for Proposal package need to submit their request in writing and direct it to: Barbara Reitz, Director of Purchasing, Kutztown University, Kutztown, PA 19530, fax: (610) 683-4674 or email: reitz@kutztown.edu. Packages will be available November 29, 1999 and proposals are due December 17, 1999.

**Department:** State System of Higher Education  
**Location:** Kutztown University, Kutztown, PA 19350  
**Duration:** 5 Years  
**Contact:** Barbara Reitz, (610) 683-4132

**2010990045** Provide lease of radio communications equipment to the Pennsylvania State Police to utilize for the period beginning 6/1/00 through 8/31/00. The radio equipment and accessories are required to permit inter-operability with the existing Department communications system. Detailed bid specifications must be obtained from the Procurement & Supply Division at (717) 705-5923. Technical questions should be directed to Steve Vergot, Technical Support Division, (717) 787-0951.

**Department:** State Police  
**Location:** Technical Support Division, 1800 Elmerton Avenue, Harrisburg, PA June 1, 2000 through August 31, 2000  
**Contact:** Diane Bolden, Procurement & Supply Division, (717) 705-5923

**1259** Artromick International Medication Cart repair parts and accessories.

**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

**8040** 1300 ton sub-base.

**Department:** Corrections  
**Location:** State Correctional Institution at Muncy, P. O. Box 180, Muncy, PA 17756  
**Duration:** 12/1/99 through 6/30/00  
**Contact:** Cindy Lyons, (570) 546-3171

[Pa.B. Doc. No. 99-2033. Filed for public inspection November 24, 1999, 9:00 a.m.]

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## DESCRIPTION OF LEGEND

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| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,  
*Secretary*

**Contract Awards**

The following awards have been made by the Department of General Services, Bureau of Purchases:

<b>Requisition or Contract #</b>	<b>PR Award Date or Contract Effective Date</b>	<b>To</b>	<b>In the Amount Of</b>
5810-03 RIP # 3/SUP # 3	11/22/99	Government Technology Services, Inc.	5,000.00
5810-03 RIP # 3/SUP # 3	11/22/99	BMC Soft- ware, Inc.	5,000.00
5810-03 RIP # 3/SUP # 3	11/22/99	click2learn.com (Asymetix Learning Systems, Inc.	5,000.00
5810-03 RIP # 3/SUP # 3	11/22/99	Dorn Technol- ogy Group, Inc.	5,000.00
5810-03 RIP # 3/SUP # 3	11/22/99	DLT Solu- tions, Inc.	5,000.00
6605-05 SUP # 2	11/15/99	Varian, Inc.	10,000.00
6605-05 SUP # 2	11/15/99	Packard In- strument Co.	10,000.00
6605-05 SUP # 2	11/15/99	Leica Microsystems, Inc.	10,000.00

<b>Requisition or Contract #</b>	<b>PR Award Date or Contract Effective Date</b>	<b>To</b>	<b>In the Amount Of</b>
6605-05 SUP # 2	11/15/99	Hervey Scud- der d/b/a Exeter Sci- entific Glass	10,000.00
6605-05 SUP # 2	11/15/99	Restek Corpo- ration	10,000.00
6605-05 SUP # 2	11/15/99	O I Analytical Corp.	10,000.00
6605-05 SUP # 2	11/15/99	Dionex Cor- poration	10,000.00
6605-05 SUP # 2	11/15/99	PE Corpora- tion, Busi- ness Unit—PE Biosystems	10,000.00
1196179-01	11/16/99	Superior Gas- ket & Seal, Inc.	13,400.00
1206159-01	11/16/99	Moore North America, Inc.	27,508.00
8250660-01	11/16/99	Keystone Truck Sales, Inc.	440,934.00

GARY E. CROWELL,  
*Secretary*

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