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# PENNSYLVANIA BULLETIN

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**Agencies in this issue:**

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Department of Banking  
Department of Education  
Department of Environmental Protection  
Department of General Services  
Department of Revenue  
Department of Transportation  
Independent Regulatory Review Commission  
Insurance Department  
Legislative Reference Bureau  
Liquor Control Board  
Pennsylvania Public Utility Commission  
Public School Employees' Retirement Board  
State Athletic Commission  
State Board of Vehicle Manufacturers, Dealers  
and Salespersons  
State Real Estate Commission  
Turnpike Commission

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

**No. 313, December 2000**

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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.

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

#### **Printing Format**

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

#### **Fiscal Notes**

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

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

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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 2000.

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**255 Pa. Code (Local Court Rules)**Unclassified ..... 14, 201, 202, 225, 226, 307, 624,  
762, 1120, 1251, 1369, 1509, 1511,  
1651, 1741, 1870, 2222, 2351, 2352,  
2353, 2581, 2763, 2764, 2765, 2904, 3027,  
3028, 2039, 3030, 3166, 3430, 3566, 3766, 3773,  
3920, 3922, 4223, 4224, 4225, 4353, 4549, 4896,  
5137, 5446, 5536, 5537, 5733, 5734, 5924, 6326, 6329

# THE COURTS

## Title 204—JUDICIAL SYSTEMS GENERAL PROVISIONS

### PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

[204 PA. CODE CH. 211]

#### Promulgation of Consumer Price Index and Judicial Salaries Pursuant to Act 51 of 1995; No. 224; Judicial Administration Doc. No. 1

##### Order

*Per Curiam:*

And Now, this 29th day of November, 2000, pursuant to Article V, Section 10(c) of the Pennsylvania Constitution and Section 1721 of the Judicial Code, 42 Pa.C.S. § 1721, it is hereby *Ordered* that the Court Administrator of Pennsylvania is authorized to obtain and publish in the *Pennsylvania Bulletin* the percentage increase in the Philadelphia-Wilmington-Atlantic City, PA-NJ-DE-MD, Consumer Price Index for All Urban Consumers (CPI-U) for the most recent 12-month period and the judicial salary amounts effective January 1, 2001, as required by Act 51 of 1995, amending the Public Official Compensation Law, Act of September 30, 1983 (P. L. 160, No. 39), 65 P. S. § 366.1 *et seq.*

##### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

##### CHAPTER 211. CONSUMER PRICE INDEX

###### § 211.1 Consumer Price Index

Pursuant to Article V, Section 10(c) of the Pennsylvania Constitution and Section 1721 of the Judicial Code, 42 Pa.C.S. § 1721, the Supreme Court of Pennsylvania has authorized the Court Administrator to obtain and publish in the *Pennsylvania Bulletin* the percentage increase in the Consumer Price Index for the most recent 12-month period and the judicial salaries effective January 1, 2001, as required by Act 51 of 1995, amending the Public Official Compensation Law, Act of September 30, 1983 (P. L. 160, No. 39), 65 P. S. § 366.1 *et seq.* See, No. 224 Judicial Administration Docket No. 1.

The Court Administrator of Pennsylvania reports that the percentage of increase in the Philadelphia-Wilmington-Atlantic City, PA-NJ-DE-MD, Consumer Price Index for All Urban Consumers (CPI-U), for the 12-month period ending October 2000, was 2.0 percent. (See, U. S. Department of Labor, Bureau of Labor Statistics, Series CUURA102SAO, Thursday, November 16, 2000).

The Court Administrator of Pennsylvania also reports that the following judicial salaries are adopted to implement Act 51 of 1995:

###### § 211.2. Judicial salaries effective January 1, 2001.

(a) *Supreme Court.*—The annual salary of the Chief Justice of the Supreme Court shall be \$137,270 and the annual salary of each of the other justices of the Supreme Court shall be \$133,643.

(b) *Superior Court.*—The annual salary of the President Judge of the Superior Court shall be \$131,412 and the annual salary of the other judges of the Superior Court shall be \$129,458.

(c) *Commonwealth Court.*—The annual salary of the President Judge of the Commonwealth Court shall be \$131,412. The annual salary of each of the other judges of the Commonwealth Court shall be \$129,458.

(d) *Courts of common pleas.*—

(1) The annual salary of a president judge of a court of common pleas shall be fixed in accordance with the following schedule:

(i) Allegheny County, \$118,298.

(ii) Philadelphia County, \$118,857.

(iii) Judicial districts having six or more judges, \$117,182.

(iv) Judicial districts having three to five judges, \$116,624.

(v) Judicial districts having one or two judges, \$116,065.

(vi) Administrative judges of the divisions of the Court of Common Pleas of Philadelphia County with divisions of six or more judges, \$117,182.

(vii) Administrative judges of the divisions of the Court of Common Pleas of Philadelphia County with divisions of five or less judges, \$116,624.

(viii) Administrative judges of the divisions of the Court of Common Pleas of Allegheny County with divisions of six or more judges, \$117,182.

(ix) Administrative judges of the divisions of the Court of Common Pleas of Allegheny County with divisions of five or less judges, \$116,624.

(2) The other judges of the courts of common pleas shall be paid an annual salary of \$116,065.

(e) *Philadelphia Municipal Court.*—The President Judge of the Philadelphia Municipal Court shall receive an annual salary of \$114,950. The annual salary for the other judges of the Philadelphia Municipal Court shall be \$112,998.

(f) *Philadelphia Traffic Court.*—The President Judge of the Philadelphia Traffic Court shall receive an annual salary of \$61,382. The annual salary for the other judges of the Philadelphia Traffic Court shall be \$60,824.

(g) *District justices.*—A district justice shall receive an annual salary payable by the Commonwealth of \$57,475.

(h) *Senior judges.*—The compensation of the senior judges pursuant to 42 Pa.C.S. § 4121 (relating to assignment of judges) shall be \$355 per day. In any calendar year the amount of compensation which a senior judge shall be permitted to earn as a senior judge shall not when added to retirement income paid by the Commonwealth for such senior judge exceed the compensation payable by the Commonwealth to a judge then in regular active service on the court from which said senior judge retired. A senior judge who so elects may serve without

being paid all or any portion of the compensation provided by this section.

[Pa.B. Doc. No. 00-2151. Filed for public inspection December 15, 2000, 9:00 a.m.]

# Title 231—RULES OF CIVIL PROCEDURE

## PART I. GENERAL

### [231 PA. CODE CH. 200]

#### Amendment to the Note to Rule 239 Governing Local Rules; No. 342; Civil Procedural Rules Doc. No. 5

#### Order

*Per Curiam:*

And Now, this 28th day of November, 2000, the note to Pennsylvania Rule of Civil Procedure 239 is amended to read as follows:

Whereas prior distribution and publication of the amendments would otherwise be required, it has been determined that the amendment is perfunctory in nature.

This order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective January 1, 2001.

#### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

##### CHAPTER 200. BUSINESS OF COURTS

#### Rule 239. Local Rules.

\* \* \* \* \*

(c) To be effective and enforceable:

\* \* \* \* \*

(5) The local rule shall be kept continuously available for public inspection and copying in the office of the prothonotary or clerk of court. Upon request and payment of reasonable costs of reproduction and mailing, the prothonotary or clerk shall furnish to any person a copy of any local rule.

**Official Note:** It is contemplated under subdivision (c)(5) that a separate consolidated set of local rules shall be maintained in the prothonotary's or clerk's office.

**The Administrative Office of the Pennsylvania Courts maintains a webpage containing the texts of local rules. That webpage is located at: <http://www.courts.state.pa.us/judicial-council/local-rules/index.htm>**

\* \* \* \* \*

[Pa.B. Doc. No. 00-2152. Filed for public inspection December 15, 2000, 9:00 a.m.]

## PART I. GENERAL

### [231 PA. CODE CHS. 200 AND 400]

#### Amendment of Rules Governing Notice of Orders, Decrees and Judgments; No. 341; Civil Procedural Rules Doc. No. 5

#### Order

*Per Curiam:*

And Now, this 28th day of November, 2000, the Pennsylvania Rules of Civil Procedure are amended as follows:

(1) The note to Rule 205.4(g) is amended to read as follows,

(2) Rule 236 is amended to read as follows, and

(3) A note is added to Rule 440(d) to read as follows.

This Order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective January 1, 2001.

#### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

##### CHAPTER 200. BUSINESS OF COURTS

#### Rule 205.4. Temporary Provisions for Electronic Filing and Service of Legal Papers.

\* \* \* \* \*

(g) Copies of all legal papers other than original process filed in an action or served upon any party to an action may be served

(1) as provided by Rule 440 or

(2) by electronic transmission, other than facsimile transmission, if the parties agree thereto or an electronic mail address is included on an appearance or prior legal paper filed with the court in the action. Service is complete when the legal paper is sent. A paper served electronically is subject to the certifications set forth in subdivision (b)(1).

**Official Note:** An electronic mail address set forth on letterhead is not a sufficient basis under this rule to permit electronic service of legal papers.

**See Rule 236(d) providing for the prothonotary to give notice of orders, decrees and judgments, and also other matters, by facsimile transmission or other electronic means.**

**See Rule 440(d) governing service of legal papers other than original process by facsimile transmission.**

\* \* \* \* \*

Rule 236. Notice by Prothonotary of Entry of Order, Decree, or Judgment

\* \* \* \* \*

(c) Failure to give the notice or when a judgment by confession is entered to mail the required documents, or both, shall not affect the lien of the judgment.

**(d) The prothonotary may give the notice required by subdivision (a) or notice of other matters by facsimile transmission or other electronic means if the party to whom the notice is to be given or the party's attorney has filed a written request for such**

method of notification or has included a facsimile or other electronic address on a prior legal paper filed in the action.

**Official Note:** Rule 236 does not prescribe a particular method of giving notice. Subdivision (d) governs facsimile transmission and other electronic means if the prothonotary chooses to use such a method.

A facsimile or other electronic address set forth on letterhead is not a sufficient basis under this rule to authorize the prothonotary to give notice electronically.

Notice by facsimile transmission or other electronic means is applicable not only to decrees, orders and judgments under subdivision (a) but also to "other matters" such as the scheduling of a conference, hearing or trial or other administrative matters. Where the technology involved provides an acknowledgment for the mailing or the receipt of the notice, the prothonotary should retain that acknowledgment as part of his or her file.

See Rule 205.4 governing filing and service of legal papers by electronic means other than facsimile transmission.

See Rule 440(d) governing service of legal papers other than original process by facsimile transmission.

**CHAPTER 400. SERVICE OF ORIGINAL PROCESS  
SERVICE OF LEGAL PAPERS OTHER THAN ORIGINAL PROCESS**

**Rule 440. Service of Legal Papers other than Original Process**

\* \* \* \* \*

(d)(1) A copy may be served by facsimile transmission if the parties agree thereto or if a telephone number for facsimile transmission is included on an appearance or prior legal paper filed with the court.

\* \* \* \* \*

(3) Service is complete when transmission is confirmed as complete.

**Official Note:** See Rule 236(d) providing for the prothonotary to give notice of orders, decrees and judgments, and also other matters, by facsimile or other electronic means.

See Rule 205.4 governing filing and service of legal papers by electronic means other than facsimile transmission.

*Explanatory Comment*

Rule 236(a)(2) provides for the prothonotary to give written notice of the entry of an order, decree or judgment but does not prescribe the manner of giving notice. Without limiting the prothonotary in the manner of giving notice, the amendment to Rule 236 adding new subdivision (d) authorizes the prothonotary to give notice by means of facsimile or other electronic transmission and describes the requirements therefor.

Subdivision (d) is drafted in permissive rather than mandatory language. This permits the prothonotaries of individual counties to use facsimile or other electronic transmission as the method of notice if it is feasible in the particular county. However, the prothonotary may

serve by such means only if the person to be served has either requested such service in writing or included a facsimile or other electronic address on a prior legal paper filed in the action. The provision for an agreement to be served by facsimile or other electronic transmission is in accord with Rule 440(d) governing service by facsimile transmission and Rule 205.4(g) governing service by other electronic transmission.

New Rule 236(d) extends service by facsimile or other electronic transmission to "other matters". Other matters are in addition to orders, judgments and decrees and may include court notices, scheduling notices and other matters of an administrative nature.

Appropriate cross-references have been included in the rules by adding a note to Rule 205.4(g) and by amending the note to Rule 440(d).

*By the Civil Procedural Rules Committee*

REA BOYLAN THOMAS,  
*Chair*

[Pa.B. Doc. No. 00-2153. Filed for public inspection December 15, 2000, 9:00 a.m.]

**PART I. GENERAL**

**[231 PA. CODE CH. 1000]**

**Amendment of Rule 1019 Governing Pleading; No. 340; Civil Procedural Rules Doc. No. 5**

**Order**

*Per Curiam:*

*And Now,* this 28th day of November, 2000, Pennsylvania Rule of Civil Procedure 1019 is amended to read as follows.

This order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective January 1, 2001.

**Annex A**

**TITLE 231. RULES OF CIVIL PROCEDURE**

**PART I. GENERAL**

**CHAPTER 1000. ACTIONS AT LAW**

**SUBCHAPTER A. CIVIL ACTION**

**PLEADINGS**

**Rule 1019. Contents of Pleadings. General and Specific Averments**

\* \* \* \* \*

(h) [A pleading shall state specifically whether any claim or defense set forth therein is based upon a writing.] When any claim or defense is based upon an agreement, the pleading shall state specifically if the agreement is oral or written.

**Official Note:** If the agreement is in writing, it must be attached to the pleading. See subdivision (i) of this rule.

(i) [If so] When any claim or defense is based upon a writing, the pleader shall attach a copy of the writing, or the material part thereof, but if the writing or

copy is not accessible to the pleader, it is sufficient so to state, together with the reason, and to set forth the substance of the writing.

*Explanatory Comment*

The Supreme Court of Pennsylvania has amended Rule 1019 governing the pleading of agreements and writings generally when claims or defenses are based upon them.

Present subdivision (h) of Rule 1019 governs the pleading of writings. It is revised to apply specifically to agreements. The pleading must state if an agreement is oral or written. A note advises that a written agreement must be attached to the pleading as provided by subdivision (i).

New subdivision (i) has been added to govern writings generally. The new subdivision is derived from present subdivision (h) and provides that a writing or the material part thereof be attached to the pleading. Written agreements are "writings" and thus subject to the rule.

*By the Civil Procedural Rules Committee*

REA BOYLAN THOMAS,  
*Chair*

[Pa.B. Doc. No. 00-2154. Filed for public inspection December 15, 2000, 9:00 a.m.]

**PART I. GENERAL**

**[231 PA. CODE CH. 1300]**

**Amendment of Rule 1308 Governing Compulsory Arbitration; No. 339; Civil Procedural Rules Doc. No. 5**

**Order**

*Per Curiam:*

*And Now*, this 28th day of November, 2000, Pennsylvania Rule of Civil Procedure 1308 is amended to read as follows.

Whereas prior distribution and publication of the amendments would otherwise be required, it has been determined that immediate promulgation of the amendments is required in the interest of justice and efficient administration.

This order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective January 1, 2001.

**Annex A**

**TITLE 231. RULES OF CIVIL PROCEDURE**

**PART I. GENERAL**

**CHAPTER 1300. COMPULSORY ARBITRATION**

**Subchapter A. RULES**

**Rule 1308. Appeal. Arbitrators' Compensation. Notice.**

(a) An appeal from an award shall be taken by

(1) filing a notice of appeal in the form provided by Rule 1313 with the prothonotary of the court in which the action is pending not later than thirty days after the **[entry of the award] day on which the prothonotary makes the notation on the docket that notice of entry of the arbitration award has been provided as required by Rule 1307(a)(3)**, and

(2) payment to the prothonotary of the compensation of the arbitrators, not exceeding fifty percent of the amount in controversy, which shall not be taxed as costs or be recoverable in any proceeding; provided that the court, in an appropriate case, upon petition may permit the appellant to proceed in forma pauperis.

**Official Note: Subdivision (a)(1) incorporates the holding of *Stellar Construction Inc. v. Ronald Sborz et al, individually and trading as Keystone Meats*, 748 A.2d 667 (Pa. 2000) with respect to the date upon which the appeal period begins to run.**

(b) The appellant shall provide the prothonotary with the required notice for mailing and properly stamped and addressed envelopes. The prothonotary shall give notice to each other party of the taking of the appeal. Failure to give the notice shall not invalidate the appeal.

(c) The appellant shall not be required to post any bond, recognizance or other security or to pay any record costs which have accrued in the action. All record costs shall abide the event.

**[ Official Note: This rule will supersede Rule 247.1 adopted January 21, 1980. It changes the prior practice with respect to a bond or recognizance and the payment of record costs. ]**

*Explanatory Comment*

Rule 1308 governing compulsory arbitration has been amended in two respects. First, subdivision (a)(1) governs the filing of a notice of appeal from an award of arbitrators and previously provided that the notice of appeal must be filed not later than thirty days "after the entry of the award on the docket". That provision has now been revised to incorporate the holding of *Stellar Construction, Inc. v. Ronald Sborz et al, Individually and trading as Keystone Meats*, 748 A.2d 667, 669 (Pa. 2000):

In furtherance of clarity, certainty and ease of determination, see *Frazier*, 557 Pa. at 621-22, 735 A.2d at 115, we hold that the date of entry of an order for purposes of Pennsylvania Rule of Civil Procedure 1308 shall mean the day on which the prothonotary fulfills its duty to make the required notation on the docket reflecting that notice of entry of the arbitration award has been provided as required by Rule 1307(a)(3).

Second, the note following subdivision (c) of the rule has been deleted as obsolete.

*By the Civil Procedural Rules Committee*

REA BOYLAN THOMAS,  
*Chair*

[Pa.B. Doc. No. 00-2155. Filed for public inspection December 15, 2000, 9:00 a.m.]

**PART I. GENERAL**

**[231 PA. CODE CH. 1915]**

**Amendments to the Rules Relating to Custody Matters; No. 343; Civil Procedural Rules Doc. No. 5**

**Order**

*Per Curiam:*

*And Now*, this 30th day of November, 2000, Rules 1915.4-1 and 1915.4-2 of the Pennsylvania Rules of Civil



Procedure are amended as follows. New Rule 1915.4 of the Pennsylvania Rules of Civil Procedure is promulgated as follows.

This order shall be processed in accordance with Pa. R.J.A. 103(b) and shall be effective on March 1, 2001.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1915. ACTIONS FOR CUSTODY, PARTIAL CUSTODY AND VISITATION OF MINOR CHILDREN

Rule 1915.4. Prompt Disposition of Custody Cases.

(a) *Initial Contact With the Court.* Depending upon the procedure in the judicial district, the parties' initial in-person contact with the court (including, but not limited to a conference with a conference officer pursuant to Rule 1915.4-2, a conference with a judge, conciliation, mediation and/or class/seminar) shall be scheduled to occur not later than 45 days from the filing of a complaint or petition.

(b) *Listing Trials Before the Court.* Depending upon the procedure in the judicial district, within 180 days of the filing of the complaint either the court shall automatically enter an order scheduling a trial before a judge or a party shall file a praecipe, motion or request for trial, except as otherwise provided in this subdivision. If it is not the practice of the court to automatically schedule trials and neither party files a praecipe, motion or request for trial within 180 days of filing of the pleading, the court shall dismiss the matter unless the moving party has been granted an extension for good cause shown, which extension shall not exceed 60 days beyond the 180 day limit.

(c) *Trial.* Trials before a judge shall commence within 90 days of the date the scheduling order is entered. Trials and hearings shall be scheduled to be heard on consecutive days whenever possible but, if not on consecutive days, then the trial or hearing shall be concluded not later than 45 days from commencement.

(d) *Prompt Decisions.* The judge's decision shall be entered and filed within 15 days of the date upon which the trial is concluded unless, within that time, the court extends the date for such decision by order entered of record showing good cause for the extension. In no event shall an extension delay the entry of the court's decision more than 45 days after the conclusion of trial.

(e) *Emergency or Special Relief.* Nothing in this rule shall preclude a party from seeking, nor a court from ordering, emergency or interim special relief at any time after the commencement of the action.

**Official Note:** For service of original process in custody, partial custody and visitation matters, see Rule 1930.4.

Rescinded June 20, 1985, effective Jan 1, 1986. Note amended Oct. 2, 1995, effective Jan.1, 1996. **Replaced by new rule.**

Explanatory Comment—2000

**A new rule requiring prompt custody trials was recommended by a special committee established by the Pennsylvania Superior Court. That committee concluded that the interests of children who are the subjects of custody litigation would best be served by a requirement that the litigation be concluded within specific time frames.**

Rule 1915.4-1. Alternative Hearing Procedures for Partial Custody or Visitation Actions.

(a) Except as provided in subdivision (b), an action for partial custody or visitation may be heard by a hearing officer as prescribed by Rule 1915.4-2.

(b) Promptly after the [ filing of the complaint ] parties' initial contact with the court as set forth in Rule 1915.4(a) above, a party may move the court for a hearing before a judge, rather than a hearing officer, in an action for partial custody or visitation where

(1) there are complex questions of law, fact or both, or

[ (2) the hearing will be longer than one hour, or ]

[ (3) ] (2) the parties certify to the court that there are serious allegations affecting the child's welfare.

Rule 1915.4-2. Office Conference, Hearing, Record, Exceptions, Order.

\* \* \* \* \*

(d) At the conclusion of the conference if an agreement relating to partial custody or visitation has not been reached, the parties shall be given notice of the date, time and place of a hearing, which may be the same day, but in no event shall be more than 45 days from the date of the conference. The hearing shall be conducted by a hearing officer who must be a lawyer, and a record shall be made of the testimony.

\* \* \* \* \*

(f) Within 10 days of the conclusion of the hearing, [ The ] the hearing officer shall file with the court and serve upon all parties a report containing a recommendation with respect to the entry of an order of partial custody or visitation. The report may be in narrative form stating the reasons for the recommendation and shall include a proposed order, including a specific schedule for partial custody or visitation. [ A copy of the report shall be furnished to all parties within ten days. ]

\* \* \* \* \*

(i) If exceptions are filed, the court shall hear argument on the exceptions within 45 days of the date the last party files exceptions, and enter an appropriate final order within 15 days of argument. No Motion for Post-Trial Relief may be filed to the final order.

[Pa.B. Doc. No. 00-2156. Filed for public inspection December 15, 2000, 9:00 a.m.]

PART I. GENERAL

[231 PA. CODE CH. 4000]

Amendment of Rule 4020 Governing Use of Depositions at Trial; No. 338; Civil Procedural Rules Doc. No. 5

Order

Per Curiam:

And Now, this 28th day of November, 2000, Pennsylvania Rule of Civil Procedure 4020 is amended to read as follows.

Whereas prior distribution and publication of the amendments would otherwise be required, it has been determined that immediate promulgation of the amendments is required in the interest of justice and efficient administration.

This order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective January 1, 2001.

Annex A

TITLE 231. RULES OF CRIMINAL PROCEDURE

PART I. GENERAL

CHAPTER 4000. DEPOSITIONS AND DISCOVERY ENTRY UPON PROPERTY FOR INSPECTION AND OTHER ACTIVITIES

Rule 4020. Use of Depositions at Trial.

(a) At the trial, any part or all of a deposition, so far as admissible under the rules of evidence, may be used against any party who was present or represented at the taking of the deposition or who had notice thereof if required, in accordance with any one of the following provisions:

(1) Any deposition may be used by any party for the purpose of contradicting or impeaching the testimony of a deponent as a witness, or as permitted by the Pennsylvania Rules of Evidence.

\* \* \* \* \*

(4) If only part of a deposition is offered in evidence by a party, any other party may require the offering party to introduce all of it which is relevant to the part introduced, and any party may introduce any other parts.

Official Note: See the Pennsylvania Rules of Evidence for a broader statement of this rule.

\* \* \* \* \*

(b) Substitution of parties does not affect the right to use depositions previously taken; and, when an action has been dismissed and another action involving the same subject is afterward brought between the same parties or their representatives or successors in interest, all depositions lawfully taken in the former action may be used in the latter as if originally taken therein. A deposition previously taken may also be used as permitted by the Pennsylvania Rules of Evidence.

\* \* \* \* \*

Explanatory Comment

Rule 4020 has been amended to accommodate the Pennsylvania Rules of Evidence. The amendment effects no change in practice or procedure.

By the Civil Procedural Rules Committee

REA BOYLAN THOMAS, Chair

[Pa.B. Doc. No. 00-2157. Filed for public inspection December 15, 2000, 9:00 a.m.]

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

Automation Fees for the Municipal Court; Administrative Order No. 2000-01

And Now, this 27th day of November, 2000, It Is Hereby Ordered, Adjudged and Decreed that all civil cases initiated in the Philadelphia Municipal Court on or after January 1, 2001 will be charged an automation fee of \$5.00. In addition, all civil petitions and motions filed in the Municipal Court will be charged an automation fee of \$2.00. The funds generated by this automation fee shall be set aside by the Prothonotary and remitted monthly to the First Judicial District's Procurement Unit, and shall be used for, but not limited to, the development, training, implementation and maintenance of an integrated case management, document management and electronic filing system for the Philadelphia Municipal Court.

This Administrative Order is promulgated in accordance with Pa.R.C.P. No. 205.4, and in accordance with the October 27, 1997 Order of the Supreme Court of Pennsylvania Eastern District, No.178, Judicial Administration Docket No. 2, and shall become effective January 1, 2001. The original shall be filed with the Prothonotary in a docket maintained for Administrative Orders issued by the Administrative Judge of the Municipal Court and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Minor Court Rules Committee. Copies of the Regulation shall also be submitted to American Lawyer Media, The Legal Intelligencer, Jenkins Memorial Library and the Law Library for the First Judicial District.

ROBERT S. BLASI, Administrative Judge

[Pa.B. Doc. No. 00-2158. Filed for public inspection December 15, 2000, 9:00 a.m.]

# DISCIPLINARY BOARD OF THE SUPREME COURT

## Notice of Suspension

Notice is hereby given that Leonard Charles Guzzino, III having been suspended from the practice of law in the State of New Jersey for a period of two years by Order of the Supreme Court of New Jersey dated July 13, 2000, suspending Leonard Charles Guzzino, III in this Commonwealth for a period of two (2) years retroactive to

October 15, 1998. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 00-2159. Filed for public inspection December 15, 2000, 9:00 a.m.]

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# RULES AND REGULATIONS

## Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF VEHICLE MANUFACTURERS,  
DEALERS AND SALESPERSONS

[49 PA. CODE CH. 19]

### Application Fees

The State Board of Vehicle Manufacturers, Dealers and Salespersons (Board) adopts an amendment to § 19.4 (relating to fees) to read as set forth in Annex A.

Notice of proposed rulemaking was published at 29 Pa.B. 5105 (October 2, 1999). Publication was followed by a 30-day public comment period. The Board received no comments. Following the close of the public comment period, the Board received comments and suggestions from the House Professional Licensure Committee (HPLC) on November 16, 1999, and the Independent Regulatory Review Commission (IRRC) on December 2, 1999. The Senate Consumer Protection and Professional Licensure Committee did not comment.

#### *Effective Date*

The amendments will be effective upon publication in the *Pennsylvania Bulletin*.

#### *Statutory Authority*

The amendments are authorized under section 30(b) of the Board of Vehicles Act (act) (63 P. S. §818.30(b)).

#### *Response to HPLC and IRRC Comment*

The HPLC inquired as to: (1) why the proposed fees were rounded up rather than being calculated on the actual costs of services as estimated by the Board; and (2) requested an explanation of administrative overhead costs contained in the fee package. The HPLC also asked the Board to revise the Regulatory Analysis Form to include the Board's expenditure and income history.

IRRC requested additional information on: (1) the use of a constant overhead cost allocation; (2) the difference in administrative overhead costs for certification and verification of licenses versus other license services, and (3) a more detailed explanation of the fee increases for business name or post office address change and business physical location change.

#### *Calculation of Administrative Overhead*

##### *A. Use of Constant Overhead Cost Allocation and "Rounding Up."*

In computing overhead charges, the boards and the Bureau of Vocational and Occupational Affairs (Bureau) include expenses resulting from service of support staff operations, equipment, technology initiatives or upgrades, leased office space and other sources not directly attributable to a specific board. Once the Bureau's expenses are determined, the Bureau's expenses are apportioned to each board based upon that board's share of the total active licensee population. The board's share of the expenses is divided by the number of active licensees under that board to calculate a "per application" charge which is added to the direct personnel cost to establish the cost of processing (the administrative overhead

charge). The administrative charge is consistently applied to every application regardless of how much time the staff spends processing the application.

This method of calculating administrative overhead to be apportioned to fees for services was first included in the biennial reconciliation of fees and expenses conducted in 1988-89. In accordance with the regulatory review, the method was approved by the Senate and House Standing Committees and IRRC as reasonable and consistent with the legislative intent of statutory provisions which require the Board to establish fees which meet or exceed expenses.

IRRC suggested that within each board, the administrative charge should be determined by the amount of time required to process each application. For example, an application requiring 1/2 hour of processing time would pay one-half as much overhead charge as an application requiring 1 hour of processing time. The Bureau concurs with IRRC that by adopting this methodology the Bureau and the boards would more nearly and accurately accomplish their objective of setting fees that cover the cost of the service. Therefore, in accordance with IRRC's suggestions, the Bureau conducted a test to compare the resulting overhead charges obtained by applying the IRRC suggested time factor versus the current method.

This review of a Board's operation showed that approximately 25% of staff time was devoted to providing services described in the regulations. The current method recouped 22% to 28% of the administrative overhead charges versus the 25% recouped using a ratio-based time factor. However, when the time factor is combined with the licensing population for each Board, the resulting fees vary widely even though different licensees may receive the same services. For example, using the time-factor method to issue a verification of licensure would cost \$34.58 for a landscape architect as compared with a cost of \$10.18 for a cosmetologist. Conversely, under the Bureau's method, the administrative overhead charge of \$9.76 represents the cost of processing a verification application for all licensees in the Bureau. Also, the Bureau found that employing a time factor in the computation of administrative overhead would result in a different amount of overhead charge being made for each fee proposed.

With regard to IRRC's suggestions concerning projected versus actual expenses, the boards note that the computation of projected expenditures based on amounts actually expended has been the basis for biennial reconciliations for the past 10 years. During these 5 biennial cycles, the experience of both the boards and the Bureau has been that established and verifiable data which can be substantiated by collective bargaining agreements, pay scales and cost benefit factors. This method has provided a reliable basis for fees. Also, the fees are kept at a minimum for licensees, but appear adequate to sustain the operations of the board over an extended period. Similarly, accounting, recordkeeping and swift processing of applications, renewals and other fees were the primary basis for "rounding up" the actual costs to establish a fee. This rounding up process has in effect resulted in the necessary but minimal cushion or surplus to accommodate unexpected needs and expenditures.

For these reasons, the Board has not made changes in the method by which it allocates administrative expenditures and the resulting fees will remain as proposed.

*B. Variation in Administrative Charge of Verification/Certification Versus Administrative Charge for Other Services.*

IRRC questioned why the administrative charge included for verification or certification of licensure versus the administrative charge included for other services was different. The administrative charge of \$9.76 represents the cost of processing a verification or certification application for any licensee in the Bureau irrespective of what board issues the license. The administrative charge of \$11.53 represents the cost of processing other types of licensure applications for only licensees under the Board. In other words, whereas the administrative charge for verification or certification of licensure is constant across all licensees under the Bureau, the license services performed that are specific to the type of license held are calculated based only on the number of licensees served by the board. Thus, each board has two administrative charges applied to the provision of licensure services: \$9.76 is applied to all boards for verification or certification services and an individual fee is applied on a per board basis.

*Fees for Business Changes*

IRRC requested a more detailed explanation of the fee increases for change of business name or post office and change in business physical location.

When a business requests a name or address change, the Board staff reviews the application for completeness and contacts the applicant for any missing information. The staff verifies that the name of the dealership has not changed as a result of an ownership change and determines whether the address change is due to an actual physical location change or to a postal address reassignment. The staff then processes the new information through the computer and issues an updated license.

If there has been a physical location change, in addition to the previously-mentioned procedures, the Board staff prepares an inspection report form and forwards the form to the Bureau of Enforcement and Investigation (BEI). The BEI conducts an onsite inspection, determines whether statutory and regulatory standards for the facility are met and sends the inspection results to the Board office. Board staff then updates the computer information and issues a license with the new address or, if BEI has found that the new location does not comply with applicable facility standards, issues a discrepancy notice. Inspection by the BEI represents a change from the former procedure, when inspections were performed by the State Police at no charge to the Board. The State Police no longer perform this service.

IRRC also suggested that the fee regulation include the phrase "no inspection required" next to the fee for "business name or post office address change" and the phrase "inspection required" next to the fee for "business physical location change" to explain the difference in fee amount. The Board has rejected this suggestion. The Board's experience indicates little confusion among its licensees in payment of these fees. In addition, the Board does not wish to complicate the fee regulation by unnecessarily amending anything other than the fee amount.

*Reinspection After Failure*

When applicable facility standards are not met at initial inspection for new or relocated businesses, the BEI

advises board staff of the reasons for failure at the onsite inspection. The staff sends a discrepancy letter to applicant informing the applicant of the deficiencies. Applicant notifies the Board office when the deficiencies have been corrected. The Board office then prepares a reinspection report form and forwards the form to the BEI for follow-up inspection. After the follow-up inspection is completed, the results are sent to the Board staff. Board staff then either sends another discrepancy letter or issues the license.

Although the existing application fees capture the cost of the initial inspection by the BEI prior to issuance of a license, the fees do not cover the cost of reinspection by the BEI when the applicable facility standards were not met at the initial inspection. This new fee will cover the additional cost of reinspection and require that only those using the service must pay for the service. The Board estimates that approximately ten requests for reinspection are made in a biennial period.

*Compliance with Executive Order 1996-1*

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

*Fiscal Impact and Paperwork Requirements*

The amendments will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The fees will have a modest fiscal impact on those members of the private sector who apply for services from the Board. The amendments will impose no additional paperwork requirements upon the Commonwealth, political subdivisions or the private sector.

*Sunset Date*

The Board continuously monitors the cost effectiveness of its regulations. Therefore, no sunset date has been assigned.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 17, 1999, the Board submitted a copy of the notice of proposed rulemaking, published at 29 Pa.B. 5105, to IRRC and the Chairpersons of the HPLC and the Senate Consumer Protection and Professional Licensure Committee for review and comment. In addition to submitting the final-form regulation, the Board has provided IRRC and the Committees with a copy of a detailed regulatory analysis form prepared by the Board in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." In preparing this final-form regulation, the Board has considered all comments received from the Committees and IRRC.

Under section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), this final-form regulation was deemed approved by the HPLC on October 11, 2000, and deemed approved by the Senate Committee on October 23, 2000. IRRC met on November 2, 2000, and approved the final-form regulation in accordance with section 5.1(e) of the Regulatory Review Act.

*Further Information*

Individuals who need information about the final-form regulation may contact the Board Administrator, State Board of Vehicle Manufacturers, Dealers and Salespersons, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-7155.

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 the regulations promulgated under, 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) This amendment does not enlarge the purpose of proposed rulemaking published at 29 Pa. B. 5105.

(4) This amendment is necessary and appropriate for administration and enforcement of the Board's authorizing statute.

The Board orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 19, are amended by amending § 19.4 to read as set forth in Annex A.

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

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

(d) The amendment shall take effect immediately upon publication in the Pennsylvania Bulletin.

ROBERT G. PICKERILL,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 30 Pa.B. 6020 (November 18, 2000).)

Fiscal Note: Fiscal Note 16A-600 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS
PART I. DEPARTMENT OF STATE
Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS
CHAPTER 19. STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS
FEES

§19.4. Fees.

Vehicle salesperson license application \$25
Vehicle representative license application 25
Vehicle manufacturer license application 30
Manufacturer branch license application 30
Distributor license application 30
Vehicle dealer license application 65
Vehicle broker license application 65
Dealer or broker branch license application 65
Used vehicle lot license application 65
Vehicle salesperson change of employer transfer application 25

Business name or post office address change 30
Business physical location change 60
Verification of licensure 15
Reinspection after failure 45
Certification of license history 25
Biennial Renewal—vehicle salesperson license 35
Biennial Renewal—vehicle representative license 35
Biennial Renewal—vehicle manufacturer license 100
Biennial Renewal—manufacturer branch license 70
Biennial Renewal—wholesale distributor license 70
Biennial Renewal—vehicle dealer license 70
Biennial Renewal—vehicle broker license 70
Biennial Renewal—dealer or broker branch license 70
Biennial Renewal—used vehicle lot license 70

[Pa.B. Doc. No. 00-2160. Filed for public inspection December 15, 2000, 9:00 a.m.]

STATE REAL ESTATE COMMISSION
[49 PA. CODE CH. 35]

[Correction]

Licensure Requirements

An error occurred in the document amending § 35.27(b)(3) (relating to examination of broker's license), which appeared at 30 Pa.B. 5954, 5958 (November 18, 2000). Subparagraph (ii) was inadvertently dropped from the paragraph. The correct version of subsection (b)(3) appears in Annex A, with ellipses referring to the existing text of the section.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS
PART I. DEPARTMENT OF STATE
Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS
CHAPTER 35. STATE REAL ESTATE COMMISSION
Subchapter C. LICENSURE
LICENSURE REQUIREMENTS

§ 35.271. Examination for broker's license.

\* \* \* \* \*

(b) The Commission will apply the following standards in determining whether an examination candidate has met the education requirement of subsection (a)(4):

\* \* \* \* \*

(3) To be counted toward the education requirement, a real estate course shall have been offered by:

(i) An accredited college, university or institute of higher learning, whether in this Commonwealth or outside this Commonwealth.

(ii) A real estate school in this Commonwealth approved by the Commission.

(iii) A real estate school outside this Commonwealth that has been approved by the real estate licensing authority of the jurisdiction where the school is located. The course transcript or certificate of completion shall state that the course is approved by the licensing authority of the jurisdiction where the school is located.

(iv) A real estate industry organization outside this Commonwealth, if the course is approved by the licensing jurisdiction of another state. The course transcript or certificate of completion shall state that the course is approved by the licensing jurisdiction which has approved it.

\* \* \* \* \*

[Pa.B. Doc. No. 00-1977. Filed for public inspection November 17, 2000, 9:00 a.m.]

## Title 52—PUBLIC UTILITIES

### PENNSYLVANIA PUBLIC UTILITY COMMISSION

#### [52 PA. CODE CH. 62]

[L-00000146]

### Reporting Requirements for Universal Service and Energy Conservation Programs

The Pennsylvania Public Utility Commission (Commission) on June 22, 2000, adopted a final rulemaking order establishing standard reporting requirements for universal service and energy conservation programs for natural gas distribution companies. The contact persons are Janice K. Hummel, Bureau of Consumer Services (technical) 783-9088 and Kathryn G. Sophy, Law Bureau (legal) 772-8839.

#### *Executive Summary*

On June 22, 1999, Governor Tom Ridge signed into law 66 Pa.C.S. Chapter 22 (relating to Natural Gas Choice and Competition Act) (act). The act revised 66 Pa.C.S. (relating to Public Utility Code) (code) by adding Chapter 22, relating to restructuring of the natural gas utility industry. The act is clear that natural gas distribution companies (NGDCs) are to continue, at a minimum, the protections, policies and services that now assist customers who are low-income to afford natural gas service. Section 2203(8) of the act (relating to standards for restructuring of natural gas utility industry) requires the Commission to ensure that universal service and energy conservation policies, activities and services are appropriately funded and available in each natural gas distribution service territory.

The purpose of this rulemaking is to establish standard reporting requirements for universal service and energy conservation programs. The data collected as a result of the reporting requirements will assist the Commission to ensure that universal service and energy conservation programs are appropriately funded and available in each NGDC's service territory. The reporting requirements will also ensure that the data is reported uniformly and consistently.

The regulations establish that the NGDCs will report the following information to the Commission: 1) Annual reports on residential low-income collections and universal service and energy conservation programs, 2) Plans every 3 years for universal service and energy conservation programs, 3) Every 6 years an independent third-party evaluation that measures the degree that an NGDC's universal service and energy conservation programs are working to provide affordable utility service at reasonable rates.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 3, 2000, the Department submitted a copy of the notice of proposed rulemaking, published at 30 Pa.B. 897 (February 19, 2000), to IRRC and to the Chairpersons of the House and Senate Committees for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing these final-form regulations, the Department has considered all comments from IRRC, the Committees and the public.

Under section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), on October 23, 2000, these final-form regulations were deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on November 2, 2000, and approved the final-form regulations.

Public Meeting  
held June 22, 2000

*Commissioners Present:* John M. Quain, Chairperson; Robert K. Bloom, Vice-Chairperson; Nora Mead Brownell; Aaron Wilson, Jr.; Terrance J. Fitzpatrick.

#### **Final Rulemaking Order**

#### *By the Commission:*

On June 22, 1999, Governor Tom Ridge signed into law the act. The act revised the code. The Pennsylvania Public Utility Commission (Commission) is the agency charged with implementing the act.

The Act provides at section 2203(7) that the Commission shall, at a minimum, continue the level and nature of the consumer protections, policies and services that now assist customers who are low-income to afford natural gas service. Section 2203(8) of the act further requires the Commission to ensure that universal service and energy conservation policies, activities and services are appropriately funded and available in each natural gas distribution service territory.

At public meeting of January 12, 2000, the Commission issued an order adopting and directing publication of proposed regulations to establish reporting requirements for gas universal service and energy conservation programs.

The purpose of this rulemaking is to establish standard reporting requirements for universal service and energy conservation programs. The data collected as a result of the reporting requirements will assist the Commission in monitoring the progress of the NGDCs in achieving universal service in their service territories. The reporting requirements will also ensure that the NGDCs report data uniformly and consistently.

On January 26, 2000, the Office of Attorney General issued its approval of the proposed regulations as to form

and legality. On February 3, 2000, the Commission delivered copies of the proposed rulemaking to the Chairperson of the House Committee on Consumer Affairs, the Chairperson of the Senate Committee on Consumer Protection and Professional Licensure, the Independent Regulatory Review Commission (IRRC) and to the Legislative Reference Bureau. The proposed rulemaking was published for comment at 30 Pa.B. 897 (February 19, 2000) for a 45-day comment period that ended April 4, 2000.

We received written comments from the following parties; Columbia Gas of Pennsylvania, Inc. (Columbia); the Office of Consumer Advocate (OCA); IRRC, and the Pennsylvania Gas Association (PGA), on behalf of its member companies.

We have considered all the comments and thank the commentators for their suggestions on developing final regulations.

We have identified certain issues that were common to several of the comments and will address them in a combined fashion. We begin by addressing the comments to specific sections. We address other non-section specific comments after our response to the specific section-by-section comments. The final regulations, as revised pursuant to the discussion in the instant order, appear in Annex A of this order.

**§ 62.2. Definitions.**

*Customer Assistance Program benefits or CAP benefits*—Because arrearage forgiveness is not a component in each NGDC’s CAP, IRRC and the PGA recommended that the phrase, “as applicable” be added to the end of the proposed definition of this term. IRRC comments that the definition of CAP benefits includes “CAP credits” which is not defined. To provide clarity, IRRC requests the Commission to define the term.

*Response*

We accept IRRC and the PGA’s recommendation and have amended the definition to include the addition of the phrase “as applicable.” We also accept IRRC’s recommendation and have defined CAP credits as the difference between the amount that would have been billed at the standard residential rate and the amount billed at the CAP rate.

*Customer Assistance and Referral Evaluation Services benefits or CARES benefits*—The PGA requested that the Commission clarify or eliminate the words “kinds of referrals.” IRRC also requests that the Commission clarify this section.

*Response*

We have amended the definition of “CARES benefits” to clarify that “kinds of referrals” means the number of referrals to CARES and number of customers accepted into the CARES program.

*Collection operating expenses*—The PGA does not object to the definition, but requests deletion of the second sentence of § 62.5(a)(1)(ii) since NGDCs will develop their total expense figures through a “top down” approach and identify the total corresponding expense to its residential accounts. The PGA commented that the length and detail of the list of collection operating expenses suggests that the Commission expects the NGDCs to derive the residential account share for each expense and total the shares to derive an aggregate figure.

*Response*

We provide the list to show examples of collection operating expenses. We did not expect NGDCs to determine a cost for each item on the list. However, the PGA’s request is reasonable, and therefore we have deleted the second sentence of § 62.5(a)(1)(ii). The proposed definition reads as PGA requests.

*Confirmed low-income residential account*—IRRC suggested the term “information” is unclear and requests the Commission to clarify the specific types of information that would qualify a customer for low-income designation.

*Response*

We agree and have clarified that this designation may include receipt of Low-Income Home Energy Assistance Program (LIHEAP) benefits, self-certification by the customer, income source or information obtained from the customer during payment negotiations pursuant to 52 Pa. Code § 56.97(b) (relating to procedures upon ratepayer or occupant contact prior to termination).

*Direct dollars*—The PGA requested that the Commission clarify, as we did in the corresponding electric Reporting Requirements for Universal Service and Energy Conservation Programs in §§ 54.71—54.76, that the Commission is not asking NGDCs to report on referrals or the outcome of referrals.

*Response*

With respect to this PGA request, we clarify that, as with the above noted Chapter 54 electric reporting requirements, the Commission is not requesting NGDCs to report outcomes of referrals.

*Energy assistance benefits*—The PGA recommended that the Commission revise this definition to read the same as the definition of this term found in the corresponding Chapter 54 electric reporting requirements. The PGA requested the Commission to delete the phrase “hardship grants and local agencies’ grants.”

*Response*

We accept the recommendation and have amended the language to mirror the Chapter 54 electric regulations.

*Low-income customers*—The OCA requested that the Commission add the word “gross” before “household income” so that the definition of low-income customers is consistent with the way the Federal poverty level is determined. The OCA also requested the Commission to add the following sentence to the definition: “Gross household income shall not include the value of food stamps or other noncash income.” The OCA suggested this additional language since the Food Stamp statute prohibits the inclusion of these benefits. (7 U.S.C.A. § 2017(b))(1995). IRRC supported the OCA’s comments.

*Response*

We agree and have amended this section to reflect the OCA’s recommendations.

*NGDC—Natural gas distribution company*—IRRC commented that the proposed definition differs from the definition in the Act. IRRC recommended that the Commission reference the statutory definition of NGDC in section 2202 of the act (relating to definitions).

*Response*

We accept the recommendation and have revised the definition accordingly.

*Payment troubled*—The PGA objected to the proposed definition of payment troubled because it will include



customers whose incomes exceed 200% of the poverty guidelines and who have failed to maintain their payment agreements because of lifestyle choices. The PGA recommended that the Commission define "payment troubled" as "other residential customers experiencing temporary emergencies, as defined by the commission."

*Response*

With respect to the PGA's recommendation, we decline to make this change since we believe it is important to know the total number of payment troubled customers of an NGDC. The definition of "payment troubled" for reporting requirements is intended, in part, to help place the numbers of customers who are or may be potentially eligible for universal service programs into the context of the NGDC's overall collection picture. An increase in the number of low-income customers who fall into the overall "payment troubled" category may be one indication of a need to modify a universal service program.

*Successful payment arrangements*—The PGA recommends the Commission delete this definition and the reference to this term in § 62.5(a)(1). The PGA argued that an analysis of the number of successful payment arrangements measures the performance of a customer more than the performance of a utility. The PGA stated many NGDCs do not track successful payment arrangements because § 56.231 requires utilities to track customers by delinquency status. The PGA argued that requiring this new data request is not worth the associated costs in account administration and computer programming.

*Response*

We disagree with the PGA that this information is of questionable value because it may measure customer performance more than utility performance. We believe there is a relationship to consider between the number of successful payment arrangements, utility collection efforts, universal service policies, and customer performance.

Section 2203(8) of the act requires the Commission to ensure that universal service programs are appropriately funded and available. Measuring the number of successful payment arrangements will be one method to help determine if appropriate universal service programs are available.

If, for example, an NGDC has a low number of successful payment arrangements, the Commission would expect the NGDC to explore the reasons for the low rate. One reason for a low number of successful payment arrangements could be that an NGDC is not properly referring and enrolling its low-income customers to universal service programs. In other terms, some low-income customers may be entering into unaffordable payment arrangements merely to avoid an immediate threat of termination.

Finally, we recognize that some coding and program changes will be necessary to capture this data. To accommodate these changes, the first collection reports are not due until April 1, 2003, which will allow NGDCs time to make those changes.

*Universal Service and Energy Conservation*—Because the proposed definition is identical to the definition in the Act, IRRC recommends that the Commission reference the statutory definition of Universal Service and Energy Conservation in section 2202 of the act.

*Response*

We agree and have revised the definition of this term to reference the statutory definition in section 2202 of the act.

*§ 62.3(a). Meeting program goals.*

IRRC requested the Commission to clarify how the Commission will determine if the NGDCs meet program goals and what consequences apply if the Commission determines an NGDC has not met its goals.

*Response*

We do not believe it necessary to revise the language in § 62.3(a) but clarify that we will rely on several factors to determine if an NGDC meets its goals. First, we will consider the findings of the NGDC's independent evaluation as required in § 62.6. Moreover, the Commission will carefully analyze the NGDC's data reports in § 62.5 in conjunction with the NGDC's universal service plan at § 62.4. Finally, the Commission will examine the number and kinds of informal complaints filed with the BCS to determine if a relationship exists between universal service and the types of informal complaints filed with the Commission. If an NGDC is not meeting program goals, the Commission will direct an NGDC improve compliance with this section.

*§ 62.3(b)(1). Program goals.*

The OCA suggested that the Commission add "affordable" before the phrase "natural gas service" to more accurately state the goals.

*Response*

Because section 2203(7) of the act uses the term "to afford", we accept the OCA's proposed revision.

*§ 62.4(a)(1). Timing of Required Filings.*

The PGA submitted that a less costly approach would link the universal service plan-filing schedule to the evaluation-filing schedule. The PGA also submits that the plans are not public information because the plans' sole purpose is to facilitate the Commission's responsibilities in section 2203(8) of the act. IRRC requests the Commission to explain how we determined the 3-year filing schedule.

*Response*

We decline to make changes in this provision. The corresponding provision in the Reporting Requirements for Universal Service and Energy Conservation Program in § 54.74(a)(1) requires an EDC to submit a plan every 3 years. The Commission had originally proposed a 2-year filing period. However, commentators, including the PGA, persuaded us to increase the time frame. We believe a 3-year period to be reasonable to help ensure the Commission that universal service programs are appropriately funded and available.

In our view, a universal service plan that includes a projected needs assessment and projected enrollment levels coupled with the collection reporting data, should provide the Commission with tools to determine if these programs are available to low-income customers. We decline to extend the filing schedule to 6 years because circumstances may change in an NGDC's service territory that may require more timely revisions to universal service programs. Evaluations are due a year before universal service plan filings. This schedule will allow a NGDC the opportunity to reflect changes to the plan based on evaluation recommendations. The proposed filing schedule links universal service plan filings with evaluations, as they become available. The BCS will review the universal service plans and make recommendations to the Commission as required in § 62.4(5).

Finally, we see no reason for the plans to be confidential. These plans provide nonproprietary information on the details of programs available to low-income customers.

*§ 62.4(a)(5) and (6). Commission action.*

IRRC commented that the sequence of these two subsections is confusing. IRRC requests the Commission to improve the clarity of the paragraphs by reversing their order.

*Response*

We agree with IRRC's suggestion and have reversed the order of the paragraphs.

*§ 62.4(b)(3). Projected needs assessment.*

The OCA commented that a link between how each program component responds to the needs assessment is missing. The OCA suggested adding the following language at the end of § 62.4(b)(3): The projected needs assessment and an explanation of how each program component responds to one or more identified needs. IRRC commented that the phrase "needs assessment" is vague and requests the Commission to define the phrase in this section.

*Response*

With respect to the OCA's comments, we agree and have amended this section to reflect OCA's suggestion. In regard to IRRC's comments, we will include the following clarification: The needs assessment should include the number of identified low-income customers and an estimate of all low-income customers, the number of identified payment troubled, low-income customers, an estimate of payment troubled, low-income customers, the number of customers who still need Low-Income Usage Reduction Program (LIURP) services and the cost to serve that number, and the enrollment size of CAP to serve all eligible customers.

*§ 62.4(b)(8). Plan comparisons.*

To provide clarity, IRRC requested that the Commission explain what is required of an NGDC in this section. IRRC requested that the Commission clarify if the NGDC needs to submit two plans or a comparison of plans.

*Response*

We will modify the language for clarity to include the following: If an NGDC has not implemented all of the provisions of an approved plan, the NGDC should provide an explanation for that failure and plans for corrective action. If an NGDC is requesting approval of a revised plan, the NGDC should provide a justification for the revisions in its request for approval.

*§ 62.4(b)(5). Program budget.*

The OCA requests the Commission to clarify that NGDCs should provide more detail than a single line-item budget for all universal service programs.

*Response*

We agree that the plan contents should include the items in § 62.4(b)(5)(1)–(8) broken down by program and will amend the language at this section to clarify this intent.

*Additional subsections.*

Because of the OCA's review of universal service programs in individual NGDC proceedings, the OCA recommends additional subsections are necessary to address three concerns. First, there is disagreement about the

difficulty of identifying and enrolling participants. Second, program rules are not all identified in sufficient detail. Third, by evaluating the integration of universal service programs, the Commission and NGDCs can increase the efficiency and cost-effectiveness of these programs. The OCA submits the program plans should be augmented to include the following: a description of all outreach and intake efforts, identification of the steps used to identify low-income customers with arrears and to enroll them in appropriate programs, identification of all program rules, and identification of the manner in which program components operate in an integrated fashion.

*Response*

We agree that the additional information recommended by the OCA would provide useful information to help the Commission meet its statutory obligations under sections 2202 and 2203(8) of the act. Therefore, we have amended § 62.4(b)(1) to clarify that a detailed program description should include program rules, and have added the three remaining subsections above.

*§ 62.5(a)(1). Collection reporting.*

The PGA and Columbia commented that NGDCs currently report much of this information in § 56.231 reports. Columbia also commented that "because of the nature of the information" the § 56.231 report must be prepared manually. The PGA and Columbia asked that the Commission eliminate the § 56.231 report.

IRRC requested the Commission to eliminate existing reporting requirements that duplicate the requirements of these regulations. IRRC also recommended in § 62.5(a)(1), "NGDCs should report on the calendar year prior to the reporting year" that the Commission replace "should" with "shall" since this provision is not optional.

*Response*

As with the reporting process of electric distribution companies (EDCs), our intent is to streamline the reporting process for NGDCs. The data from the proposed regulations will eventually replace most of the universal service program reports that NGDCs now provide to us. However, we believe this process will evolve with input from the NGDCs rather than an abrupt elimination of existing reports. Existing reports will fill the gaps until the NGDCs file new reports. However, to clarify our intent to streamline the process, we have added language in the ordering paragraph that directs the BCS to, when appropriate, eliminate and/or consolidate existing reports that address the same content as the reporting requirements in these regulations. We have also changed "should" to "shall" as requested by IRRC.

*Additional subsections.*

The OCA expressed concern that the collection data will not adequately identify the size of the low-income, payment-troubled population. The OCA submits that because of "churning," the data will only reflect a point-in-time number of customers on payment agreements. "Churning" is a commonly used term that refers to the level of turnover in payment agreements. For example, a customer may have more than one payment agreement in a year. Payment agreement data will not reflect "churning." The OCA requests the Commission to add six additional sections to address "churning."

*Response*

The Commission is aware of the "churning" problem and believes that § 62.5(1)(i), along with other data relating to payment agreements and arrears, adequately

addresses the situation. Previously, NGDCs have not reported on the number of successful payment agreements. We are also concerned that expanding these sections may be excessively burdensome. For these reasons, we reject OCA's recommendation.

*§ 62.5(a)(1)(i). Successful payment arrangements.*

For the reasons stated in the definition section, the PGA argued that requiring this new data request is not worth the associated costs in account administration and computer programming and requests the Commission to delete this section. Columbia also specifically requests that the Commission delete this section.

*Response*

For reasons already stated, the Commission declines to delete this section. Briefly, we believe there is a relationship between the number of successful payment arrangements, utility collection efforts, universal service policies, and customer performance.

Section 2203(8) of the act requires the Commission to ensure that universal service programs are appropriately funded and available. Measuring the number of successful payment arrangements will be one method to help determine if universal service programs are available.

Finally, to accommodate these changes, the first collection reports are not due until April 1, 2003, which will allow NGDCs time to make those changes.

*§ 62.5(a)(1)(ii). Collection operating expenses.*

For the reasons listed in the definition section, PGA's requested the Commission to delete the second sentence of this section that provides a list of collection operating expense.

*Response*

We included the list to provide examples of collection operating expense. However, we will delete the sentence.

*§ 62.5(a)(1)(iii). Write-offs.*

The PGA questioned whether write-offs associated with bankruptcy provide useful data.

*Response*

If an NGDC included bankruptcies in the amount of gross and net residential write-offs, we expect the NGDC to include the information in this section. We are not asking NGDCs to report bankruptcy separately.

*§ 62.5(a)(1)(v)—(ix). Annual collection requirements that differ from the EDCs universal service and energy conservation reporting requirements.*

The PGA submitted the Commission places more onerous reporting requirements on the NGDCs than it did the EDCs. The PGA requested that the proposed regulations be the same as the corresponding Chapter 54 electric reporting requirements. Columbia objected to providing this data by month, stating that this information is not readily available by month. IRRC suggested the Commission provide a specific estimate of costs imposed by these provisions and an explanation of why these costs are justified.

*Response*

Our intent is to make the EDC and NGDC universal service reporting regulations as consistent as possible. We note that the collection requirements are in fact the same except for § 62.5(a)(1)(v). Further, with respect to § 62.5(a)(1)(v), EDCs have indicated that they will voluntarily supply the information covered by this section. The

reason: After the Commission adopted the final EDC universal service reporting requirements, the Bureau of Consumer Services (BCS) drafted a data dictionary that defined the individual sections of the collection and program reporting requirements. The BCS asked the EDCs to comment on the data dictionary and a draft-reporting format. The EDCs and the BCS met to resolve any confusion about the information requests. As part of that process, the EDCs agreed to supply the same information we are asking the NGDCs to submit at § 62.5(a)(1)(v)—(ix).

The Commission expects to follow the same implementation process by meeting with the NGDCs after approval of final NGDC universal service reporting regulations. We provide a section-by-section explanation for § 62.5(a)(1)(v)—(ix) to show that the requested information is the same for both the NGDCs and the EDCs.

§ 62.5(a)(1)(v)—The Commission inadvertently omitted this request for information from the electric reporting requirements. The EDCs have volunteered to submit this information with the § 54.75 data. We are correcting the omission from the electric regulations at § 62.5(a)(1)(v). However, so that this information is consistent, we will change the phrase, "number of residential revenues by month for the 12 months covered by the reports" to "dollar amount of annual residential revenues."

§ 62.5(a)(1)(vi)—(vii)—The corresponding electric requirement is § 54.75(1)(v). We separated, by means of the data dictionary, the data request at § 54.75(1)(v) into two components: in arrears on a payment agreement and in arrears but not on a payment agreement. To provide clarity, we made the separation at § 62.5(a)(1)(vi)—(vii) rather than in a data dictionary as we did with the EDCs.

§ 62.5(a)(1)(viii)—(ix)—The corresponding electric requirement is § 54.75(1)(vi). As above, we separated the data request at § 54.75(1)(vi) into two components: in arrears on a payment agreement and in arrears but not on a payment agreement. To provide clarity, we made the separation at § 62.5(a)(1)(viii)—(ix) rather than in a data dictionary as we did with the EDCs.

In response to Columbia's objection that monthly data is difficult to obtain, we point out that Columbia currently provides the data in § 62.5(a)(1)(v)—(xii). Like Columbia, utilities voluntarily provide the information in § 62.5(a)(1)(v), (vi), (viii) and (x). Since 1986, NGDCs have voluntarily provided to BCS the payment arrangement data in § 62.5(a)(i), (vi), (viii) and (x). Since 1982, NGDCs have voluntarily provided to BCS the collection data in § 62.5(a)(1)(ii)—(v). The proposed regulations add three new provisions: 1) classification of accounts by low-income status; 2) the number of successful payment arrangements; and 3) the total number of estimated low-income households. The voluntary data that utilities submit is actually more comprehensive than the proposed requirements. The requirements of § 56.231 mirror § 62.5(a)(1)(vii), (ix), (xi) and (xii).

Most NGDCs currently collect monthly information for their own monitoring purposes. Monthly information will consider that collections vary from month to month based on the seasons and policy decisions of NGDCs. Monthly data will allow the Commission to average monthly figures where appropriate to allow year to date comparisons with prior years. We also clarify that we are asking

NGDCs to report the monthly information on an annual basis. We are not requesting the NGDCs to submit this information each month.

With respect to IRRC's comments regarding the costs, we acknowledge the difficulty in attempting to estimate costs associated with universal service reporting. However, we continue to believe that NGDCs will not experience significant costs to implement these regulations. This belief is based on the fact that, with the exception of the three provisions stated above, the NGDCs currently voluntarily provide or comply with § 56.231 to provide most of the data required by the proposed regulations. The NGDCs have provided the § 56.231 data since those requirements became effective November 1979. In some instances, the proposed regulations request less information than NGDCs currently submit. Over time, the Commission will eliminate existing reports that duplicate provisions of these regulations.

With respect to why these costs are justified, these regulations are necessary to help the Commission ensure that universal service programs are appropriately funded and available as required by the statute in section 2203(8) of the act. The data required by the reporting requirements will assist the Commission to determine if universal service programs are available and appropriately funded to meet the needs of low-income natural gas customers. Utility service is essential to the health and well being of residents, to public safety and to orderly economic development. Loss of utility service poses a serious health and safety threat to the citizens of this Commonwealth. Because utility bills may not be affordable for many low-income customers, they face termination of utility service because of the inability to pay utility bills. Universal service programs help low-income customers to maintain utility service.

Finally, individual evaluations have found that components of universal service programs are cost-effective alternatives to traditional collection methods. These programs, such as CAPs and LIURP, reduce the costs of carrying arrearages, collection costs, and bad debt expenses for NGDCs.

*§ 62.5(a)(1)(xiii). Number of low-income households.*

The OCA requested the Commission to add language that requires NGDCs to obtain Commission approval before estimating low-income customers with information other than census data.

*Response*

We decline to make this change because the Commission retains the authority to reject an NGDC's estimate.

*§ 62.5(a)(2)(i). Additional program reporting requirements.*

The OCA requested the Commission to add two reporting requirements to § 62.5(a)(2)(i): the number of program participants by source of intake and the number of program participants participating in two or more of the universal service program components.

*Response*

We agree with the OCA that this additional information is valuable and therefore we have accepted both of these recommendations.

*§ 62.5(a)(2)(i)(B). Demographics.*

The OCA requested the Commission to change the word "family" to "household" because the term "family" is inconsistent with the definition of low-income customers and with the Federal poverty guidelines. IRRC's com-

ments mirrored the OCA's comments. The PGA requested the Commission to eliminate this section because of the costs associated with tracking and reporting customer demographics. The PGA stated that the NGDCs requested and the BCS recently agreed to make LIURP demographic reporting optional. Columbia stated that they have collected this information for 10 years and "fail to see any benefit to collecting this data." Columbia suggested that the Commission eliminate this section or allow NGDCs to substitute census information.

*Response*

With respect to the OCA's suggestion, we have amended this section to reflect the more appropriate term "household" instead of "family."

In regard to the PGA's comments, the PGA has apparently misunderstood the BCS' position regarding demographic data for LIURP. The BCS agreed to collapse the current demographic data for LIURP to conform to the data requirements of this section.

With respect to Columbia's concern, we do not believe collecting demographic information is burdensome. Utilities request this information on a routine basis to make payment arrangements with their customers, to enroll customers in universal service programs, and to ensure compliance with § 56.100 (relating to Winter Termination Procedures).

If a utility is not currently requesting this information, we believe it is difficult, if not impossible, for that utility to comply with § 56.97(b), which provides that a ratepayer's ability to pay shall be a factor in establishing a payment agreement. Section 62.5(a)(2)(i)(B) requires NGDCs to collect household size, household income, source of income, and the number of household members under 18 years of age and over 62 years of age. An NGDC must obtain all of this information, except age, to enroll eligible customers in universal service programs. The Commission requires an NGDC to certify that there are no household members under age 12 or over age 60 when an NGDC petitions the Commission to terminate utility service in the winter in § 56.100.

In our view, a review of demographic data will help the Commission determine whether NGDCs are appropriately targeting universal service programs to the correct audience. Households whose source of income is public assistance have incomes below 40% of the poverty guidelines. Many working poor households on the other hand have incomes below 80% of the poverty guidelines. This difference in incomes means that services for households who receive public assistance benefits may need to be different than those services for the working poor. To realize a cost-effective and efficient universal service programs, NGDCs must target appropriate services to their customers. Demographic data is crucial for targeting appropriate services. Census data provides generic data. Census data cannot provide utility specific data to show that NGDCs are targeting universal service programs correctly. Therefore, we decline to make the change advocated by the PGA.

*§ 62.5(a)(2)(ii)(A)(I). LIURP reporting data.*

IRRC requested the Commission to clarify whether the information is required on an annual basis for the preceding year.

*Response*

We have clarified that we require the information annually.

*§ 62.5(a)(2)(ii)(A)(II). Production data.*

To provide clarity, IRRC requests the Commission to define "production data" in this subsection or in § 62.2. IRRC also requests the Commission to explain why the submission dates are different for § 62.5(a)(2)(ii)(A)(I) and (II).

*Response*

We have changed the phrase "production data" to "number of completed jobs." The requirement at § 62.5(a)(2)(ii)(A)(I) is a separate reporting on each completed LIURP job. Since 1990, companies have reported this data. The original basis of this requirement is at § 58.15 of the LIURP regulations. This data contains housing and household demographic characteristics, energy consumption data, billing and payment data, and itemized cost of conservation measures installed. The due date of April 30 is consistent with the reporting of all utility conservation program reporting to the Commission.

*§ 62.5(a)(2)(ii)(C)(II). Direct dollars.*

The PGA comments that several NGDCs have advised PGA that they do not code payments from agencies as customer payments. The PGA urges the Commission to issue waivers to this section for those NGDCs who do not collect this data.

*Response*

Although most NGDCs currently provide most of the data these regulations request, we understand that some coding and programming changes will be necessary. The first collection reports are not due until April 1, 2003, which will allow NGDCs time to make those changes. An NGDC has the option to petition the Commission for waiver of this section.

*§ 62.5(a)(2)(ii)(D)(II). Special contributions.*

IRRC requests that the Commission define "special contributions" either in this section, or in the definition section.

*Response*

We have clarified this section to read "special contributions other than shareholder or ratepayer contributions."

*§ 62.6(a). Independent third-party evaluator.*

The OCA submits this provision requires additional language to ensure that the evaluation selection process ensures against the exercise of a biased selection process. IRRC comments that "independent third party" is unclear and asks the Commission to define the term.

*Response*

We have clarified that an independent third party is someone other than the NGDC. To ensure that the selection process is unbiased, we have also adopted the OCA's language that requires an NGDC to confer with the BCS before the final selection of an evaluator.

*§ 62.6(b). Time for review.*

IRRC requested an explanation for the 6-year period between evaluations.

*Response*

We believe that 6 years will provide ample time for NGDCs to consider findings and recommendations and adjust their programs, without being unduly burdensome. An impact evaluation is an essential tool to help determine if an NGDC is meeting its universal service goals. In addition, an independent evaluation is a critical tool to improve the efficiency and cost-effectiveness of universal

service programs. The 6-year period mirrors the electric restructuring requirements in § 54.75(b). As programs achieve cost-efficiencies, we expect that the evaluations may be more narrowly focused.

*§ 62.6(c). Independent evaluation.*

IRRC commented that unless the Commission specifies the general content, evaluations among NGDCs will vary widely regarding subject content. IRRC recommended that the Commission either specify the general content of the evaluations or delete the phrase "content or" in the final-form regulation.

*Response*

We have deleted the phrase "content or." We clarify that general content should include an analysis of customer payment behavior, energy assistance participation, energy consumption, administrative costs and program costs. As with the EDCs, the Commission, in collaboration with the NGDCs, intends to develop general guidelines for the evaluation.

*§ 62.6(d). Independent evaluation.*

Because this section is the same as § 62.6(a), IRRC requests the Commission to delete this redundant section.

*Response*

We have deleted this section.

*§ 62.7. NGDCs with less than 100,000 residential accounts.*

IRRC points out a typographical error at § 62.7.

*Response*

We have corrected "§ 54.74—54.76" to read "§ 62.4—62.6."

*Other Issues*

The PGA requested the Commission to investigate whether the proposed regulations, similar to the electric regulations, are appropriate for the natural gas industry. The PGA submitted that Statewide standards or expanding current programs beyond those currently provided are not legitimate functions of the regulations. PGA also submitted that the NGDCs universal service and energy conservation efforts, particularly CAP, are not required under the code. These efforts are voluntary and "are not part of the class of protections, policies and services the Gas Choice Legislation intended to preserve." Finally, the PGA requested the Commission to acknowledge that any costs associated with implementing the regulations are recoverable. The PGA insists that the Commission's activities are constrained by section 2206(a) of the act that states:

The commission shall, at a minimum, continue the level and nature of the consumers protections, policies and services within its jurisdiction that are in existence as of the effective date of this chapter to assist low-income retail gas customers to afford natural gas services.

*Response*

We believe the PGA misreads the statute at section 2206(a) of the act. The PGA apparently reads the statute to obligate the NGDCs to continue universal service at the same level. The language "at a minimum" as well as the language in section 2203(8) of the act, gives the Commission the authority to require and to expand universal service programs. In every electric and gas restructuring proceeding the Commission has exercised its statutory authority to ensure that universal service

programs are appropriately funded and available by either directing or approving settlement agreements that have substantially increased the size of universal service programs, particularly CAPs. The Commission has not increased the size of these programs without carefully examining the on-the-record needs assessment for each utility.

We also disagree that the statute does not require CAPs and LIURP. Sections 58.1—58.18 requires a utility to implement LIURP. The statute specifically includes CAPs. The General Assembly has mandated that the term universal service includes retail gas customer assistance programs and low-income usage reduction programs in section 2202 of the act. The statute gives the Commission explicit authority to oversee universal service programs. The General Assembly has also mandated that the Commission shall ensure that universal service programs are appropriately funded and available in each NGDC territory in section 2203(8) of the code.

Because NGDCs currently provide most of this information to the Commission, we believe costs should be minimal. However, universal service costs are no different from any other utility cost of doing business. Upon Commission review, any legitimate costs are recoverable.

IRRC requests the Commission to add a section that cross-references the requirements for petitioning for a waiver in § 5.43.

*Response*

Because a utility may always petition the Commission for a waiver under § 5.43, we decline to include it specifically in this regulation. Moreover, inclusion of a reference to § 5.43 in this chapter will threaten the availability of a waiver in other chapters of the code where § 5.43 is not expressly referenced.

**Appendix**

Universal service and Energy Conservation Programs

	<i>Due Date</i>	
<i>NGDC</i>	<i>Plan</i>	<i>Evaluation</i>
Columbia	6/1/2002	8/1/2004
Peoples	6/1/2002	8/1/2004
PECO *	2/28/2003	10/31/2008
Equitable	6/1/2003	8/1/2005
PG Energy	6/1/2003	8/1/2005
UGI	6/1/2004	8/1/2006
NFG	6/1/2004	8/1/2006

\* The filing schedule for PECO corresponds with the filing schedule already established for PECO in the electric Reporting Requirements for Universal Service and Energy Conservation Programs at 52 Pa. Code, Chapter 54, §§ 54.71—54.76.

Accordingly, under section 501 of the Public Utility Code, and the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1201 et seq.) and regulations promulgated thereunder at 1 Pa. Code §§ 7.1—7.4, we add §§ 62.1—62.8 to read as set forth in Annex A; *Therefore,*

*It Is Ordered That:*

1. The regulations at 52 Pa. Code are amended by adding §§ 62.1—62.8 to read as set forth in Annex A.
2. The BCS is directed, when appropriate, to eliminate and/or consolidate existing universal service program reports that address the same content as the reporting requirements in these regulations to comply with the Commission's intent to streamline universal service reporting requirements.

3. The Secretary shall submit a copy of this order and Annex A to the Office of Attorney General for review as to legality.

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

5. The Secretary shall submit this order and Annex A for formal review by the designated standing committees of both Houses of the General Assembly, and for formal review and approval by the IRRC.

6. The Secretary shall deposit this order and Annex A with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

7. This regulation shall become effective upon publication in the *Pennsylvania Bulletin*.

8. A copy of this order, Annex A and the Appendix shall be served upon all persons who submitted comments in this rulemaking proceeding.

JAMES J. MCNULTY,  
*Secretary*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 30 Pa.B. 6020 (November 18, 2000).)*

**Fiscal Note:** Fiscal Note 57-212 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 52. PUBLIC UTILITIES**

**PART I. PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Subpart C. FIXED UTILITIES**

**CHAPTER 62. NATURAL GAS SUPPLY CUSTOMER CHOICE**

**Subchapter A. UNIVERSAL SERVICE AND ENERGY CONSERVATION REPORTING REQUIREMENTS**

- |       |   |
|-------|---|
| Sec.  |   |
| 62.1. | Statement of purpose and policy.  |
| 62.2. | Definitions.  |
| 62.3. | Universal service and energy conservation program goals.  |
| 62.4. | Universal service and energy conservation plans.  |
| 62.5. | Annual residential collection and universal service and energy conservation program reporting requirements. |
| 62.6. | Evaluation reporting requirements.  |
| 62.7. | NGDCs with less than 100,000 residential accounts.  |
| 62.8. | Public information.   |

**§ 62.1. Statement of purpose and policy.**

The requirements of 66 Pa.C.S. § 2203(8) (relating to standards for restructuring of natural gas utility industry) mandate that the Commission ensure universal service and energy conservation policies, activities and services for residential natural gas customers are appropriately funded and available in each NGDC territory. This subchapter requires covered NGDCs to establish uniform reporting requirements for universal service and energy conservation policies, programs and protections and to report this information to the Commission.

**§ 62.2. Definitions.**

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

*CAP benefits*—The average CAP bill, average CAP credits and average arrearage forgiveness, as applicable.

*CAP credits*—The difference between the amount billed at the standard residential rate and the amount billed at the CAP rate.

*CAP—Customer Assistance Program*—An alternative collection method that provides payment assistance to low-income, payment troubled utility customers. CAP participants agree to make regular monthly payments that may be for an amount that is less than the current bill in exchange for continued provision of natural gas utility services.

*CARES benefits*—The number of referrals and number of customers accepted into CARES.

*CARES—Customer Assistance and Referral Evaluation Services*—A program that provides a cost-effective service that helps selected, payment-troubled customers maximize their ability to pay utility bills. A CARES program provides a casework approach to help customers secure energy assistance funds and other needed services.

*Classification of accounts*—Accounts are classified by the following categories: all residential accounts and confirmed low-income residential accounts.

*Collection operating expenses*—Expenses directly associated with collection of payments due for residential accounts.

*Confirmed low-income residential account*—Accounts where the NGDC has obtained information that would reasonably place the customer in a low-income designation. This information may include receipt of LIHEAP funds (Low-Income Home Energy Assistance Program), self-certification by the customer, income source or information obtained in § 56.97(b) (relating to procedures upon rate-payer or occupant contact prior to termination).

*Direct dollars*—Dollars which are applied to a CARES customer's natural gas utility account, including all sources of energy assistance applied to utility bills such as LIHEAP, hardship fund grants, and local agencies' grants.

*Energy assistance benefits*—The total number and dollar amount of LIHEAP grants.

*Hardship fund*—A fund that provides cash assistance to utility customers to help them pay their utility bills.

*Hardship fund benefits*—The total number and dollar amount of cash benefits or bill credits.

*Impact evaluation*—An evaluation that focuses on the degree to which a program achieves the continuation of utility service to program participants at a reasonable cost level and otherwise meets program goals.

*LIURP—Low-income Usage Reduction Program*—An energy usage reduction program that helps low-income customers to conserve energy and reduce residential energy bills.

*Low-income customer*—A residential utility customer whose gross household income is at or below 150% of the Federal poverty guidelines. Gross household income does not include the value of food stamps or other noncash income.

*NGDC—Natural gas distribution company*—A natural gas distribution company as defined in 66 Pa.C.S. § 2202 (relating to definitions).

*Outreach referral contacts*—An address and telephone number that a customer would call or write to apply for

the hardship fund. Contact information should be specific to each county in the NGDC's service territory, if applicable.

*Payment rate*—The total number of full monthly payments received from CAP participants in a given period divided by the total number of monthly bills issued to CAP participants.

*Payment troubled*—A household that has failed to maintain one or more payment arrangements in a 1-year period.

*Residential account in arrears*—A residential account that is at least 30 days overdue. This classification includes all customer accounts that have payment arrangements.

*Successful payment arrangements*—A payment arrangement in which the agreed upon number of payments have been made in full in the preceding 12 months.

*Universal service and energy conservation*—The term as defined in 66 Pa.C.S. § 2202.

### **§ 62.3. Universal service and energy conservation program goals.**

(a) The Commission will determine if the NGDC meets the goals of universal service and energy conservation programs.

(b) The general goals of universal service and energy conservation programs include the following:

(1) To protect consumers' health and safety by helping low-income customers maintain affordable natural gas service.

(2) To provide for affordable natural gas service by making available payment assistance to low-income customers.

(3) To help low-income customers conserve energy and reduce residential utility bills.

(4) To ensure universal service and energy conservation programs are operated in a cost-effective and efficient manner.

### **§ 62.4. Universal service and energy conservation plans.**

(a) *Plan submission.*

(1) Each NGDC shall submit to the Commission for approval an updated universal service and energy conservation plan every 3 years beginning February 28, 2002, on a staggered schedule.

(2) The plan should cover the next 3-calendar years.

(3) The plan should state how it differs from the previously approved plan.

(4) The plan should include revisions based on analysis of program experiences and evaluations.

(5) The Commission will act on the plans within 90 days of the NGDC filing date.

(6) If the Commission rejects the plan, the NGDC shall submit a revised plan pursuant to the order rejecting or directing modification of the plan as previously filed. If the order rejecting the plan does not state a timeline, the NGDC shall file its revised plan within 45 days of the entry of the order.

(b) *Plan contents.* The components of universal service and energy conservation may include the following: CAP, LIURP, CARES, Hardship Funds and other programs, policies and protections. For each component of universal service and energy conservation, the plan shall include the following:

- (1) The program description that includes a description of the program rules for each program component.
- (2) The eligibility criteria for each program component.
- (3) The projected needs assessment for each program component and an explanation of how each program component responds to one or more identified needs. The needs assessment shall include the number of identified low-income customers and an estimate of low-income customers, the number of identified payment troubled, low-income customers, an estimate of payment troubled, low-income customers, the number of customers who still need LIURP services and the cost to serve that number, and the enrollment size of CAP to serve all eligible customers.
- (4) The projected enrollment levels for each program component.
- (5) The program budget for each program component.
- (6) The plans to use community-based organizations for each program component.
- (7) The organizational structure of staff responsible for universal service programs.
- (8) An explanation of any differences between the NGDC's approved plan and the implementation of that plan. If an NGDC has not implemented all of the provisions of an approved plan, the NGDC should provide a justification for that failure and plans for corrective action. If an NGDC is requesting approval of a revised plan, the NGDC should provide a justification of the revisions in its request for approval.
- (9) A description of outreach and intake efforts for each program component.
- (10) An identification of the specific steps used to identify low-income customers with arrears and to enroll them in appropriate universal service and energy conservation programs.
- (11) An identification of the manner in which universal service and energy conservation programs operate in an integrated fashion.

**§ 62.5. Annual residential collection and universal service and energy conservation program reporting requirements.**

(a) Each NGDC shall report annually to the Commission on the degree to which universal service and energy conservation programs within its service territory are available and appropriately funded. Annual NGDC reports shall contain information on programs and collections for the prior calendar year. Unless otherwise stated, the report shall be due April 1 each year, beginning April 1, 2003. When noted, the data shall be reported by classification of accounts. Each NGDC's report shall contain the following information:

- (1) *Collection reporting.* Collection reporting shall be categorized as follows:
  - (i) The total number of payment arrangements and the total number of successful payment arrangements. To ensure that successful payment arrangements are not overstated, NGDCs shall report on the calendar year prior to the reporting year.

(ii) Annual collection operating expenses by classification of accounts.

(iii) The total dollar amount of the gross residential write-offs and total dollar amount of the net residential write-offs, by classification of accounts.

(iv) The total number of residential customers by month for the 12 months covered by the report, by classification of accounts.

(v) The total dollar amount of annual residential revenues by classification of accounts.

(vi) The total number of residential accounts in arrears and on payment agreements by month for the 12 months covered by the report, by classification of accounts.

(vii) The total number of residential accounts in arrears and not on payment agreements by month for the 12 months covered by the report, by classification of accounts.

(viii) The total dollar amount of residential accounts in arrears and on payment agreements by month for the 12 months covered by the report, by classification of accounts.

(ix) The total dollar amount of residential accounts in arrears and not on payment agreements by month for the 12 months covered by the report, by classification of accounts.

(x) The total number of residential customers who are payment troubled by month for the 12 months covered by the report, by classification of accounts.

(xi) The total number of terminations completed by month for the 12 months covered by the report, by classification of accounts.

(xii) The total number of reconnections by month for the 12 months covered by the report, by classification of accounts.

(xiii) The total number of low-income households. NGDCs may estimate this number using census data or other information the NGDC finds appropriate.

(2) *Program reporting.* Program reporting shall be categorized as follows:

(i) For each universal service and energy conservation component, program data shall include information on the following:

- (A) Program costs.
- (B) Program recipient demographics, including the number of household members under 18 years of age and 62 years of age or older, household size, income and source of income.
- (C) Participation levels by month for the 12 months covered by the report.
- (D) The number of program participants by source of intake.
- (E) The number of program participants participating in two or more of the NGDC's universal service and energy conservation programs, broken down by program component.

(ii) Additional program data for individual universal service and energy conservation components shall include the following information:

(A) *LIURP reporting requirements.* As established in § 58.15 (relating to program evaluation).

(I) *LIURP reporting data.* Due annually by April 30.



(II) *Actual number of completed jobs and spending data.* Actual number of completed jobs and spending data for the recently completed program year and projections for the current year shall be due annually by April 1.

(B) *CAP.*

(I) Energy assistance benefits.

(II) Average CAP bills.

(III) Payment rate.

(IV) CAP benefits.

(V) Total cash payments by CAP customers.

(VI) Number of full, on-time payments.

(VII) Percentage of CAP bill paid by customer.

(C) *CARES.*

(I) Energy assistance benefits.

(II) Direct dollars applied to CARES accounts.

(III) CARES benefits.

(D) *Hardship funds.*

(I) Ratepayer contributions.

(II) Special contributions, other than shareholder or ratepayer contributions.

(III) Utility contributions.

(IV) Outreach contacts.

(V) Hardship fund benefits.

**§ 62.6. Evaluation reporting requirements.**

(a) Each NGDC shall select, after conferring with the Commission's Bureau of Consumer Services, an independent third-party to conduct an impact evaluation of its universal service and energy conservation programs and to provide a report of findings and recommendations to the Commission and NGDC.

(b) The first impact evaluation will be due beginning August 1, 2004, on a staggered schedule. Subsequent evaluation reports shall be presented to the NGDC and the Commission at no more than 6-year intervals.

(c) To ensure an independent evaluation, neither the NGDC nor the Commission shall exercise control over recommendations contained in the independent evaluation report. The NGDCs may provide the Commission with a companion report that expresses where they agree or disagree with independent evaluation report content or recommendations.

**§ 62.7. NGDCs with less than 100,000 residential accounts.**

(a) Beginning June 1, 2003, each NGDC with less than 100,000 accounts shall report to the Commission every 3 years the following information in lieu of the requirements in §§ 62.4—62.6 (relating to universal service and energy conservation plans; annual residential collection and universal service and energy conservation program reporting requirements; and evaluation reporting requirements):

(1) The universal service and energy conservation plan.

(2) Expenses associated with low-income customers.

(3) A description of the universal service and energy conservation services provided to low-income residential customers.

(4) Number of services or benefits provided to low-income residential customers.

(5) Dollar amount of services or benefits provided to low-income residential customers.

**§ 62.8. Public information**

The Commission will annually produce a summary report on the universal service performance of each NGDC using the statistics collected as a result of these reporting requirements. The reports will be public information. The Commission will provide the reports to any interested party and post the reports on the Commission's Internet website.

[Pa.B. Doc. No. 00-2161. Filed for public inspection December 15, 2000, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending December 5, 2000.

#### BANKING INSTITUTIONS

##### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-29-00	Susquahanna Trust & Investment Company Lititz Lancaster County	59 W. Washington St. Hagerstown Washington County Maryland	Approved
11-30-00	Orrstown Bank Orrstown Franklin County	13 Center Square Greencastle Franklin County	Filed
11-30-00	Pocono Community Bank Stroudsburg Monroe County	Rte. 390 & Price Dr. Mountainhome Barrett Township Monroe County	Opened
12-4-00	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	Holme Circle Shopping Center Welsh Rd. & Holme Ave. Philadelphia Philadelphia County	Approved

##### Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-29-00	Main Street Bank Reading Berks County	1950 Old Philadelphia Pike Greenfield East Lampeter Twp. Lancaster County	Approved

#### SAVINGS INSTITUTIONS

No activity.

#### CREDIT UNIONS

No activity.

JAMES B. KAUFFMAN, Jr.,  
*Acting Secretary*

[Pa.B. Doc. No. 00-2162. Filed for public inspection December 15, 2000, 9:00 a.m.]

#### Election by Marquette Savings Bank to Exercise Conditional Powers

Effective on the date of this publication in the *Pennsylvania Bulletin*, under an election by Marquette Savings Bank, authorized by section 513(b) of the Banking Code of 1965, as amended by act of April 16, 1981, P. L. 9, No. 4 (7 P. S. § 513), Marquette Savings Bank, is hereby granted the following conditional powers as described by sections 504(b)(xiii), 506(a)(iv)(B), and 506(a)(vi) of the

Banking Code of 1965, to be exercised only with the prior written approval of the Pennsylvania Department of Banking.

JAMES B. KAUFFMAN, Jr.,  
*Acting Secretary*

[Pa.B. Doc. No. 00-2163. Filed for public inspection December 15, 2000, 9:00 a.m.]

# DEPARTMENT OF EDUCATION

## Education Empowerment List

The Department of Education of the Commonwealth of Pennsylvania, under the authority contained in Act 16 of 2000, the Education Empowerment Act, as amended by Act 91 of 2000, places the following school districts on the Education Empowerment List for the 2000-2001 school year:

<i>County</i>	<i>School District</i>	<i>Percent of Students In Bottom Group of PSSA Math &amp; Reading 1999 and 2000 Two-year Avg.</i>
Allegheny County	Clairton City	49.9 *
	Duquesne City	72.0
	Sto-Rox	42.8 *
	Wilkesburg Borough	54.8
Beaver County	Aliquippa	56.1
Dauphin County	Steelton-Highspire	40.1 *
Lancaster County	Lancaster	46.7 *
Lehigh County	Allentown	50.5 **
Philadelphia County	Philadelphia City	58.8
York County	York City	52.7

### Education Empowerment Districts

The Department of Education of the Commonwealth of Pennsylvania, under the authority contained in Act 16 of 2000, the Education Empowerment Act, as amended by Act 91 of 2000, names the following school districts as Education Empowerment Districts for the 2000-2001 school year:

<i>County</i>	<i>School District</i>	<i>Percent of Students In Bottom Group of PSSA Math &amp; Reading 1999 and 2000 Two-year Avg.</i>
Dauphin County	Harrisburg City	66.7 ***
Delaware County	Chester-Upland	68.2

The following tables identify each school and grade level in those districts on the Empowerment List and the Empowerment District in which 50% or more of the students scored in the bottom group of the 2-year average PSSA Math and Reading scores.

<i>District</i>	<i>School</i>	<i>Grade</i>	<i>Math and Reading (two-year average)</i>
ALIQUIPPA SD	ALIQUIPPA EL	5	53.2
ALIQUIPPA SD	ALIQUIPPA MS	8	56.2
ALIQUIPPA SD	ALIQUIPPA SHS	11	59.0
ALLENTOWN CITY SD	CENTRAL EL SCH	5	82.9
ALLENTOWN CITY SD	CLEVELAND EL SCH	5	62.6
ALLENTOWN CITY SD	FRANCIS D RAUB MS	8	57.5
ALLENTOWN CITY SD	HARRISON-MORTON MS	8	54.3
ALLENTOWN CITY SD	JEFFERSON EL SCH	5	56.2
ALLENTOWN CITY SD	LOUIS E DIERUFF HS	11	50.6
ALLENTOWN CITY SD	MCKINLEY EL SCH	5	53.5
ALLENTOWN CITY SD	MOSSER EL SCH	5	68.9
ALLENTOWN CITY SD	ROOSEVELT EL SCH	5	58.5
ALLENTOWN CITY SD	SHERIDAN EL SCH	5	56.0
ALLENTOWN CITY SD	WASHINGTON EL SCH	5	56.9
CHESTER-UPLAND SD	CHESTER HS	11	65.6
CHESTER-UPLAND SD	COLUMBUS EL SCH	5	75.8
CHESTER-UPLAND SD	PULASKI MS	5	85.0
CHESTER-UPLAND SD	PULASKI MS	8	71.8
CHESTER-UPLAND SD	SHOWALTER MS	5	86.8
CHESTER-UPLAND SD	SHOWALTER MS	8	63.7
CHESTER-UPLAND SD	SMEDLEY MS	8	77.9
CHESTER-UPLAND SD	TOBY FARMS SCH	5	55.0
CLAIRTON CITY SD	CLAIRTON EL SCH	5	60.8
CLAIRTON CITY SD	CLAIRTON MS	8	55.8
DUQUESNE CITY SD	DUQUESNE EL SCH	5	79.5
DUQUESNE CITY SD	DUQUESNE HS	11	67.0
DUQUESNE CITY SD	DUQUESNE MS	8	69.5
HARRISBURG CITY SD	BATON-FELTON ACAD	8	93.4

\* For the 1999 and 2000 two-year average, the Clairton, Sto-Rox, Steelton-Highspire, and Lancaster School Districts have less than 50% of students in the bottom group, but will remain on the list until the goals in the district's Improvement Plan are completed.

\*\* The Allentown City School District was added to the list on December 4, 2000.

\*\*\* On December 4, 2000, the Secretary of Education certified the Harrisburg City School District as an Empowerment District. A challenge to that action has been filed in Commonwealth Court.

<i>District</i>	<i>School</i>	<i>Grade</i>	<i>Math and Reading (two-year average)</i>
HARRISBURG CITY SD	BATON-FELTON ACAD	11	100.0
HARRISBURG CITY SD	CAMP CURTIN EL SCH	5	64.3
HARRISBURG CITY SD	DOWNEY EL SCH	5	50.9
HARRISBURG CITY SD	FOOSE EL SCH	5	64.3
HARRISBURG CITY SD	HAMILTON EL SCH	5	61.2
HARRISBURG CITY SD	HARRISBURG HS	11	69.1
HARRISBURG CITY SD	LINCOLN EL SCH	5	70.9
HARRISBURG CITY SD	MARSHALL EL SCH	5	66.1
HARRISBURG CITY SD	MELROSE EL SCH	5	55.0
HARRISBURG CITY SD	SHIMMELL EL SCH	5	80.3
HARRISBURG CITY SD	STEELE EL SCH	5	72.4
LANCASTER SD	BUEHRLE ALTERNATIVE	8	81.8
LANCASTER SD	BUEHRLE ALTERNATIVE	11	97.3
LANCASTER SD	CARTER MACRAE EL SCH	5	61.3
LANCASTER SD	FULTON EL SCH	5	51.6
LANCASTER SD	GEORGE WASHINGTON EL	5	67.7
LANCASTER SD	HAND MS	8	58.5
LANCASTER SD	LINCOLN MS	8	50.0
LANCASTER SD	REYNOLDS MS	8	50.4
PHILADELPHIA CITY SD	ADAIRE ALEXANDER SCH	5	57.3
PHILADELPHIA CITY SD	ADAIRE ALEXANDER SCH	8	56.9
PHILADELPHIA CITY SD	ALCORN JAMES SCHOOL	5	84.4
PHILADELPHIA CITY SD	ALLEN ETHAN SCH	5	53.4
PHILADELPHIA CITY SD	ANDERSON ADD B SCH	5	76.5
PHILADELPHIA CITY SD	AUDENRIED CHARLES Y	11	85.8
PHILADELPHIA CITY SD	BACHE-MARTIN SCH	5	74.9
PHILADELPHIA CITY SD	BARRATT NORRIS S MS	5	84.0
PHILADELPHIA CITY SD	BARRATT NORRIS S MS	8	71.4
PHILADELPHIA CITY SD	BARRY COMM JOHN SCHL	5	66.6
PHILADELPHIA CITY SD	BARTRAM JOHN HS	11	67.6
PHILADELPHIA CITY SD	BEEBER DIMNER MS	8	55.6
PHILADELPHIA CITY SD	BELMONT SCH	5	90.1
PHILADELPHIA CITY SD	BETHUNE MARY MCLEOD	5	76.2
PHILADELPHIA CITY SD	BLAINE JAMES G SCH	5	86.3
PHILADELPHIA CITY SD	BLANKENBURG RUDOLPH	5	70.0
PHILADELPHIA CITY SD	BLUFORD GUION EL SCH	5	74.5
PHILADELPHIA CITY SD	BOK EDWARD AVTS	11	70.8
PHILADELPHIA CITY SD	BOONE DANIEL SCH	5	98.1
PHILADELPHIA CITY SD	BOONE DANIEL SCH	8	100.0
PHILADELPHIA CITY SD	BOONE DANIEL SCH	11	100.0
PHILADELPHIA CITY SD	BRYANT WILLIAM C SCH	5	69.1
PHILADELPHIA CITY SD	CARROLL CHARLES SCH	11	68.7
PHILADELPHIA CITY SD	CASSIDY LEWIS C SCH	5	65.6
PHILADELPHIA CITY SD	CENTRAL EAST MS	5	76.1
PHILADELPHIA CITY SD	CENTRAL EAST MS	8	61.3
PHILADELPHIA CITY SD	CLEMENTE ROBERTO MS	5	85.0
PHILADELPHIA CITY SD	CLEMENTE ROBERTO MS	8	78.9
PHILADELPHIA CITY SD	CLEVELAND GROVER SCH	5	71.0
PHILADELPHIA CITY SD	CLYMER GEORGE SCH	5	85.4
PHILADELPHIA CITY SD	COMEGYS BENJAMIN B S	5	83.4
PHILADELPHIA CITY SD	COOKE JAY MS	5	74.5
PHILADELPHIA CITY SD	COOKE JAY MS	8	69.4
PHILADELPHIA CITY SD	COOK-WISSAHICKON SCH	5	51.8
PHILADELPHIA CITY SD	CRAMP WILLIAM SCHOOL	5	74.6
PHILADELPHIA CITY SD	CREIGHTON THOMAS SCH	5	70.0
PHILADELPHIA CITY SD	CREIGHTON THOMAS SCH	8	50.4
PHILADELPHIA CITY SD	D NEWLIN FELL SCH	5	52.9
PHILADELPHIA CITY SD	DAROFF SAMUEL SCH	5	74.4
PHILADELPHIA CITY SD	DEBURGOS BILINGUAL M	8	79.7
PHILADELPHIA CITY SD	DICK WILLIAM SCH	5	80.3
PHILADELPHIA CITY SD	DISSTON HAMILTON SCH	5	54.1
PHILADELPHIA CITY SD	DOBBINS MURRELL AVTS	11	77.1
PHILADELPHIA CITY SD	DOUGLAS STEPHEN A SC	11	100.0
PHILADELPHIA CITY SD	DOUGLASS FREDERICK S	5	70.2
PHILADELPHIA CITY SD	DREW CHARLES R SCH	8	60.5
PHILADELPHIA CITY SD	DUCKREY TANNER SCH	5	76.7
PHILADELPHIA CITY SD	DUNBAR PAUL L SCH	5	70.3

<i>District</i>	<i>School</i>	<i>Grade</i>	<i>Math and Reading (two-year average)</i>
PHILADELPHIA CITY SD	DURHAM THOMAS CHILD	5	70.7
PHILADELPHIA CITY SD	EDISON HS/FAREIRA SK	11	80.3
PHILADELPHIA CITY SD	EDMUNDS HENRY R SCH	5	51.9
PHILADELPHIA CITY SD	EDMUNDS HENRY R SCH	8	57.9
PHILADELPHIA CITY SD	ELLWOOD SCH	5	67.0
PHILADELPHIA CITY SD	ELVERSON JAMES MS	8	84.7
PHILADELPHIA CITY SD	EMLN ELEANOR C SCH	5	69.4
PHILADELPHIA CITY SD	FAIRHILL SCH	5	50.9
PHILADELPHIA CITY SD	FELS SAMUEL HS	11	64.8
PHILADELPHIA CITY SD	FERGUSON JOSEPH C SC	5	77.5
PHILADELPHIA CITY SD	FITZSIMONS THOMAS MS	8	80.9
PHILADELPHIA CITY SD	FRANKFORD HS	11	65.3
PHILADELPHIA CITY SD	FRANKLIN BENJAMIN	5	52.0
PHILADELPHIA CITY SD	FRANKLIN BENJAMIN HS	11	86.7
PHILADELPHIA CITY SD	FULTON ROBERT SCH	5	71.9
PHILADELPHIA CITY SD	FURNES HORACE HS	11	73.7
PHILADELPHIA CITY SD	GERMANTOWN HS	11	74.0
PHILADELPHIA CITY SD	GIDEON EDWARD SCH	5	69.2
PHILADELPHIA CITY SD	GILLESPIE ELIZ D MS	8	79.4
PHILADELPHIA CITY SD	GOMPERS SAMUEL SCH	5	66.0
PHILADELPHIA CITY SD	GRATZ SIMON HS	11	79.8
PHILADELPHIA CITY SD	HAMILTON ANDREW SCH	5	64.4
PHILADELPHIA CITY SD	HARDING WARREN G MS	8	61.8
PHILADELPHIA CITY SD	HARRISON WILLIAM H S	5	78.1
PHILADELPHIA CITY SD	HARRITY WILLIAM F SC	5	69.2
PHILADELPHIA CITY SD	HARTRANFT JOHN F SCH	5	86.1
PHILADELPHIA CITY SD	HESTON EDWARD SCH	5	58.1
PHILADELPHIA CITY SD	HILL LESLIE P SCH	5	62.2
PHILADELPHIA CITY SD	HOPKINSON FRANCIS SC	5	73.2
PHILADELPHIA CITY SD	HOPKINSON FRANCIS SC	8	55.1
PHILADELPHIA CITY SD	HOUSTON HENRY E SCH	5	61.0
PHILADELPHIA CITY SD	HOWE JULIA WARD SCH	5	58.5
PHILADELPHIA CITY SD	HUEY SAMUEL B SCH	5	76.6
PHILADELPHIA CITY SD	JACKSON ANDREW SCH	5	73.8
PHILADELPHIA CITY SD	JONES JOHN PAUL MS	5	82.2
PHILADELPHIA CITY SD	JONES JOHN PAUL MS	8	63.2
PHILADELPHIA CITY SD	KEARNY GEN PHILIP SC	5	50.0
PHILADELPHIA CITY SD	KELLEY WILLIAM D SCH	5	78.6
PHILADELPHIA CITY SD	KENDERTON SCH	5	84.1
PHILADELPHIA CITY SD	KENDERTON SCH	8	80.9
PHILADELPHIA CITY SD	KENSINGTON HS	11	80.6
PHILADELPHIA CITY SD	KEY FRANCIS SCOTT SC	5	51.1
PHILADELPHIA CITY SD	KING MARTIN LUTHER H	11	78.9
PHILADELPHIA CITY SD	KINSEY JOHN L SCH	5	71.2
PHILADELPHIA CITY SD	KIRKBRIDE ELIZA B SC	5	61.3
PHILADELPHIA CITY SD	LAMBERTON ROBERT E S	5	57.0
PHILADELPHIA CITY SD	LAMBERTON ROBERT E S	8	61.5
PHILADELPHIA CITY SD	LAMBERTON ROBERT E S	11	74.0
PHILADELPHIA CITY SD	LEA HENRY C SCH	5	80.9
PHILADELPHIA CITY SD	LEA HENRY C SCH	8	73.2
PHILADELPHIA CITY SD	LEEDS MORRIS E MS	8	59.7
PHILADELPHIA CITY SD	LEIDY JOSEPH SCH	5	78.0
PHILADELPHIA CITY SD	LEVERING WILLIAM SCH	5	51.4
PHILADELPHIA CITY SD	LEWIS ADA H MS	8	74.3
PHILADELPHIA CITY SD	LINCOLN ABRAHAM HS	11	58.2
PHILADELPHIA CITY SD	LOCKE ALAIN SCH	5	84.4
PHILADELPHIA CITY SD	LOGAN SCH	5	66.2
PHILADELPHIA CITY SD	LONGSTRETH WILLIAM C	5	73.1
PHILADELPHIA CITY SD	LOWELL JAMES R SCH	5	65.0
PHILADELPHIA CITY SD	LUDLOW JAMES R SCH	5	84.7
PHILADELPHIA CITY SD	MANN WILLIAM B SCH	5	60.1
PHILADELPHIA CITY SD	MARSHALL THURGOOD	5	84.3
PHILADELPHIA CITY SD	MASTBAUM JULES E AVT	11	63.7
PHILADELPHIA CITY SD	MCCLOSKEY JOHN F SCH	5	56.8
PHILADELPHIA CITY SD	MCKINLEY WILLIAM SCH	5	67.9
PHILADELPHIA CITY SD	MCMICHAEL MORTON SCH	5	90.8
PHILADELPHIA CITY SD	MCMICHAEL MORTON SCH	8	75.3

<i>District</i>	<i>School</i>	<i>Grade</i>	<i>Math and Reading (two-year average)</i>
PHILADELPHIA CITY SD	MIDDLE YEARS ALTERNA	5	51.0
PHILADELPHIA CITY SD	MIFFLIN THOMAS SCH	5	75.5
PHILADELPHIA CITY SD	MILLER E S SCH	8	95.0
PHILADELPHIA CITY SD	MILLER E S SCH	11	100.0
PHILADELPHIA CITY SD	MORRIS ROBERT SCH	5	68.8
PHILADELPHIA CITY SD	MUNOZ-MARIN ELEM	5	85.1
PHILADELPHIA CITY SD	NEBINGER GEORGE W SC	5	72.4
PHILADELPHIA CITY SD	NEBINGER GEORGE W SC	8	72.1
PHILADELPHIA CITY SD	OLNEY EL SCH	5	66.3
PHILADELPHIA CITY SD	OLNEY HS	11	81.2
PHILADELPHIA CITY SD	OVERBROOK HS	11	73.7
PHILADELPHIA CITY SD	PALUMBO FRANK SCH	5	88.4
PHILADELPHIA CITY SD	PALUMBO FRANK SCH	8	82.0
PHILADELPHIA CITY SD	PARKWAY PROGRAM	11	50.4
PHILADELPHIA CITY SD	PASTORIUS FRANCIS P	5	72.0
PHILADELPHIA CITY SD	PEIRCE THOMAS M SCH	5	82.6
PHILADELPHIA CITY SD	PEIRCE WILLIAM S MS	5	89.0
PHILADELPHIA CITY SD	PEIRCE WILLIAM S MS	8	76.7
PHILADELPHIA CITY SD	PENN TREATY MS	5	85.4
PHILADELPHIA CITY SD	PENN TREATY MS	8	78.0
PHILADELPHIA CITY SD	PENN WILLIAM HS	11	82.8
PHILADELPHIA CITY SD	PENNEL JOSEPH SCH	5	59.6
PHILADELPHIA CITY SD	PENNYPACKER SAMUEL S	5	58.1
PHILADELPHIA CITY SD	PEPPER GEORGE MS	5	82.2
PHILADELPHIA CITY SD	PEPPER GEORGE MS	8	62.9
PHILADELPHIA CITY SD	PICKETT CLARENCE E M	5	84.9
PHILADELPHIA CITY SD	PICKETT CLARENCE E M	8	79.2
PHILADELPHIA CITY SD	POTTER-THOMAS SCH	5	78.1
PHILADELPHIA CITY SD	PRATT ANNA B SCH	5	81.8
PHILADELPHIA CITY SD	PRINCE HALL	5	66.9
PHILADELPHIA CITY SD	RANDOLPH A PHILLIP S	11	65.5
PHILADELPHIA CITY SD	REYNOLDS GEN JOHN F	5	81.9
PHILADELPHIA CITY SD	RHOADS JAMES SCH	5	65.2
PHILADELPHIA CITY SD	RHODES E WASHINGTON	5	86.6
PHILADELPHIA CITY SD	RHODES E WASHINGTON	8	72.7
PHILADELPHIA CITY SD	RICHMOND SCH	5	54.0
PHILADELPHIA CITY SD	ROOSEVELT THEODORE M	8	75.9
PHILADELPHIA CITY SD	ROWEN WILLIAM SCH	5	52.8
PHILADELPHIA CITY SD	ROXBOROUGH HS	11	58.1
PHILADELPHIA CITY SD	RUSH BENJAMIN MS	8	51.9
PHILADELPHIA CITY SD	SAYRE WILLIAM L MS	8	77.5
PHILADELPHIA CITY SD	SHALLCROSS DAY SCH	5	100.0
PHILADELPHIA CITY SD	SHALLCROSS DAY SCH	8	95.9
PHILADELPHIA CITY SD	SHARSWOOD GEORGE SCH	5	53.3
PHILADELPHIA CITY SD	SHARSWOOD GEORGE SCH	8	51.6
PHILADELPHIA CITY SD	SHAW ANNA H MS	5	85.1
PHILADELPHIA CITY SD	SHAW ANNA H MS	8	81.8
PHILADELPHIA CITY SD	SHERIDAN PHILIP H SC	5	74.8
PHILADELPHIA CITY SD	SHOEMAKER WM H MS	8	81.1
PHILADELPHIA CITY SD	SMEDLEY FRANKLIN SCH	5	52.4
PHILADELPHIA CITY SD	SOUTH PHILADELPHIA H	11	68.8
PHILADELPHIA CITY SD	SOUTHWARK SCH	5	63.9
PHILADELPHIA CITY SD	SOUTHWARK SCH	8	51.3
PHILADELPHIA CITY SD	STANTON EDWIN M SCH	5	84.7
PHILADELPHIA CITY SD	STANTON M HALL SCH	5	67.8
PHILADELPHIA CITY SD	STEARNE ALLEN M SCH	5	60.4
PHILADELPHIA CITY SD	STEEL EDWARD SCH	5	75.7
PHILADELPHIA CITY SD	STETSON JOHN B MS	5	86.0
PHILADELPHIA CITY SD	STETSON JOHN B MS	8	77.5
PHILADELPHIA CITY SD	STODDART-FLEISHER MS	8	74.1
PHILADELPHIA CITY SD	STRAWBERRY MANSION H	8	76.9
PHILADELPHIA CITY SD	STRAWBERRY MANSION H	11	80.0
PHILADELPHIA CITY SD	SULLIVAN JAMES J SCH	5	58.5
PHILADELPHIA CITY SD	SULZBERGER MAYER MS	8	76.8
PHILADELPHIA CITY SD	SWENSON ALVIN A SKIL	11	76.0
PHILADELPHIA CITY SD	TAGGART JOHN H SCH	5	58.9
PHILADELPHIA CITY SD	TAGGART JOHN H SCH	8	61.4

<i>District</i>	<i>School</i>	<i>Grade</i>	<i>Math and Reading (two-year average)</i>
PHILADELPHIA CITY SD	THOMAS GEORGE C MS	5	65.2
PHILADELPHIA CITY SD	THOMAS GEORGE C MS	8	55.9
PHILADELPHIA CITY SD	TILDEN WILLIAM T MS	5	80.5
PHILADELPHIA CITY SD	TILDEN WILLIAM T MS	8	78.5
PHILADELPHIA CITY SD	TURNER JOHN P MS	8	69.8
PHILADELPHIA CITY SD	UNIVERSITY CITY HS	11	80.3
PHILADELPHIA CITY SD	VARE ABIGAIL SCH	5	50.5
PHILADELPHIA CITY SD	VARE ABIGAIL SCH	8	56.5
PHILADELPHIA CITY SD	VARE EDWIN H MS	5	81.1
PHILADELPHIA CITY SD	VARE EDWIN H MS	8	69.3
PHILADELPHIA CITY SD	VAUX ROBERTS MS	5	82.5
PHILADELPHIA CITY SD	VAUX ROBERTS MS	8	77.9
PHILADELPHIA CITY SD	WAGNER GEN LOUIS MS	8	59.2
PHILADELPHIA CITY SD	WALTON RUDOLPH S SCH	5	66.9
PHILADELPHIA CITY SD	WANAMAKER JOHN MS	8	81.2
PHILADELPHIA CITY SD	WARING LAURA W SCH	5	80.1
PHILADELPHIA CITY SD	WASHINGTON GEORGE SC	5	67.3
PHILADELPHIA CITY SD	WASHINGTON MARTHA SC	5	81.8
PHILADELPHIA CITY SD	WASHINGTON MARTHA SC	8	64.0
PHILADELPHIA CITY SD	WEBSTER JOHN H SCH	5	65.0
PHILADELPHIA CITY SD	WELSH JOHN SCH	5	57.3
PHILADELPHIA CITY SD	WEST PHILADELPHIA HS	11	79.6
PHILADELPHIA CITY SD	WIDENER MEMORIAL	5	94.3
PHILADELPHIA CITY SD	WIDENER MEMORIAL	8	71.9
PHILADELPHIA CITY SD	WIDENER MEMORIAL	11	90.9
PHILADELPHIA CITY SD	WILSON ALEXANDER SCH	5	61.9
PHILADELPHIA CITY SD	WRIGHT RICHARD R SCH	5	75.2
STEELTON-HIGHSPIRE SD	STEELTON-HIGHSPIRE H	8	52.4
WILKENSBURG BOROUGH SD	TURNER EL SCH	5	50.6
WILKINSBURG BOROUGH SD	WILKINSBURG MS	8	62.1
WILKINSBURG BOROUGH SD	WILKINSBURG SHS	11	60.5
YORK CITY SD	DEVERS SCH	5	50.0
YORK CITY SD	EDGAR FAHS SMITH MS	8	54.2
YORK CITY SD	FERGUSON SCH	5	50.6
YORK CITY SD	GOODE SCH	5	62.3
YORK CITY SD	JACKSON SCH	5	60.7
YORK CITY SD	LINCOLN SCH	5	50.5
YORK CITY SD	WILLIAM PENN SHS	11	54.3

EUGENE W. HICKOK,  
*Secretary*

[Pa.B. Doc. No. 00-2164. Filed for public inspection December 15, 2000, 9:00 a.m.]

### **Request for Proposal for the Development, Validation, Field Testing and Implementation of the Pennsylvania Academic Standards Proficiency Assessment for Teachers**

This Request for Proposal (RFP) is issued to solicit contractors' submission of plans and bids for: The Development, Validation, Field Testing, and Implementation of the Pennsylvania Academic Standards Proficiency Assessment for Teachers. This development shall include, the validation, establishment of proficiency levels, and implementation of the initial set of computer adaptive diagnostic proficiency assessments based on item response theory (IRT). The assessment shall be designed to measure a teacher's knowledge in the content area of mathematics and the skill area of reading and be integrated with the Pennsylvania Academic Standards for Mathematics and Reading, Writing, Speaking and Listening. The assessment design shall be web based and subsequently avail-

able to all Pennsylvania school entities during normal school hours.

The Issuing Office, which is the sole point of contact for this RFP, is the Division of Teacher Education, Bureau of Teacher Certification and Preparation, Pennsylvania Department of Education, 333 Market Street, Harrisburg, PA 17126-0333, telephone (717) 787-3470; TDD (717) 772-2864.

All inquiries for applications may be directed to the Issuing Office. Applications submitted in response to this RFP are due in the Division of Teacher Education no later than 5 p.m., January 19, 2001.

EUGENE W. HICKOK,  
*Secretary*

[Pa.B. Doc. No. 00-2165. Filed for public inspection December 15, 2000, 9:00 a.m.]

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

### APPLICATIONS

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

[National Pollution Discharge Elimination System Program (NPDES)]

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

##### (Part I Permits)

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

Where indicated, the EPA Region III Administrator has waived the right to review or object to this proposed permit action under the waiver provision to 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 the exact basis of a comment and 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.

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

**PA 0058220.** Industrial Waste, **ABCO Oil Corporation**, Ridge Pike and Carland Road, Norristown, PA 19404.

This application is for issuance of an NPDES permit to discharge treated stormwater from oil/water separator serving the ABCO facility in Norristown Borough, **Montgomery County**. This is a new discharge to a storm sewer to a dry swale tributary to the Schuylkill River.

The receiving stream is classified for the following uses: warm water fishery, aquatic life, water supply and recreation. The first downstream potable water supply intake considered during the evaluation is the Queen Lane Water Filtration Plant. The water filtration plant is located approximately 10 miles downstream of the proposed discharge point. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001, based on an average storm event are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Recoverable Petroleum Hydrocarbons			monitor/report

The EPA waiver is in effect.

**PA 0058165.** Sewage, **Prime Properties, Inc.**, 1045 Buggy Whip Drive, Warrington, PA 18976.

This application is for renewal of an NPDES permit to discharge treated sewage from the small flow sewage treatment plant in Haycock Township, **Bucks County**. This is existing discharge to unnamed tributary to Tohickon Creek.

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



The proposed effluent limits for Outfall 001, based on an average flow of 500 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	10	20
Suspended Solids	20	40
Total Residual Chlorine	monitor/report	monitor/report
Fecal Coliform	200 colonies/100 ml as a geometric average	
pH	within limits of 6.0—9.0 standard units at all times	

The EPA waiver is in effect.

**PA 0028380.** Sewage, **Tinicum Township Sewage Authority**, 125 Chippewa Street, Lester, PA 19029.

This application is for renewal of an NPDES permit to discharge treated sewage from the Tinicum Township Wastewater Treatment Plant in Tinicum, **Delaware County**. This is an existing discharge to Darby Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 1.4 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	16	24	32
CBOD <sub>5</sub> (Percent Removal)	89 1/4		
CBOD <sub>20</sub>	365 lbs/day		
Total Suspended Solids	30	45	60
Fecal Coliform	200 colonies/100 ml as a geometric average		
pH	within limits of 6.0—9.0 standard units at all times		
Total Residual Chlorine	0.5		1.6

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

**PA 0060135.** Sewerage, **Sanitary Sewer Authority of the Borough of Shickshinny**, P. O. Box 62, Shickshinny, PA 18655.

This proposed action is for renewal of an NPDES permit to discharge treated sewage into the Susquehanna River in Conyngham Township, **Luzerne County**.

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

The proposed effluent limits for Outfall 001 based on a design flow of .450 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Weekly Average (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
Total Residual Chlorine	1.0		2.0
Fecal Coliform	200/100 ml as a geometric mean		
(5-1 to 9-30)	2,000/100 ml as a geometric mean		
(10-1 to 4-30)	6.0 to 9.0 standard units at all times		
pH			

The EPA waiver is in effect.

**PA 0060569.** Sewerage, **Camelback Ski Corporation**, c/o Richard Wiseman, President, P. O. Box 168, Tannersville, PA 18372-0168.

This proposed action is for the renewal of an NPDES permit to discharge treated sewage into Pocono Creek in Pocono Township, **Monroe County**.

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

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 was the Stroudsburg/East Stroudsburg Municipal Authority intake located on the Delaware River.

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

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>		
(5-1 to 10-31)	10	20
(11-1 to 4-30)	20	40
Total Suspended Solids	30	60

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
NH <sub>3</sub> (5-1 to 10-31)	3.0	9.0
(11-1 to 4-30)	6.0	18.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean	
(10-1 to 4-30)	8,000/100 ml as a geometric mean	
Total Residual Chlorine	1.0	2.0
pH	6.0 to 9.0 standard units at all times	

The EPA waiver is in effect.

**PA 0061549.** Sewerage, **Cherry Ridge Mobile Home Court, Inc.** c/o Harold Mang Jr., President, R. R. 5, Box 1320, Honesdale, PA 18431.

This proposed action is for the renewal of an NPDES permit to discharge treated sewage into Middle Creek in Cherry Ridge Township, **Wayne County**.

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

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>—NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation was the Stroudsburg/East Stroudsburg Municipal Authority intake located on the Delaware River.

The proposed effluent limits for Outfall 001 based on a design flow of 0.015 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
NH <sub>3</sub> (5-1 to 10-31)	3.5	7.0
(11-1 to 4-30)	10.0	21.0
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	
Total Residual Chlorine	1.0	2.0
pH	6.0 to 9.0 standard units at all times	

The EPA waiver is in effect.

**PA 0064068.** Sewerage, **Branch Township Municipal Authority**, P. O. Box 295, Llewellyn, PA 17944.

This proposed action is for issuance of an NPDES permit to discharge treated sewage into West Creek in Branch Township, **Schuylkill County**.

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

Effluent limits were evaluated at the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.45 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Weekly Average (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
NH <sub>3</sub> (5-1 to 10-31)	9.0		18.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean		
(10-1 to 4-30)	2,000/100 ml as a geometric mean		
pH	6.0 to 9.0 standard units at all times		
Total Residual Chlorine	1.0		2.30

The EPA waiver is in effect.

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

**PA 0032034.** SIC Code 6515, Sewage, **Frank Perano (Shamrock Mobile Home Park)**, Box 278, King of Prussia, PA 19406.

This application is for renewal of an NPDES permit for an existing discharge of treated sewage to Blair Gap Run in Watershed 11-A (Frankstown Branch—Little Juniata Rivers), in Juniata Township, **Blair County**.

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

The proposed effluent limits for Outfall 001 for a design flow of 0.012 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
Suspended Solids	30	60
Total Residual Chlorine	0.5	1.5
Dissolved Oxygen	minimum of 5.0 at all times	
pH	from 6.0 to 9.0 inclusive	
Fecal Coliform	200/100 ml as a geometric average	
(5-1 to 9-30)	100,000/100 ml as a geometric average	
(10-1 to 4-30)		

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

The EPA waiver is in effect.

**PA 0026654.** SIC Code 4952, Sewage, **Borough of New Cumberland**, 1120 Market Street, New Cumberland, PA 17070.

This application is for renewal of an NPDES permit for an existing discharge of treated sewage to the Susquehanna River in Watershed 7-E (Yellow Breeches Creek), in New Cumberland Borough, **Cumberland County**.

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

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

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
Total Phosphorus	2		4
Total Residual Chlorine	0.5		1.6
Dissolved Oxygen	minimum of 5.0 at all times		
pH	from 6.0 to 9.0 inclusive		
Fecal Coliform	200/100 ml as a geometric average		
(5-1 to 9-30)	86,500/100 ml as a geometric average		
(10-1 to 4-30)			

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

The EPA waiver is not in effect.

**PA 0088480.** SIC Code 15, Sewage, **Double L Partners (Centennial Meadows Development)**, 982 Bollinger Road, Littlestown, PA 17340.

This application is for issuance of an NPDES permit for a new discharge of treated sewage to an unnamed tributary of South Branch Conewago Creek in Watershed 7-F (Conewago Creek), in Mount Pleasant Township, **Adams County**.

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

The proposed effluent limits for Outfall 001 for a design flow of 0.0335 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	XXX	50
Total Suspended Solids	30	XXX	60
NH <sub>3</sub> -N			
(5-1 to 10-31)	4.0	XXX	8.0
(11-1 to 4-30)	12	XXX	24
Total Residual Chlorine	0.32	monitor and report	1.0
Nitrate-Nitrogen	monitor and report	XXX	XXX
Dissolved Oxygen	minimum of 5.0 at all times		
pH	from 6.0 to 9.0 inclusive		

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)			200/100 ml as a geometric average 4,100/100 ml as a geometric average

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

The EPA waiver is in effect.

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

**PA 0035467.** SIC: 4952, **Creative Playthings, LTD**, Box 306, Herndon, PA 17830.

This proposed action is for reissuance of an NPDES permit for an existing discharge of treated sewage to West Branch Susquehanna River in Herndon Borough, **Northumberland County**.

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

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is at Dauphin, PA, located on the Susquehanna River, 25 miles below the discharge.

*Outfall 001*

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
Suspended Solids	30	60
Total Chlorine Residual	1	2.3
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)		200/100 ml as a geometric average 2,000/100 ml as a geometric average
pH		6.0—9.0

*Other Conditions: none*

The EPA waiver is in effect.

**PA 0112941.** Industrial Waste, SIC: 3423, **Pro American Manufacturing Corporation**, P. O. Box 391, Emporium, PA 15834.

The proposed action is for renewal of an NPDES permit for an existing discharge of noncontact cooling water to the Driftwood Branch Sinnemahoning Creek in Emporium Borough, **Cameron County**.

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

The proposed effluent limits for Outfall 001 based on a design flow of 0.0008 mgd are:

<i>Parameter</i>	<i>Concentration (mg/l)</i>			<i>Mass (lbs/day)</i>	
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>
Temperature	report				
Copper	0.035	0.070	0.087		
Zinc	0.232	0.464	0.570		
Total Suspended Solids	30		60		
Oil and Grease	15		30		
pH	6.0—9.0 at all times				

The EPA waiver is in effect.

**PA 0020338.** Sewerage, SIC: 4952, **Kulpmont Marion Heights Joint Municipal Authority**, P. O. Box 126, Kulpmont, PA 17834.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater to an unnamed tributary of Quaker Run in Coal Township, **Northumberland County**.

The receiving stream is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purposes of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Shamokin Dam Municipal Authority located at Shamokin Dam.

The proposed effluent limits for Outfall 001 based on a design flow of 0.4 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
TSS	30	45	60
Total Cl <sub>2</sub> Residual	1.0		2.3
Fecal Coliforms (5-1 to 9-30)		200 col/100 ml as a geometric mean	
(10-1 to 4-30)		2,000 col/100 ml as a geometric mean	
pH		6.0 to 9.0 at all times	

The EPA waiver is in effect.

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

**PA 0218537.** Industrial Waste, SIC: 1481, **Beaver Valley Slag, Inc.**, 1150 Broadhead Road, Monaca, PA 15061-2500.

This application is for issuance of an NPDES permit to discharge leachate and storm water from Black's Run Slag Site in Center Township, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, Black's Run, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is Midland Borough Municipal Authority, located at Ohio River MP 36.2, approximately 12 miles below the discharge point.

*Outfall 001:* new discharge, design flow of 0.032 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	
Free Cyanide				monitor and report	
Chloroform				monitor and report	
Methylene Chloride				monitor and report	
Aluminum				monitor and report	
Iron				monitor and report	
Manganese				monitor and report	
pH	not less than 6.0 nor greater than 9.0				

*Other Conditions:* The above limits are in effect from permit effective date through 35 months after effective date of the permit.

<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	
Free Cyanide			0.0053	0.0106	
Chloroform			0.012	0.024	
Methylene Chloride			0.0096	0.0192	
Aluminum			0.53	1.06	
Iron			1.5	3.0	
Manganese			1.0	2.0	
Boron			1.71	3.42	
pH	not less than 6.0 nor greater than 9.0				

*Other Conditions:* The above limits will go into effect 36 months after effective date of the permit and shall stay in effect until expiration date.

*Outfall 002:* new discharge, design flow of 0.0102 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	
Free Cyanide				monitor and report	
Chloroform				monitor and report	
Methylene Chloride				monitor and report	
Aluminum				monitor and report	
Iron				monitor and report	

<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>
Manganese					
pH	not less than 6.0 nor greater than 9.0				

*Other Conditions:* The above limits are in effect from permit effective date through 35 months after effective date of the permit.

*Outfall 002:* new discharge, design flow of 0.0102 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	
Free Cyanide			0.0053	0.0106	
Chloroform			0.012	0.024	
Methylene Chloride			0.0096	0.0192	
Aluminum			0.53	1.06	
Iron			1.5	3.0	
Manganese			1.0	2.0	
Boron			1.71	3.42	
pH	not less than 6.0 nor greater than 9.0				

*Other Conditions:* The above limits will go into effect 36 months after effective date of the permit and shall stay in effect until expiration date.

*Outfall 004:* new discharge, design flow of 0.060 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	
Free Cyanide				monitor and report	
Chloroform				monitor and report	
Methylene Chloride				monitor and report	
Aluminum				monitor and report	
Iron				monitor and report	
Manganese				monitor and report	
pH	not less than 6.0 nor greater than 9.0				

*Other Conditions:* The above limits are in effect from permit effective date through 35 months after effective date of the permit.

*Outfall 004:* new discharge, design flow of 0.060 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	
Free Cyanide			0.0053	0.0106	
Chloroform			0.012	0.024	
Methylene Chloride			0.0096	0.0192	
Aluminum			0.53	1.06	
Iron			1.5	3.0	
Manganese			1.0	2.0	
Boron			1.71	3.42	
pH	not less than 6.0 nor greater than 9.0				

*Other Conditions:* The above limits will go into effect 36 months after effective date of the permit and shall stay in effect until expiration date.

*Outfall 005:* new discharge, design flow of 0.0024 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	

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Free Cyanide					monitor and report
Chloroform					monitor and report
Methylene Chloride					monitor and report
Aluminum					monitor and report
Iron					monitor and report
Manganese					monitor and report
pH	not less than 6.0 nor greater than 9.0				

*Other Conditions:* The above limits are in effect from permit effective date through 35 months after effective date of the permit.

*Outfall 005:* new discharge, design flow of 0.0024 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	
Free Cyanide			0.0053	0.0106	
Chloroform			0.012	0.024	
Methylene Chloride			0.0096	0.0192	
Aluminum			0.53	1.06	
Iron			1.5	3.0	
Manganese			1.0	2.0	
Boron			1.71	3.42	
pH	not less than 6.0 nor greater than 9.0				

*Other Conditions:* The above limits will go into effect 36 months after effective date of the permit and shall stay in effect until expiration date.

*Outfall 006:* new discharge, design flow of 0.65 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	
Free Cyanide					monitor and report
Chloroform					monitor and report
Methylene Chloride					monitor and report
Aluminum					monitor and report
Iron					monitor and report
Manganese					monitor and report
pH	not less than 6.0 nor greater than 9.0				

*Other Conditions:* The above limits are in effect from permit effective date through 35 months after effective date of the permit.

*Outfall 006:* new discharge, design flow of 0.65 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	
Free Cyanide			0.0053	0.0106	
Chloroform			0.012	0.024	
Methylene Chloride			0.0096	0.0192	
Aluminum			0.53	1.06	
Iron			1.5	3.0	
Manganese			1.0	2.0	
Boron			1.71	3.42	
pH	not less than 6.0 nor greater than 9.0				

*Other Conditions:* The above limits will go into effect 36 months after effective date of the permit and shall stay in effect until expiration date.

The EPA waiver is in effect.

**PA 0092878.** Sewage, **Trader's Path Homes, Inc.**, 100 Lorraine Drive, Lower Burrell, PA 15068.

This application is for renewal of an NPDES permit to discharge treated sewage from Trader's Path Homes STP in City of Lower Burrell, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Chartiers Run, 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: Brackenridge Municipal Water Works.

*Outfall 001:* existing discharge, design flow of 0.025 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	6.0			12.0
(11-1 to 4-30)	18.0			36.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	5,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA 0095834.** Sewage, **Howard Keenan**, 701 Hope Street, Pittsburgh, PA 15220.

This application is for renewal of an NPDES permit to discharge treated sewage from Treehaven Mobile Home Park Sewage Treatment Plant in South Franklin Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Chartiers Creek, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the: Western Pennsylvania Water Company.

*Outfall 001:* existing discharge, design flow of 0.01 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	23.0			46.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	5,000/100 ml as a geometric mean			
Total Residual Chlorine				
(1st month—36th month)	monitor and report			
(37th month—expiration)	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

**PA 0026697.** Sewage. **Butler Area Sewer Authority**, 100 Litman Road, Butler, PA 16001-3256.

This application is for renewal of an NPDES Permit to discharge treated sewage to the Connoquenessing Creek in Butler Township, **Butler 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 Zelienople Municipal Water Works intake on Connoquenessing Creek located at Zelienople, approximately 21 miles below point of discharge.

The proposed effluent limits for Outfall No. 001 based on a design flow of 10 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Weekly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>			
(5-1 to 10-31)	12	18	24
(11-1 to 4-30)	24	36	48
TSS	30	45	60



<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Weekly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Ammonia-Nitrogen (5-1 to 10-31)	2		4
(11-1 to 4-30)	6		12
Phosphorus (as P) (4-1 to 10-31)	2		4
Fecal Coliform (5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		2,300/100 ml as a geometric average	
Total Residual Chlorine	0.33		1.1
Nitrite-Nitrate		monitor and report	
Dissolved Oxygen		minimum of 5 mg/l at all times	
pH		6.0 to 9.0 at all times	

The EPA waiver is not in effect.

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

**PA 0221988.** Sewage. **North Memorial Animal Hospital**, R. R. 1, Box 421A Sharon Road, New Wilmington, PA 16142.

This application is for renewal of an NPDES Permit, to discharge treated sewage to Unnamed Tributary to the Shenango River in Wilmington Township, **Lawrence 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 New Castle District Pennsylvania-American Water Company on the Shenango River located at river mile 5.1 and is located 9.3 miles below point of discharge.

The proposed discharge limits for Outfall No. 001 based on a design flow of 0.000400 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	10	20
TSS	20	40
Fecal Coliform	200/100 ml as a geometric average	
Total Residual Chlorine	1.4	3.3
pH	6.0—9.0 at all times	

The EPA waiver is in effect.

**PA 0102431.** Sewage. **Cedar Acres/Cunningham, Inc.**, 1650 Harlansburg Road, New Castle, PA 16101.

This application is for renewal of an NPDES Permit, to discharge treated sewage to unnamed tributary to Slippery Rock Creek in Scott Township, **Lawrence County**. This is an existing discharge.

The receiving water is classified for the following uses: Cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>—NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is Camp Allegany intake on Slippery Rock Creek located in Wayne Township, Lawrence County, approximately 12 miles below point of discharge.

The proposed discharge limits for Outfall No. 001 based on a design flow of 0.0078 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
TSS	30	60
Ammonia-Nitrogen (5-1 to 10-31)	8.5	17
(11-1 to 4-30)	25	50
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	8,500/100 ml as a geometric average	
Total Residual Chlorine	1.1	2.5
pH	6.0—9.0 at all times	

The EPA waiver is in effect.

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

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The following parties have applied to renew their current NPDES permits to allow the continued discharge of controlled wastewater into the surface waters of this Commonwealth. The Department of Environmental Protection (Department) has made a tentative determination to renew these permits and proposes to issue them, subject to their current permit effluent limitations, and monitoring and reporting requirements, with appropriate and necessary updated requirements to reflect new or changed regulations and other requirements. The updates may include, but will not be

limited to, applicable permit conditions and/or requirements addressing combined sewer overflows (CSOs), municipal sewage sludge management, and total residual chlorine control (TRC). Any major changes to or deviations from the terms of the existing permit will be documented and published with the final Department actions.

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

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

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

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

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

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Requirements</i>
PA0040789	J. A. Mobile Home and Court 3100 York Haven Road Manchester, PA 17345	York County Newberry Township	Conewago Creek	TRC
PA0084182	Peters Township Municipal Authority Fort Loudon WWTP P. O. Box 19 Lemasters, PA 17231	Franklin County Peters Township	West Branch Conococheague Stream	TRC
PA0084191	Peters Township Municipal Authority Mercersburg Junction P. O. Box 19 Lemasters, PA 17231	Franklin County Peters Township	West Branch Conococheague Stream	TRC
PA0082945	Hamilton Township (Glabview Acres WWTA) 272 Mummerts Church Road Abbottstown, PA 17301	Adams County Hamilton Township	S. Branch Conewago Creek	TRC

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

**Applications under the Pennsylvania Clean Streams Law**

**(Part II Permits)**

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

Persons objecting on the grounds of public or private interest to the approval of an application or submitted plan may file a written protest with the Department at the address indicated above each permit application or plan. Each written protest should contain the following: name, address and telephone number; identification of the plan or application to which the protest is addressed; and a concise statement in sufficient detail to inform the Department of the exact basis of the protest and the relevant facts upon which it is based. The Department may conduct a fact-finding hearing or an informal conference in response to any given protest or protests. Each commentator will be notified in writing of the time and place if a hearing or conference concerning the plan or action or application to which the protest relates is held. To insure consideration by the Department prior to final action on permit applications and proposed plans, initial protests and additions or amendments to protests already

filed should be filed within 15 calendar days from the date of this issue of the *Pennsylvania Bulletin*. A copy of each permit application and proposed plan is on file in the office indicated and is open to public inspection.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the 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.

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

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

**WQM Permit No. 4675404A3.** Sewerage. **Ambler Borough**, 122 East Butler Avenue, Ambler, PA 19002. Applicant is requesting approval to amend its existing permit to replace microscreens at the WWTP with dissolved air flotation for solids removals located in Ambler Borough, **Montgomery County**.

*Southcentral Regional Office: Water Management Program Manager, 909 Elmerton Avenue, 2nd Floor, Harrisburg, PA 17110-8200, (717) 705-4707. Individuals who*

wish to review any of these applications should contact Mary DiSanto at (717) 705-4732.

**A. 0100408**, amendment, Sewage, submitted by **Dauberton Manor, Inc.**, New Oxford Mobile Home Village, 4380 York Road, New Oxford, PA 17350 in Mt. Pleasant Township, **Adams County** to upgrade and modify their existing wastewater treatment system was received in the Southcentral Region on November 22, 2000.

**A. 3678429**, amendment (00-1), Sewage, submitted by **Warwick Township Municipal Authority**, P. O. Box 336, 315 Clay Road, Lititz, PA 17543-0336 in Warwick Township, **Lancaster County** to construct pump station replacements/combinations for sewage conveyance system to Lititz Borough Wastewater Treatment Plant was received in the Southcentral Region on November 22, 2000.

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

**A.N0200413**. Sewerage, **William and Kathryn A. Neumont**, 12 Crestwood Drive, Allison Park, PA 15101. Application for the construction and operation of a small flow sewage treatment plant to serve the Neumont Residence located in Richland Township, **Allegheny County**.

**A. 0471408**. Sewerage, **Hopewell Township**, 1700 Clark Boulevard, Aliquippa, PA 15001. Application for the modification and operation of a Sewage Treatment Plant to serve the Raccoon Creek WPCP located in Hopewell Township, **Beaver County**. The Pennsylvania Infrastructure Investment Authority (Pennvest) which administers Pennsylvania's State Revolving Fund has been identified as a possible funding source. The Department's review of the sewage facilities plan revision has not identified any significant environmental impacts resulting from this proposal.

#### INDIVIDUAL PERMITS (PAS)

##### NPDES Individual

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

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

Persons wishing to comment on the proposed permit are invited to submit a statement to the office noted above the application within 30 days from the date of this public notice. Comments reviewed within this 30-day permit will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department the exact basis of a comment and the

relevant facts upon which it is based. A public hearing may be held if the responsible office considers the public response significant.

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

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

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

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

**NPDES Permit PAS10-G450**. Stormwater. **Bacton Hill Road Storage Project**, 305 Exton Commons, Exton, PA 19341, has applied to discharge stormwater from a construction activity located in East Whiteland Township, **Chester County**, to Valley Creek (EV).

**NPDES Permit PAS10-G451**. Stormwater. **Great Valley School District**, 47 Church Road, Malvern, PA 19355, has applied to discharge stormwater from a construction activity located in Charlestown Township, **Chester County**, to Pickering Creek (HQ-TSF).

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

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

**NPDES Permit PAS10Q213**. Stormwater. **K & M Associates**, Stuart Krawitz, 496 Lone Lane, Allentown, PA 18104, has applied to discharge stormwater from a construction activity located in Upper Macungie Township, **Lehigh County**, to Little Lehigh Creek, HQ-CWF.

*Northampton County Conservation District, District Manager, Greystone Building, Gracedale Complex, Nazareth, PA 18064-9211, (610) 746-1971.*

**NPDES Permit PAS10U142**. Stormwater. **Dr. Kevin Fogarty**, 35 E. Elizabeth St., Bethlehem, PA 18018, has applied to discharge stormwater from a construction activity located in Hanover Township, **Northampton County**, to Monocacy Creek, HQ-CWF.

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

**NPDES Permit PAS108300**. Stormwater. **Norfolk Southern Railway Company**, 600 West Peachtree Street, Suite 1840, Atlanta, GA 30308 has applied to discharge stormwater at a construction site located in Aspinwall Borough, Avalon Borough, Bellevue Borough, Ben Avon Borough, Blawnox Borough, Brackenridge Borough, Creswick Borough, East Deer Township, Emsworth Borough, Etna Borough, Glenfield Borough, Harmar Township, Harrison Township, Haysville Borough, Kilbuck Township, Leet Township, Leetsdale Borough, Milvale Borough, O'Hara Township, Osbourne Borough,

Pittsburgh City, Reserve Township, Sewickley Borough, Shaler Township, Sharpsburg Borough, Springdale Borough, Tarentum Borough, **Allegheny County** to Allegheny River (WWF), Bailey Run (WWF), Big Sewickley Creek (TSF), Bull Creek (WWF), Campbell Run (WWF), Crawford Run (WWF), Deer Creek (WWF), Guys Run (WWF), Jacks Run (WWF), Kilbuck Run (CWF), Little Sewickley Creek (HQ-TSF), Lowries Creek (WWF), Ohio River (WWF), Pine Creek (TSF), Powers Run (WWF), Riddle Run (WWF), Spruce Run (WWF), Squaw Run (HQ-WWF), Tawney Run (WWF), Toms Run (WWF), Tributary to Allegheny River (WWF), Tributary to Ohio River (WWF); Bell Township, Freeport Borough, Kiskiminetas Township, South Buffalo Township, **Armstrong County** to Allegheny River (WWF), Buffalo Creek (WWF), Kiskiminetas River (WWF), Long Run (WWF); Ambridge Borough, Baden Borough, Conway Borough, Daugherty Township, East Rochester Borough, Eastvale Borough, Economy Borough, Freedom Borough, Harmony Township, New Brighton Borough, North Sewickley Township, Rochester Borough, Rochester Township, **Beaver County** to Beaver River (WWF), Bennett Run (WWF), Blockhouse Run (WWF), Crows Run (WWF), Dutchman Run (WWF), Lacock Run (WWF), Legionville Run (WWF), McKinley Run (WWF), Ohio River (WWF), Thompson Run (WWF), Tributary to Beaver River (WWF), Tributary to Ohio River (WWF); Cassandra Borough, Cresson Borough, Croyle Township, East Conemaugh Township, East Taylor Township, Gallitzin Borough, Johnstown City, Lilly Borough, Lower Yoder Township, Portage Township, Sankertown Borough, South Fork Borough, Summerhill Township, Tunnelhill Borough, Washington Township, Wilmore Borough, **Cambria County** to Bradley Run (CWF), Little Conemaugh River (CWF), North Branch Little Conemaugh River (CWF), Spring Run (CWF), St. Clair Run (CWF), Tributary to Bradley Run (CWF), Tributary to Clearfield Creek (CWF), Tributary to Little Conemaugh River (CWF), Trout Run (CWF); Burrell Township, Conemaugh Township, White Township, Indiana County to Blacklegs Creek (CWF), Conemaugh River (WWF), Conemaugh River/Lake (WWF), Elders Run (CWF), Kiskiminetas River (WWF), Roaring Run (CWF), Sulphur Run (CWF), Toms Run (CWF), Tributary to Blacklegs Creek (CWF), Tributary to Conemaugh River (CWF), Tributary to Kiskiminetas River (WWF); Allegheny Township, Bell Township, Derry Township, East Vandergrift Borough, Fairfield Township, Hyde Park Borough, Kiskiminetas Township, New Florence Borough, Oklahoma Borough, Seward Borough, St. Clair Township, Vandergrift Borough, Washington Township, West Leechburg Borough, West Wheatfield Township, **Westmoreland County** to Allegheny River (WWF), Baldwin Run (HQ-CWF), Beaver run (TSF), Big Spring Run (CWF), Conemaugh River (WWF), Conemaugh River/Lake (WWF), Kiskiminetas River (WWF), Penn Run (WWF), Pine Run (WWF), Tributary to Conemaugh River (CWF), Tributary to Conemaugh River/Spruce Run (HQ-CWF), Tributary to Kiskiminetas River (WWF), Walford Run (WWF).

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

**NPDES Permit PAS102702.** Stormwater. **Pennsylvania Department of General Services**, 18th and Herr Streets, Harrisburg, PA 17120, has applied to discharge stormwater from a construction activity located in Jenks Township, **Forest County**, to Unnamed Tributary to Scott's Run (HQ-CWF).

## SAFE DRINKING WATER

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

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

**1399502.** Public Water Supply. **White Haven Municipal Authority (Golden Oaks Village)**, David Quinn, Mgr., 50 East Woodhaven Drive, White Haven, PA 18661. This proposal involves modification of an existing supply well to include construction of an upper well terminus, wellhouse, treatment facilities and storage tank and distribution system. It is located in Kidder Township, **Carbon County**.

*Engineer: Entech Engineering, Inc., Roswell S. McMullen, Jr., P. E.*

**4500506.** Public Water Supply. **Stillwater Lakes Water Company**, Nancy Schmerber, SLWC, P. O. Box 786, Pocono Summit, PA 18346-0786. This proposal involves the construction of a storage tank, booster pump system, modifications to the existing wellhouse and the addition of corrosion control treatment. It is located in Coolbaugh Township, **Monroe County**.

*Engineer: Russell D. Scott, P. E.*

**5400505.** Public Water Supply. **Eagle Springs, Inc.**, Valley View Springs, I & II, Richard Withelder, 88 West Donaldson Street, Tremont/Zerbe, PA 17981. This proposal involves the addition of a cartridge filter unit and spare booster pump to the system. It is located in Hegins Township, **Schuylkill County**.

*Engineer: Joseph Matalavage, P.E.*

**6400501.** Public Water Supply. **Sandy Shore Water Company**, Sam Marville, HC 1, Box 256, Lakeville, PA 18438. This proposal involves a new well source, well 4, well house and chlorination system. It is located in Paupack Township, **Wayne County**.

*Engineer: Joseph S. Durkin, P.E.*

**2520042-T1.** Public Water Supply. **Rustic Acres Mobile Home Park**, Irvin H. Peifer, P. O. Box 506, Elizabethtown, PA 17022. This proposal involves the transfer of PWS Permit No. 2520042 from Investment Management Services, Inc. to Peifer and Gross, Inc. It is located in Greene Township, **Pike County**.

**3390089-T1.** Public Water Supply. **Li'l Wolf Associates**, (Li'l Wolf MHP), Lawrence Higgins/Louis F. Mazzotta Partners, 3411 Li'l Wolf Drive, Orefield, PA 18069. This proposal involves the transfer of PWS Permit No. 3390089 from Li'l Wolf Associates to Hometown Li'l Wolf, LLC. It is located in North Whitehall Township, **Lehigh County**.

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

**Application No. Minor Amendment.** The Department has received a permit application from **Beech Creek Borough Authority**, P. O. Box 216, Beech Creek, PA 16822, Beech Creek Borough, **Clinton County**. The application is for replacement of the existing well pump #2 and installation of a new booster pumping system, construction of a new salt storage facility as an addition to the existing water treatment plant and installation of a third water softening unit identical to the existing two.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

### Preamble 1

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

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

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

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

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

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

**PPL—Distribution Pole #63294S47170 (Turner Street)**, City of Allentown, **Lehigh County**. PPL Generation, LLC, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101 has submitted a Notice of Intent to Remediate concerning the remediation of site soils found or suspected to be contaminated with PCBs (polychlorinated biphenyls). The notice indicates that the site will be remediated to meet the Statewide human health standard.

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

**Tyco Electronics Corporation (Formerly AMP Incorporated)**, Selinsgrove Borough, **Snyder County**. Science Applications International Corporation, on behalf of its client Tyco Electronics Corporation, P. O. Box 3608, M/S 140-42, Harrisburg, PA 17105, has submitted a Notice of Intent to Remediate soil and groundwater contaminated with solvents. The applicant proposes to remediate the site to meet the Site-specific Standard. A summary of the Notice of Intent to Remediate was reported to have been published in *The Daily Times* on or about October 31, 2000.

## SOLID AND HAZARDOUS WASTE

### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

#### Applications received under the Solid Waste 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. 100419. CBF, Inc.**, Route 21, P. O. Box 266, McClellandtown, PA 15458. J & J Landfill, Route 21, P. O. Box 266, McClellandtown, PA 15458. An application for the expansion of a municipal waste landfill in German Township, **Fayette County** was received in the Regional Office on November 30, 2000.

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

An application for renewal of the landfill's operating permit for a period not to exceed 10 years was received from **Northwest Sanitary Landfill**, 1436 West Sunbury Road, West Sunbury, PA 16061, **Permit No. 100585**. The municipal waste landfill is located in Clay Township, **Butler County**. The application was received in the Regional Office on November 27, 2000.

### REQUEST FOR PROPOSALS FOR MUNICIPAL SOLID WASTE CAPACITY

The following notices are placed through the Department of Environmental Protection (Department) as required by section 502(d) of Act 101 of 1988: the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904).

Mercer County through the Solid Waste Authority is soliciting disposal/processing facilities to provide all or

part of the disposal capacity required annually for Mercer County municipal waste for the next 10 years. Interested parties should contact the **Mercer County Solid Waste Authority** at (724) 981-2412 to obtain a copy of the Facility Qualification Request, which will be used to qualify facilities to participate in the Mercer County Municipal Waste Management Plan. Responses to the Facility Qualification Request must be submitted on or before December 29, 2000 at 3 p.m. For additional information, please visit [www.mcrpc.com](http://www.mcrpc.com).

In accordance with the Municipal Waste Planning and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904) (Act 101) and § 272 of the Pennsylvania Rules and Regulations, 25 Pa. Code Chapter 272, as amended, Clearfield County has determined that waste disposal capacity for municipal solid waste (MSW) including construction/demolition waste (C/D) and municipal sewage sludge generated within Clearfield County is required for a minimum of 10 years commencing January 1, 2002. The **Clearfield County Commissioners** are hereby soliciting proposals for disposal of county generated MSW to begin on January 1, 2002.

Sealed proposals will be received by the Office of the Clearfield County Commissioners at the Clearfield County Courthouse, 230 East Market Street, Clearfield, PA 16830 until 4 p.m. on February 2, 2001. All proposals will be publicly opened by the Clearfield County Commissioners at 10 a.m. on February 6, 2001, at the Clearfield County Courthouse.

Copies of the Request for Proposals (RFP) may be purchased on or after December 4, 2000 from the Office of the Clearfield County Controller at the Clearfield County Courthouse, 230 East Market Street, Clearfield, PA 16830, (814) 765-2641 Ext. 5991 by pre-payment of a non-refundable amount of \$50 per proposal. Proposers should make checks payable to Clearfield County.

All proposals must be made on the Proposal Form and be in accordance with the Instructions to Proposers contained in this Request for Proposals. The Proposer is required to submit one original and three copies of the Proposal to the County at the address listed below. Envelopes containing the proposals must be sealed and clearly labeled to show the name and address of the proposer, the statement, "Proposal for Municipal Solid Waste Disposal Services" and be addressed to Attention: Clearfield County Controller, 230 East Market Street, Clearfield, PA 16830.

## AIR QUALITY

### Notice of Plan Approval and Operating Permit Applications

#### Nonmajor Sources and Modifications

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

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

trigger major new source review or prevention of significant deterioration requirements.

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

Persons wishing to receive a copy of the proposed Plan Approval or Operating Permit must indicate their interest to the Department Regional Office within 30 days of the date of this notice, and must file protests or comments on a proposed Plan Approval Or Operating Permit within 30 days of the Department providing a copy of the proposed document to that person or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Any comments or protests filed with the Department Regional Offices must include a concise statement of the objections to the issuance of the plan approval or operating permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior to the date of the hearing.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the Regional Office identified below. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

### OPERATING PERMITS

#### Applications received and intent to issue operating permits under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F (relating to operating permit requirements).

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

**36-03076: Martin Limestone, Inc.** (P.O. Box 550, Blue Ball, PA 17506) for revision of a Natural Minor Operating Permit for a limestone crushing plant in East Earl Township, **Lancaster County**.

**38-05009: Lebanon Methane Recovery, Inc.** (920 Rosstown Road, Lewisberry, PA 17339) for a Synthetic Minor Operating Permit for two engine generators, landfill gas fired with propane backup in North Lebanon Township, **Lebanon County**.

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

**04-0707: Quality Aggregates, Inc.** (200 Neville Road, Pittsburgh, PA 15225) for operation of a barge unloading and loading excavator at the Colona Dock in Monaca Borough, **Beaver County**.

*City of Philadelphia: Air Management Services, 321 University Avenue, Philadelphia, PA 19104, (215) 685-7584.*

**96-027: Delaware Valley Wool Scouring Co.** (3419 Richmond Street, Philadelphia, PA 19134) for operation of blending, bleaching, and cleaning raw wool in the City of Philadelphia, **Philadelphia County**. The Synthetic Minor facility's air emission sources include a 21.56 MMBTU/hr No. 6 oil-fired boiler, a bale breaker/blender controlled by a baghouse, two cone dusters controlled by a baghouse, a squirrel cage controlled by a baghouse, and a compressor/baler controlled by a baghouse.

**97-006: Halpern & Co., Inc.** (3132 West Thompson Street, Philadelphia, PA 19121) for operation of remelting and refining of nonferrous metals in the City of Philadelphia, **Philadelphia County**. The Natural Minor facility's air emission sources include a 20,000 lb. No. 2 oil-fired rotary furnace rated at 7.00 MMBTU/hr controlled by a baghouse, a 15,000 lb. No. 2 oil-fired rotary furnace rated at 5.6 MMBTU/hr controlled by a baghouse, two No. 2 oil-fired alloy kettles each rated at 5.5 MMBTU/hr controlled by a common baghouse, four No. 2 oil-fired alloy kettles each rated at 1.4 MMBTU/hr controlled by a common baghouse, and two natural gas-fired alloy kettles rated at 235,000 BTU/hr controlled by a common baghouse.

**00-004: The Wistar Institute** (3601 Spruce Street, Philadelphia, PA 19104) for operation of a not-for-profit biomedical research institute in the City of Philadelphia, **Philadelphia County**. The Synthetic Minor facility's air emission sources include three 448 hp natural gas and No. 2 oil dual-fired boilers and four emergency generators.

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

Under 25 Pa. Code § 127.521 and § 127.424, the Department of Environmental Protection (Department) intends to issue a Title V Operating Permit to the following facilities. These facilities are major facilities subject to the operating permit requirements under Title V of the Federal Clean Air Act and 25 Pa. Code Chapter 127, Subchapters F and G (relating to operating permit requirements; and Title V operating permits).

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

Interested persons may submit written comments, suggestions or objections concerning the proposed Title V permit to the regional office within 30 days of publication of this notice. Written comments submitted to the Department during the 30-day public comment period shall include the name, address and telephone number of the persons submitting the comments, along with the reference number of the proposed permit. The commentator should also include a concise statement of any objections to the permit issuance and the relevant facts upon which the objections are based. Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the Regional Office identified below. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department reserves the right to hold a public hearing on the proposed action based upon the information received during the public comment period and will provide notice of any scheduled public hearing at least 30 days in advance of the hearing. The hearing notice will be

published in the *Pennsylvania Bulletin* and a newspaper of general circulation where the facility is located.

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

**09-00039: Atlas Roofing Corp.** (60 Pacific Drive, Quakertown, PA 18951) in Quakertown Borough, **Bucks County**. The facility's major emission points include the following six major operations: felt saturation, shingle coating, mineral surfacing, cooling and drying, product finishing, and packaging, all which emit major levels of Volatile Organic Compounds (VOCs). There are five major production support operations at the facility: asphalt storage, granule storage, filler storage, filler heating, and filler and coating mixing, all which emit major levels of particulate matter (PM).

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

**28-05023: Waynesboro Hospital** (501 East Main Street, Waynesboro, PA 17268) in Borough of Waynesboro, **Franklin County**. The facility's major emission sources are a medical waste incinerator (Econo-Therm) rated at 100 lb/hour controlled by an afterburner and five natural gas fired boilers.

#### PLAN APPROVALS

#### Applications Received and Intent to Issue Plan Approvals under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B (relating to plan approval requirements).

*Bureau of Air Quality, Division of Permits, P. O. Box 8468, 400 Market Street, Harrisburg, PA 17105, (717) 787-4325.*

**01-2005: Reliant Energy Hunterstown, LLC** (1001 Broad Street, P. O. Box 1050, Johnstown, PA 15907-1050) to authorize the transfer and use as emission offsets of 391 certified nitrogen oxide (NO<sub>x</sub>) emissions reduction credits (ERCs), expressed as tons per year (tpy), in accordance with 25 Pa. Code § 127.208(2). The NO<sub>x</sub> ERCs are being transferred from the Pennsylvania Electric Company (d/b/a GPU Energy) Front Street Station (25-0041) for use under 25 Pa. Code Chapter 127 at the Hunterstown facility in Straban Township, **Adams County**.

**48-00006: Reliant Energy Portland, LLC** (1001 Broad Street, P. O. Box 1050, Johnstown, PA 15907-1050) to authorize the transfer and use as emission offsets of 275 certified nitrogen oxide (NO<sub>x</sub>) emissions reduction credits (ERCs), expressed as tons per year (tpy), in accordance with 25 Pa. Code § 127.208(2). The NO<sub>x</sub> ERCs are being transferred from the Pennsylvania Electric Company (d/b/a GPU Energy) Front Street Station (25-0041) for use under 25 Pa. Code Chapter 127 at the Portland facility in Upper Mt. Bethel Township, **Northampton County**.

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

**39-304-023: Bethlehem Casting** (Howmet Aluminum Casting, Inc., 2175 Avenue C, Bethlehem, PA 18017) for modification of workbenches, grinding operations and media blast cabinets and associated air cleaning device in Bethlehem, **Lehigh County**.

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

**36-05079A: Chester County Solid Waste Authority** (P. O. Box 476, Honey Brook, PA 19344) for installation of a utility flare to serve as a backup to the existing enclosed ground flare at the Lanchester Landfill in Caernarvon Township, **Lancaster County**. The installation of the control equipment will ensure proper control of any landfill gas should the primary flare be shutdown. The primary pollutant from the landfill is volatile organic compounds. The site is subject to 40 CFR Part 60, Subpart WWW—Standards of Performance for Municipal Solid Waste Landfills. The plan approval will contain operational, recordkeeping, and reporting requirements to ensure the facility is complying with all applicable air quality standards. Upon completion of the construction and compliance with all conditions, the plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V Operating Permit through an Administrative Amendment.

**38-03028: Brentwood Industries, Inc.** (2101 Lehman Street, Lebanon, PA 17046) for installation of odor control on two PVC Thin Film Calendar & Extruder Process Lines at Lebanon Plant in West Lebanon Township, **Lebanon County**.

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

**14-310-019A: Con-Stone, Inc.** (P. O. Box 28, Bellefonte, PA 16823) for construction of various pieces of stone crushing, screening and conveying equipment in Haines Township, **Centre County**. Most of the crushing, screening and conveying equipment is subject to Subpart OOO of the Federal Standards of Performance for New Stationary Sources.

**08-313-011D: OSRAM Sylvania Products, Inc.** (Hawes Street, Towanda, PA 18848) for installation of air cleaning devices (a fabric collector and a HEPA filter) on a powdered metal spray dryer in North Towanda Township, **Bradford County**.

**08-00004A: Rynone Manufacturing Corp.** (P. O. Box 128, Sayre, PA 18840-0128) for modification of the cast polymer operations in Sayre Borough, **Bradford County**.

Rynone Manufacturing Corp. is a major facility for which a Title V Operating Permit has been issued.

The information provided by the applicant indicates that the subject modification will increase the facility's potential to emit styrene and methyl methacrylate by 8.9 tons and 0.9 ton per 12 consecutive month period respectively. Styrene and methyl methacrylate are both classified as volatile organic compounds (VOCs) and hazardous air pollutants (HAPs). A preliminary review of the information submitted by the applicant indicates that the proposed modification will meet all applicable air quality requirements including the "best available technology" requirements of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department proposes to approve the application and issue a plan approval to modify. If the plan approval is issued and if the cast polymer operations are subsequently found to be in compliance with all applicable regulatory requirements and plan approval conditions, the plan approval will be incorporated into Operating Permit 08-00004 by administrative amendment in accordance with 25 Pa. Code § 127.450.

In order to ensure compliance with all applicable standards, the Department proposes to place the following requirements in the respective plan approval.

- This plan approval is issued for the modification of a cast polymer facility comprised of four production lines

and associated cleanup operations. The modification is an increase of 9.8 tons per 12 consecutive month period in the amount of VOCs and HAPs which the production lines are allowed to emit. This plan approval is also issued for the construction of a marble casting resin machine.

- The total combined VOC emissions from this facility following modification shall not exceed 35.9 tons per 12 consecutive month period, the total combined HAP emissions shall not exceed 37.0 tons per 12 consecutive month period and the total acetone emissions shall not exceed 26.0 tons per 12 consecutive month period.

- The styrene emissions shall not exceed 24.0 tons per 12 consecutive month period from the use of gel coats and 9.0 tons per 12 consecutive month period from the use of casting resins.

- The methyl methacrylate emissions shall not exceed 0.9 ton per 12 consecutive month period from the use of gel coats.

- All clear gel coats shall contain less than 50% styrene monomer by weight.

- All pigmented gel coats shall contain less than 45% styrene monomer by weight.

- No gel coat shall contain more than 5% methyl methacrylate by weight. Additionally, any gel coat containing methyl methacrylate shall also contain less than 35% styrene monomer by weight.

- All casting resins shall contain less than 40% styrene monomer by weight.

- The company shall not use gel coats containing any volatile organic compounds or hazardous air pollutants, other than styrene and methyl methacrylate, without prior authorization by the Department. Additionally, the company shall not use casting resins containing any volatile organic compounds or hazardous air pollutants, other than styrene, without prior authorization by the Department.

- Only airless, air assisted airless or HVLP spray equipment shall be used to apply gel coats except as follows: A conventional hand held air atomized spray gun, with a resin container (pressure or siphon) mounted on the spray gun, may be used in limited circumstances to apply special custom gel coats.

- All molded products, with the exception of flat panel, special shapes and floated bowl tops shall be enclosed during curing.

- The total combined VOC emissions from the use of mold release materials in the facility shall not exceed 1.0 ton per 12 consecutive month period and the total combined HAP emissions from the use of mold release materials shall not exceed 0.1 ton per 12 consecutive month period.

- The total combined VOC emissions from cleanup operations in the facility shall not exceed 1.0 ton per 12 consecutive month period, the methylene chloride emissions from cleanup operations shall not exceed 3.0 tons per 12 consecutive month period and the total acetone emissions from cleanup operations shall not exceed 26.0 tons per 12 consecutive month period.

- The company shall not use cleanup solvents containing any HAPs, other than methylene chloride, without prior authorization by the Department.

- All solvent used for spray line cleaning shall be flushed into closed containers. Under no circumstances



shall solvent be removed from spray lines by spraying through a spray gun. All containers of solvent and waste solvent shall be kept closed when not in actual use and all solvent-laden rags, and the like, shall be stored in closed containers when not in actual use. Under no circumstances shall waste solvent be intentionally disposed of via evaporation or shall solvent-laden rags, and the like, be treated or pretreated prior to disposal or reuse by subjecting them to air drying or any other means of solvent removal which would cause solvent to be unnecessarily evaporated into the air.

- The company shall maintain comprehensive accurate records and generate a monthly report of air contaminant emissions in order to demonstrate compliance with all applicable emission limitations. All records and reports required by this condition shall be retained on site for at least 5 years from the date of generation and shall be made available to Department personnel upon request.

In accordance with 25 Pa. Code § 127.45 Department of Environmental Protection, the conditions listed in this plan approval do one or more of the following:

1. Identify the sources and location.
2. Establish allowable emissions rates.
3. Establish monitoring, recordkeeping, testing and reporting requirements.
4. Ensure proper operation and adequate maintenance.

Copies of the application, the Department's analysis and other documents used in the evaluation of the application are available for public inspection during normal business hours at the address listed.

Any person wishing to protest the issuance of plan approval or provide the Department with additional information which the person believes should be considered prior to the issuance of the plan approval may submit the protest or information to the Department at the address listed. A 30-day comment period, from the last date of publication, will exist for the submission of protests or comments. Each written protest or comment shall include the following: name, address and telephone number of the person submitting the comments; identification of the proposed Plan Approval No. 08-00004A; and a concise statement regarding the relevancy of the information or any objections to issuance of the plan approval.

A public hearing may be held, if the Department in its discretion, decides that such a hearing is warranted based on the information received. All persons protesting the issuance of plan approval, submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a newspaper of general circulation in the county in which the source is to be located, by the *Pennsylvania Bulletin*, by letter, or by telephone, where the Department determines that notification by telephone is sufficient. All protests, comments and requests must be received by the Department no later than 30 days after final publication of this notice.

Written protests, comments or requests for a public hearing should be directed to David W. Aldenderfer, Regional Air Quality Program Manager, Department of Environmental Protection, Northcentral Region Field Operations, 208 West Third Street, Suite 101, Williamsport, PA 17701-6510, (570) 327-3648.

For additional information regarding the Department's analysis of the application, contact Joseph J. Dwyer, Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701-6510, (570) 327-3642.

**14-310-021A: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) for construction of a screen and associated conveyors at a stone crushing plant (Sandy Ridge Plant #9) in Rush Township, **Centre County**. The screen and conveyors are subject to Subpart 000 of the Federal Standards of Performance for New Stationary Sources.

**59-301-020: Jacquelyn A. Buckheit Funeral Chapel, Crematory and Monuments** (621 Smith Road, Mansfield, PA 16933) for the construction of a crematory incinerator in Richmond Township, **Tioga County**.

**14-310-022A: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) for construction of a screen and associated stacking conveyor at a stone crushing plant (Pleasant Gap Wash Plant #11) in Spring Township, **Centre County**. The screen and conveyor are subject to Subpart 000 of the Federal Standards of Performance for New Stationary Sources.

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

**42-0004A: American Refining Group** (77 North Kendall Avenue, Bradford, PA 16701) for construction of an isomerization unit in the City of Bradford, **McKean County**. The facility is a Title V Facility.

**37-315A: AR Oliastro, Inc.** (245 Portersville Road, Ellwood City, PA 16117) for post construction of a steel slag processing facility (14,000 tons/year) on the property of The International Metals Reclamation Co. (INMETCO) in Ellwood City, **Lawrence County**.

**25-025C: General Electric Transportation Systems—Erie Plant** (2901 East Lake Road, Erie, PA 16531) for installation of a vacuum pressure impregnation system for coating alternators in Erie, **Erie County**. The facility is a Title V facility.

**20-0040C: Advanced Cast Products, Inc.** (18700 Mill Street, Meadville, PA 16335) for construction of an induction holding furnace, transfer ladles, tundish/treatment ladles, and associated ductwork and baghouse in Vernon Township, **Crawford County**. The facility is a Title V Facility.

**20-0040D: Advanced Cast Products, Inc.** (18700 Mill Street, Meadville, PA 16335) for relocation of existing tub grinder and construction of rebuilt shot blast machine with associated ductwork and baghouse in Vernon Township, **Crawford County**. The facility is a Title V Facility.

#### **Notice of Intent to Issue a Plan Approval and Amend a Title V Operating Permit**

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection (Department) intends to issue a plan approval to **Southdown, Inc.**, for their plant in Wampum Borough, **Lawrence County**. The facility currently has a Title V Operating Permit No. 37-00013. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V operating permit through an administrative amendment at a later date. Plan Approval No. 37-013D is for the installation of a baghouse to control fugitive emissions from clinker silo Nos. 4 and 13. This installation will result in a reduction of 2.28 tons of PM<sub>10</sub> emissions per year.

### **MINING**

#### **APPLICATIONS TO CONDUCT COAL AND NONCOAL ACTIVITIES**

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the

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

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

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

Where any of the mining activities listed 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.

*Cambria Office, 286 Industrial Park Road, Ebensburg, PA 15931-4119.*

*Coal Applications Received:*

**11000104. Hoffman Mining, Inc.** (P. O. Box 130, 118 Runway Road, Friedens, PA 15541), commencement, operation and restoration of bituminous surface-auger mine in Adams Township, **Cambria County**, affecting 133.8 acres, receiving stream Paint Creek and unnamed tributaries to Paint Creek, application received November 17, 2000.

**17950110. Permit Renewal for reclamation only. K & J Coal Company, Inc.** (P. O. Box 189, Westover, PA 16692), for continued reclamation of a bituminous surface and auger mine in Chest and Chest Townships, **Cambria and Clearfield Counties**, affecting 201.0 acres, receiving stream unnamed tributaries to/and Chest Creek, Crooked Run, application received November 21, 2000.

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

**62000102. Stash Mining Co.** (P. O. Box 20, Waltersburg, PA 15488). Application received for commencement, operations and reclamation of a bituminous surface auger mine, located in South Union Township, **Fayette County**, proposed to affect 130.5 acres. Receiving streams are an unnamed tributary to Jennings Run, to Redstone Creek to Monongahela River. Application received October 30, 2000.

**65840119. M. B. Energy, Inc.** (175 McKnight Road, Blairsville, PA 15717-7961). Application received to revise permit to add Derry Stone and Lime Co., Inc., as a contract miner at a bituminous surface/auger mine and limestone removal/portable stone crushing facility located in Derry Township, **Westmoreland County**, affecting 643.7 acres. Receiving streams: unnamed tributaries to Stony Run and McGee Run. Application received: November 29, 2000.

**65970103. M. B. Energy, Inc.** (175 McKnight Road, Blairsville, PA 15717-7961). Application received to revise permit to add Derry Stone and Lime Co., Inc., as a contract miner at a bituminous surface mine/limestone quarry located in Derry Township, **Westmoreland County**, affecting 105.0 acres. Receiving streams: unnamed tributary to Stony Run. Application received: November 29, 2000.

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

**17980106. R. B. Contracting** (R. D. 1, Box 13, Curwensville, PA 16833), revision to an existing bituminous surface mine permit for a Change in Land Use from forestland to wildlife habitat. The permit is located in Lawrence Township, **Clearfield County** and affects 71.5 acres. Receiving streams: unnamed tributary to Little Clearfield Creek. Application received November 16, 2000.

**17900108. TDK Coal Sales, Inc.** (P. O. Box 259, Brockway, PA 15824), transfer of an existing bituminous surface mine permit from Al Hamilton Contracting Company, located in Penn Township, **Clearfield County** affecting 798 acres. Receiving streams: two unnamed tributaries to Daily Run to Curry Run to the West Branch of the Susquehanna River. Application received November 27, 2000.

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

**56841610. Penn Pocahontas Coal Co.** (P. O. Box 68, Boswell, PA 15531), to renew the permit for the Prep Plant #1 in Brothersvalley Township, **Somerset County**

to renew the existing reclamation only permit for Prep Plant #1, no additional discharges. Application received October 10, 2000.

*Cambria Office, 286 Industrial Park Road, Ebensburg, PA 15931-4119.*

*Coal NPDES Permit Renewal Application Received:*

**3279103. Kent Coal Mining Company** (P. O. Box 219, Shelocta, PA 15774), renewal of NPDES Permit No. PA007991, Young Township, **Indiana County**, receiving stream unnamed tributary to Big Run, NPDES Renewal application received October 25, 2000.

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

*Noncoal Applications Received*

**22890301C2. Dauphin Meadows, Inc.** (P. O. Box 68, Route 209, Millersburg, PA 17061), renewal of NPDES Permit No. PA0594491 in Washington Township, **Dauphin County**, receiving stream—unnamed tributary to Wiconisco Creek. Application received November 22, 2000.

**13760301C3. Eastern Industries, Inc.** (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034), renewal of NPDES Permit No. PA0124214 in Lower Towamensing Township, **Carbon County**, receiving stream—unnamed tributary to Aquashicola Creek. Application received November 22, 2000.

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

### ENCROACHMENTS

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

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

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

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

**E23-407. Encroachment. Texas Eastern Transmission Corporation**, 5400 Westheimer Court, Houston, TX 77056. To perform exploratory work to facilitate an anomaly investigation of an existing gas transmission line which will temporarily impact various stream and wetland resources in **Delaware** and **Chester Counties**. In Delaware County, 0.3 acre of wetlands (PEM/PF01) will be impacted in Willistown Township. The remaining activities qualify for General Permit No. 5 (Utility Line Stream Crossings) and No. 8 (Temporary Road Crossings) and will temporarily impact Hunters Run (HQ, TSF) and its tributaries, a tributary to Chrome Run (TSF, MF), a tributary to Ridley Creek (TSF), and Crum Creek (WWF, MF) and its tributaries, and various wetlands in Willistown, Edgemont and Ridley Townships and Ridley Park, Eddystone and Brookhaven Boroughs. The total impact of all activities in Delaware County is 303 linear feet of stream impact and 0.89 acre of wetland impact (Bridgeport, PA Quadrangle N: 12.74 inches; W: 11.47 inches to West Chester, PA Quadrangle N: 17.2 inches; W: 0.83 inch).

**E15-653. Encroachment. Texas Eastern Transmission Corporation**, 540 Westheimer Court, Houston, TX 77056. To perform exploratory work to facilitate an anomaly investigation of an existing gas transmission line which will temporarily impact various stream and wetland resources in **Chester** and **Delaware Counties**. In Chester County, stream work will occur at four locations impacting an unnamed tributary to Pickering Creek (HQ, TSF), an unnamed tributary to Pine Creek (HQ, TSF), and two unnamed tributaries to Ridley Creek (HQ, TSF) in West Pikeland, Uwchlan and East Goshen Townships. Wetland work will occur at four locations impacting 0.53 acre of wetlands (PEM/PF01) in Uwchlan, West Whiteland and East Goshen Townships. The remaining activities qualify for General Permit No. 5 (Utility Line Stream Crossings) and No. 8 (Temporary Road Crossings) and will temporarily impact wetlands and unnamed tributaries to Pickering and Ridley Creeks in Upper Uwchlan, Uwchlan, West Pikeland and East Goshen Townships. The total impact of all activities in Chester County is 488 linear feet of stream impact and 1.10 acres of wetland impact (West Chester, PA Quadrangle N: 17.2 inches; W: 0.83 inch to Downingtown, PA Quadrangle N: 17.68 inches; W: 8.47 inches).

**EA23-003SE. Encroachment. Cornerstone Communities**, 771 E. Lancaster Avenue, Villanova, PA 19085. A request for an Environmental Assessment for impacts associated with the construction of a non-jurisdictional dam across a narrow section of wetlands (PFO1) which will provide stormwater management for the proposed Smithbridge Apartments Subdivision. The dam and associated components will impact about 0.19 acre of wetlands (PFO1). The project is situated approximately 500 feet northeast of the intersection of Route 202 and Smith Bridge Road (Wilmington-North, Quadrangle N: 19.70 inches; W: 5.60 inches) in Concord Township, **Delaware County**.

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

**E14-383. Encroachment. John P. Albert**, R. R. 3, Box 382, Philipsburg, PA 16866-9563. To construct and maintain wood deck steel I-beam vehicle bridge with a 35-foot clear span and a 6-foot underclearance with masonry abutments in Cold Stream Creek located 0.3 mile up Cold Stream Road from Kepp Road (Sandy Ridge, PA Quadrangle N: 22.2 inches; W: 11.5 inches) in Rush Township,

**Clearfield County.** This project proposes to permanently impact 25 feet of Cold Stream Creek, which is designated a High Quality-Cold Water Fishery.

**E18-307.** Encroachment. **PA DCNR**, Bureau of Facility Design, P. O. Box 8451, Harrisburg, PA 17105-8451. To remove an existing bridge and to construct and maintain a reinforced concrete box culvert with a clear span of 15.5 feet and an underclearance of 5.5 feet with the associated concrete wingwalls in Shintown Run and R-6 riprap on a section of the left upstream bank all of which are located 2 miles southeast on Robbins Road from its intersection with Basin Road (Renovo West, PA Quadrangle N: 17.6 inches; W: 11.3 inches) in Noyes Township, **Clinton County**. This project proposes to impact 66 feet of Shintown Run, which is classified as High Quality—Cold Water Fishery.

**E55-172.** Encroachment. **Lee E. Knepp**, Snyder County Commissioners, Courthouse, P. O. Box 217, Middleburg, PA 17842. To construct and maintain replacement siding, perform structural repairs, repointing of stone masonry, paved approaches to the existing covered A-line Bridge and Dreeses Bridge over the North Branch of Mahantango Creek and Middle Creek, respectively (Dalmatia, PA Quadrangle N: 9.4 inches; W: 14.5 inches and Beavertown, PA Quadrangle N: 4.6 inches; W: 2.8 inches) in Perry and Beaver Townships, **Snyder County**. The project will not impact on wetlands while impacting approximately 80 feet of waterway. The North Branch of Mahantango Creek and Middle Creek are trout stocked fisheries streams.

**E59-408.** Encroachment. **Lawrence Clark, P.E.**, Mansfield University, 110 Brooks Maintenance Building, Mansfield, PA 16933. To construct and maintain a 6.2 foot wide by 3.4 foot high by approximately 50 foot long CMP storm sewer outfall, with flared end section and R-5 rip-rap protection, and a parallel 24 inch diameter CMP outfall to the old bank of Corey Creek and to construct and maintain earthen/cobble fill over and to the sides of the CMP pipes to extend to the old bank of Corey Creek and to construct R-4 riprap along the limits of the restored old bank of Corey Creek. The project is located on the northeastern side of Mansfield University along Route 6 (Mansfield, PA Quadrangle N: 10.85 inches; W: 9.25 inches) in Richmond Township, **Tioga County**. The project will not impact wetlands while impacting approximately 200 feet of waterway. Corey Creek is a warm water fisheries stream.

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

**E03-391.** Encroachment. **Richard L. Castle**, 686 Jackson Road, Apollo, PA 15613. To operate and maintain existing fill placed along approximately 310 feet of Rattling Run, to install and maintain bank stabilization along approximately 310 feet of Rattling Run (CWF) and to construct and maintain a 7.9 foot × 5.6 foot aluminized steel spiral rib pipe arch culvert in Rattling Run (CWF) for the purpose of expanding the existing truck parking space. The project will impact 0.07 acre of wetlands. The site is located off of S. R. 2051, approximately 0.5 mile south of its intersection with S. R. 0056 (Vandergrift, PA Quadrangle N: 14.5 inches; W: 3.6 inches) in Kiskiminetas Township, **Armstrong County**.

*Northwest Regional Office: Soils and Waterways Section, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6942.*

**E27-062.** Encroachment. **PA Department of General Services**, 18th and Herr Streets, Room 104, Harrisburg, PA 17125. To fill a total of 6.3 acres of wetlands (PEM) and relocate approximately 2,300 feet of a tributary to Scott Run (HQ-CWF) for the construction of the State Correctional institution at Forest southeast of S. R. 66 approximately 1 mile northeast of Marienville (Marienville East, PA Quadrangle N: 19.0 inches; W: 13.4 inches) in Jenks Township, **Forest County**. Project includes the creation of a total of 8.0 acres of replacement wetland on site.

**E37-135.** Encroachment. **David Turner**, 115 Vogel Lane, Baden, PA 15005. To conduct the following associated with construction of a private access road to property located east of North Camp Run Road approximately 3.4 miles north of S. R. 288 just south of Pyles Mills (Zelienople, PA Quadrangle N: 22.2 inches; W: 7.3 inches) in Perry Township, **Lawrence County**.

1. Construct and maintain the access road extending east from North Camp Run Road along the left 50-foot-floodway of a tributary to Camp Run.

2. Construct and maintain an aluminum box culvert having a span of 15.83 feet and a rise of 3.5 feet in Camp Run approximately 125 feet east of North Camp Run Road.

3. Construct and maintain the access road extending from the box culvert southeast within the 50-foot-floodway of Camp Run along an existing trail.

4. Maintain fill placed without a permit in 0.064 acre of wetland for the access road.

Project includes contribution to the Pennsylvania Wetland Replacement Fund for replacement of impacted wetland at a ratio of 2:1 due to fill having been placed prior to obtaining a permit.

**E62-373.** Encroachment. **Pine Grove Township**, P. O. Box 125, Russell, PA 16345. To remove the existing bridge, and to construct and maintain a 35.5 foot long precast concrete box culvert; having a 24.0 wide by 7.0 foot high waterway opening in Johnny Run on Main Street, a quarter mile north of S. R. 957, in the Village of Russell (Russell PA-NY Quadrangle N: 12.4 inches; W: 1.35 inches) located in Pine Grove Township, **Warren County**.

#### ENVIRONMENTAL ASSESSMENT

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

*Northwest Regional Office, Soils and Waterways Section, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6942.*

**EA10-014NW.** Environmental Assessment. **Ronald Devido**, 36 Sunset Drive, New Castle, PA 16105. To drain the existing impoundment, reconstruct the nonjurisdictional dam and fill an area measuring approximately 550 feet long by 20 feet wide, consisting of approximately two thirds of the existing impoundment area on property located 600 feet north of S. R. 422 approximately 0.4 mile west of Baldwin Road (New Castle South, PA Quadrangle N: 18.65 inches; W: 5.25 inches) located in Shenango Township, **Lawrence County**.

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**ACTIONS**


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

[National Pollution Discharge Elimination System  
Program (NPDES)]

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

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

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

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

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

**Permit No. PA0035823.** Sewerage. **Saunders Park**, 5909 Little Cove Road, Mercersburg, PA 17236-9409 is authorized to discharge from a facility located in Warren Township, **Franklin County** to the receiving waters named Little Cove Creek in Watershed 13-B (Licking-Tonoloway Creeks).

**Permit No. 2800405.** Sewerage. **Kent D. Garman**, 13532 Cumberland Highway, Orrstown, PA 17244. This permit approves the construction of a sewage treatment plant in Lurgan Township, **Franklin County** in Watershed 7-B.

**Permit No. 0500408.** Sewerage. **Southern Cove Joint Municipal Authority**, P. O. Box 223, Woodbury, PA 16695. This permit approves the construction of Sewers and Appurtenances in Woodbury Borough and Woodbury Township, **Bedford County**.

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

**WQM Permit No. 1400406.** Sewerage. **Carla Jabco**, 911 Bullit Run Road, Howard, PA 16841. Approval granted to construct and maintain a small flow treatment facility located at Boggs Township, **Centre County**.

**WQM Permit No. 1800404.** Sewerage. **Pine Creek Municipal Authority**, P. O. Box 596, Avis, PA 17721. Approval granted to include gravity sewer system and pumping station, with force main connecting to existing sewers. Facility located at Pine Creek Township, **Clinton County**.

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

**NPDES Permit No. PA0000469.** Industrial Waste. **Alcoa, Inc.**, 100 Alcoa Technical Center, Alcoa Center, PA 15069 is authorized to discharge from a facility located at Upper Burrell Township, **Westmoreland County** to receiving waters named Unnamed Tributary to Pine Run.

**NPDES Permit No. PA0091740.** Industrial **Allegheny Energy Supply Company LLC**, 800 Cabin Hill Drive, Greensburg, PA 15601-1689 is authorized to discharge from a facility located at Springdale Ash Disposal Site (closed), Frazer, **Allegheny County** to receiving waters named Riddle Run.

**NPDES Permit No. PA0110159.** Industrial Waste. **Norfolk Southern Railway Company**, 110 Franklin Road, S. E., P. O. Box 13, Roanoke, VA 24042-0013 is authorized to discharge from a facility located at Cresson Enginehouse and Fueling Facility, Cresson Borough, **Cambria County** to receiving waters named Unnamed Tributary of Clearfield Creek.

**NPDES Permit No. PA0217077.** Industrial. **Almac Machine Company, Inc.**, 205 Morgan Place, Johnstown, PA 15907 is authorized to discharge from a facility located at the Johnstown Plant, City of Johnstown, **Cambria County** to receiving waters named Little Conemaugh River.

**NPDES Permit No. PAS806107.** Industrial. **Pennzoil-Quaker State Company**, 54th Street and A.V.R.R., Pittsburgh, PA 15201 is authorized to discharge from a facility located at the Pittsburgh Terminal, Pittsburgh, **Allegheny County** to receiving waters named Allegheny River.

**NPDES Permit No. PA0095745.** Sewerage. **Deer Lakes Mobile Home Park**, 19 Moretti Drive, Tarentum, PA 15084 is authorized to discharge from a facility located at Deer Lakes Mobile Home Park STP, West Deer Township, **Allegheny County** to receiving waters named Unnamed Tributary of Little Deer Creek.

**NPDES Permit No. PA0205095.** Sewerage. **John Kowalik, Jr.**, R. D. 3, Box 470, New Alexandria, PA 15670 is authorized to discharge from a facility located at the John Kowalik, Jr. Single Residence Sewage Treatment Plant, New Alexandria Borough, **Westmoreland County** to receiving waters named Unnamed Tributary of Loyalhanna Creek.

**NPDES Permit No. PA0216666.** Sewerage. **Cyprus Cumberland Resources**, P. O. Box 1020, Waynesburg, PA 15370 is authorized to discharge from a facility located at Cumberland Mine Main Portal STP, Whiteley Township, **Greene County** to receiving waters named Whiteley Creek.

**Permit No. 0200414.** Sewerage. **West Mifflin Sanitary Sewer Municipal Authority**, 1302 Lower Bull Run Road, West Mifflin, PA 15122-2902. Construction of an equalization tank located in West Mifflin Borough, **Allegheny County** to serve Maryland Pump Station.

**Permit No. 6300403.** Sewerage. **Douglas Howell**, 603 South Main Street, Burgettstown, PA 15021. Construction

of single-residence STP located in Jefferson Township, **Washington County** to serve Howell property.

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

**NPDES Permit No. PA0104132.** Sewage. **North Suburban Land Company, Inc.**, 9400 McKnight Road, Suite 207, Pittsburgh, PA 15237 is authorized to discharge from a facility located in Jackson Township, **Butler County** to an unnamed tributary to Glade Run.

**NPDES Permit No. PA0026271.** Sewage. **Meadville Area Sewer Authority**, 984 Water Street, Meadville, PA 16335 is authorized to discharge from a facility located in the City of Meadville, **Crawford County** to French Creek.

**NPDES Permit No. PA0001988 Amendment No. 1.** Industrial Waste. **Indspec Chemical Corporation**, 133 Main Street, P. O. Box 307, Petrolia, PA 16050 is authorized to discharge from a facility located in Petrolia Borough, **Butler County** to the South Branch Bear Creek.

**WQM Permit No. 3700407.** Sewage. **Shenango Township**, 1000 Willowbrook Road, New Castle, PA 16101. This project is for the construction and operation of a pump station and gravity sewers to serve a residential subdivision, Orchardale Estates, consisting of 39 lots, in Shenango Township, **Lawrence County**.

**WQM Permit No. 1600408.** Sewage. **Farmington Township**, P. O. Box 148, Leper, PA 16233. This project is for the construction and operation of a wastewater treatment facility to serve the areas of Leeper and Tylersburg in Farmington Township, **Clarion County**.

**WQM Permit No. 2500421.** Sewage. **City of Erie**, 626 State Street, Room 400, Erie, PA 16501. This project is for the construction of the Ash and Parade Street Relief Sewer in the City of Erie, **Erie County**.

**WQM Permit No. 2500420.** Sewage. **Roxbury Realty Company**, Holly Acres Mobile Home Park, 4652 State Street, Erie, PA 16509. This project is for the construction and operation of a pump station to serve a mobile home park expansion in Summit Township, **Erie County**.

**INDIVIDUAL PERMITS  
(PAS)**

**The following NPDES Individual Permits for Discharges of Stormwater from Industrial Sites 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>
PAS-202205-A1	Fabricated Components, Inc. P. O. Box 431, R. R. 2 West Main Street Stroudsburg, PA 18360	Stroud Township Monroe County	Pocono Creek and Little Pocono Creek

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

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

<i>NPDES Permit</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10W081	JR Properties-I, Inc. 6000 Waterdam Plaza Road McMurray, PA 15317	Washington County North Strabane Township	Little Chartiers Creek

**INDIVIDUAL PERMITS  
(PAR)**

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

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

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

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

*List of NPDES and/or other  
General Permit Type*

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater From Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Single Residence Sewage Treatment Plant
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest or a Land Reclamation Site
PAG-10	General Permit for Discharge Resulting From Hydrostatic Testing of Tanks and Pipelines
PAG-11	(TO BE ANNOUNCED)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)

*General Permit Type—PAG-2*

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Thornbury Township Delaware County	PAR10-J193	Orleans Corporation 3333 Street Rd. Suite 101 Bensalem, PA	Chester Creek (TSF)	Department of Environmental Protection Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Upper Chichester Township Delaware County	PAR10-J180	Lockerroom Storage, Inc. 230 Balon Avenue P. O. Box 935 Bala Cynwyd, PA 19004	Stoney Creek (WWF)	Department of Environmental Protection Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Lackawanna County City of Scranton	PAR10N116	CJS Development, Inc. 1710 Madison Ave. Dunmore, PA 18512	Lackawanna River TSF	Lackawanna CD (570) 281-9495
Northampton County Palmer Township	PAR10U145	Richard Frederick Bethlehem Corp. 25th and Lennox St. Easton, PA 18045	Lehigh River UNT CWF	Northampton CD (610) 746-1971
Northampton County Forks Township Plainfield Township Lower Mt. Bethel Township	PAR10U147	Stephen Powell 4307 Richmond Rd. Easton, PA 18040	Mud Run CWF	Northampton CD (610) 746-1971
Centre County Ferguson Township	PAR10F125	Stephen J. White Haymarket Residential Lands 1301 W. Whitehall Rd. State College, PA 16801	UNT Slab Cabin Run	Centre County CD 414 Holmes Ave. Suite 4 Bellefonte, PA 16823 (814) 355-6817
Snyder County Penn Township	PAR105920	J & L Group LTD P. O. Box 489 Shamokin Dam, PA 17876	Middle Creek	Snyder County CD 403 W. Market St. Middleburg, PA 17842 (570) 837-0007 X112

## 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>
Elk County Fox Township	PAR102521	John Pontzer Grant Meadow Ridgeway, PA 15853	Mohan Run (CWF) and Trib. Brandy Camp (CWF)	Elk Conservation District Elk County Courthouse P. O. Box 448 Ridgway, PA 15853 (814) 776-5373

*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>
Allegheny County Indiana Township	PAR406106	Duquesne Light Company Cherrington Corporate Center 400 Fairway Dr., Ste. 200 Moon Township, PA 15108	UNT to Little Deer Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Mercer Borough Mercer County	PAR608332	Mercer Auto Wreckers 748 Wilson Avenue Mercer, PA 16137	Unnamed Feeder to Cool Spring Creek	DEP Northwest Region Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
City of Erie Erie County	PAR808373	Federal Express Corporation—Federal Express—ERIA Station FedEx World Headquarters Environmental Management Division Building B 3620 Hacks Cross Road Memphis, TN 38125-7113	Marshall's Run	DEP Northwest Region Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-4*

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Wyoming County Eaton Township	PAG042201	Cyril Lichtensteiger 60 Lortel Avenue Staten Island, NY 10314	Susquehanna River	PADEP NERO 2 Public Sq. Wilkes-Barre, PA 18711
Luzerne County Dorran Township	PAG042204	Danny Wasielewski R. R. 1, Box 239 Wapwallopen, PA 18660	Little Wapwallopen Creek	PA DEP Northeast Office 2 Public Sq. Wilkes-Barre, PA 18711-0790 (570) 826-2511
Washington County Jefferson Township	PG046217	Douglas Howell 603 South Main Street Burgettstown, PA 15021	UNT to Scott Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000



<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Girard Township Erie County	PAG048693	Michael J. Bray 5018 Amhurst Drive Erie, PA 16506	Unnamed Tributary of Hall Run	DEP Northwest Region Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
<i>General Permit Type—PAG-5</i>				
Dandy Mart #5 US Route 6, York Ave. and Hillcrest Dr. Towanda, PA 18848 North Towanda Twp. Bradford County	PAG054815	Williams Oil Company, Inc. York Avenue North P. O. Box 207 Towanda, PA 18848	Sugar Creek	Northcentral Regional Office Environmental Cleanup 208 W. Third St. Ste. 101 Williamsport, PA 17701-6448 (570) 321-6550
Westmoreland County Upper Burrell Township	PAG056151	Sunoco, Inc. 5733 Butler Street Pittsburgh, PA 15201-2115	Hempfield Hollow Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*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>
Monroe County Eldred Township	PAG092207	J. R. Borger, Inc. R. D. 1, Box 1473 Saylorsburg, PA 18353		DEP Northeast Reg. Office 2 Public Sq. Wilkes-Barre, PA 18711-0790 (570) 826-2511

**SEWAGE FACILITIES ACT  
PLAN APPROVAL**

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

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

*Location: Metal Township, Franklin County, P. O. Box 226, Willow Hill, PA 17271. The approved plan provides for construction of a new sewage treatment facility with a capacity of 0.040 mgd and disposal by spray irrigation with a seasonal discharge to the Conococheague Creek. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.*

**SAFE DRINKING WATER**

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

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

**Permit No. 4500502.** Public Water Supply. **Camelback Ski Corporation**, Samuel Newman, President, P. O. Box 168, Tannersville, PA 18372. This proposal involves the addition of Well No. 2 storage tank, booster pump station and distribution system improvements. It is located in Jackson Twp., **Monroe County**. Permit issued on October 30, 2000.

**Permit No. 3486466.** Public Water Supply. **Glacier Water Services, Inc.**, Special Permit By Rule, Ebbie Hoitt, 2261 Cosmos Court, Carlsbad, CA 92009. This proposal involves vending machine removals from Laneco

#2 Allentown and Laneco #21 Bethlehem. It is located in **Northampton County**. Permit issued on November 3, 2000.

**Permit No. 2660015.** Public Water Supply. **Westgate Water & Sewer Municipal Authority** (Westgate Water System), Joseph Holub, 9 Oakforest Drive, Tunkhannock, PA 18657. This proposal involves the transfer of permit. It is located in Washington Township, **Wyoming County**. Permit issued on November 9, 2000.

**Permit No. 2350033.** Public Water Supply. **RBE Water Association, Inc.**, Barbara Hontz Moss, President, P. O. Box 37, Moscow, PA 18444. This proposal involves the transfer of permit. It is located in Roaring Brook Township, **Lackawanna County**. Permit issued on October 26, 2000.

**Operations permit No. 2450064** issued on November 13, 2000, to **Ireland Hotels, Inc.**, located in Pocono Township, **Monroe County**.

**Operations permit No. 2408001** issued on November 20, 2000, to **Hazleton City Authority Water Department**, located in Hazleton City, **Luzerne County**.

**Operations permit No. 2520107** issued on November 21, 2000, to **Pike County Jail**, located in Blooming Grove Township, **Pike County**.

**Operations permit No. 3540038** issued on November 13, 2000, to **Schuylkill County Municipal Authority**, Mt. Laurel Water Treatment Plant, located in New Castle Township, **Schuylkill County**.

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

**Permit No. 0798501.** Public water supply. **Altoona City Authority**, Logan Township, **Blair County**. *Responsible Official:* Altoona City Authority, 20 Greenwood Road, Altoona, PA 16602. *Type of Facility:* The Department has issued an Operation Permit for the renovated Horseshoe Curve potable water filter plant. *Consulting Engineer:* Mark V. Glenn, P.E., Gwin, Dobson & Foreman, Inc., 3121 Fairway Dr., Altoona, PA 16602. *Permit to Operate Issued:* November 14, 2000.

**Permit No. 0795503.** Public water supply. **Altoona City Authority**, Logan Township, **Blair County**. *Responsible Official:* Patrick J. Fiore, Chairperson, Altoona City Authority, 20 Greenwood Road, Altoona, PA 16602. *Type of Facility:* Operation of the new Horseshoe Curve raw water pump station which is capable of delivering raw water to the Horseshoe Curve and Mill Run water treatment plants. *Consulting Engineer:* Mark Glenn, P.E., Gwin, Dobson & Foreman, Inc., 3121 Fairway Dr., Altoona, PA 16602. *Permit to Operate Issued:* October 31, 2000.

**Permit No. 0198501.** Public water supply. **Gettysburg Municipal Authority**, Cumberland Township, **Adams County**. *Responsible Official:* Jim Watson, Manager, Gettysburg Municipal Authority, 601 E. Middle St., P. O. Box 3307, Gettysburg, PA 17325. *Type of Facility:* Operation of Well No. 9 and treatment facilities. The well will be pumped at a maximum rate of 180 gallons per minute. Treatment will be limited to hypochlorite disinfection. *Consulting Engineer:* William K. Corliss, Jr., P.E., Gannett Fleming, Inc., P. O. Box 67100, Harrisburg, PA 17106-7100. *Permit to Operate Issued:* October 31, 2000.

**Permit No. 0100504.** Public water supply. **Gettysburg Municipal Authority**, Straban Township, **Adams County**. *Responsible Official:* James Watson, Manager,

Gettysburg Municipal Authority, 601 E. Middle St., Gettysburg, PA 17325. *Type of Facility:* The Department issued a Construction Permit for a proposed 800-gallon per minute finished water booster pump station. The pump station is being installed to supply finished water from the Gettysburg Municipal Authority to the Adams County Commerce Center. *Consulting Engineer:* Gene C. Koontz, P.E., Gannett Fleming, Inc., P. O. Box 67100, Harrisburg, PA 17106-7100. *Permit to Construct Issued:* November 15, 2000.

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

**Permit No. Minor Amendment.** The Department issued an Operation Permit to **Union Township Municipal Authority**, Box 4, Rockton, PA 15856, Union Township, **Clearfield County**. This operation permit authorizes operation of the recently constructed supernatant recirculation system, including a 4,000 gallon holding tank, flow meter, submersible pump and 2-inch and 6-inch diameter PVC piping.

## HAZARDOUS SITES CLEAN-UP

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

**Notice of Prompt Interim Response**

**Sandy Lake Asbestos Site**

**Stoneboro Borough, Mercer County**

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.101—6020.1304) (HSCA), is conducting a response action at the Sandy Lake Asbestos Site (site). The site is located in Stoneboro Borough, Mercer County, Pennsylvania, approximately 1,250 feet west of the junction of the former Penn Central railroad line, and Route 845. The site consists of an abandoned manufacturing building in very poor condition, surrounded by piles of asbestos-containing wastes. Access to the site is unrestricted, and it is evident that the site is frequented by trespassers.

The Department sampled a surface waste pile at the site. This sampling indicated that asbestos is present above the threshold level required for regulating asbestos-containing wastes.

For this prompt interim response, the Department considered three alternatives for the site: 1) no action; 2) disposal of the asbestos-containing wastes in an onsite landfill; and 3) excavation and removal of the asbestos-containing wastes for disposal at a permitted offsite landfill.

Each alternative was evaluated with respect to four comparison criteria of: (1) the extent to which each alternative protects the public health and the environment; (2) the extent to which each alternative complies with or otherwise addresses Applicable or Relevant and Appropriate Requirements; (3) the extent to which each alternative is feasible, effective, implementable and permanent; and (4) the relative cost of each alternative.

Furthermore, this comparative analysis evaluated the relative performance of each alternative in relation to each specific comparison criterion. The comparative analysis identified advantages and disadvantages of each alternative, so that tradeoffs between the alternatives could be determined.

Based on the comparative analysis the Department chose to implement Alternative 3 as the prompt interim

response for the site. This alternative was selected because it would, in the most cost-effective manner, protect the public and environment from direct contact with asbestos-containing wastes, and eliminate the ongoing release and threat of release of asbestos into the environment.

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

The administrative record will be open for comment from December 16, 2000, until March 16, 2001. Persons may submit written comments into the record during this time only, by sending them to James W. Weaver, Project Manager, at the Department's Northwest Regional Office or by delivering them to the office in person.

In addition, persons may present oral comments, for inclusion in the administrative record, at a public hearing. Persons wishing to present comments must register with James Weaver at the Department's Northwest Regional Office before January 16, 2001, by telephone or in writing. Persons interested in finding out if anyone has registered should contact James Weaver. If no one registers to present oral comments before January 16, 2001, the public meeting will not be held.

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

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 2

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

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

For further information concerning the final report, contact the Environmental Cleanup Program Manager in the Department Regional Office under which the notice of

receipt of a final report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following final reports:

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

**PPL New Cumberland Substation (decommissioned)**, New Cumberland Borough, **Cumberland County**. PPL Generation LLC, Two North Ninth Street, Allentown, PA 18101-1179 has submitted a Final Report concerning remediation of site soils contaminated with PCBs. The report is intended to document remediation of the site to the Statewide health standard.

**Ramon Rivera Residence**, Borough of Carlisle, **Cumberland County**. The Restoration Network, 900 Big Mount Road, Thomasville, PA 17364 has submitted a Final Report within 90 days of a spill concerning remediation of site soils contaminated with PAHs and BTEX. The report is intended to document remediation of the site to the Statewide health standard.

**Former Outten's Car Dealership**, Borough of Hamburg, **Berks County**. On-Site Environmental, Inc., 807 Ravine Road, Downingtown, PA 19335 has submitted a combined remedial investigation and final report concerning remediation of site soils and groundwater contaminated with lead, BTEX, PAHs and PHCs. The report is intended to document remediation of the site to a combination of the Statewide health and site-specific standards.

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

**McCloskey Residence**, Lamar Township, **Clinton County**. Hydrocon Services, Inc., on behalf of their client Larry McCloskey, 38 Fairground Road, P. O. Box 60, Mackeyville, PA 17750, has submitted a Final Report concerning the remediation of site soil contaminated with BTEX and PAHs. The report is intended to document remediation of the site to meet the Statewide health standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 3

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

Provisions of 25 Pa. Code § 250.8 Administration of Land Recycling Program requires the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the Land Recycling and Environmental Remediation Standards Act (Act). Plans and reports required by provisions of the Act 2 for compliance with selection of remediation to a site-specific

standard, in addition to a final report, include a remedial investigation report, risk assessment report, and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of reuse of the property, and in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. A cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed, and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

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

The Department has acted upon the following plans and reports:

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

**McCloskey Residence**, Lamar Township, **Clinton County**. Hydrocon Services, Inc., on behalf of their client Larry McCloskey, 38 Fairground Road, P. O. Box 60, Mackeyville, PA 17750, has submitted a Final Report concerning the remediation of site soil contaminated with BTEX and PAHs. The Final Report demonstrated attainment of the Statewide health standard and was approved by the Department on November 28, 2000.

## **SOLID AND HAZARDOUS WASTE**

### **LICENSE TO TRANSPORT HAZARDOUS WASTE**

**Amended license issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations for license to transport hazardous waste.**

*Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

**U. S. Bulk Transport, Inc.**, 205 Pennbriar Drive, Erie, PA 16509; **License No. PA-AH 0408**; amended license issued November 30, 2000.

**Renewal licenses issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations for license to transport hazardous waste.**

*Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

**Cheetah Bulk Services, Inc.**, 1060 Francis Scott Key Highway, Keymar, MD 21757; **License No. PA-AH 0609**; renewal license issued December 1, 2000.

**Envirite of Ohio, Inc.**, 2050 Central Avenue, Inc., Canton, OH 44707; **License No. PA-AH 0548**; renewal license issued November 14, 2000.

**Manfredi Motor Transit Company**, 14841 Sperry Road, Newbury, OH 44065; **License No. PA-AH 0533**; renewal license issued November 29, 2000.

**Pollution Control Industries, Inc.**, 4343 Kennedy Avenue, East Chicago, IN 46312; **License No. PA-AH 0537**; renewal license issued November 17, 2000.

**Transport Rollex LTEE**, 910 Boul Lionel-Boulet, Varennes, PQ J3X 1P7; **License No. PA-AH 0544**; renewal license issued December 1, 2000.

**Hazardous waste transporter license voluntarily terminated under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and the Infectious and Chemotherapeutic Waste Law (35 P. S. §§ 6019.1—6019.6) and regulations for license to transport hazardous waste.**

*Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

**Bulova Technologies, LLC**, P. O. Box 4787, Lancaster, PA 17604; **License No. PA-AH 0493**; license terminated October 31, 2000.

### **OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE**

**Permits issued under the Solid Waste Management Act and regulations to operate solid waste processing or disposal area or site.**

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

**Permit No. 101671. Park's Transfer and Recycling Center, Inc., Park's Garage Service, Inc.** (P. O. Box 218, Mount Union, PA 17066). Permit issued for a municipal waste transfer station in Shirley Township, **Huntingdon County**. Permit issued in the Southcentral Region on November 29, 2000.

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

**Permit ID No. 101532. Weavertown Transport Leasing, Inc.**, 3866 Millers Run Road, McDonald, PA 15057-2858. Operation of an infectious/chemotherapeutic waste transfer station in Cecil Township, **Washington County**. Permit renewal approving municipal waste operations at the site until July 26, 2010 issued in the Regional Office on November 29, 2000.

**Applications withdrawn 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.*

**Permit ID No. 300370, Hatfield Ash Disposal Facility**, Allegheny Energy Supply, 800 Cabin Hill Drive, Greensburg, PA 15601. Operation of a Flyash Disposal

Site in Monongahela Township, **Greene County**. Application withdrawn in the Regional Office on November 27, 2000.

### AIR QUALITY OPERATING PERMITS

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

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

**46-320-035: Alcon Printing Group, Inc.** (140 Christopher Lane, Harleysville, PA 19438) on November 28, 2000, for a Miller 6 Color Sheetfed Press in Lower Salford Township, **Montgomery County**.

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

**43-320: Vista Resources, Inc., Deer Creek Station** (County Line Road, Mercer, PA 16137) on November 30, 2000, for a natural gas fired compressor engine in Deer Creek Township, **Mercer County**.

**Operating Permits Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F and/or G (relating to operating permit requirements).**

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

**36-05011: Mobil Oil Corp.** (5140 Paxton Street, Harrisburg, PA 17111) on December 1, 2000, for a Synthetic Minor Operating Permit in Manheim Township, **Lancaster County**.

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

**63-00908: Ross Mould, Inc.** (259 South College Street, Washington, PA 15301) on November 28, 2000, for operation of glass mould manufacturing at the Washington Plant in Washington City, **Washington County**.

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

**37-00011: Dairy Farmers of America, Inc.** (Routes 18 and 208, New Wilmington, PA 16142) issued a Natural Minor Operating Permit for a cheese manufacturing facility with associated process boilers and whey spray dryer in Wilmington Township, **Lawrence County**.

**Administrative Operating Permit Amendments Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450 (relating to administrative operating permit amendments).**

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

**46-0054A: Abington Memorial Hospital** (1200 Old York Road, Abington, PA 19001) on November 30, 2000, for Facility VOC/NO<sub>x</sub> RACT in Abington Township, **Montgomery County**.

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

**08-399-039A: OSRAM Sylvania Products, Inc.** (Hawes Street, Towanda, PA 18848-0504) on November 28, 2000, to incorporate conditions established in Plan Approval 08-399-039B for a tungsten and molybdenum ingot forming press and associated mold filler, tote stand and air cleaning device (a fabric collector) in North Towanda Township, **Bradford County**.

**Minor Operating Permit Minor Modifications Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.462.**

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

**08-399-007: OSRAM Sylvania Products, Inc.** (Hawes Street, Towanda, PA 18848-0504) on November 22, 2000, to allow the processing of two additional phosphors and a resultant increase in lead and volatile organic compound emissions of .0000008 and .2 ton per year, respectively, in North Towanda Township, **Bradford County**.

### PLAN APPROVALS

**Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B (relating to plan approval requirements).**

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

**21-03023A: Ames True Temper, Inc.** (465 Railroad Avenue, Camp Hill, PA 17011) on November 28, 2000, for construction of 30 in-cell painting units at the Camp Hill Plant in Hampden Township, **Cumberland County**.

**34-03001A: Green Source Power, LLC c/o Aerospace Research Corp.** (5454 Aerospace Road, Roanoke, VA 24014) on November 29, 2000, for construction of one wood fired turbine generator controlled by a cyclone in Walker Township, **Juniata County**.

**67-05052A: New York Wire Co.** (P. O. Box 1749, York, PA 17405-1749) on November 30, 2000, for modification of the screen coating operation controlled by a catalytic incinerator at their Weaving Division in York City, **York County**.

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

**03-147A: Asbury Graphite Mills, Inc.** (R. D. 7, Box 1, Kittanning, PA 16201) on November 28, 2000, for operation of a cage mill crusher at the Kittanning Division in North Buffalo Township, **Armstrong County**.

**26-518A: Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001) on December 4, 2000, for operation of a portable coal crusher at Keslar Mine in Saltlick Township, **Fayette County**.

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

**25-558A: Products Finishing, Inc.** (2002 Greengarden Road, Erie, PA 16502) on November 22, 2000, for the control of chromium emissions in Erie, **Erie County**.

**10-285B: Waste Management Disposal Services of PA, Inc., Northwest Sanitary Landfill** (1436 West Sunbury Road, West Sunbury, PA 16061) on November 29, 2000, for modifications to the flare in Clay Township, **Butler County**.

**Plan Approvals Extensions Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.13 (relating to extensions).**

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

**23-312-172C: C3 Polymer, LLC** (Post Road and Blueball Avenue, Marcus Hook, PA 19061) on December 1, 2000, for operation of storage bin vents in Marcus Hook Borough, **Delaware County**.

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

**36-03104: Lancaster Container, Inc.** (P. O. Box 18, Washington Boro, PA 17582) on December 1, 2000, to authorize temporary operation of a surface coating operation controlled by a Binks water wash system, covered under this Plan Approval until March 30, 2001, at the Washington Boro Plant in Manor Township, **Lancaster County**.

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

**20-040A: Advanced Cast Products, Inc.** (18700 Mill Street, Meadville, PA 16335) on November 30, 2000, for an automatic molding system in Vernon Township, **Crawford County**.

## MINING

### APPROVALS TO CONDUCT COAL AND NONCOAL ACTIVITIES

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

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

#### Coal Permits Issued

**03960109. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Revision issued changed the land use on the Fitzgerald property to pasture land on a bituminous surface mine located in Valley Township, **Armstrong County**, affecting 113.0 acres. Revision application received: October 25, 2000. Revision issued: November 28, 2000.

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

**17910124. TDK Coal Sales, Inc.** (P. O. Box 259, Brockway, PA 15824), transfer of an existing bituminous

surface mine permit from Al Hamilton Contracting Company located in Brady and Penn Townships, **Clearfield County** affecting 393 acres. Receiving streams an unnamed tributary of Laurel Branch Run to Laurel Branch Run; unnamed tributaries to Beech Run, and Beech Run; Beech Run and Laurel Branch Run to East Branch Mahoning Creek; East Branch Mahoning Creek to Mahoning Creek; Mahoning Creek to the Allegheny River. Application received July 18, 2000. Permit issued November 20, 2000.

**17920104. Cougar Contracting, Inc.** (P. O. Box 217, Houtzdale, PA 16651), revision to an existing bituminous surface mine permit for a Change in Post Mining Land Use from cropland (orchard) to pastureland. The permit is located in Bigler Township, **Clearfield County** and affects 70.5 acres. Receiving streams: Muddy Run and an unnamed stream to Muddy Run. Application received October 13, 2000. Permit issued November 20, 2000.

**17000903. R. B. Contracting** (R. R. 1, Box 13, Curwensville, PA 16833), commencement, operation and restoration of a bituminous surface mining permit in Pike Township, **Clearfield County** affecting 10.0 acres. Receiving streams: none. Application received August 23, 2000. Permit issued November 17, 2000.

**17990112. Forcey Coal, Inc.** (P. O. Box 225, Madera, PA 16661), major revision to an existing bituminous surface mine permit for placement of coal ash for beneficial use and coal refuse disposal. The permit is located in Bigler Township, **Clearfield County** and affects 128 acres. Application received May 22, 2000. Permit issued December 1, 2000.

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

**30841307. Cyprus Emerald Resources Corp.** (P. O. Box 1020, Waynesburg, PA 15370), to revise the permit for the Emerald Mine in Franklin Township, **Greene County** to add surface acres to the prep plant site, no additional discharges. Permit issued November 28, 2000.

**30841307. RAG Emerald Resources, L. P.** (P. O. Box 1020, Waynesburg, PA 15370), to transfer the permit for the Emerald Mine in Franklin Township, **Greene County** to transfer from Corp. to L. P., no additional discharges. Permit issued November 28, 2000.

**11861301. Rampside Collieries, Inc.** (527 Slate Hill Road, Berlin, PA 15530), to renew the permit for the Rampside Collieries Mine No. 1 in Richland Township, **Cambria County**, no additional discharges. Permit issued November 28, 2000.

*Cambria Office, 286 Industrial Park Road, Ebensburg, PA 15931-4119.*

*Industrial Minerals NPDES Permit Renewal Applications Issued:*

**4274SM26. New Enterprise Stone & Lime Company, Inc.** (P. O. Box 77, New Enterprise, PA 16664), renewal of NPDES Permit No. PA0599174, Cromwell Township, **Huntingdon County**, receiving stream Shade Creek. NPDES Renewal application received October 11, 2000, issued November 28, 2000.

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

*Noncoal (Industrial Minerals) Permits Issued*

**26950402. Pioneer Mid-Atlantic, Inc.** (400 Industrial Boulevard, P. O. Box 5P, New Kensington, PA 15068). NPDES Renewal permit issued for an existing noncoal surface and underground mine located in Bullskin Town-

ship, **Fayette County**, affecting 360.0 acres. Receiving streams: Green Lick Run. Renewal application received: September 20, 2000. Renewal permit issued: November 28, 2000.

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

#### *Noncoal Permits Issued*

**6277SM1A1C3. Compass Quarries, Inc. d/b/a Independence Construction Materials** (47 McIlvane Road, Box 103, Paradise, PA 17562), renewal of NPDES Permit No. PA0595080 in Paradise Township, **Lancaster County**, receiving stream—Londonland Run. Renewal issued November 28, 2000.

**36900302C3. Haines & Kibblehouse, Inc.** (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474), renewal of NPDES Permit No. PA0594784 in Fulton Township, **Lancaster County**, receiving stream—unnamed tributary to Octoraro Creek. Renewal issued November 28, 2000.

#### **BUREAU OF DEEP MINE SAFETY**

The Bureau of Deep Mine Safety (BDMS) has approved **Rosebud Mining Company's** request for a variance from the requirements of section 242(c) of the Pennsylvania Bituminous Coal Mine Act at the Roaring Run Mine. This notification contains a summary of this request and the basis for the Department's approval. A complete copy of the variance request may be obtained from Allison Gaida by calling (724) 439-7469 or from the BDMS web site at <http://www.dep.state.pa.us/dep/deputate/minres/dms/dms.htm>.

*Summary of the request:* Rosebud Mining Company requested a variance from section 242(c) of the Pennsylvania Bituminous Coal Mine Act to allow for the common ventilation of belt conveyor entry with other entries at the Roaring Run Mine. The proposal accords protection to personnel and property substantially equal to or greater than the requirements of section 242(c).

The basis for the Bureau's approval is summarized as follows:

1. Roaring Run's plan provides for an advanced fire detection and control system consisting of CO monitors, thermal detectors, and a fire suppression system.

2. Roaring Run's plan provides a separate intake escapeway that will be isolated from the belt conveyor entries. The isolated intake escapeway will be maintained at a higher ventilation pressure than the belt and common entries.

3. Roaring Run's plan provides for the belt and common entries to serve as an alternate intake escapeway.

4. There are significant health and safety benefits associated with allowing entries in common with the belt entry. Safer access is provided to workers performing repair and maintenance work in the belt entry. Improved visual safety inspections are facilitated by open crosscuts.

This approval is limited to the use of entries in common with the belt entry. All other terms and requirements of section 242(c) shall remain in effect. Continued authorization for operation under the approval is contingent upon compliance with the measures described in Roaring Run's plan and the following conditions.

1. Operation, maintenance and calibration of the point CO (carbon monoxide) monitor system shall comply with the manufacturer's recommendations and DEP equipment approval number BOTE 1712-98.

2. At all times, Rosebud Mining Company shall comply with the requirements of the Mine Safety and Health Administration's (MSHA) Fire Fighting and Evacuation Plan.

3. Notification of DEP District Mine Inspector when the point CO monitor system has been installed.

The Bureau of Deep Mine Safety has approved **Sarah Resources, Inc.'s** request for a variance from the requirements of section 242(c) of the Pennsylvania Bituminous Coal Mine Act at the Sarah Mine. This notification contains a summary of this request. A complete copy of the variance request may be obtained from Allison Gaida by calling (724) 439-7469 or from the BDMS web site at <http://www.dep.state.pa.us/dep/deputate/minres/dms/dms.htm>.

*Summary of the request:* Sarah Resources, Inc. requested a variance from section 242(c) of the Pennsylvania Bituminous Coal Mine Act to allow for the common ventilation of belt conveyor entry with other entries at the Sarah Mine. The proposal accords protection to persons and property substantially equal to or greater than the requirements of section 242(c).

The basis for the Bureau's approval is summarized in the following statements:

1. Sarah's plan provides early warning fire detection by the use of carbon monoxide (CO) detectors and audible alarm over the mine communications system.

2. Sarah's plan provides a separate intake escapeway that will be isolated from the belt conveyor entries. The isolated intake escapeway will be maintained at a higher ventilation pressure than the belt and common entries.

3. Sarah's plan provides for the belt and common entries to serve as an alternate intake escapeway.

4. There are significant health and safety benefits associated with allowing entries in common with the belt entry. Safer access is provided to workers performing repair and maintenance work in the belt entry. Improved visual safety inspections are facilitated by open crosscuts.

This approval is limited to the use of entries in common with the belt entry. All other terms and requirements of section 242(c) shall remain in effect. Continued authorization for operation under the approval is contingent upon compliance with the measures described in Sarah Mine's plan and the conditions stated in the Department's approval. The conditions are:

1. If a condition that causes higher pressure to develop in the common entries than the intake escapeway cannot practicably be corrected, the mine operator shall notify the Department of the condition, the specific cause, area affected, and the steps that will be taken to maintain the pressure in the belt and common entries at the lowest attainable level.

2. Operation, maintenance and calibration of the point CO (carbon monoxide) monitoring system shall comply with the manufacturer's recommendation and DEP equipment approval number BOTE 1712-98.

3. Sarah Resources, Inc. shall comply with the requirements of the most currently approved Mine Safety and Health Administration's (MSHA) Fire Fighting and Evacuation Plan.

4. Notification of DEP District Mine Inspector when the point CO monitoring system has been installed.

The Bureau of Deep Mine Safety (BDMS) has approved **Rosebud Mining Company's** request for a variance

from the requirements of section 242(c) of the Pennsylvania Bituminous Coal Mine Act at the Tracy Lynne Mine. This notification contains a summary of this request. A complete copy of the variance request may be obtained from Allison Gaida by calling (724) 439-7469 or from the BDMS web site at <http://www.dep.state.pa.us/dep/deputate/minres/dms/dms.htm>.

*Summary of the request:* Rosebud Mining Company requested a variance from section 242(c) of the Pennsylvania Bituminous Coal Mine Act to allow for the common ventilation of belt conveyor entry with other entries at the Tracy Lynne Mine. The proposal accords protections to persons and property substantially equal to or greater than the requirements of section 242(c).

The basis for the Bureau's approval is summarized as follows:

1. Tracy Lynne's plan provides for an advanced fire detection and control system consisting of carbon monoxide (CO) monitors, thermal detectors and a fire suppression system.

2. Tracy Lynne's plan provides a separate intake escapeway that will be isolated from the belt conveyor entries. The isolated intake escapeway will be maintained at a higher ventilation pressure than the belt and common entries.

3. Tracy Lynne's plan provides for the belt and common entries to serve as an alternate intake escapeway.

4. There are significant health and safety benefits associated with allowing entries in common with the belt entry. Safer access is provided to workers performing repair and maintenance work in the belt entry. Improved visual safety inspections are facilitated by open crosscuts.

This approval is limited to a variance from the requirements in section 242(c) requiring that the belt entry is isolated from other entries. All other terms and requirements of section 242(c) shall remain in effect. This approval applies to all areas developed after May 20, 1998. Continued authorization for operation under the approval is contingent upon compliance with the measures described in Tracy Lynne's plan and the following conditions:

1. Operation, maintenance and calibration of the point CO monitor system shall comply with the manufacturer's recommendation and DEP equipment approval number BOTE 1712-98.

2. At all times, Rosebud Mining Company shall comply with the requirements of the Mine Safety and Health Administration's (MSHA) Fire Fighting and Evacuation Plan.

3. Notification of DEP District Mine Inspector when the point CO monitor system has been installed.

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

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications requests for Environmental Assessment approval, and requests for Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (33U.S.C.A. § 1341(a)) 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, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

### **Actions on applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (932 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:*

*Northeast Regional Office: Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.*

**Permit No. E13-125.** Encroachment. **Pennsylvania Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17106-7676. To modify and maintain an existing stream enclosure of Fawn Run, with work consisting of lining the existing 12-foot by 6-foot box culvert with a structural plate arch culvert having waterway opening of 11.4 feet by 5.8 feet, and extending the culvert from 107 feet to 133 feet in length. The project will impact a de minimis area of wetlands less than 0.01 acre. The project is located at Milepost A-76.42 of the Pennsylvania Turnpike Northeast Extension (Hickory Run, PA Quadrangle N: 15.1 inches; W: 15.3 inches), in Kidder Township, **Carbon County**.

**E39-379.** Encroachment. **Lucent Technologies, Inc.**, 1725 North Dauphin Street, Allentown, PA 18106. To construct and maintain: a 142-foot-long, 42-foot by 17.3-foot concrete arch stream enclosure in a tributary to the Lehigh River; an 8-inch-diameter sanitary sewer line, over the concrete arch, across a tributary to the Lehigh River; a concrete-encased utility bank consisting of telephone lines, electrical lines, a 12-inch-diameter gas line and a 12-inch-diameter DIP water line crossing under the stream bed of a tributary to the Lehigh River; a 15-inch-diameter RCP stormwater outfall structure along a tributary to the Lehigh River; and a 42-inch diameter RCP stormwater outfall structure along the Lehigh Canal. The project is part of the Lucent Microelectronics Campus Expansion and is located immediately southwest of the intersection of S. R. 0022 and North Irving Street (Catasauqua, PA Quadrangle N: 1.1 inches; W: 10.4 inches), in the City of Allentown, **Lehigh County**.

**Permit No. E48-295.** Encroachment. **City of Bethlehem**, City Hall, 10 East Church Street, Bethlehem, PA 18018-6025. To construct and maintain a



60-inch diameter R.C.C.P. stormwater culvert under the Lehigh Canal and a stormwater outfall structure consisting of a junction box and six 24-inch diameter R.C.C.P. stormwater culverts, and an associated energy dissipater along the Lehigh River. This work is associated with the East Market Street swale improvement project and proposed Moravian Village Retirement Community. The project is located between East Market Street and the Lehigh River, just west of Stefko Boulevard (Hellertown, PA Quadrangle N: 21.5 inches; W: 15.8 inches) in the City of Bethlehem, **Northampton County**.

**Permit No. E54-276.** Encroachment. **Schuylkill County Country Club**, P. O. Box 316, Orwigsburg, PA 17961. To remove the existing structure and to construct and maintain an 8-inch diameter pipe intake structure in Mahonney Creek; to expand an existing pond to a total surface area of approximately 1 acre and a maximum depth of 10 feet by excavating an adjacent wetland area equal to 0.12 acre; and to construct and maintain a 15-inch diameter pipe intake within the pond. The purpose of the project is to provide irrigation capabilities to the Schuylkill County Country Club. The project is located approximately 2,000 feet east of the intersection of S. R. 0443 and S. R. 0061 (Pottsville, PA Quadrangle N: 4.0 inches; W: 0.9 inch) in North Manheim Township, **Schuylkill County**. The permittee is required to provide 0.14 acre of replacement wetlands.

**Permit Nos. WL5400404, EA54-009NE.** Encroachment. **Department of Environmental Protection**, Bureau of Abandoned Mine Reclamation, 2 Public Square—5th Floor, Wilkes-Barre, PA 18711-0790. To backfill two existing water bodies totaling 0.57 acre (Minersville, PA Quadrangle N: 15.75 inches, W: 11.5 inches), in Foster Township, **Schuylkill County** (Philadelphia District U. S. Army Corps of Engineers).

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

**E08-364.** Encroachment. **Pennsylvania Department of Transportation**, District 3-0, P. O. Box 218, 715 Jordan Avenue, Montoursville, PA 17754-0218. To remove the existing twin span 7m wide per span R. C. T-beam bridge having normal openings of 5m wide each and a structure length of 17m with a curb width of 7.1m and a design underclearance of 1.8m and to construct and maintain a prestressed concrete spread box beam bridge with a 20.4m span and a normal opening of 14m by 1.85m over Bucks Creek on SR 4014, Section 015 (Sayre, PA Quadrangle N: 5.9 inches; W: 5.7 inches) in Ulster Township, **Bradford County**.

**E08-357.** Encroachment. **Consumers PA Water Company**, P. O. Box 160, Sayre, PA 18840. To maintain a 6-inch diameter outfall pipe and the associated R-5 riprap outlet apron, for a catch basin of a water tank's emergency overflow pipe, into an unnamed tributary in the Chemung River drainage basin located 1.5 mile northwest of the intersection of SR 3040 and SR 4022 (Sayre, PA Quadrangle N: 20.62 inches; W: 11.52 inches) in Athens Township, **Bradford County**. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**Permit No. E14-379.** Encroachment. **Shelly K. Tormey**, R. R. 1, Box 369, Philipsburg, PA 16866. To construct and maintain: 1) a roadside stormwater catch basin 2-foot by 2-foot and its at-grade bike safe grate 40 feet from the top of the right stream bank of Cold Stream, 2) the 40 feet of 15-inch diameter under ground pipe

from the catch basin to, 3) the 20-foot 6 to 8-inch riprap outfall with its associated concrete slab apron on the right bank of Cold Stream, all of which are located 900 feet downstream of the intersection of Game Reserve Road and Glass City Road (Sandy Ridge, PA Quadrangle N: 2.1 inches; W: 11.6 inches) in Rush Township, **Centre County**. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**Permit No. E17-349.** Encroachment. **Robert J. Hutton**, 705 Florence Street, Philipsburg, PA 16866-2409. To place de minimis fill (0.01 acre) into a palustrine emergent wetland (PEM) for the construction of a residential home. The project is located along the west side of Florence Street number 711 approximately 3 blocks from the intersection with Presque Isle Street in Chester Hill Borough, **Clearfield County** (Philipsburg, PA Quadrangle N: 3.9 inches; W: 14.2 inches).

**Permit No. E53-346.** Encroachment. **Clarence B. Gerhart**, 245 Sportsman Road, Denver, PA 17517. To repair, operate and maintain a single span bridge across South Branch, Pine Creek; and to construct, operate and maintain a single span bridge across Sugar Bush Hollow Run to provide private property access. The bridge across Sugar Bush Hollow Run shall be constructed with a hydraulic opening of 8-feet (span) by 2.3-feet (rise). Construction of the bridge and abutments shall be completed in dry work conditions by dams and pumping or fluming stream flow around the work area. The project is located along the eastern right-of-way SR 0144 approximately 1.1-miles north of T-431 and SR 0144 intersection (Galeton, PA Quadrangle N: 15.8 inches; W: 2.0 inches) in West Branch Township, **Potter County**. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

**Permit No. E32-418.** Encroachment. **Indiana Borough Council**, 90 N. Eighth Street, Indiana, PA 15701. To construct and maintain a 3.2 million gallon wastewater storage tank and flow control facilities along Stoney Run (CWF) for the purpose of regulating sanitary sewer flow to the downstream wastewater treatment facilities during periods of high flow. The project is located off of S. R. 3035 (Indiana, PA Quadrangle N: 16.35 inches; W: 5.55 inches) in White Township, **Indiana County**.

## WATER ALLOCATIONS

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

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

**Permit No. WA 50-1012.** Water Allocation. **Duncan-non Borough, Perry County**, Duncannon, PA. *Responsible Official:* Gerald Seabold, Borough Foreman. Request: Revised application for water allocation of 650,000 gallons per day from the Susquehanna River. *Consulting Engineer:* Brian L. Book, PE, HRG Inc., 120 Regent Court, Suite 102, State College, PA. 16801. *Permit Issued:* November 22, 2000.

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## SPECIAL NOTICES

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### **Intent to reissue a Hazardous Waste Permit under the Resource Conservation and Recovery Act and the Hazardous and Solid Waste Amendments of 1984**

*Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

#### **Draft Hazardous Permit**

*Permittee:* Air Products and Chemicals, Inc.

*Permit No.:* PAD#003001070

*Facility:* Air Products and Chemicals, Inc., Upper Macungie Township, Lehigh County

The Department of Environmental Protection intends to reissue the Solid Waste Management Act Permit to Air Products and Chemicals, Inc. Air Products and Chemicals, Inc. has been operating a hazardous waste drum storage facility, under a Hazardous Waste permit, since September 21, 1990. By reissuing the permit for a new term, the facility will be allowed to continue operating a hazardous waste facility located in Upper Macungie Township, Lehigh County, Pennsylvania.

#### *Public Review and Comment*

The public will be given 45 days to comment on the Draft Permit prepared under the Solid Waste Management Act. The comment period will begin on December 15, 2000 and will end on January 31, 2001. Any person interested in commenting on the application or Draft Permit must do so within this comment period. Copies of the Application, Draft Permit and Fact Sheet for the hazardous waste facility may be reviewed at the Pennsylvania Department of Environmental Protection, Northeast Regional Office at 2 Public Square, Wilkes-Barre, PA 18711. Please contact Robert C. Wallace at (570) 826-2511 for further information.

#### *Further Information*

All Persons wishing to comment on any of the permit conditions or permit application should submit the comments in writing to the Department of Environmental Protection, Waste Management Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Attention: William Tomayko, Regional Solid Waste Manager. Comments should include all reasonably available references, factual grounds and supporting materials.

#### *Final Determination*

When making a determination regarding the issuance of a Hazardous Waste Permit to Air Products and Chemicals, Inc., the Department of Environmental Protection will consider all written comments received during the comment period, and oral or written statements received during the public hearing (if requested), the requirements of the Hazardous Waste Regulations of 25 Pa. Code Chapters 260 to 270 and the Department of Environmental Protection's permitting policies.

#### **Notice of Certification to Perform Radon-Related Activities in Pennsylvania**

In the month of November 2000 the Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed to perform radon-related activities in Pennsylvania. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (800) 23RADON.

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Kevin Buckley	2575 Giant Oaks Drive Upper Saint Clair, PA 15241	Testing
Roger Burens, Jr.	241 King Manor Drive, Suite D King of Prussia, PA 19406	Mitigation
Daniel Cicio	542 Sherwood Court Youngwood, PA 15697	Testing
Patricia Dooley Radon Detection Systems, Inc.	2450 Central Avenue, Suite A-1 Boulder, CO 80301	Laboratory
Daryl Festa Festa Radon Technologies Co.	634 North Avenue Pittsburgh, PA 15209	Testing
William Hankee	9031 Reservoir Road Germansville, PA 18053	Testing
Scott Jacobs	618 North Maple Avenue Ridgway, PA 15853	Testing
Stanley Kuhn	2843 North Front Street Harrisburg, PA 17110	Testing
Mark Matrozza Microbac Labs, Inc.	4580 McKnight Road Pittsburgh, PA 15237	Testing
PA Home Inspections	P. O. Box 722 Thorndale, PA 19372	Laboratory

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Radon Specialists, Inc.	800 Sunset Lane Stroudsburg, PA 18360	Testing
Charles Sala	315 Richey Drive Verona, PA 15147	Testing
Lloyd Scarborough	111 Liberty Street Newtown, PA 18940	Testing
James Stever	1621 Limekiln Pike Dresher, PA 19025	Mitigation
Calvin Zehring, Jr.	195 Phillips Park Drive South Williamsport, PA 17702	Mitigation
Todd Ziegler	84 Longcross Road Limerick, PA 19468	Mitigation

[Pa.B. Doc. No. 00-2166. Filed for public inspection December 15, 2000, 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 "December 2000 Inventory" heading is the Governor's list of nonregulatory guidance documents. 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 nonregulatory documents, as necessary, throughout 2000.

#### *Ordering paper copies of DEP Technical Guidance*

DEP encourages the use of the Internet to view guidance documents. When this option is not available, 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*

Below 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.

#### *Interim Guidance*

DEP ID: 013-0830-004 Title: Loan of DEP Personal Computers to Local Public Procurement Units Description: The Department has specific responsibilities to promote and support environmental education throughout this Commonwealth. Computer-based training is a cost-effective means of providing environmental training to a geographically dispersed group of students. This policy provides guidance to DEP organizational units who provide personal computers for select environmental education activities. Comment Period Ends: January 15, 2001 Anticipated Effective Date: January 27, 2001 Contact:

Mary A. Gelnett at (717) 787-0398 or e-mail at: [Mgelnett@state.pa.us](mailto:Mgelnett@state.pa.us)

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 00-2167. Filed for public inspection December 15, 2000, 9:00 a.m.]

### Request for Comments and Notice of Public Meetings for the Proposed Total Maximum Daily Load (TMDL)

#### Thorn Run Watershed

The Department of Environmental Protection (Department) is holding a public meeting on January 18, 2001, beginning at 1 p.m. at the PA-DEP District Mining Office in Greensburg, Westmoreland County, to discuss and accept comments on a proposed TMDL, established in accordance with the requirements of the Clean Water Act. Two stream segments in the Thorn Run watershed have been identified as impaired on the 1996 and 1998 Pennsylvania 303(d) list due to excess loading from metals. The listed segments and miles degraded are shown in the following table:

<i>Stream Code</i>	<i>Stream Name</i>	<i>Miles Degraded</i>	<i>Cause</i>
42977	Thorn Run	1.01	Metals
42991	Un-named Trib to Thorn Run	0.61	Metals

The proposed plan provides calculations of the stream's total capacity to accept metals (iron, manganese, and aluminum) and acidity (used as a surrogate for pH) that meet water quality standards.

The impaired stream segments are polluted by acid mine drainage from long-abandoned coal mines for which there are no existing, responsible parties. The primary purpose of the TMDL is to identify levels to which in-stream pollutants should be reduced to cause the stream segments to sustain their designated use. The TMDL identifies these levels at specific points on the streams, based on statistical analysis of water sampling results.

The TMDL can be accessed through the DEP Website (<http://www.dep.state.pa.us>) by typing "TMDL" in the

direct link field, and clicking GO. The data and all supporting information used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and an information sheet, contact Chuck Yingling, Division of Water Quality Assessment and Standards, Bureau of Watershed Conservation, PA DEP, 400 Market Street, Harrisburg, PA 17105-8555, (717) 787-9637. E-mail will be received at [yingling.clarence@dep.state.pa.us](mailto:yingling.clarence@dep.state.pa.us). Persons who plan to make a presentation at the public meeting should notify the Department no later than Friday, January 12, 2001. Specific directions to the District Mining Office in Greensburg can also be obtained by contacting this address. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) and request that the call be relayed.

Written comments and email will be accepted at the above address and must be received by February 13, 2001. Comments will not be accepted by facsimile or voice mail. The Department will consider all comments in developing the final TMDL, which will be submitted to the EPA for approval.

#### Two Mile Run Watershed

The Department of Environmental Protection (Department) is holding a public meeting on Monday, January 8, 2001, beginning at 10 a.m., to discuss and accept comments on a proposed TMDL, established in accordance with the requirements of the 1996 Section 303(d) of the Clean Water Act. The location for the meeting will be the Clinton County Conservation District Office in the Porter Township Community Building on Spring Run Road in Mill Hall, PA. Four stream segments in the Two Mile Run Watershed have been identified as impaired on the 1996 and 1998 Pennsylvania 303(d) list due to depressed pH and /or high concentrations of metals. The listed segments and approximate miles degraded are shown in the following table:

<i>Stream Code</i>	<i>Stream Name</i>	<i>Miles Degraded</i>
23663	Two Mile Run	2.4
23664	Huling Branch	2.5
23670	Middle Branch	1.0
not listed	Robbins Hollow Run	0.8

The proposed plan provides calculations of stream's total capacity to accept metals (aluminum, iron, manganese) and acidity (used as a surrogate for pH) that maintain levels to meet water quality standards.

The primary pollutant source for the watershed is abandoned mine workings. This watershed was previously mined heavily for coal and the effects are still present. The primary purpose of the TMDL is to identify levels to which in-stream pollutants should be reduced to cause the stream segments to sustain their designated use. The TMDL identifies these levels at specific points on the streams, based on statistical analysis of water sampling results.

The TMDL can be accessed through the DEP Website (<http://www.dep.state.pa.us>) by typing "TMDL" in the direct link field, and clicking GO. The data and all supporting information used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and an information sheet, contact Scott Barnes, Hydrogeologist, Hawk Run District Mining Office, Empire Road, P. O. Box 209, Hawk Run, PA 16840-0209, (814) 342-8200. E-mail will be received at [barnes.scott@dep.state.pa.us](mailto:barnes.scott@dep.state.pa.us). Persons who plan to make a presentation at the public meeting should notify the

Department no later than Tuesday, January 2, 2001. Specific directions to the Clinton County Conservation District Office can also be obtained by contacting this address. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) and request that the call be relayed.

Written comments and email will be accepted at the above address and must be received by February 13, 2001. Comments will not be accepted by facsimile or voice mail. The Department will consider all comments in developing the final TMDL, which will be submitted to the EPA for approval.

#### Shoup Run Watershed

The Department of Environmental Protection (Department) is holding a public meeting on January 16, 2001, beginning at 6:30 p.m. at the Borough Building in Coalmont, Huntingdon County, PA to discuss and accept comments on a proposed TMDL, established in accordance with the requirements of the Clean Water Act. Three stream segments in the Shoup Run Watershed have been identified as impaired on the 1996 and 1998 Pennsylvania 303(d) list due to excess loading from metals and low pH. The listed segments and miles degraded are shown below in the following table:

<i>Stream Code</i>	<i>Stream Name</i>	<i>Miles Degraded</i>	<i>Cause</i>
13717	Shoup Run	7.7	Metals & pH
13717	Hartman Run	1.1	Metals & pH
13717	Miller Run	2.4	Metals & pH

The proposed plan provides calculations of the stream's total capacity to accept metals (iron, manganese, and aluminum) and acidity (used as a surrogate for pH) that maintain levels to meet water quality standards.

The TMDL sets allowable loading rates for metals and acidity at specified points in the watershed. The basis of information used in establishment of the TMDL is field data collected from 1983 through 2000.

The TMDL can be accessed through the DEP Website (<http://www.dep.state.pa.us>) by typing "TMDL" in the direct link field, and clicking GO. A copy of the TMDL, supporting information, and an information sheet can be obtained by contacting Jon Smoyer, Cambria Office, Department of Environmental Protection, 286 Industrial Park Road, Ebensburg, PA 15931-4119, (814) 472-1900. Persons who plan to make a presentation at the public meeting should notify the Department no later than Tuesday, January 9, 2001. Specific directions to the Borough Building in Coalmont can be obtained by contacting this office. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) and request that the call be relayed. Directions to the Borough Building in Coalmont, Huntingdon County, PA can also be obtained by contacting this address.

Written and email comments will be accepted at the above address and must be received by February 13, 2001. Comments will not be accepted by facsimile or voice mail. The Department will consider all comments in developing the final TMDL, which will be submitted to the EPA for approval.

#### Cold Stream Watershed

The Department of Environmental Protection (Department) is holding a public meeting on January 11, 2001,

beginning at 10:30 a.m. at the DEP, Hawk Run District Office, to discuss and accept comments on a proposed TMDL, established in accordance with the requirements of the Section 303(d) of the Clean Water Act.. One stream segment in the Cold Stream Watershed has been identified as impaired on the 1996 and 1998 Pennsylvania 303(d) list due to depressed pH and/or high concentrations of metals. The listed segment and miles degraded are shown in the following table:

<i>Stream Code</i>	<i>Stream Name</i>	<i>Miles Degraded</i>	<i>Cause</i>
25831	Cold Stream	1.18	Metals, pH

The proposed plan provides calculations of the stream's total capacity to accept metals (iron, manganese, and aluminum) and acidity (used as a surrogate for pH) that maintain levels to meet water quality standards.

The primary pollutant source for the watershed is abandoned mine workings. This watershed was mined heavily for coal the effects are still present. All of the allocations made in the TMDL are load allocations (LA) which are made to nonpoint sources of pollution.

The TMDL can be accessed through the DEP Website (<http://www.dep.state.pa.us>) by typing "TMDL" in the direct link field, and clicking GO. The data and all supporting information used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and an information sheet, contact John S. Berry, Hydrogeologist, Hawk Run District Mining Office, Empire Road, P. O. Box 209, Hawk Run, PA 16840-0209, (814) 342-8200. E-mail will be received at [berry.john@dep.state.pa.us](mailto:berry.john@dep.state.pa.us). Persons who plan to make a presentation at the public meeting should notify the Department no later than Thursday, January 4, 2001. Specific directions to the Hawk Run District Office can also be obtained by contacting this address. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) and request that the call be relayed. Directions to the Hawk Run District Office meeting place can also be obtained by contacting this address.

Written and email comments will be accepted at the above address and must be received by February 13, 2001. Comments will not be accepted by facsimile or voice mail. The Department will consider all comments in developing the final TMDL, which will be submitted to the EPA for approval.

#### **Kittanning Run**

The Department of Environmental Protection (Department) is holding a public meeting on January 8, 2001 at 6:30 p.m. at the Blair County Courthouse Addition (basement) to discuss and accept comments on a proposed TMDL, established in accordance with the requirements of the Clean Water Act. The Total Maximum Daily Load (TMDL) draft report addresses impairment to the Kittanning Run watershed, located primarily in Logan Township, Blair County. The TMDL addresses impairments noted on the Pennsylvania 1996 and 1998 Section 303(d) list for impairment due to excess loading of metals. The listed segments and miles degraded are shown in the following table:

<i>Stream Code</i>	<i>Stream Name</i>	<i>Miles Degraded</i>	<i>Cause</i>
16423	Kittanning Run	3.74	Metals

The proposed plan provides calculations of the stream's total capacity to accept metals (iron, manganese, and

aluminum), and acidity (used as a surrogate for pH) that maintain levels to meet water quality standards.

The impaired stream segments are polluted by acid mine drainage from long abandoned coal mines for which there are no existing, responsible parties. The primary purpose of the TMDL is to identify levels to which in-stream pollutants should be reduced to cause the stream segments to sustain their designated use. The TMDL identifies these levels at specific points on the streams, based on statistical analysis of water sampling results.

The TMDL can be accessed through the DEP Website (<http://www.dep.state.pa.us>) by typing "TMDL" in the direct link field, and clicking GO. The data and all supporting information used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and an information sheet, contact John Conrad, Cambria Office, Department of Environmental Protection, 286 Industrial Park Road, Ebensburg, PA 15931-4119, (814) 472-1900. Email will be received at [conrad.john@dep.state.pa.us](mailto:conrad.john@dep.state.pa.us). Persons who plan to make a presentation at the public meeting should notify the Department no later than Tuesday, January 2, 2001. Specific directions to the Blair County Courthouse can be obtained by contacting this office. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) and request that the call be relayed.

Written and email comments will be accepted at the above address and must be received by February 13, 2001. Comments will not be accepted by facsimile or voice mail. The Department will consider all comments in developing the final TMDL, which will be submitted to the EPA for approval.

#### **McKee Run Watershed**

The Department of Environmental Protection (Department) is holding a public meeting on Thursday, January 25, 2001, beginning at 7 p.m. at the Church of The Resurrection School Hall in Ernest, PA, to discuss and accept comments on a proposed TMDL, established in accordance with the requirements of the Clean Water Act. One stream segment in the McKee Run Watershed has been identified as impaired on the 1996 and 1998 Pennsylvania 303(d) list due to excess loading from metals. The listed segment and miles degraded are shown below in the following table:

<i>Stream Code</i>	<i>Stream Name</i>	<i>Miles Degraded</i>	<i>Cause</i>
46785	McKee Run	1.5	Metals

The proposed plan provides calculations of the stream's total capacity to accept metals (iron, manganese, and aluminum) and acidity (used as a surrogate for pH) that maintain levels to meet water quality standards.

The TMDL sets allowable loading rates for metals and acidity at specified points in the watershed. The basis of information used in establishment of the TMDL is field data collected from 1996 through 1999.

The TMDL can be accessed through the DEP Website (<http://www.dep.state.pa.us>) by typing "TMDL" in the direct link field, and clicking GO. A copy of the TMDL, supporting information, and an information sheet can be obtained by contacting Miles Baird, Cambria Office, Department of Environmental Protection, 286 Industrial Park Road, Ebensburg, PA 15931-4119, (814) 472-1900. Persons who plan to make a presentation at the public meeting should notify the Department no later than

Thursday, January 18, 2001. Specific directions to the Church of the Resurrection School hall can be obtained by contacting this office. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) and request that the call be relayed. Directions to the Church of The Resurrection School Hall in Ernest, PA can also be obtained by contacting this address.

Written and email comments will be accepted at the above address and must be received by February 13, 2001. Comments will not be accepted by facsimile or voice mail. The Department will consider all comments in developing the final TMDL, which will be submitted to the EPA for approval.

#### Lockard Run Watershed

The Department of Environmental Protection (Department) is holding a public meeting on January 10, 2001 beginning at 7 p.m. at the Holiday Inn, Exit 9 off I-80 in Clarion, to discuss and accept comments on a proposed TMDL, established in accordance with the requirements of the Clean Water Act. The TMDL report addresses impairments to the Lockard Run Watershed in Scrubgrass Township, Venango County. One stream segment in the Little Scrubgrass Creek Watershed has been identified as impaired on the 1996 and 1998 Pennsylvania 303(d) list due to excess loading from metals. The listed segment and miles degraded are shown in the following table:

<i>Stream Code</i>	<i>Stream Name</i>	<i>Miles Degraded</i>	<i>Cause</i>
51197	Lockard Run	2.0	Metals

The proposed plan provides calculations of the stream's total capacity to accept metals (iron, manganese, and aluminum) and acidity (used as a surrogate for pH) that maintain levels to meet water quality standards.

The impaired stream segments are polluted by acid mine drainage from long abandoned coal mines for which there are no existing, responsible parties. The primary purpose of the TMDL is to identify levels to which in-stream pollutants should be reduced to cause the stream segments to sustain their designated use. The TMDL identifies these levels at specific points on the streams, based on statistical analysis of water sampling results.

The TMDL can be accessed through the DEP Website (<http://www.dep.state.pa.us>) by typing "TMDL" in the direct link field, and clicking GO. The data and all supporting information used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and an information sheet, contact Lorraine Odenthal, Knox District Mining Office, P. O. Box 669, Knox, PA 16232, (814) 797-1191. E-mail will be received at [odenthal.lorraine@dep.state.pa.us](mailto:odenthal.lorraine@dep.state.pa.us). Persons who plan to make a presentation at the public meeting should notify the Department no later than Thursday, January 4, 2001. Specific directions to the Holiday Inn can also be obtained by contacting this office. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) and request that the call be relayed.

Written and email comments will be accepted at the above address and must be received by February 13, 2001. Comments will not be accepted by facsimile or voice mail. The Department will consider all comments in developing the final TMDL which will be submitted to the EPA for approval.

#### Hans Yost Creek and Rausch Creek Watersheds

The Department of Environmental Protection (Department) is holding a public meeting on Tuesday, January 9, 2001, beginning at 7 p.m. at the Hegins Township Water Authority in Valley View, PA, to discuss and accept comments on a proposed TMDL established in accordance with the requirements of the Section 303(d) of the Clean Water Act. Two stream segments in the Hans Yost Creek Watershed in Schuylkill County and three stream segments in the Rausch Creek Watershed in Dauphin and Schuylkill Counties have been identified as impaired on the 1996 and 1998 Pennsylvania 303(d) lists. Impairments in the Hans Yost Creek Watershed are due to low pH and an unknown cause that was determined to be metals. The Rausch Creek Watershed is impaired due to excess loading from metals, siltation, and low pH. The listed segments and miles degraded are shown in the following table:

<i>Stream Code</i>	<i>Stream Name</i>	<i>Miles Degraded</i>	<i>Cause</i>
17259	Hans Yost Creek	3.36	PH, unknown
17266	Rausch Creek	1.7	Metals
17267	West Branch Rausch Creek	3.5	Metals
17268	East Branch Rausch Creek	1.9	Metals, pH, Siltation

The proposed plans provide calculations of the stream's total capacity to accept metals (iron, manganese, and aluminum) and acidity (used as a surrogate for pH) and maintain levels below water quality criteria. The Rausch Creek Watershed also includes siltation.

The TMDL sets allowable loading rates for metals and acidity at specified points in the watershed. The basis of information used in establishment of the TMDL is field data collected between 1972 and 1999.

The TMDL can be accessed through the DEP Website (<http://www.dep.state.pa.us>) by typing "TMDL" in the direct link field, and clicking GO. The data and all supporting information used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and an information sheet, contact Lee McDonnell, Dept. of Environmental Protection, 10th Floor RCSOB, P. O. Box 8555, Harrisburg, PA 17105-8555, (717) 783-2938. Email will be received at [Mcdonnell.Lee@dep.state.pa.us](mailto:Mcdonnell.Lee@dep.state.pa.us). Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) and request that the call be relayed. Directions to the Hegins Township Water Authority can also be obtained by contacting this address. Persons who plan to make a presentation at the public meeting should notify the Department no later than Friday January 5, 2001.

Written and email comments will be accepted at the above addresses and must be received by February 13, 2001. Comments will not be accepted by facsimile or voice mail. The Department will consider all comments in developing the final TMDL, which will be submitted to EPA for approval.

#### Fall Brook and Morris Run Watersheds

The Department of Environmental Protection (Department) is holding a public meeting on Tuesday, January 16, 2001, beginning at 1 p.m. at the Mansfield Fire Hall in Mansfield, PA, to discuss and accept comments on a proposed TMDL established in accordance with the requirements of the Section 303(d) of the Clean Water Act.

Five stream segments in the Fall Brook Watershed in Tioga County and eight segments in the Morris Run Watershed in Tioga County have been identified as impaired on the 1996, 1998, and draft 2000 Pennsylvania 303(d) lists due to low pH and high levels of metals. The listed segments and miles degraded are shown in the following table:

<i>Stream Code</i>	<i>Stream Name</i>	<i>Miles Degraded</i>	<i>Cause</i>
31506	Fall Brook	6.83	Metals, pH
31519	Fall Brook, Unt	1.15	Metals, pH
31521	Fall Brook, Unt	0.98	Metals, pH
31522	Fall Brook, Unt	0.91	Metals, pH
31523	Fall Brook, Unt	0.15	Metals, pH
31480	Morris Run	2.27	Metals, pH
31481	Morris Run, Unt	0.56	Metals, pH
31483	Morris Run, Unt	0.67	Metals, pH
31484	Morris Run, Unt	1.4	Metals, pH
31485	Morris Run, Unt	0.59	Metals, pH
31486	Morris Run, Unt	0.36	Metals, pH
31487	Morris Run, Unt	0.35	Metals, pH
31488	Morris Run, Unt	0.2	Metals, pH

The proposed plan provides calculations of the stream's total capacity to accept metals (iron, manganese, and aluminum) and acidity (used as a surrogate for pH) and maintain levels below water quality criteria.

The TMDL sets allowable loading rates for metals and acidity at specified points in the watershed. The basis of information used in establishment of the TMDL is field data collected from 1966 to 1999.

The TMDL can be accessed through the DEP Website (<http://www.dep.state.pa.us>) by typing "TMDL" in the direct link field, and clicking GO. The data and all supporting information used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and an information sheet, contact Lee McDonnell, Dept. of Environmental Protection, 10th Floor RCSOB, P. O. Box 8555, Harrisburg, PA 17105-8555, (717) 783-2938. Email will be received at [Mcdonnell.lee@dep.state.pa.us](mailto:Mcdonnell.lee@dep.state.pa.us). Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) and request that the call be relayed. Directions to the Mansfield Fire Hall can also be obtained by contacting this address. Persons who plan to make a presentation at the public meeting should notify the Department no later than Friday January 12, 2001.

Written and email comments will be accepted at the above addresses and must be received by February 13, 2001. Comments will not be accepted by facsimile or voice mail. The Department will consider all comments in developing the final TMDL, which will be submitted to EPA for approval.

#### **Little Muddy Run Watershed**

The Department of Environmental Protection (Department) is holding a public meeting on Thursday, January 11, 2001, beginning at 1 p.m. at the Hawk Run District Mining Office in Phillipsburg, PA, to discuss and accept comments on a proposed TMDL established in accordance with the requirements of the Section 303(d) of the Clean Water Act. Seven stream segments in the Little Muddy Run Watershed in Clearfield and Cambria Counties have been identified as impaired on the 1996, 1998, and draft 2000 Pennsylvania 303(d) lists due to low pH and high levels of metals. The listed segments and miles degraded are shown in the following table:

<i>Stream Code</i>	<i>Stream Name</i>	<i>Miles Degraded</i>	<i>Cause</i>
26246	Little Muddy Run	5.07	pH, Metals
26247	Little Muddy Run, Unt	1.57	pH
26248	Little Muddy Run, Unt	1.67	pH
26249	Little Muddy Run, Unt	0.39	pH
26255	Little Muddy Run, Unt	0.95	pH
26250	East Branch Little Muddy Run	1.92	pH
26251	East Branch Little Muddy Run, Unt	0.46	pH

The proposed plan provides calculations of the stream's total capacity to accept metals (iron, manganese, and aluminum) and acidity (used as a surrogate for pH) and maintain levels below water quality criteria.

The TMDL sets allowable loading rates for metals and acidity at specified points in the watershed. The basis of information used in establishment of the TMDL is field data collected from 1970-1999.

The TMDL can be accessed through the DEP Website (<http://www.dep.state.pa.us>) by typing "TMDL" in the direct link field, and clicking GO. The data and all supporting information used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and an information sheet, contact Lee McDonnell, Dept. of Environmental Protection, 10th Floor RCSOB, P. O. Box 8555, Harrisburg, PA 17105-8555, (717) 783-2938. Email will be received at [Mcdonnell.lee@dep.state.pa.us](mailto:Mcdonnell.lee@dep.state.pa.us). Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) and request that the call be relayed. Directions to the Hawk Run District Mining Office can also be obtained by contacting this address. Persons who plan to make a presentation at the public meeting should notify the Department no later than Friday January 5, 2001.

Written and email comments will be accepted at the above addresses and must be received by February 13, 2001. Comments will not be accepted by facsimile or voice mail. The Department will consider all comments in developing the final TMDL, which will be submitted to EPA for approval.

#### **Bear Creek Watershed**

The Department of Environmental Protection (Department) is holding a public meeting on Wednesday, January 10, 2001, beginning at 1:30 p.m. at the Wiconisco Township Building near Lykens, PA, to discuss and accept comments on a proposed TMDL established in accordance with the requirements of the Section 303(d) of the Clean Water Act. Two stream segments in the Bear Creek Watershed in Dauphin County have been identified as impaired on the 1996 and draft 2000 Pennsylvania 303(d) lists due to high levels of metals. The listed segments and miles degraded are shown in the following table:

<i>Stream Code</i>	<i>Stream Name</i>	<i>Miles Degraded</i>	<i>Cause</i>
17041	Bear Creek	4.81	Metals
17042	Bear Creek, Unt	0.46	Metals

The proposed plan provides calculations of the stream's total capacity to accept metals (iron, manganese, and

aluminum) and acidity (used as a surrogate for pH) and maintain levels below water quality criteria.

The TMDL sets allowable loading rates for metals and acidity at specified points in the watershed. The basis of information used in establishment of the TMDL is field data collected from 1970 to 2000.

The TMDL can be accessed through the DEP Website (<http://www.dep.state.pa.us>) by typing "TMDL" in the direct link field, and clicking GO. The data and all supporting information used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and an information sheet, contact Lee McDonnell, Dept. of Environmental Protection, 10th Floor RCSOB, P. O. Box 8555, Harrisburg, PA 17105-8555, (717) 783-2938. Email will be received at [Mcdonnell.Lee@dep.state.pa.us](mailto:Mcdonnell.Lee@dep.state.pa.us). Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) and request that the call be relayed. Directions to the Wiconisco Township Building can also be obtained by contacting this address. Persons who plan to make a presentation at the public meeting should notify the Department no later than Friday January 5, 2001.

Written and email comments will be accepted at the above addresses and must be received by February 13, 2001. Comments will not be accepted by facsimile or voice mail. The Department will consider all comments in developing the final TMDL, which will be submitted to EPA for approval.

#### Tangascootack Watershed

The Department of Environmental Protection (Department) is holding a public meeting on Monday, January 8, 2001 beginning at 1 p.m. at the Clinton County Conservation District Office in the Porter Township Community Building on Spring Run Road in Millhall, PA, to discuss and accept comments on a proposed TMDL, established in accordance with the requirements of the 1996 Section 303(d) of the Clean Water Act. Three stream segments in the Tangascootack Watershed have been identified as impaired on the 1996 and 1998 Pennsylvania 303(d) list due to depressed pH and/or high concentrations of metals. The listed segment(s) and miles degraded are shown in the following table:

<i>Stream Code</i>	<i>Stream Name</i>	<i>Miles Degraded</i>
23332	Tangascootack Creek	7.97
23380	Tangascootack Creek	0.61
23391	Tangascootack Creek	2.04

The proposed plan provides calculations of stream's total capacity to accept metals (aluminum, iron, manganese) and acidity (used as a surrogate for pH) that meet water quality standards.

The primary pollutant source for the watershed is abandoned coal and clay mine workings. This watershed was mined heavily for coal the effects are still present. The primary purpose of the TMDL is to identify levels to which in-stream pollutants should be reduced to cause the stream segment to sustain their designated use. The TMDL identifies these levels at specific points on the streams, based on statistical analysis of water sampling results.

The TMDL can be accessed through the DEP website (<http://www.dep.state.pa.us>) by typing "TMDL" in the direct link field, and clicking GO. The data and all supporting information used to develop the proposed TMDL are available from the Department. To request a

copy of the proposed TMDL and an information sheet, contact David Bisko, Hydrogeologist, Hawk Run District Mining Office, Empire Road, P. O. Box 209, Hawk Run, PA 16840-0209, (814) 342-8200. E-mail will be received at [Bisko.David@dep.state.pa.us](mailto:Bisko.David@dep.state.pa.us). Persons who plan to make a presentation at the public meeting should notify the Department no later than Tuesday, January 2, 2001. Specific directions to the Clinton County Conservation District Office can also be obtained by contacting this office. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) and request that the call be relayed.

Written and email comments will be accepted at the above address and must be received by February 13, 2001. Comments will not be accepted by facsimile or voice mail. The Department will consider all comments in developing the final TMDL, which will be submitted to the EPA for approval.

#### Shamokin Creek Watershed

The Department of Environmental Protection (Department) is holding a public meeting on Wednesday, January 17, 2001, beginning at 7 p.m. at the Mount Carmel Public Library in Mt. Carmel, PA, to discuss and accept comments on a proposed TMDL established in accordance with the requirements of the Section 303(d) of the Clean Water Act. Six stream segments in the Shamokin Creek Watershed in Northumberland and Columbia Counties have been identified as impaired on the 1996 Pennsylvania 303(d) list due to high levels of metals. The listed segments and miles degraded are shown in the following table:

<i>Stream Code</i>	<i>Stream Name</i>	<i>Miles Degraded</i>	<i>Cause</i>
18489	Shamokin Creek	32.78	Metals
18652	Quaker Run	1.29	Metals
18651	Coal Run	4.7	Metals
18647	Carbon Run	3.8	Metals
18657	North Branch Shamokin Creek	4.6	Metals
18655	Locust Creek	1.69	Metals

The proposed plan provides calculations of the stream's total capacity to accept metals (iron, manganese, and aluminum) and acidity (used as a surrogate for pH) and maintain levels below water quality criteria.

The TMDL sets allowable loading rates for metals and acidity at specified points in the watershed. The basis of information used in establishment of the TMDL is field data collected from 1970 to 2000.

The TMDL can be accessed through the DEP Website (<http://www.dep.state.pa.us>) by typing "TMDL" in the direct link field, and clicking GO. The data and all supporting information used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and an information sheet, contact Lee McDonnell, Dept. of Environmental Protection, 10th Floor RCSOB, P. O. Box 8555, Harrisburg, PA 17105-8555, (717) 783-2938. Email will be received at [Mcdonnell.Lee@dep.state.pa.us](mailto:Mcdonnell.Lee@dep.state.pa.us). Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) and request that the call be relayed. Directions to the Mount Carmel Public Library can also be obtained by contacting



this address. Persons who plan to make a presentation at the public meeting should notify the Department no later than Friday January 12, 2001.

Written and email comments will be accepted at the above addresses and must be received by February 13, 2001. Comments will not be accepted by facsimile or voice mail. The Department will consider all comments in developing the final TMDL, which will be submitted to EPA for approval.

#### Whites Run and Parks Run Watersheds

The Department of Environmental Protection (Department) is holding a public meeting on January 10, 2001 at 5 p.m. at the Holiday Inn, Exit 9 of I-80 in Clarion, to discuss and accept comments on proposed TMDL's, established in accordance with the requirements of the Clean Water Act. The Total Maximum Daily Load (TMDL) draft reports address impairment to the Whites Run watershed in Clarion Township, Clarion County and the Parks Run watershed in Eldred Township, Jefferson County. The TMDL's address impairments noted on of the Pennsylvania 1996 and 1998 Section 303(d) list. The impaired stream segments are polluted by acid mine drainage from completed coal mines and/or from abandoned coal mines for which there are no existing, responsible parties. The listed segments and miles degraded are shown in the following table:

<i>Stream Code</i>	<i>Stream Name</i>	<i>Miles Degraded</i>	<i>Cause</i>
49789	Parks Run	1	pH
49707	Whites Run	2	Metals

The proposed plan for Whites Run provides calculations of the stream's total capacity to accept metals (iron, manganese, and aluminum) and acidity (used as a surrogate for pH) and maintain levels below water quality criteria. The Parks Run Watershed only addresses acidity as a surrogate for pH.

The TMDL sets allowable loading rates for the above listed in-stream pollutants at specified points in the watershed. The basis of information used in establishment of the TMDL is field data collected from 1970 to 2000.

The TMDL can be accessed through the DEP Website (<http://www.dep.state.pa.us>) by typing "TMDL" in the direct link field, and clicking GO. The data and all supporting information used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and an information sheet, contact Lorraine Odenthal, Knox District Mining Office, P. O. Box 669, Knox, PA 16232, (814) 797-1191. Email will be received at [Odenhal.Lorraine@dep.state.pa.us](mailto:Odenhal.Lorraine@dep.state.pa.us). Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) and request that the call be relayed. Directions to the Wiconisco Township Building can also be obtained by contacting this address. Persons who plan to make a presentation at the public meeting should notify the Department no later than Friday, January 5, 2001.

Written and email comments will be accepted at the above addresses and must be received by February 13, 2001. Comments will not be accepted by facsimile or voice mail. The Department will consider all comments in developing the final TMDL, which will be submitted to EPA for approval.

#### North Fork Cowanesque River Watershed Potter and Tioga Counties

The Department of Environmental Protection (Department) will hold a public meeting to discuss and accept comments on a proposed TMDL for the North Fork Cowanesque watershed in Potter and Tioga Counties. The meeting will be held on January 29, 2001 at 2 p.m. in the PADEP NorthCentral Regional Office, 208 West Third Street—Suite 101, Williamsport, PA 17701-6448. This TMDL is established in accordance with the requirements of Section 303(d) of the Clean Water Act. Pennsylvania's 1996, 1998 and draft 2000 Section 303(d) lists included surface waters in the North Fork Cowanesque River Watershed due to impairments caused by excessive siltation, suspended solids and/or nutrients from agricultural land uses in the watershed.

The Department currently does not have water quality criteria for sediment or nutrients. Therefore, the Department established water quality objectives for them using a reference watershed approach. The TMDL sets allowable loadings of sediment and phosphorus in the North Fork Cowanesque River Watershed. Phosphorus was chosen as the TMDL endpoint for nutrient impairments because it is the limiting nutrient in this watershed. The sediment and phosphorus loadings were allocated among all land use categories in the watershed. Data used in establishing this TMDL were generated using a water quality analysis model (AVGWLF) designed by the Pennsylvania State University.

The following table shows the existing sediment and phosphorus loadings and the TMDLs for the North Fork Cowanesque River Watershed (including unnamed tributaries, the White Branch and Mink Hollow).

<i>Parameter</i>	<i>Existing Load (lb/yr)</i>	<i>TMDL Load (lb/yr)</i>	<i>% Reduction to meet TMDL</i>
Total Phosphorus	9,258	4,402	52
Sediment	13,702,749	6,099,322	55

To request a copy of the proposed TMDL and an information sheet, contact: Daniel L. Alters, Water Programs Manager, Department of Environmental Protection, Water Management Program, 208 West Third Street—Suite 101, Williamsport, PA 17701-6448, Phone: (570) 327-0530 (8:30 a.m. to 4:30 p.m.)—Email: [Alters.Daniel@dep.state.pa.us](mailto:Alters.Daniel@dep.state.pa.us).

The TMDL can be accessed through the DEP Website (<http://www.dep.state.pa.us>) by typing "TMDL" in the direct link field, and clicking GO. Please note that attachments and appendices must be requested through paper mail. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) and request that the call be relayed. Please contact Jeff Gocek at 570-327-3665 or Email: [Gocek.Jeffrey@dep.state.pa.us](mailto:Gocek.Jeffrey@dep.state.pa.us) if you wish to attend.

Written and Email comments will be accepted at the above addresses and must be received by February 13, 2001. Comments will not be accepted by facsimile or voice mail. The Department will consider all comments in developing the final TMDL, which will be submitted to EPA for approval.

#### North Branch Mahantango Creek Watershed Snyder County

The Department of Environmental Protection (Department) will hold a public meeting to discuss and accept

comments on a proposed TMDL for the North Branch Mahantango Creek Watershed in Snyder County. The meeting will be held on January 30, 2001 at 2 p.m. in the PADEP NorthCentral Regional Office, 208 West Third Street—Suite 101, Williamsport, PA 17701-6448. This TMDL is established in accordance with the requirements of Section 303(d) of the Clean Water Act. Pennsylvania's 1996, 1998 and draft 2000 Section 303(d) lists included surface waters in the North Branch Mahantango Creek Watershed due to impairments caused by sedimentation and/or nutrients from agricultural land uses in the watershed.

The Department currently does not have water quality criteria for sediment or nutrients. Therefore, the Department established water quality objectives for them using a reference watershed approach.

<i>Stream Code</i>	<i>Parameter</i>	<i>Existing Load (lb/yr)</i>	<i>TMDL Load (lb/yr)</i>	<i>% Reduction to meet TMDL</i>
17370	Total Phosphorus	1,807	1,414	22
	Sediment	2,966,348	2,261,234	24

The data and all supporting documentation used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and an information sheet, contact: Daniel L. Alters, Water Programs Manager, Department of Environmental Protection, Water Management Program, 208 West Third Street—Suite 101, Williamsport, PA 17701-6448, Phone: (570) 327-0530 (8:30 a.m. to 4:30 p.m.)—Email: Alters.Daniel@dep.state.pa.us.

The TMDL can be accessed through the DEP Website (<http://www.dep.state.pa.us>) by typing "TMDL" in the direct link field, and clicking GO. Please note that at the current time, attachments and appendices must be requested through paper mail. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) and request that the call be relayed.

Please contact Mike Rivera at (570) 327-3689 or Email: Rivera.Michael@dep.state.pa.us if you wish to attend.

Written and Email comments will be accepted at the above addresses and must be received by February 13, 2001. Comments will not be accepted by facsimile or voice mail. The Department will consider all comments in developing the final TMDL, which will be submitted to EPA for approval.

### **Dutch Fork Lake Washington County**

The Department of Environmental Protection (Department) will hold a public meeting to discuss and accept comments on a proposed TMDL for Dutch Fork Lake in Washington County. The meeting will be held on January 24, 2001 at 6:30 p.m., at the Claysville Community Center, Main Street, Claysville, PA 15323. This TMDL is established in accordance with the requirements of Section 303(d) of the Clean Water Act. Pennsylvania's 1996, 1998 and draft 2000 Section 303(d) lists included Dutch Fork Lake. The inclusion of this lake in these documents was due to use impairments caused by excessive nutrients loads to the lake from agricultural sources.

The Department currently does not have water quality criteria for nutrients. Therefore, the Department established a water quality objective for nutrients. The water

The TMDL sets allowable loadings of sediment and phosphorus in the North Branch Mahantango Creek Watershed. Phosphorus was chosen as the TMDL endpoint for nutrient impairments because it is the limiting nutrient in this watershed. The sediment and phosphorus loadings were allocated among all land use categories in the watershed. Data used in establishing this TMDL were generated using a water quality analysis model (AVGWLF) designed by the Pennsylvania State University.

The following table shows the existing sediment and phosphorus loadings for the impaired portion of the North Branch Mahantango Creek Watershed. Load reductions necessary in order to meet the TMDLs are also identified.

quality objective for phosphorus was established using the Trophic Status Index (TSI) rating system established by R. E. Carlson.

The TMDL set allowable loading rates for phosphorus for each land use category identified. The basis of information used in establishment of this TMDL is taken from a Lake Phosphorus Study and sampling conducted in 1987.

The following table shows the current loading to the lake and the necessary reductions to meet the TMDL. The loads are expressed in pounds per year.

<i>Parameter</i>	<i>Existing Load (lb/yr)</i>	<i>TMDL Load (lb/yr)</i>	<i>% Reduction to meet TMDL</i>
Total Phosphorus	12,609	2,406	81

The data and all supporting information used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and an information sheet, contact April Moore, Water Management, PA DEP, 400 Waterfront Dr., Pittsburgh, PA 15222, (412) 442-5874, E-mail: moore.april@dep.state.pa.us.

The TMDL can be accessed through the DEP Website (<http://www.dep.state.pa.us>) by typing "TMDL" in the direct link field, and clicking GO. Please note that attachments and appendices must be requested through paper mail. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) and request that the call be relayed. Persons planning to make a presentation at the public meeting should notify the Department no later than January 12, 2001 and any person wishing to attend the meeting should call April Moore at the above address.

Written and Email comments will be accepted at the above addresses and must be received by February 13, 2001. Comments will not be accepted by facsimile or voice mail. The Department will consider all comments in developing the final TMDL, which will be submitted to the EPA for approval.

**Tributaries to Conodoguinet Creek  
Cumberland and Franklin Counties**

The Department of Environmental Protection will hold a public meeting to discuss and accept comments on proposed TMDLs for the tributaries to Conodoguinet Creek in Cumberland and Franklin Counties. The meeting will be held on January 17, 2001 at 6:30 p.m. in the Carlisle Community Center. Please contact Bill Brown at (717) 783-2951, if you wish to attend. This TMDL is established in accordance with the requirements of Section 303(d) of the Clean Water Act. Pennsylvania's 1996, 1998 and draft 2000 Section 303(d) lists included surface waters in these tributaries due to impairments caused by excessive sedimentation and/or nutrients from agricultural and/or urban land uses in the watershed.

The Department currently does not have water quality criteria for sediments or nutrients. Therefore, the Department established water quality objectives for them using a reference watershed approach.

The TMDL sets allowable loadings of sediment and phosphorus in the tributaries to Conodoguinet Creek. Phosphorus was chosen as the TMDL endpoint for nutrient impairments due to its being the limiting nutrient in this watershed. The sediment and phosphorus loadings were allocated among all land use categories present in the watershed. Data used in establishing this TMDL were generated using a water quality analysis model (AVGWLF) designed by the Pennsylvania State University.

The following table shows the current sediment and phosphorus loadings and the TMDLs for the impaired tributaries to Conodoguinet Creek.

<i>Listed Stream</i>	<i>Pollutant</i>	<i>Existing Load (lb/yr)</i>	<i>TMDL Load (lb/yr)</i>	<i>% Reduction to meet TMDL</i>
Alexanders Spring Creek	Sediment	8,482,433	5,313,774	37
Bulls Head Branch & Green Spring Creek	Phosphorus	13,754	9,768	29
Center Creek & Back Creek	Sediment	9,314,545	7,451,105	20
	Phosphorus	1,815	1,310	28
Clippingers Run	Sediment	1,370,464	953,578	30
Hogestown Run	Phosphorus	1,395	923	34
	Phosphorus	9,855	6,419	35
	Sediment	6,857,481	4,896,839	29
Mains Run & Gum Run	Sediment	2,124,970	1,535,168	28
Middle Spring Creek	Sediment	2,785,986	2,279,413	18
Mount Rock Spring Creek	Phosphorus	14,673	8,958	39
	Sediment	11,068,148	6,833,224	38
Newburg Run	Phosphorus	1,523	1,183	22
	Sediment	1,105,941	785,913	29
Paxton Run	Sediment	1,556,321	1,061,721	32
Rowe Run	Phosphorus	12,376	6,843	45
	Sediment	8,283,209	5,220,286	37
Trindle Spring Run	Sediment	5,890,754	4,839,711	18
Wertz Run	Sediment	1,437,577	823,468	43
Unnamed Trib. 970729-1605-JLR	Sediment	2,750,374	1,041,444	62
Unnamed Trib. 7403	Sediment	1,152,104	590,369	49

To request a copy of the proposed TMDL and an information sheet, contact: Bill Brown, Water Quality Assessment and Standards Division, Pennsylvania Department of Environmental Protection, P. O. Box 8555, Harrisburg, PA 17120-8555, Phone: (717) 783-2951, e-mail: brown.bill@dep.state.pa.us.

The TMDL can be accessed through the DEP Website (<http://www.dep.state.pa.us>) by typing "TMDL" in the direct link field, and clicking GO. Please note attachments and appendices must be requested through paper mail. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) and request that the call be relayed.

Written comments will be accepted at the above address and must be received by February 13, 2001. Comments will not be accepted by facsimile or voice mail. The Department will consider all comments in developing the final TMDL, which will be submitted to EPA for approval.

**Conneaut Lake  
Crawford County**

The Department of Environmental Protection (DEP) is holding a public meeting on January 3, 2001 beginning at 1 p.m. at the Northwest Regional Office, 230 Chestnut Street, Meadville, PA to discuss and accept comments on a proposed TMDL, established in accordance with the requirements of Section 303(d) of the Clean Water Act. Conneaut Lake was listed on Pennsylvania's 1996 Section 303(d) list because of use impairments due to excessive Total Suspended Solids and nutrient (Phosphorus) loads to the lake.

The Department currently does not have water quality criteria for nutrients or suspended solids. Therefore, the Department established lake specific water quality objectives. The water quality objective for phosphorus is established using the Trophic Status Index (TSI) rating system established by Carlson. The water quality objectives for TSS in Conneaut Lake are set based on identifying and abating localized erosion problems.

The TMDL sets an allowable Total Phosphorus loading rate for each significant contributor to Conneaut Lake. The basis of information used in establishment of this TMDL is the Phase One Clean Lakes Study completed by Coastal Environmental in 1994.

The following table shows the current loading to the lake and the necessary reduction to meet the TMDL. The loads are expressed in pounds per year.

<i>Parameter</i>	<i>Existing Load (lb/yr)</i>	<i>TMDL Load (lb/yr)</i>	<i>% reduction to meet TMDL</i>
Total Phosphorus	7,715	4,630	40

To request a copy of the proposed TMDL and an information sheet, contact: David G. Balog, Sanitary Engineer, Water Management Program, Northwest Regional Office, Pennsylvania Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335, phone: (814) 332-6938, email: Balog.David@dep.state.pa.us.

The TMDL can be accessed through the DEP Website (<http://www.dep.state.pa.us>) by typing "TMDL" in the direct link field, and clicking GO. Please note that attachments and appendices must be requested through paper mail. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) and request that the call be relayed. Please contact David Balog if you wish to attend.

Written and Email comments will be accepted at the above addresses and must be received by February 13, 2001. Comments will not be accepted by facsimile or voice mail. The Department will consider all comments in developing the final TMDL, which will be submitted to the Environmental Protection Agency (EPA) for approval.

### **Chickies Creek, Conewago Creek, Conowingo Creek, Muddy Run and Pequea Creek Watersheds Dauphin, Lancaster and Lebanon Counties**

The Department of Environmental Protection (Department) will hold a public meeting to discuss and accept comments on proposed TMDLs for Chickies Creek, Conewago Creek, Conowingo Creek, Muddy Run, and Pequea Creek Watersheds in Dauphin, Lancaster and Lebanon Counties. The meeting will be held on January 25, 2001 at 7 p.m. in the main auditorium of the Farm and Home Center, 1383 Arcadia Rd., Lancaster, PA, 17601 beginning at 7 p.m. These TMDLs are established in accordance with the requirements of Section 303(d) of the Clean Water Act. Pennsylvania's 1996,1998 and draft 2000 Section 303(d) lists included segments of these watersheds due to impairments caused by excessive nutrients, suspended solids and/or siltation from agricultural land uses in the watersheds.

The Department currently does not have water quality criteria for siltation, suspended solids, or nutrients. Therefore, the Department established water quality objectives for them using a reference watershed approach.

Phosphorus was chosen as the TMDL endpoint for nutrient impairments in all watersheds where it was identified as the limiting nutrient; in addition, nitrogen was addressed in Pequea Creek. The sediment and phosphorus loadings were allocated among all land use categories in the watersheds. Data used in establishing these TMDLs were generated using a water quality analysis model (AVGWLF) designed by the Pennsylvania State University.

The following table shows the existing sediment and phosphorus loadings and load reductions necessary to meet the TMDLs for the watersheds. The Conewago Creek watershed is divided into two subbasins: Subbasin A extends from the Susquehanna River to the Rt. 743 crossing and Subbasin B extends from that point to the headwaters. Pequea Creek is also divided into two subbasins: Subbasin 1 extends from SR272 to Paradise and Subbasin 2, from Paradise to the headwaters.

<i>Watershed</i>	<i>Pollutant</i>	<i>Existing Load (lbs./yr.)</i>	<i>TMDL (lbs./yr.)</i>	<i>% Reduction</i>
Chickies Creek	Phosphorus	61,530	35,960	42
	Sediment	26,093,711	7,374,850	72
Conewago Creek: Subbasin A	Phosphorus	7,248	4,070	44%
	Sediment	6,154,553	2,811,165	54%
Subbasin B	Phosphorus	12,997	3,447	73%
	Sediment	8,783,921	2,381,149	73%
Conowingo Creek	Phosphorus	52,400	19,400	63%
	Sediment	27,300,000	20,400,000	25%
Muddy Run	Phosphorus	17,147	9,959	42%
	Sediment	7,460,637	3,974,141	47%
Pequea Creek: Subbasin 1	Phosphorus	83,600	35,500	58%
	Nitrogen	745,000	646,000	13%
Subbasin 2	Sediment	42,600,000	7,270,000	83%
	Phosphorus	67,700	40,900	40%
	Nitrogen	751,000	746,000	1%
	Sediment	35,200,000	8,400,000	76%

The data and all supporting documentation used to develop the proposed TMDLs are available from the Department. To request a copy of the proposed TMDL and an information sheet, contact: Bill Brown, Water Quality Assessment and Standards Division, Pennsylvania Department of Environmental Protection, 400 Market Street, Harrisburg, PA 17105, Phone: (717) 783-2951, e-mail: Brown.Bill@dep.state.pa.us.

The TMDLs can be accessed through the DEP Website (<http://www.dep.state.pa.us>) by typing "TMDL" in the direct link field, and clicking GO. Please note that attachments and appendices must be requested through paper mail. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) and request that the call be relayed. Any person wishing to attend the meeting should contact Bill Brown at the above addresses.

Written and Email comments will be accepted at the above addresses and must be received by February 13, 2001. Comments will not be accepted by facsimile or voice mail. The Department will consider all comments in developing the final TMDL, which will be submitted to EPA for approval.

### **Lake Carey Wyoming County**

The Department of Environmental Protection (Department) will hold a public meeting to discuss and accept comments on a proposed TMDL for Lake Carey in Wyoming County. The meeting will be held on January 18, 2001 at 2 p.m. in the downstairs conference room in the Pennsylvania Department of Agriculture Building, Region III Office, Route 92 South, Tunkhannock, Pa., 18657. This TMDL is established in accordance with the requirements of Section 303(d) of the Clean Water Act. Pennsylvania's 1996 and 1998 Section 303(d) lists included Lake Carey due to impairments caused by excessive nutrients from internal loading, failing septic systems, and agricultural land uses in the watershed.

The Department currently does not have water quality criteria for nutrients. Therefore, the Department used a mathematical model developed by Reckhow to determine the current in-lake phosphorous concentration and loading. Phosphorus was chosen as the endpoint for nutrient impairment because it is the limiting nutrient in this lake. The TMDL target was chosen based on a Carlson Trophic Status Index (TSI) that would meet water quality objectives. The TMDL set allowable loadings of phosphorus in Lake Carey, which were allocated among all sources present in the watershed.

The following table shows the existing phosphorus loading for Lake Carey. A load reduction necessary to meet the TMDL is also identified.

<i>Parameter</i>	<i>Existing Load (lbs/yr)</i>	<i>TMDL (lbs/yr)</i>	<i>% Reduction</i>
Phosphorus	2,585	860	67

The data and all supporting documentation used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and an information sheet, contact: Bill Brown, Water Quality Assessment and Standards Division, Pennsylvania Department of Environmental Protection, P. O. Box 8555, Harrisburg, PA 17120-8555, Phone: (717) 783-2951, Email: Brown.Bill@dep.state.pa.us.

The TMDL can be accessed through the DEP Website (<http://www.dep.state.pa.us>) by typing "TMDL" in the direct link field, and clicking GO. Please note that attachments and appendices must be requested through paper mail. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) and request that the call be relayed. Any person wishing to attend the meeting should contact Bill Brown at the above addresses.

Written and Email comments will be accepted at the above addresses and must be received by February 13, 2001. Comments will not be accepted by facsimile or voice mail. The Department will consider all comments in developing the final TMDL, which will be submitted to EPA for approval.

### **Virgin Run Lake Fayette County**

The Department of Environmental Protection (Department) is holding a public meeting on January 24, 2001 beginning at 1 p.m., at the Southwest Regional Office's Waterfront Conference Room, Building 500, Waterfront Drive, Pittsburgh, PA, to discuss and accept comments on proposed TMDLs, established in accordance with the requirements of the Clean Water Act. Virgin Run Lake was listed on Pennsylvania's 1996, 1998 and draft 2000 Section 303(d) Lists because of impairments due to excess nutrient (Phosphorus) loads to the lake.

The Department currently does not have water quality criteria for nutrients. Therefore, the Department established a water quality objective for them. The water quality objective for phosphorus was established using the Trophic Status Index (TSI) rating system established by Carlson.

The TMDL sets an allowable loading rate for phosphorus for each land use category in the watershed. The basis of information used in establishment of this TMDL is a Eutrophication Lake Study done by the Department in 1986.

The following table shows the current loading to the lake and the necessary reductions to meet the TMDL. The loads are expressed in pounds per year.

#### *Summary of TMDL Based Reductions in Virgin Run Lake*

<i>Parameter</i>	<i>Existing Load (lb/yr)</i>	<i>TMDL Load (lb/yr)</i>	<i>% reduction to meet TMDL</i>
Total Phosphorus	585	397	32

To request a copy of the proposed TMDL and an information sheet, contact: Tim Dreier, Water Programs Manager, Southwest Regional Office, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Phone: (412) 442-4000, email: dreier.tim@dep.state.pa.us.

The TMDL can be viewed and printed on the DEP Website, <http://www.dep.state.pa.us>, by typing the acronym TMDL in the direct link field, and clicking GO. Please note that attachments and appendices must be requested through paper mail. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) and request that the call be relayed.

Written comments will be accepted at the above address and must be received by February 13, 2001. Comments will not be accepted by facsimile or voice mail. The Department will consider all comments in developing the final TMDL, which will be submitted to EPA for approval.

### Buffalo Creek

The Department of Environmental Protection will accept comments on the proposed TMDL, established in accordance with the requirements of section 303(d) of the Clean Water Act. Water quality in Buffalo Creek was identified as impaired on the August 7, 1998, 303(d) List. The 305(b) Water Quality Assessment Summary, which serves as the basis for the 303(d) listing, established that the pollutant causing the impairment was total residual chlorine. It further identified Mifflinburg Municipal Authority sewage treatment plant (STP) as the source of the pollutant.

Pennsylvania's Water Quality Standards criteria for Total Residual Chlorine (TRC) (Chapter 93 Water Quality Standards, Section 93.7) for Buffalo Creek is 0.011 mg/l as a 4-day average and 0.019 as a 1-hour average. Discharge Monitoring Reports (DMRs) for the STP indicate TRC effluent concentrations as high as 1 ppm. The combination of TRC effluent concentrations and limited dilution in Buffalo Creek results in exceedance of water quality standards and the need for additional control, as evidenced by modeling results and stream investigations conducted by the Department.

The TMDL applies to the segment of Buffalo Creek beginning at the STP Outfall 001 (RMI = 14.10) of Mifflinburg Municipal Authority's sewage treatment plant and extending 0.67 mile downstream.

Theoretically the amount of TRC which must be reduced for the water body to meet water quality standards would be the lbs/day which caused this impairment, minus the value (calculated at 1.7 lbs/day) for which the stream can accept and not violate water quality standards. A margin of safety is incorporated into the calculations.

This equation for the reduction required is:

$$\text{lbs/day needing removal} = \text{lbs/day currently delivered} - \text{lbs/day water body can receive}$$

Or

$$= 11.7 \text{ lbs/day} - 1.7 \text{ lbs/day} = 10.0 \text{ lbs/day}$$

An implementation plan and schedule is included in the permittee's NPDES permit, which is regulated/monitored by the Department of Environmental Protection. The NPDES permit requires the permittee to meet a Total Residual Chlorine (TRC) limit of 0.06 mg/l with an effective date of 5/1/2001, as established on Page 2B of

the permit. At this level, the required TRC removal will occur, and Water Quality standards will be met.

The data and all supporting data used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and an information sheet, contact: Daniel L. Alters, Water Programs Manager, Water Management Program, NorthCentral Regional Office, Pennsylvania Department of Environmental Protection, 208 West Third Street—Suite 101, Williamsport, PA 17701-6448, phone: (570) 327-0530, e-mail: Alters.Daniel@dep.state.pa.us.

The TMDL can be viewed and printed from this Website. Please note that at the current time attachments and appendices must be requested through paper mail.

Written comments will be accepted at the above address and must be received by February 13, 2001.

Additionally, the Department will conduct a Public Meeting for interested parties to discuss this TMDL. The meeting will be held at 2 p.m. on December 29th, 2000 in the Northcentral Regional Office, Goddard Room, at the above noted address. Please contact Lynn Kyle, Permit Section (NorthCentral Regional Office) at 570-327-3681, if you wish to attend.

The Department will consider all comments in developing the final TMDL, which will be submitted to EPA for approval.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 00-2168. Filed for public inspection December 15, 2000, 9:00 a.m.]

## DEPARTMENT OF GENERAL SERVICES

### State Surplus Property

The Department of General Services, State Surplus is selling a Unisys Main Frame Computer. For more information call (717) 787-4085. To obtain a bid packet, write to the Department of General Services, State Surplus Property, Room G-12, 2221 Forster St., Harrisburg, PA 17125 or e-mail [dmartz@state.pa.us](mailto:dmartz@state.pa.us) prior to the bid opening on December 21, 2000.

The Department of General Services, State Surplus Property is seeking contractors to remove mixed scrap metals, scrap drum, batteries, aluminum, waste oil/anti-freeze and tires from State agencies throughout PA. Some of these contracts begin on July 1, 2001. For more info, call 717-787-4085 or write to the Department of General Services, State Surplus Property, Room G-12, 2221 Forster St., Harrisburg, PA 17125 or e-mail [dmartz@state.pa.us](mailto:dmartz@state.pa.us) before February 28, 2001.

GARY E. CROWELL,  
*Secretary*

[Pa.B. Doc. No. 00-2169. Filed for public inspection December 15, 2000, 9:00 a.m.]

# DEPARTMENT OF REVENUE

## Interest Rate

Under the provisions of section 806 of the Fiscal Code, the Secretary of Revenue announces that, for the year commencing January 1, 2001, all unpaid taxes which became due and payable to the Commonwealth on and after January 1, 1982, shall bear interest at the rate of 9% per annum. This rate will remain constant until December 31, 2001. Under the provisions of section 6621(a)(2) of the Internal Revenue Code, this rate has been established by the Secretary of the Treasury of the United States, to be effective January 1, 2001. This rate will be codified under 61 Pa. Code § 4.2(a) (relating to rate of interest).

Although the Tax Reform Act of 1986 amended Internal Revenue Code section 6621, by requiring that the Secretary of the Treasury of the United States establish quarterly rates of interest to become effective for Federal purposes on the first month of each calendar quarter, these amendments do not affect Pennsylvania law. The Fiscal Code, as herein cited, requires that the interest rate be established effective January 1 of each calendar year without regard to any change in the Federal interest rate during the calendar year.

LARRY P. WILLIAMS,  
*Acting Secretary*

[Pa.B. Doc. No. 00-2170. Filed for public inspection December 15, 2000. 9:00 a.m.]

## Pennsylvania Sweetheart Cash Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314), and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Sweetheart Cash.

2. *Price:* The price of a Pennsylvania Sweetheart Cash instant lottery game ticket is \$2.00.

### 3. *Play Symbols:*

(a) Each Pennsylvania Sweetheart Cash instant lottery game ticket will contain two play areas known as "Game 1" and "Game 2" respectively. Each game has a different game play method and is played separately. Each Pennsylvania Sweetheart Cash instant lottery game ticket will also contain a "Fast Cash Bonus" area.

(b) The play symbols and their captions located in the play area for "Game 1" are: X Symbol (XXX) and O Symbol (OOO).

(c) The play area for "Game 2" will contain a "Winning Number" area and a "Your Numbers" area. The play symbols and their captions located in the "Winning Number" area and the "Your Numbers" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN) and 12 (TWLV).

### 4. *Prize Play Symbols:*

(a) The play area for "Game 1" will contain a "Prize" area. The prize play symbols and their captions located in the "Prize" area for "Game 1" are: \$2<sup>00</sup> (TWO DOL), \$3<sup>00</sup> (THR DOL), \$4<sup>00</sup> (FOR DOL), \$7<sup>00</sup> (SVN DOL), \$10<sup>00</sup> (TEN DOL), \$14\$ (FORTN), \$21\$ (TWY ONE), \$28\$ (TWY EGT), \$140 (ONE FORTY) and \$14,000 (FORTN THO).

(b) The prize play symbols and their captions located in the "Your Numbers" area for "Game 2" are: \$2<sup>00</sup> (TWO DOL), \$3<sup>00</sup> (THR DOL), \$4<sup>00</sup> (FOR DOL), \$7<sup>00</sup> (SVN DOL), \$10<sup>00</sup> (TEN DOL), \$14\$ (FORTN), \$21\$ (TWY ONE), \$28\$ (TWY EGT), \$140 (ONE FORTY) and \$14,000 (FORTN THO).

(c) The prize play symbols and their captions located in the "Fast Cash Bonus" area are: \$14\$ (FORTN) and TRY AGAIN.

5. *Prizes:* The prizes that can be won in "Game 1" and "Game 2" are \$2, \$3, \$4, \$7, \$10, \$14, \$21, \$28, \$140 and \$14,000. The prize that can be won in the "Fast Cash Bonus" area is \$14. The player can win up to six times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 2,520,000 tickets will be printed for the Pennsylvania Sweetheart Cash instant lottery game.

### 7. *Determination of Prize Winners:*

(a) Determination of prize winners for "Game 1" are:

(1) Holders of tickets with three matching X Symbol (XXX) play symbols in the same row, column or diagonal, and a prize play symbol of \$14,000 (FORTN THO) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$14,000.

(2) Holders of tickets with three matching X Symbol (XXX) play symbols in the same row, column or diagonal, and a prize play symbol of \$140 (ONE FORTY) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$140.

(3) Holders of tickets with three matching X Symbol (XXX) play symbols in the same row, column or diagonal, and a prize play symbol of \$28\$ (TWY EGT) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$28.

(4) Holders of tickets with three matching X Symbol (XXX) play symbols in the same row, column or diagonal, and a prize play symbol of \$21\$ (TWY ONE) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$21.

(5) Holders of tickets with three matching X Symbol (XXX) play symbols in the same row, column or diagonal, and a prize play symbol of \$14\$ (FORTN) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$14.

(6) Holders of tickets with three matching X Symbol (XXX) play symbols in the same row, column or diagonal, and a prize play symbol of \$10<sup>00</sup> (TEN DOL) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$10.

(7) Holders of tickets with three matching X Symbol (XXX) play symbols in the same row, column or diagonal, and a prize play symbol of \$7<sup>00</sup> (SVN DOL) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$7.

(8) Holders of tickets with three matching X Symbol (XXX) play symbols in the same row, column or diagonal,

and a prize play symbol of \$4.<sup>00</sup> (FOR DOL) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$4.

(9) Holders of tickets with three matching X Symbol (XXX) play symbols in the same row, column or diagonal, and a prize play symbol of \$3.<sup>00</sup> (THR DOL) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$3.

(10) Holders of tickets with three matching X Symbol (XXX) play symbols in the same row, column or diagonal, and a prize play symbol of \$2.<sup>00</sup> (TWO DOL) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$2.

(b) Determination of prize winners for "Game 2" are:

(1) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Winning Number" play symbol and a prize play symbol of \$14,000 (FORTN THO) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$14,000.

(2) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Winning Number" play symbol and a prize play symbol of \$140 (ONE FORTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$140.

(3) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Winning Number" play symbol and a prize play symbol of \$28\$ (TWY EGT) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$28.

(4) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Winning Number" play symbol and a prize play symbol of \$21\$ (TWY ONE) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$21.

(5) Holders of tickets where any one of the "Your

Numbers" play symbols matches the "Winning Number" play symbol and a prize play symbol of \$14\$ (FORTN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$14.

(6) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Winning Number" play symbol and a prize play symbol of \$10.<sup>00</sup> (TEN DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(7) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Winning Number" play symbol and a prize play symbol of \$7.<sup>00</sup> (SVN DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$7.

(8) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Winning Number" play symbol and a prize play symbol of \$4.<sup>00</sup> (FOR DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(9) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Winning Number" play symbol and a prize play symbol of \$3.<sup>00</sup> (THR DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$3.

(10) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Winning Number" play symbol and a prize play symbol of \$2.<sup>00</sup> (TWO DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(c) Holders of tickets with a prize play symbol of \$14\$ (FORTN) in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$14.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>Fast \$ Bonus</i>	<i>Tic-Tac-Toe Game 1</i>	<i>Key Symbol Match Game 2</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 2,520,000 Tickets</i>
	\$2		\$2	1:9.74	258,720
		\$2	\$2	1:9.68	260,400
	\$3		\$3	1:93.75	26,880
		\$3	\$3	1:100	25,200
	\$4		\$4	1:750	3,360
		\$4	\$4	1:750	3,360
	\$2		\$4	1:250	10,080
	\$7		\$7	1:750	3,360
		\$7	\$7	1:750	3,360
	\$3		\$7	1:250	10,080
		\$2 x 2	\$7	1:250	10,080
	\$3		\$7	1:250	10,080
		\$4	\$7	1:375	6,720
	\$4		\$7	1:375	6,720
	\$10		\$10	1:1,500	1,680
		\$10	\$10	1:1,500	1,680
	\$2		\$10	1:375	6,720
		\$2 x 4	\$10	1:375	6,720
	\$7		\$10	1:375	6,720
\$14			\$14	1:34.09	73,920
	\$14		\$14	1:1,500	1,680
		\$14	\$14	1:1,500	1,680
	\$21		\$21	1:1,500	1,680
		\$21	\$21	1:1,500	1,680
\$14			\$21	1:1,500	1,680
		\$7	\$21	1:1,500	1,680
\$14	\$4		\$21	1:750	3,360
		\$3	\$21	1:750	3,360



<i>Fast \$ Bonus</i>	<i>Tic-Tac-Toe Game 1</i>	<i>Key Symbol Match Game 2</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 2,520,000 Tickets</i>
	\$28		\$28	1:12,000	210
		\$28	\$28	1:12,000	210
\$14	\$14		\$28	1:1,071	2,352
\$14		\$14	\$28	1:1,071	2,352
	\$140		\$140	1:120,000	21
		\$140	\$140	1:120,000	21
	\$28	\$28 × 4	\$140	1:60,000	42
\$14	\$14	\$28 × 4	\$140	1:20,000	126
	\$14,000		\$14,000	1:2,520,000	1
		\$14,000	\$14,000	1:2,520,000	1

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Sweetheart Cash instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Sweetheart Cash, prize money from winning Pennsylvania Sweetheart Cash instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Sweetheart Cash instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Sweetheart Cash or through normal communications methods.

LARRY P. WILLIAMS,  
*Acting Secretary*

[Pa.B. Doc. No. 00-2171. Filed for public inspection December 15, 2000, 9:00 a.m.]

**Pennsylvania \$20,000 Hearts Instant Lottery Game**

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314), and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania \$20,000 Hearts.

2. *Price:* The price of a Pennsylvania \$20,000 Hearts instant lottery game ticket is \$2.00.

3. *Play Symbols:* Each Pennsylvania \$20,000 Hearts instant lottery game ticket will contain one play area. The play symbols and their captions located in the play

area are: Diamond Symbol (DMD), Club Symbol (CLB), Heart Symbol (HRT) and Spade Symbol (SPD).

4. *Prizes:* The prizes that can be won in this game are \$2, \$4, \$8, \$12, \$20, \$40, \$60, \$100, \$200 and \$20,000.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 6,120,000 tickets will be printed for the Pennsylvania \$20,000 Hearts instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets with ten Heart Symbol (HRT) play symbols in the play area, on a single ticket, shall be entitled to a prize of \$20,000.

(b) Holders of tickets with nine Heart Symbol (HRT) play symbols in the play area, on a single ticket, shall be entitled to a prize of \$200.

(c) Holders of tickets with eight Heart Symbol (HRT) play symbols in the play area, on a single ticket, shall be entitled to a prize of \$100.

(d) Holders of tickets with seven Heart Symbol (HRT) play symbols in the play area, on a single ticket, shall be entitled to a prize of \$60.

(e) Holders of tickets with six Heart Symbol (HRT) play symbols in the play area, on a single ticket, shall be entitled to a prize of \$40.

(f) Holders of tickets with five Heart Symbol (HRT) play symbols in the play area, on a single ticket, shall be entitled to a prize of \$20.

(g) Holders of tickets with four Heart Symbol (HRT) play symbols in the play area, on a single ticket, shall be entitled to a prize of \$12.

(h) Holders of tickets with three Heart Symbol (HRT) play symbols in the play area, on a single ticket, shall be entitled to a prize of \$8.

(i) Holders of tickets with two Heart Symbol (HRT) play symbols in the play area, on a single ticket, shall be entitled to a prize of \$4.

(j) Holders of tickets with one Heart Symbol (HRT) play symbols in the play area, on a single ticket, shall be entitled to a prize of \$2.

(k) A prize will be paid only for the highest Pennsylvania \$20,000 Hearts instant lottery game prize won on the ticket if the ticket meets the criteria established in 61 Pa. Code § 819.213 (relating to ticket validation and requirements).

7. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>Get</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 6,120,000 Tickets</i>
1 Heart	\$2	1:6.00	1,020,000
2 Hearts	\$4	1:18.75	326,400
3 Hearts	\$8	1:75	81,600
4 Hearts	\$12	1:150	40,800
5 Hearts	\$20	1:50	122,400
6 Hearts	\$40	1:600	10,200
7 Hearts	\$60	1:5,000	1,224
8 Hearts	\$100	1:24,000	255
9 Hearts	\$200	1:40,000	153
10 Hearts	\$20,000	1:1,020,000	6

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania \$20,000 Hearts instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

9. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania \$20,000 Hearts, prize money from winning Pennsylvania \$20,000 Hearts instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania \$20,000 Hearts instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

10. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

11. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania \$20,000 Hearts or through normal communications methods.

LARRY P. WILLIAMS,  
*Acting Secretary*

[Pa.B. Doc. No. 00-2172. Filed for public inspection December 15, 2000, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Retention of Engineering Firms

**Berks, Carbon, Lehigh, Monroe, Northampton and Schuylkill Counties**

**Project Reference No. 08430AG2648**

The Department will retain an engineering firm to provide NBIS bridge safety inspection and documentation services on Local Bridges throughout Engineering District 5-0. This project involves performing NBIS bridge safety inspections for 502 designated bridges and structures on the Local System in Engineering District 5-0, that is Berks, Carbon, Lehigh, Monroe, Northampton, and Schuylkill 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 final ranking will be established directly from the Letters of Interest. Technical Proposals will not be requested prior to the establishment of the final ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- a) Capabilities of the proposed teams to address the bridge inspection, engineering evaluations and recommendations, and related aspects identified in the Advertisement.
- b) Number of NBIS certified inspectors and inspection teams available for the Agreement.
- c) Review of inspectors' resumes with emphasis of bridge inspection capabilities.
- d) Understanding of the Department's requirements, policies, and specifications.
- e) Current bridge inspection workload and the firm's ability to provide the bridge inspections within the required time frame.
- f) Past performance with regard to bridge inspection work.
- g) Internal procedures for cost containment and quality assurance.

The firm selected may be required to provide three bi-annual inspections for each bridge over a six (6) year period. The firm will provide all necessary professional and non-professional services, work, material, and equipment necessary to inspect/re-inspect and evaluate the condition of locally owned bridges and structures. The firm will provide updated inspection reports including a bridge capacity load rating/re-rating and/or posting recommendation as warranted. Structure inventory and appraisal data, and completed Bridge Management System coding sheets (D-450) are also to be furnished. Inventory and operating ratings for AASHTO and PDF loadings using the Department's computer programs and/or other programs with prior approval when the Department's program is not applicable, may be required. The use of data collectors may be required.

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.

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" × 11", one sided), including any transmittal sheets, plus an organizational chart (up to 11" × 17" size) and additional resumes, if applicable. Any pages and/or page size beyond these maximums will not be reviewed by the Department (See the General Requirements and Information Section).

The Letter of Interest submission shall be sent to:

Walter E. Bortree, P.E., District Engineer  
Engineering District 5-0  
1713 Lehigh Street  
Allentown, PA 18103  
ATTN: Brian H. Graver

The Letter of Interest submission for this project reference number must be received at the address listed above by 4:30 P.M. prevailing time on the twentieth day following the date of this Notice.

Any technical questions concerning the requirements for this project should be directed to Kamlesh A. Ashar, P.E., phone number (610) 798-4153, fax number (610) 798-4116.

### General Requirements and Information

Firms interested in providing the above work and services are invited to submit a Letter of Interest with the required information for each Project Reference Number for which the applicant wishes to be considered.

The Letter of Interest and required information must be submitted to the person designated in the individual advertisement.

The Letter of Interest and required information must be received by the Deadline indicated in the individual advertisement.

For District projects, all consultants, both prime consultants and subconsultants, who desire to be included in a Letter of Interest must have an Annual Qualification Package on file with the appropriate District Office, by the deadline stipulated in the individual advertisements.

For Statewide projects, all consultants, both prime consultants and subconsultants, who desire to be included in a Letter of Interest must have an Annual Qualification Package on file with Central Office, Bureau of Design by the deadline stipulated in the individual advertisements.

Information concerning the Annual Qualification Package can be found in Strike-off Letter No. 433-99-04 or under the Notice to all Consultants published in the February 27, 1999 issue of the *Pennsylvania Bulletin*.

By submitting a letter of interest for the projects that request engineering services, the consulting firm is certifying that the firm is qualified to perform engineering services in accordance with the laws of the Commonwealth of Pennsylvania. A firm not conforming to this requirement may submit a letter of interest as a part of a joint venture with an individual, firm or corporation which is permitted under State law to engage in the practice of engineering.

The letter of interest must include full disclosure of any potential conflict of interest by the prime or any subconsultant based on Engineering Involvement Restrictions Guidelines as established in Strike-off Letter No. 433-00-02 published March 27, 2000. If there are no potential conflicts you shall include the following statement: "I have reviewed Strike-off Letter No. 433-00-02 and determine that there are no potential conflicts of interest for anyone on this project team."

If a Joint Venture responds to a project advertisement, the Department of Transportation will not accept separate Letters of Interest from the Joint Venture constituents. A firm will not be permitted to submit a Letter of Interest on more than one (1) Joint Venture for the same Project Reference Number. Also a firm that responds to a project as a prime may not be included as a designated subcontractor to another firm that responds as a prime to the project. Multiple responses under any of the foregoing situations will cause the rejection of all responses of the firm or firms involved. The above does not preclude a firm from being set forth as a designated subcontractor to more than one (1) prime responding to the project advertisement.

If a goal for Disadvantaged Business Enterprise (DBE) participation is established for an advertised project, firms expressing interest in the project must agree to ensure that Disadvantaged Business Enterprise (DBE) firms as defined in the Transportation Equity Act for the 21st century (TEA-21) and currently certified by the Department of Transportation shall have the opportunity to participate in any subcontracting or furnishing supplies or services approved under Form 442, Section 1.10(a). The TEA-21 requires that firms owned and controlled by women (WBEs) be included, as a presumptive group, within the definition of Disadvantaged Business Enterprise (DBE). The goal for DBE participation shall be as stated in the individual project advertisement. Responding firms shall make good faith efforts to meet the DBE goal using DBEs (as they are defined prior to the act, WBEs or combinations thereof).

Proposed DBE firms must be certified at the time of submission of the Letter of Interest. If the selected firm fails to meet the established DBE participation goal, it shall be required to demonstrate its good faith efforts to attain the goal.

Responses are encouraged by small firms, Disadvantaged Business Enterprise (DBE) firms, and other firms who have not previously performed work for the Department of Transportation.

Letters of Interest for will be considered non-responsive and eliminated from further consideration for any of the following reasons:

1. Letters of Interest not received on time.
2. Project of interest is not identified.
3. An Annual Qualification Package for the prime consultant and all subconsultants is not on file with the organization receiving the Letter of Interest.
4. Conflict of Interest evaluation statement is not included.
5. A Disadvantaged Business Enterprise (DBE) participation goal is established for the Project Reference Number but no DBE/WBE is identified and no good faith effort is included.
6. Firm submitted a Letter of Interest on more than one (1) Joint Venture or a firm submitted a Letter of Interest as a prime and was also included as a subconsultant, to another firm. Multiple responses under any of the foregoing situations will cause the rejection of all responses of the firm, or firms, involved.

In addition to the above reasons, a Letter of Interest for Construction Inspection Services will be considered non-responsive for any of the following reasons:

1. Prime consultant or any subconsultant does not have a Federal Acquisition Regulation (FAR) Audit Field Overhead Rate on file with the Department.

2. Using an individual's resume without including a letter granting the individual's approval for TCIS and higher positions.

3. Exceeding the maximum number of resumes in a payroll classification.

The assignment of the agreement/contract for the above advertisement(s) will be made to one of the firms who submitted an acceptable Letter of Interest in response to the project advertisement. The assignment will be made based on the Department's evaluation of the firm's qualification and capabilities. The Department reserves the right to reject all letters submitted, to cancel the solicitations requested under this Notice, and/or to readvertise solicitation for the work and services.

BRADLEY L. MALLORY,  
Secretary

[Pa.B. Doc. No. 00-2173. Filed for public inspection December 15, 2000, 9:00 a.m.]

# INDEPENDENT REGULATORY REVIEW COMMISSION

## Notice of Comments Issued

Section 5(d) and (g) of the Regulatory Review Act (71 P. S. § 745.5(d) and (g)) provide that the designated standing committees may issue comments within 20 days of the close of the public comment period, and the Independent Regulatory Review Commission (Commission) may issue comments within 10 days of the close of the committees' comment period. The Commission's Comments are based upon the criteria contained in subsections 5.1(h) and (i) of the Regulatory Review Act (75 P. S. § 745.5a(h) and (i)).

The Commission issued Comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulations. The final-form regulations must be submitted by the date indicated.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Issued</i>	<i>Final-Form Submission Deadline</i>
14-452	Department of Public Welfare Early Intervention Services	11/30/00	10/31/02
11-203	Insurance Department Annual Audited Insurers' Financial Report Required	11/30/00	10/31/02

**Department of Public Welfare Regulation No. 14-452  
Early Intervention Services  
November 30, 2000**

We submit for consideration the following objections and recommendations regarding this regulation. Each objection or recommendation includes a reference to the criteria in the Regulatory Review Act (71 P. S. § 745.5a(h) and (i)) which has not been met. The Department of

Public Welfare (Department) must respond to these Comments when it submits the final-form regulation. If the final-form regulation is not delivered by October 31, 2002, the regulation will be deemed withdrawn.

**1. Section 4226.1. Introduction.—Clarity.**

In the first sentence of subsection (a), a word appears to be missing. The word "to" should be inserted after the phrase "under 3 years of age" and before "maximize."

**2. Section 4226.5. Definitions.—Consistency with Federal statutes and regulations; Clarity.**

*Appropriate professional requirements*

This term is defined, in part, as "Entry level requirements that: (i) Are based on the *highest requirements* in the profession or discipline. . . ." (Emphasis added.) The phrase "highest requirements" is vague and should be clarified in the final-form regulation.

The phrase "suitable qualifications" in paragraph (ii) is also vague and should be clarified.

*Child*

This term is defined as "An individual under 3 years of age who has been determined eligible for services under this chapter." The Federal definition of "children," in 34 CFR 303.7, includes the definition of "infants and toddlers with disabilities." For consistency with the Federal regulations, the definition of "child" in the final-form regulation should include "infant and toddler with disabilities."

*County MH/MR program (legal entity)*

For improved clarity, the acronym "MH/MR" should be spelled out as "Mental Health/Mental Retardation."

*Early intervention services and infant and toddler with disabilities*

These definitions vary from comparable definitions in Federal law, in 20 U.S.C.A. § 1432(4) and (5). For example, the definition of "early intervention services" in the proposed regulation does not address natural environments or the Individualized Family Service Plan (IFSP). The proposed definition of "infant and toddler with disabilities" eliminates the Federal language relating to measurement of developmental delays. The definitions of these terms should be revised to match the Federal definitions, or the reasons for the variations should be explained.

*Evaluation, Family training, counseling and home visits, Health services and IFSP*

The definitions of these terms vary from corresponding definitions in Federal regulations, in 34 CFR Part 303. These definitions should be revised to be consistent with the Federal regulations, or the reasons for the variations should be explained.

*MDE*

This acronym is defined as "multidisciplinary evaluation." However, the term "multidisciplinary evaluation" is not defined. A definition of this term should be included in the final-form regulation.

*Parent*

The definition of this term includes a surrogate parent, but does not specify that a surrogate parent may be a foster parent. To avoid confusion regarding who qualifies as a "parent," the definition should specifically include a foster parent who meets the requirements of § 4226.105(f).

*Terms for which definitions should be added*

The terms “service coordinator” and “early interventionist” are used throughout the regulation, but are not defined. For improved clarity, definitions of these terms should be added to § 4226.5. Additionally, the definitions should cross-reference § 4226.53, which lists activities related to service coordination, and § 4226.55, which lists early interventionist responsibilities.

**3. Section 4226.11 Financial administration.—Clarity.**

The phrase “County Mental Health and Mental Retardation Program” should be abbreviated to “County MH/MR Program” since this is the defined term in § 4226.5.

**4. Section 4226.14. Documentation of other funding sources.—Clarity.**

*Subsection (a)*

Under this subsection, certain information is required to be “kept with the child and family’s permanent legal entity’s file.” However, the regulation does not specify a time limitation for retaining the “permanent file.” The final-form regulation should clarify this recordkeeping requirement.

*Subsection (b)*

This subsection requires the legal entity’s written procedures on funding to be “approved by the Department.” This provision implies that the Department reviews and approves the procedures used by the legal entity. However, the regulation contains no details on when and how review occurs. Additionally, the criteria that the written procedures must meet to qualify for Department approval are not included.

Does the Department issue a formal approval, or are the written procedures reviewed as part of the Department’s annual review of the legal entity? If there is a formal approval, the criteria and process for obtaining Department approval should be specified. If there is no formal approval, the phrase “and approved by the Department” should be deleted.

**5. Section 4226.15. Interim payments.—Clarity.**

Subsection (a) refers to “receipt of early intervention services by an infant, toddler or family *in a timely fashion.*” (Emphasis added.) The clarity of the regulation would be improved by including a specific time frame.

**6. Section 4226.22. Eligibility for early intervention services.—Clarity.**

*Subsection (a)*

Pursuant to paragraph (1), “developmental delay” occurs when “the child is delayed by 25% of the child’s chronological age in one or more developmental areas. . . .” What is the basis for the 25% standard?

Paragraph (2) establishes a standard for delay in developmental areas as “1.5 standard deviations below the mean on accepted or recognized standard tests for infants and toddlers.” What is the basis for establishing the standard at the 1.5 standard deviations below the mean?

*Subsection (b)*

This subsection permits the use of “informed clinical opinion” when “there are no standardized measures or the standardized procedures are not appropriate for a child’s chronological age or developmental area.” Examples of

circumstances that would require the use of “informed clinical opinion” would improve the clarity of the regulation.

**7. Section 4226.23. Waiver eligibility.—Clarity.**

*Subsection (a)*

The acronyms “ICF/MR” and “ICF/ORC,” used in this subsection, should be spelled out.

Throughout subsection (a), the phrase “applicant or recipient” is used. It is unclear who falls into these two categories. Do these terms refer to the “infant, toddler and family” as used in subsection (b)? If so, “infant, toddler and family” should replace “applicant or recipient.” If the latter terms apply to a broader group of individuals, the terms should be defined in the final-form regulation.

Paragraph (1)(i) contains a standard of “more than two standard deviations below the mean as measurable on a standardized general intelligence test.” The basis for this standard should be explained.

Paragraph (1)(ii) refers to a standard of “performance that is *slightly* higher than two standard deviations below the mean of a standardized general intelligence test. . . .” (Emphasis added.) How was this standard developed? Additionally, because “slightly higher” can not be objectively measured, this phrase should be deleted, and the final-form regulation should contain a justified, measurable standard.

Paragraph (3)(i) defines “significant limitations” by using the criteria of “a minimum of a 50% delay in one or 33% delay in two” developmental areas. How were these criteria determined?

Paragraph (3)(ii)(E), (F) and (G) list the following areas to be evaluated for functional limitation: “Self-direction”; “Capacity for independent living”; and “Economic self-sufficiency.” How are these areas evaluated for a child under 3 years of age?

Paragraph (3)(iii) states “The applicant’s or recipient’s conditions are likely to continue indefinitely for at least 12 months.” It is contradictory to use a time frame of “indefinitely for at least 12 months.” If the minimum amount of time included in this criterion is 12 months, the word “indefinitely” should be deleted.

*Subsection (b)*

This provision refers to the “infant, toddler and family’s initial and continuing financial eligibility for waiver services.” Subsection (a) uses the phrase “applicant’s or recipient’s.” The final-form regulation should clarify the need for the distinction in terminology between subsection (a) and subsection (b). If there is no distinction, the more specific “infant, toddler and family” should be used consistently in both subsections.

**8. Section 4226.24. Comprehensive child find system.—Consistency with Federal regulations; Clarity.**

*Subsection (f)*

This subsection addresses timelines imposed on a legal entity once it receives a “referral.” However, it is unclear what constitutes receipt of a referral. For example, must a referral be submitted in writing, or are telephone inquiries also considered referrals? To improve clarity, “referral” should be defined and the criteria for establishing “receipt” should be specified.

Paragraph (1) requires the legal entity to appoint a service coordinator “as soon as possible.” Although this

language is consistent with the Federal regulations, in 34 CFR 303.321(e), the phrase “as soon as possible” is vague and open to interpretation. Clarity would be improved by adding a maximum time frame (for example, but no later than) after “as soon as possible.”

Paragraph (2) lists items that must be completed within 45 days of referral. As written, the legal entity must complete “one” of the three actions listed in subparagraphs (i)—(iii). This requirement should be revised to state that “all” of the applicable actions in subparagraphs (i) through (iii) must be completed within 45 days consistent with 34 CFR 303.321(e).

#### *Public awareness program*

The Federal regulations, in 34 CFR § 303.20, require implementation of a public awareness program to help identify children who are eligible for early intervention services. However, this program is not addressed in the proposed regulation. The requirements for the public awareness program should be included in the final-form regulation.

#### **9. Section 4226.25. Initial Screening.—Reasonableness; Clarity.**

Subsection (b) states, “The initial screening and the evaluation specified in § 4226.62 (relating to MDE) may be conducted *simultaneously*.” (Emphasis added.) In what situations would the initial screening and evaluation be conducted at the same time? The final-form regulation should provide examples of or include criteria for when simultaneous screening and evaluation is appropriate.

#### **10. Section 4226.28. Recommendations to parents.—Consistency with Federal regulations; Clarity.**

##### *Results of initial screening*

This section describes the courses of action the legal entity may recommend after the initial screening process. However, there are no requirements for educating parents about what their rights to services are. For example, parents have a right to review their child’s IFSP, per Federal regulations, in 34 CFR 303.342(e). This information would allow parents to better understand how the early intervention system operates. For clarity, this section in the final-form regulation should include a requirement that parents be informed of their rights as part of the screening results.

##### *Paragraph (3)*

Paragraph (3) states, “The child is recommended for referral to the tracking system.” The term “tracking system” as used in this section, as well as in § 4226.31, is unclear. For clarity, this term should be defined in this section, in § 4226.31, or in § 4226.5, relating to definitions.

#### **11. Section 4226.29. Notice to parent.—Clarity.**

This section requires legal entities to provide parents written notices of the screening results. How will the parents receive the written notice? A number of different methods could be used to deliver this written notice. This section should specify how the written notice must be delivered, and within what time frame after completion of screening.

#### **12. Section 4226.30. At-risk children.—Clarity.**

Paragraph (5) includes children “with confirmed dangerous levels of lead poisoning as set by the Department of Health.” For clarity, the regulation should include a citation to the Department of Health’s regulations that denotes these levels.

#### **13. Section 4226.31. Tracking system.—Clarity.**

As noted in Issue 10, the term “tracking system” is unclear and should be defined in the final-form regulation. Additionally, we have another concern with this section. There is no process for initiating a “tracking system,” nor any procedures to ensure uniformity among tracking systems.

Are tracking systems required to be uniform? Is there a timeline for establishing tracking systems for children who require reevaluations? This section should include the processes and procedures for the implementation of tracking systems.

#### **14. Section 4226.32. Contacting families.—Clarity.**

##### *General*

This section requires the legal entity to contact families after a child is referred to a tracking system, and outlines the required schedule for and form of contact. However, the substance of the contact is not explained. What will the contact consist of? This section should also address the substance of the contact.

##### *Subsection (a)*

Subsection (a) requires the legal entity to contact families “at least every 4 months after a child is referred to the tracking system. . . .” We have two questions. First, how was the 4 month time frame determined?

Second, if the MDE team recommends a shorter time frame for contact, is the legal entity required to adopt that recommendation? The final-form regulation should answer these questions.

#### **15. Section 4226.33. Monitoring responsibilities.—Need, Reasonableness; Clarity.**

##### *Subsection (a)*

This subsection allows legal entities to monitor early intervention services provided in another county or state. Why and how the legal entity would monitor early intervention services provided in another state should be explained in the final-form regulation.

##### *Subsection (c)*

This subsection requires the legal entity to “complete monitoring of each early intervention service provider at least once every 12 months.” This phrase is confusing. We understand that once every 12 months a legal entity must submit to the Department a form that evaluates each service provider. This subsection should reflect that the monitoring, in this instance, is a reporting requirement of the legal entity.

#### **16. Section 4226.34. Community evaluations.—Reasonableness and Clarity.**

This section requires legal entities to conduct an early intervention self-assessment review “at least once in every 3 years.” We have two concerns regarding this section.

First, how was the time frame of once every 3 years determined? The rationale for this time frame should be explained.

Second, the phrase “once in every three years” is awkward. A clearer phrase would be “at least once every three years.”

#### **17. Section 4226.35. Training.—Need; Clarity.**

This section requires that “professional and paraprofessional personnel who serve on the interdisciplinary team or who provide direct care or service to a child shall be

certified, licensed or registered, as approved by the Department of State. . . ." We have two concerns.

First, the terms "professional and paraprofessional" and the phrase "as approved" are unnecessary and should be deleted.

Second, are there specialists who are certified, licensed or registered by an entity other than the Department of State, such as the Department of Education? If so, this section should be revised to recognize other certification, licensing or registration authorities.

**18. Section 4226.36. Preservice training.—Economic and fiscal impact; Need; Clarity.**

This section describes training for the service coordinator, early interventionist and other early intervention personnel who work directly with children in early intervention programs. We have three concerns with this section.

First, this section includes the areas for preservice training, but does not specify the format or time requirement for preservice training. Will the training be held on site during regular business hours? The exclusion of such information may prove confusing for individuals and early intervention programs. Therefore, a format and minimum time requirements for preservice training should be included in the final-form regulation.

Second, in the Regulatory Analysis Form, the Department states that there will be no increased costs to affected parties. However, commentators disagree. This section does not specify whether the employee, the employer or the Department will pay for the preservice training. The regulation should clarify who will fund this training.

Third, paragraph (9) requires all personnel to undergo "Training in fire safety, emergency evacuation, first aid techniques and child cardiopulmonary resuscitation. . . ." We have two questions. First, should this requirement be limited to those staff that work directly with children? Second, should these requirements only apply when the child is receiving services outside of the home?

**19. Section 4226.37. Annual training.—Economic and fiscal impact; Clarity.**

We have four concerns with this section. First, § 4226.37 requires service coordinators, early interventionists and other early intervention personnel who work directly with children in early intervention programs to undergo at least 24 hours of annual training. The stakeholders group questioned whether the 24 hours of annual training is clock hour training or credit hour training. This issue should be clarified in the final-form regulation.

Second, subsection (a) provides a list of general and specific program areas that are relevant to early intervention services. Does the Department approve training providers and programs? If so, the process for approval should be included in the final-form regulation.

Third, the Regulatory Analysis Form, states that there will be no increased costs to affected parties. However, commentators disagree. This section does not specify whether the employee, employer or the Department will fund the annual training. The regulation should clarify who will fund for this training.

Finally, subsection (c) requires records of all training "shall be kept in the agency's personnel files." How long will the agency be required to retain these records? This section should include the timeframe for record retention.

**20. Section 4226.38. Criminal history records check. Reasonableness; Need; Clarity.**

Paragraph (1) requires persons who reside inside the Commonwealth who will have direct contact with children to submit a Pennsylvania criminal history record check. Paragraph (2) requires staff persons who reside in another state who have direct contact with children to submit a Pennsylvania criminal history record check and a Federal Bureau of Investigation (FBI) criminal history record check. Why aren't Pennsylvania residents required to submit an FBI criminal history record check?

Additionally, 55 Pa. Code § 3490.122(a) requires persons who apply to provide a child care service to submit a completed Pennsylvania Child Abuse History Clearance form. Early intervention services for children are included under the definition of "child care service." However, this requirement is not included in the proposed regulation. The final-form regulation should require that all persons who will have direct contact with children submit a completed Pennsylvania Child Abuse History Clearance form.

**21. Section 4226.40. Reporting.—Clarity.**

*Subsection (a)*

This subsection requires a legal entity to submit reports "in a form and contain information as the Department may require." We have three concerns. First, the phrase "information as the Department may require" is vague. This subsection should specify the information required in these reports.

Second, it is unclear how often or when the Department will require the submission of these reports. For clarity, the time frame covered by the report and the deadline for submittal should be inserted.

Finally, does the Department provide a form for the reports? If so, this section should state the name of the form and how the form can be attained.

*Subsection (b)*

In this subsection, the legal entity is responsible for keeping records. How long will the legal entity be required to retain these records? This section should include a time frame for record retention.

**22. Section 4226.41. Traditionally underserved groups.—Clarity.**

Paragraph (2) of this section requires the legal entity to ensure that "Families have access to culturally competent services within their local geographic areas." The phrase "culturally competent services" is unclear. This section should either include a definition or examples of "culturally competent services."

**23. Section 4226.43. Confidentiality of information.—Reasonableness; Clarity.**

A legal entity, as required by this section, must ensure the protection of "a personally identifiable information collected, used or maintained . . . including the rights of parents to written notice of written consent to the exchange of this information among agencies consistent with Federal and State law." We have two concerns with this section.

First, what Federal and State law applies to this exchange of information? For clarity, citations to applicable Federal and State law should be included.

Second, in the phrase "a personally identifiable information," should the "a" be an "all"?

**24. Section 4226.52. Provision of service coordination.—Reasonableness; Clarity.**

Subsection (a) requires the legal entity to “provide the services of a service coordinator to the family.” This phrase is wordy and unclear. Rather than the phrase “provide the services of a,” this sentence could be rewritten to state “assign a service coordinator to the family.”

Subsection (b) establishes a ratio of one service coordinator per family. Why isn't a ratio of families to service coordinators also included? The final-form regulation should also include a service coordinator caseload ratio, or explain why such a ratio is not necessary.

**25. Section 4226.54. Requirements and qualifications.—Reasonableness; Need; Clarity.**

*Section titles*

Section 4226.54 includes the requirements and qualifications of a service coordinator. The title of this section, as well as § 4226.56, is “Requirements and qualifications.” For clarity, these titles should be changed to “Service coordinator requirements and qualifications” and “Early interventionist requirements and qualifications,” respectively.

*Subsection (a)*

Subsection (a) states, “A minimum of one service coordinator intervention service shall be employed . . . by the legal entity.” It appears that the phrase “intervention service” is a typographical error and should be deleted.

*Adequacy of qualifications*

Subsection (c)(1) and (2) require a service coordinator to possess either a bachelor's degree or above, or an associate's degree or 60 credit hours from an accredited college or university. Additionally, a person must have 1 or 3 years of “work or volunteer experience working directly with children, families or people with disabilities, or in counseling, management or supervision.”

Subsection (c)(3) allows applicants to have “Certification by the Civil Service Commission as meeting the Caseworker 2 or 3 classification.” According to the State Civil Service job requirements, a Caseworker 2 requires a bachelor's degree in social welfare/social work, or a bachelor's degree that is supplemented by, or includes 12 credits in related fields. A Caseworker 3 classification requires a bachelor's degree in sociology, social welfare, psychology, gerontology, criminal justice or other related social science.

We have three concerns with the qualifications in subsection (c)(1) and (2). First, the education qualifications lack the specificity of the Civil Service Caseworker 2 and 3 classifications. There is no requirement in subsection (c)(1) and (2) that the degree or course work be in a discipline related to early intervention.

Second, the requirement for work or volunteer experience in “counseling, management or supervision” lacks specificity. There is no requirement that this “experience” be in a field that has any relevance to the provision of early intervention services.

Third, the requirements in subsection (c)(1) and (2) for 1 and 3 years of volunteer experience are unclear. For example, if a person volunteers on a part-time basis, how long must a person do volunteer work to equate to the 1 year or 3 year standard?

It is our understanding that the broad requirements in subsection (c)(1) and (2) are intended to provide hiring flexibility for service coordinators throughout the Com-

monwealth, specifically rural areas where there may be fewer qualified candidates. However, an explanation should be given as to how the broad degree, course work and work qualifications in subsection (c)(1) and (2) will ensure consistent, quality services throughout the Commonwealth. Additionally, the final-form regulation should clarify how volunteer experience will be calculated in determining if a candidate meets the 1 year or 3 year requirements in subsection (c)(1) and (2).

**26. Section 4226.55. Early interventionist.—Consistency with statute; Need; Reasonableness; Clarity.**

This section lists the responsibilities of an early interventionist. However, responsibilities appear to duplicate those of the service coordinator and qualified service providers. The position of early interventionist is not included in either the Federal regulations or the Individuals with Disabilities Education Act. We have a number of concerns.

How is the early interventionist's role different from other early intervention personnel? Are specialists that work with children, such as speech therapists, psychologists and physical therapists, considered early interventionists? Given the definition of “qualified” in § 4226.5, why is such a position needed?

The early interventionist position should either be clarified or this section and § 4226.56 should be deleted.

*Paragraph (2)*

Under this paragraph, the early interventionist is required to “supervise the implementation of services provided by other early intervention personnel.” Given the limited education and experience requirements for early interventionists, is it reasonable to have an early interventionist supervising services provided by a specialist, such as a physical therapist or psychologist?

*Paragraph (4)*

In this paragraph, the phrase “written communication reviews” is unclear. For increased clarity, the regulation should describe what a “written communication review” entails.

**27. Section 4226.56. Requirements and qualifications.—Consistency with statute; Reasonableness; Clarity.**

*Adequacy of requirements*

As noted in Issue 25, we have several concerns related to the lack of specificity of the qualifications in subsections (a)(1) and (a)(2). It is our understanding that these broad requirements are intended to provide hiring flexibility for early interventionists throughout the Commonwealth, specifically in rural areas where there may be fewer qualified candidates. However, an explanation should be given as to how the broad degree, course work and work qualifications in subsection (a)(1) and (2) will ensure consistent, quality services throughout the Commonwealth. Additionally, the final-form regulation should clarify how volunteer experience will be calculated in determining if a candidate meets the 1 year or 3 year requirements in subsection (a)(1) and (2).

*Subsection (b)*

Subsection (b) requires all early interventionists to “obtain a minimum of 6 credit hours annually.” Section 4226.37 requires service coordinators, early interventionists and other early interventionist personnel who work directly with children to undergo at least 24 hours of



annual training. The “6 credit hours” requirement is redundant and should be deleted in the final-form regulation.

*Children with low incidence disabilities*

There is no mention of the qualifications for personnel working with children having low incidence disabilities. It is recommended that all personnel who will be working with children with low incidence disabilities be specifically trained to meet their needs. This requirement should be included.

**28. Section 4226.57. Effective date of personnel qualifications.—Consistency with Federal regulations.**

Under this section, personnel qualifications in §§ 4226.54(c) and 4226.56(a) will apply to service coordinators and early interventionists hired or promoted after the date of this regulation’s final publication. The Federal regulations, in 34 CFR 303.361(g), authorize states, in areas where there is a shortage of qualified personnel, to hire people who don’t currently meet the requirements. To be consistent with the Federal regulations, a new subsection should be added which includes or references this Federal provision.

**29. Section 4226.62. MDE.—Consistency with federal regulations; Reasonableness; Clarity.**

*Subsection (a)*

Subsection (a)(2) requires that the “initial MDE is conducted by personnel independent of service provision.” The requirement for an independent evaluation team could be problematic in counties where there are not enough qualified personnel to provide services, as well as independent evaluations. What will happen if there are no qualified independent personnel to conduct an evaluation, or the parents are comfortable with and who have used or want to use the service provider doing the evaluation? Is there a waiver provision that can be applied in these circumstances?

*Subsection (b)*

Subsection (b)(1)(iii)(C)(2) lists the parties who will be involved in the annual multidisciplinary evaluation (MDE). This subsection requires that “at least one professional” be present. The definition of “multidisciplinary” includes two or more disciplines. To be consistent, the final-form regulation should require that “at least two” professionals be involved in the MDE.

**30. Section 4226.63. Nondiscriminatory procedures.—Clarity.**

Paragraph (1) requires that all material relevant to evaluation and assessment procedures be presented to the parents in their native language “unless it is clearly not feasible to do so.” For clarity, this section should include examples of when communication with parents in their native language would be considered “clearly not feasible.” Similar changes should be made to § 4226.97(c)(2).

**31. Section 4226.72. Procedures for IFSP development, review and evaluation.—Consistency with federal regulations; Clarity.**

*Subsection (b)*

Subsection (b) states a “review may be carried out by a meeting or by *another means* that is acceptable to the parents and the other participants.” (Emphasis added.) What are examples of “another means” that parents and participants can choose instead of a meeting? For clarity,

this regulation should include all methods of participation that a parent or participant may choose when evaluating the IFSP.

Additionally, Federal regulations, in 34 CFR 303.342(b)(1), state that the family may request a review of the IFSP more frequently than every 6 months. The language in this section should be revised to be consistent with that in Federal regulations.

*Subsection (d)*

The phrase “early enough” in paragraph (3) is used to describe the time frame that should be followed when providing written notice to parents and other participants of meeting dates. For clarity, the final-form regulation should specify a minimum amount of time required for “early enough.”

**32. Section 4226.73. Participants in IFSP meetings and periodic reviews.—Clarity.**

Subsection (a) lists the required participants in the annual IFSP meeting. Commentators have expressed concern that the service coordinator must have the authority to commit resources to carry out the recommendations in the IFSP. Can a legal entity deny services agreed upon as part of an IFSP? If so, what happens regarding the recommendations?

**33. Section 4226.74. Content of IFSP.—Consistency with federal regulations; Clarity.**

*Paragraph (1)*

Paragraph (1) describes what information should be included in an IFSP. The last sentence states that all information should be “based on objective criteria.” Federal regulations, in 34 CFR 303.344(a)(2), do not include this language. This phrase is also redundant with subparagraph (1)(ii), and should be deleted for consistency with Federal regulations.

*Paragraph (2)*

This paragraph describes the “family information” that is to be included in the IFSP. Federal regulations, in 34 CFR 303.344(b), require this information “with the concurrence of the family.” For consistency with the Federal regulations, the phrase “with the concurrence of the family” should be added to paragraph (2).

*Paragraph (7)*

In subsection (i) of paragraph (7), the phrase “as soon as possible” is used to describe the projected dates for initiation of services that should begin after the development of the IFSP. Although this language is consistent with Federal regulations, in 34 CFR 303.344(f)(1), the phrase “as soon as possible” is vague and open to interpretation. Clarity would be improved by adding a maximum time frame (for example, but no later than) after “as soon as possible.”

*Paragraph (9)*

Subsection (i) lists the steps to be followed as a child transitions from early intervention services to special education services. The corresponding Federal requirements, in 34 CFR 303.344(h)(2)(i)—(iii), specifically require: discussion with, and training of, parents; procedures to help the child adjust to a new setting and function in that setting; and transfer of evaluation and assessment information (with parental consent) to the local education agency. For consistency with Federal regulations, the provisions in 34 CFR 303.344(h)(2)(i)—(iii) should be included or cross referenced in the final-form regulation.

Additionally, paragraph (9)(II)(c)(B) contains a typographical error. The age requirement should be 3, not 23.

**34. Section 4226.94. Mediation.—Clarity.**

Subsection (d) states “the mediation process shall be scheduled *in a timely manner*.” (Emphasis added.) The final-form regulation should specify the maximum acceptable time frame and delete “in a timely manner.”

**35. Section 4226.100. Administrative resolution of individual child complaints by an impartial decisionmaker.—Clarity.**

The use of the word “timely” in this section is unclear. Is there a specific time frame that a legal entity must abide by when implementing procedures for the resolution of service complaints by parents? If so, the regulation should delete “timely” and specify the maximum time frame.

**36. Section 4226.103. Convenience of proceedings; timeliness.—Consistency with Federal regulations; Clarity.**

There are no timelines included in this section, despite the reference in the title. Federal regulations, in 34 CFR 303.423(b), specify a 30-day timeline. This section should include the provisions outlined in the Federal regulations relating to a timeline for completing the proceedings and mailing a written decision to each of the parties.

**37. Section 4226.105. Surrogate parents.—Consistency with statute; Clarity.**

Commentators have noted that the following three provisions, found in this section in the 1997 draft regulation given to stakeholders, have been omitted: the protection of surrogate parents from liability; authorization for the county to appoint a surrogate parent at the request of a parent; and language that stated, “a foster parent is eligible to serve as a surrogate if all requirements for surrogate are met.” Why were these provisions not included in the proposed regulation?

Subsection (f)(3) refers to a “long-term parental relationship.” What period of time qualifies as “long-term”?

Subsection (f)(5) states that a foster parent will qualify as a surrogate if, “the foster parent has no interest that would conflict with the interests of the child.” What would constitute a conflict of interest for the foster parent?

**Insurance Department Regulation No. 11-203**

**Annual Audited Insurers' Financial Report Required**

**November 30, 2000**

We submit for consideration the following objection and recommendation regarding this regulation. The objection and recommendation includes a reference to the criteria in the Regulatory Review Act (71 P. S. § 745.5a(h) and (i)) which has not been met. The Insurance Department must respond to this Comment when it submits the final-form regulation. If the final-form regulation is not delivered by October 30, 2002, the regulation will be deemed withdrawn.

**Section 147.4. Contents of annual audited financial report.—Clarity.**

Subsection (b)(2) contains the phrase, “and other applicable laws and regulations.” What are the other applicable laws and regulations? For clarity, this phrase

should be deleted or replaced with a cross reference to the specific laws and regulations that apply.

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 00-2174. Filed for public inspection December 15, 2000, 9:00 a.m.]

## INSURANCE DEPARTMENT

### List of Approved Data Service Vendors

Under the authority of the Motor Vehicle Physical Damage Appraisers Act (63 P. S. §§ 851—863), the Insurance Commissioner hereby lists data service providers approved to calculate the replacement value of total loss or unrecovered vehicles under 31 Pa. Code § 62.3(e)(1), Motor Vehicle Physical Damage Appraisers regulation.

A listing of approved replacement value data service providers will be published annually in the *Pennsylvania Bulletin*. In the interim, an updated listing may be obtained by contacting the Insurance Department, Bureau of Consumer Services, 1321 Strawberry Square, Harrisburg, Pa. 17120. Requests for this information may also be submitted to ra-in-consumer@state.pa.us or telephone toll free (877) 881-6388 or faxed to (717) 787-8585.

#### Approved Replacement Value Data Service Providers

*Automobile Blue Book,  
formerly Red Book*

*NADA Book*

National Market Reports, Inc.  
Circulation Department  
29 N. Wacker Drive  
Chicago, Illinois 60606-3298  
(800) 621-9907

Subscription Department  
Post Office Box 7800  
Costa Mesa, California  
92628-9924  
(800) 544-6232

CCC Information Services,  
Inc.  
444 Merchandise Mart  
Chicago, Illinois 60654-1005  
(800) 621-8070

ADP Claims Solution  
Group, Inc.  
4211 S.E. International  
Way, #A  
Milwaukie, Oregon 97222  
(800) 959-6237

(*Editor's Note:* For a final rulemaking affecting this notice, see 29 Pa.B. 5511 (October 23, 1999).)

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 00-2175. Filed for public inspection December 15, 2000, 9:00 a.m.]

### Nationwide Mutual Insurance Company; Private Passenger Automobile Rate Revision

On November 27, 2000 the Insurance Department received from Nationwide Mutual Insurance Company a filing for a rate level change for private passenger automobile insurance.

The company requests an overall 6.4% increase amounting to \$33,827,789 annually, to be effective April 20, 2001.

Unless formal administrative action is taken prior to January 26, 2001 the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection, by appointment, during normal working hours at the Insurance Department's offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Michael W. Burkett, Insurance Department, Bureau of Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg, PA 17120 (e-mail at [mburkett@ins.state.pa.us](mailto:mburkett@ins.state.pa.us)) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 00-2176. Filed for public inspection December 15, 2000, 9:00 a.m.]

ten order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 00-2177. Filed for public inspection December 15, 2000, 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 the termination of the insured's automobile policy. The hearing will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure).

The administrative hearings will be held in the Insurance Department's Offices in Pittsburgh or Philadelphia, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Pittsburgh Regional Office, Room 304, State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222.

Appeal of John R. Cunic, Sr; file no. 00-308-71822; Prudential Property & Casualty Insurance Co.; doc. no. PI00-11-023; January 12, 2001, 1 p.m.

The following hearing will be held in the Philadelphia Regional Office, Room 1701, State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Ernani and Margaret Forchetti; file no. 00-165-03868; AAA Mid Atlantic Insurance Groups; doc. no. PH00-11-022; March 26, 2001, at 9 a.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses and the like necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Commissioner may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner will issue a writ-

### Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their company's termination of the insured's policies. All administrative hearings are held in the Insurance Department Offices in Harrisburg, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The administrative hearings will be held in the Insurance Department's Administrative Hearings Office, Room 200, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of David B. and Nancy A. Nassler; file no. 00-181-07070; Saucon Mutual Insurance Company; Doc. No. P00-12-003; January 16, 2001, 10 a.m.;

Appeal of Vincent F. Gustitus; file no. 00-181-06903; Travelers Indemnity Company; doc. no. P00-11-020; January 31, 2001, at 10 a.m.;

Appeal of William Turnstall, PA; file no. 00-181-07504; Donegal Mutual Insurance Co.; doc. no. P00-11-021; January 31, 2001, at 1 p.m.

Both parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files and other necessary evidence. The insured must bring all documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) and the regulations set forth at 31 Pa. Code § 59.7(e) (relating to appeal procedure). Under 31 Pa. Code § 59.7(e)(5), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is given.

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an

auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 00-2178. Filed for public inspection December 15, 2000, 9:00 a.m.]

## LEGISLATIVE REFERENCE BUREAU

### Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of Bulletin). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no such documents have been received. For questions concerning or copies of documents filed, but not published, please call (717) 783-1530.

#### Governor's Office

Management Directive No. 205.32—Hiring Sign Language Interpreters/Translators, Revision No. 1, Dated November 1, 2000.

Management Directive No. 230.10—Travel and Subsistence Allowances, Amended November 1, 2000.

Management Directive No. 230.13—Commonwealth Corporate Card Program, Amended November 2, 2000.

Administrative Circular No. 00-35—Placing of Decals and Logos on Commonwealth Vehicles, Dated October 26, 2000.

Administrative Circular No. 00-36—Winterization of State Vehicles and Commonwealth Garage Parking and Hours of Operation, Dated October 26, 2000.

GARY R. HOFFMAN,  
*Director*  
*Pennsylvania Bulletin*

[Pa.B. Doc. No. 00-2179. Filed for public inspection December 15, 2000, 9:00 a.m.]

## LIQUEUR CONTROL BOARD

### Expiration of Leases

The following Liquor Control Board lease will expire:

Allegheny County, Wine & Spirits Shoppe #0255, 914 Pittsburgh Street, Springdale, PA 15144-1733.

*Lease Expiration Date:* February 28, 2002

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 2,500

to 5,000 net useable square feet of new or existing retail commercial space on Pittsburgh/Freeport Road within 1.5 miles of the intersection with Pillow Avenue in Cheswick. Site must have rear tractor-trailer loading access. Free, off-street parking preferred.

*Proposals due:* January 5, 2001 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** Bruce VanDyke, (412) 565-5130

Allegheny County, Wine & Spirits Shoppe #0280, Eastgate Center, 116 Eastgate Drive, Pittsburgh, PA 15235-1416.

*Lease Expiration Date:* 90-Day status since 5/1/00

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,000 to 4,000 net useable square feet of new or existing retail commercial space at or near the intersection of Frankstown Road and Robinson Boulevard in Wilkensburg or Penn Hills.

*Proposals due:* January 5, 2001 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** George Danis, (412) 565-5130

JOHN E. JONES, III,  
*Chairperson*

[Pa.B. Doc. No. 00-2180. Filed for public inspection December 15, 2000, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Crude Oil Operations Without Hearing

**A-140300F0002. National Transit Company.** Application of National Transit Company for approval of the abandonment and discontinuance of crude oil gathering and pipeline transportation operations.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before January 2, 2001, under 52 Pa. Code (relating to public utilities).

*Applicant:* National Transit Company

*Through and By Counsel:* Paul M. Siegel, 700 Milam Street, Houston, TX 77002

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 00-2181. Filed for public inspection December 15, 2000, 9:00 a.m.]

**Default Order**

Public Meeting held  
November 29, 2000

*Commissioners Present:* Robert K. Bloom, Vice Chairperson; Nora Mead Brownell; Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. Brittan Communications International;* Doc. No. C-00004251; A-310392

**Default Order**

*By the Commission:*

On September 26, 2000, Law Bureau Prosecutory Staff instituted a complaint against Brittan Communications International (the Respondent), an interexchange (IXC) reseller certificated at A-310392. In the complaint, Prosecutory Staff alleged that the Commission sent by certified mail a notice to the Respondent that its monthly Universal Service Fund assessments were overdue by three or more months. According to the postal return receipt, service of the notice was perfected, however, the Respondent failed to respond to this notice. The complaint charged that the Respondent violated the Commission's order entered on February 4, 2000, at Docket No. L-00000148 (Rulemaking Re Establishing Universal Service Fund Regulations at 52 Pa. Code §§ 63.141—63.1502) by not paying the monthly assessments.

The complaint sought an order from the Commission canceling the Respondent's certificate of public convenience for failure to pay its assessment and accrued late charges. The complaint was mailed via certified mail by the Secretary's Bureau on September 27, 2000, to the same address as the notice but was subsequently returned unclaimed. Thereafter, on October 18, 2000, the Secretary's Bureau re-sent the complaint to the same address by regular first-class mail. To date, more than 20 days later, no answer has been filed to the complaint and the assessments have still not been paid; *Therefore,*

*It is Ordered That:*

1. The allegations in Law Bureau Prosecutory Staff's complaint are deemed admitted and the complaint is thereby sustained.

2. The Secretary serve a copy of this Order upon all jurisdictional telecommunication carriers, the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Brittan Communications International immediately cease providing service to any new customers and, within 10 days of the entry of this Order, provide a written notice to each existing customer directing each to select an alternative IXC service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent public comment within the 20-day time period established pursuant to Ordering Paragraph No. 2, above.

4. That absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Brittan Communications International at Docket No. A-310392 shall be canceled, and the company's name stricken from all active utility

lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Audits.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 00-2182. Filed for public inspection December 15, 2000, 9:00 a.m.]

**Procedural Order**

Public Meeting held  
November 29, 2000

*Commissioners Present:* Robert K. Bloom, Vice Chairperson, Nora Mead Brownell, Aaron Wilson, Jr., Terrance J. Fitzpatrick.

*Consultative Report on Application of Verizon Pennsylvania, Inc., for FCC Authorization to Provide In-Region, InterLATA Service in Pennsylvania;* Doc. No. M-00001435

**Procedural Order**

*By the Commission:*

Section 271(d)(1) of the Telecommunications Act<sup>1</sup> (TA-96) provides Verizon Pennsylvania, Inc. (f/k/a Bell Atlantic-Pennsylvania, Inc.) (Verizon), with the opportunity to apply to the Federal Communications Commission (FCC) for authority to provide in-region interLATA service in Pennsylvania. However, Section 271(d)(2) of TA-96 provides that the FCC, before making its decision on any such application, is required to consult with the United States Department of Justice (DOJ) and this Commission to verify Verizon's compliance with the requirements of Section 271(c) of TA-96 within Pennsylvania. In general, the requirements of Section 271(c) include a 14-point competitive checklist for access and interconnection on fair and nondiscriminatory terms, as well as non-discriminatory access to Verizon's Operations Support Systems (OSS) and the existence of appropriate OSS performance measures and remedies.

In the *Global Order*,<sup>2</sup> the Commission has previously set forth an outline of the process and procedure we intend to follow during a 100-day review period in developing our consultative report to the FCC under Section 271(d)(2). The process and procedure outlined in the *Global Order* included the following elements: a final independent third-party OSS test, a determination that Verizon has passed the third-party OSS test, the commencement of a 90-day commercial availability period, the opportunity to submit comments or written testimony, en banc hearings, and submission of this Commission's consultative report to the FCC. *Global Order* at 254-260.

Although the *Global Order* sets forth the above-referenced process and procedure, many further details remain open. The purpose of this Procedural Order is to add further details regarding the process and procedure we intend to follow during our evaluation of Verizon's compliance with Section 271. This Procedural Order is provided as a guide to the method by which the Commission will gather the information necessary for its Section

<sup>1</sup> Telecommunications Act of 1996, Pub.L. No. 104-104, 110 Stat. 56, codified at 47 U.S.C. §§ 151, et seq., (TA-96).

<sup>2</sup> *Joint Petition of Nextlink Pennsylvania, Inc., et al., for Adoption of Partial Settlement Resolving Pending Telecommunications Issues and Joint Petition of Bell Atlantic Pennsylvania, Inc., et al., for Resolution of Global Telecommunications Proceedings*, Docket Nos. P-00991648 and P-00991649 (Opinion and Order entered Sept. 30, 1999, as clarified by order entered Nov. 5, 1999) (*Global Order*).

271 consultative report to the FCC. The Commission will, where necessary, make adjustments to this procedure during the course of this matter.

Our goal is to invite, collect, sort, record, and evaluate, in a fair and organized manner, information from Verizon and interested participants in order to make a credible, comprehensive, and up-to-date consultative report to the FCC regarding Verizon's application to provide in-region interLATA service in Pennsylvania. We intend to insure that the process is conducted in a manner that is fair to all participants, thorough in its examination of the relevant issues, and appropriate to the fundamental question presented.

We view the fundamental question as whether Verizon has fully and irreversibly opened the local telecommunications market in Pennsylvania to competition for both business and residential customers via the three (3) modes of entry contemplated by TA-96: facilities-based entry, the use of unbundled network elements (UNEs), and resale. Moreover, we also view as within the scope of Section 271(c) requirements: (a) non-discriminatory access to Verizon's OSS and (b) the existence of appropriate OSS performance measures and remedies.

We anticipate a high level of interest and welcome widespread participation by competitive local exchange carriers (CLECs) and other interested persons. The Commission expects that the participants will utilize this process to present relevant information to be used in the Commission's Section 271 consultative report. The Commission cautions that this process may not be used to discover information irrelevant to this proceedings.

The Commission's consultative report is not an "adjudication" within the meaning of that term under the Administrative Agency Law, 2 Pa.C.S. § 101 (defining "adjudication") because the FCC is the administrative agency with the statutory authority to determine whether Verizon meets the requirements of Section 271(c). In the Commission's opinion, no rights of appeal will arise from issuance of this Procedural Order or the Commission's consultative report to the FCC under these circumstances. Any available rights of appeal would arise only from the FCC's determinations and must be pursued in a federal forum.

Finally, it is appropriate to note here the status of the independent third-party OSS test (Docket No. M-00991228) and the proceeding to establish OSS performance measures, standards, and remedies (Docket No. P-00991643).<sup>3</sup> In Docket No. M-00991228, on November 9, 2000, KPMG Consulting issued and made public its Draft Final Report of the OSS Evaluation Project for Pennsylvania. The cover letter states that none of the items remaining in the "Not Satisfied" or "Not Completed" categories "are likely to produce a material adverse effect on competition." As such, and pursuant to the procedures set forth in the July 20, 2000 Project Manager letter, the Commission will allocate at least 30 days for technical workshops to permit input by interested parties before issuance of a Final KPMG Report. Based upon that Final KPMG Report, the Commission will determine whether Verizon has passed the third-party OSS test.

By order entered on November 14, 2000, the Commission acted on Verizon's petition to modify certain performance measures and standards at Docket No. P-00991643. Upon review of Verizon's petition and re-

sponses thereto, the Commission granted, in part, the petition to modify the performance measures and standards, directed Verizon to file updated Carrier-to-Carrier Guidelines within 15 days of entry, and further directed that "the performance measures and standards established herein shall be those used to evaluate Verizon's post-OSS commercial operations in the context of its anticipated 100-day notice of intent to file for Section 271 approval with the FCC." As explained in that order, we now view these performance measures and standards as final for commercial availability purposes.<sup>4</sup>

We now address in further detail the process and procedures to be used in our evaluation of whether Verizon has fully and irreversibly opened the local telecommunications market in Pennsylvania to competition for both business and residential customers.

#### *When Verizon Files Its Notice Initiating Section 271 Process For Pennsylvania*

Under the *Global Order*, Verizon may initiate the Section 271 approval process for Pennsylvania upon the occurrence of two triggering events related to the independent third-party OSS test being conducted by KPMG Consulting. First, KPMG Consulting must file its final report. Second, the Commission must determine that Verizon has "passed" the test. *Global Order* at 254-260.

The Commission will determine whether Verizon has passed shortly after the final report is received from KPMG Consulting. The Commission's determination will be communicated in a Secretarial Letter addressed to Verizon, with a copy to those on the OSS test service list at Docket No. M-00991228, and posted on our WebSite.

Thereafter, as set forth in the *Global Order*, if Verizon has passed the OSS test, the Section 271 process in Pennsylvania can begin with Verizon's filing of a notice of intent to file its Section 271 application (Verizon's notice of intent). The Commission's Section 271 proceeding will remain open until the Commission completes the submission of its full consultative report to the FCC. The report may recommend approval or rejection of Verizon's anticipated Section 271 application at the FCC. Whether our recommendation is favorable will depend on what is learned during the process.

In the event that the process reveals any significant problems, Verizon will have several options at its disposal. For example, it could continue with the process and risk an adverse recommendation; it could seek to suspend the proceeding to allow time for a "fix" to be implemented; it could attempt to resolve the issue within the allotted time period of this process and prove compliance with a particular checklist item; or, it could withdraw its filing without prejudice. Moreover, the Commission always reserves its right to suspend, revise, or extend the 100-day review period as appropriate to deal with any subsequent developments.

#### *What Verizon Needs To File With This Commission*

The Commission's evaluation of Verizon's compliance with the 14-point checklist, and any related matters, requires access to sufficient and timely information from both Verizon and its competitors. Verizon's notice of intent to file a Section 271 application must be accompanied by information of sufficient detail to allow a full and meaningful evaluation of Verizon's compliance with the

<sup>3</sup> *Joint Petition of Nextlink, et al.*, Docket No. P-00991643; Performance Metrics Order (PMO) (Dec. 31, 1999); PMO Reconsideration Order (July 21, 2000); PMO Exceptions Order (Sep. 1, 2000); PMO Remedies Order (Oct. 16, 2000); and PMO Modification Order (Nov. 14, 2000).

<sup>4</sup> The technical conferences and workshops, as provided for in the PMO, to consider subsequent marketplace experience, technological considerations, and potential refinement of the performance measures and standards, will not take place until after the conclusion of the commercial operations period. PMO Modification Order at 6, and 17-18.

Section 271 requirements. Verizon's initial filing with this Commission must be comprehensive, complete and auditable. In other words, Verizon's initial filing before this Commission must be accompanied by all the information presently available at the time of the filing that it intends to file with its application to the FCC. Affidavits are expected to support the auditable data. The comprehensive nature of the initial filing will allow all interested persons the opportunity to develop meaningful input, which in turn will allow the Commission to fully study the relevant issues.

Relevant issues will include, but are not limited to, Verizon's performance with respect to hot cuts, two-way trunking, dark fiber, subloop unbundling, line sharing, line splitting, and all aspects of digital subscriber line (DSL) services. We believe it is incumbent upon Verizon to explain and demonstrate the manner in which it intends to provide these services. In particular, we are cognizant of the DOJ's concerns regarding Verizon New England, Inc.'s provision of nondiscriminatory access to DSL loops in Massachusetts<sup>5</sup> and want to be satisfied that DSL loops are being provisioned appropriately in Pennsylvania. We are also aware of the New York Public Service Commission's recent findings that Verizon New York, Inc.'s failure to provide access to line splitting impairs both voice and data competitors' ability to provide customers with desired services.<sup>6</sup> We recognize that explicit federal standards governing the delivery of line splitting have not yet been developed or imposed on the states. Nevertheless, we believe that line splitting appears to be a critical component in the provision of competitive telecommunications services today. Consequently, we conclude that line splitting should be evaluated as part of our determination as to whether Verizon's local markets are open to competition. An evaluation of line splitting, in light of the New York experience and evolving regulatory expectations brought about by technological change, gives us a better degree of assurance that Verizon's voice and data competitors are able to provide Pennsylvania customers with equivalent service and that Verizon is not hindering the deployment of such advanced services to Pennsylvania customers.

We have had a favorable experience with the procedure used in the OSS test to record CLEC submission of comments to exceptions and Verizon's responses to exceptions. A similarly ordered submission of information in the Section 271 proceeding would be most useful to all concerned.<sup>7</sup> Verizon's initial filing should be organized by checklist item and other related category. Any comments from CLECs or other participants on matters relevant to Verizon's worthiness for Section 271 approval or other responses must be similarly organized by checklist item and relevant matter for ease of review.

Performance data supporting Verizon's filing may be filed on an aggregated basis. Such data, however, must also be provided simultaneously on a disaggregated basis to both the Commission and the relevant competitor. The obligation to provide this data upfront to the CLECs is a modification of Verizon's normal practice of providing competitor-specific data only upon request. All proprietary data must be submitted under seal and otherwise handled appropriately.

<sup>5</sup> *Application by Verizon New England, Inc.*, FCC's CC Docket No. 00-176, "Evaluation of the United States Department of Justice" (Oct. 27, 2000).

<sup>6</sup> *Proceeding on Motion of the Commission to Examine Issues Concerning the Provision of Digital Subscriber Line Services*, NY PSC Case 00-C-0127, Opinion No. 00-12 (Oct. 31, 2000).

<sup>7</sup> See, e.g., <http://puc.paonline.com/Telephone/OSSTesting/Exceptions/exceptions%20page.asp>

One original, nine (9) hard copies, and thirty (30) electronic copies (CD-ROM) of Verizon's initial filing should be filed with the Secretary's Office using the docket number referenced above. A hard copy of the filing should also be provided to the following: the Commission's consultant for commercial availability reports, the DOJ, the Office of Small Business Advocate, the Office of Consumer Advocate, and the Office of Trial Staff. Verizon shall file notice of its filing to all parties in the OSS test and the PMO dockets and to all CLECs with which it does business in the Commonwealth. The filing also must be posted on Verizon's WebSite. The Commission's WebSite will have a link or reference to Verizon's filing.

Except for formal Commission Orders, any document that Verizon or interested parties rely upon during the process shall be submitted in hard or electronic copy or referenced to a WebSite from which it can be downloaded. The Commission will take official notice of any Commission proceeding necessary to provide the basis for its report to the FCC. Any out-of-state document relied upon, however, must be submitted in its entirety or be referenced by citation to a WebSite where the document can be downloaded. In either scenario, a pinpoint legal citation must be submitted.

If Verizon produces additional information that significantly alters the initial notice, the Commission can accept the information filing but reserves the right to extend or restart the schedule on the Section 271 inquiry. We will be most inclined to exercise our discretion to restart the 100-day time period in those instances where the new information had been available for submission with the original filing.

#### *Participation in the Docket*

Interested persons seeking to participate in the Commission's Section 271 inquiry must file a "Notice of Participation" with the Secretary of the Commission explaining with specificity their interest and the extent to which they would like to participate. Active participants may participate in discovery, the technical conferences, briefing and the en banc hearings. Inactive participants will receive copies of all filings and may attend public sessions. The notice of participation should be so captioned and reference this docket number. It should be brief and must include the names, telephone numbers and e-mail addresses for (1) the company representative who will be contact person for official Commission documents, and (2) the point person for discovery requests, and (3) any expert witnesses. The Notice of Participation should include all pertinent e-mail addresses since the Commission contemplates an electronic exchange of information during the process.

The Commission will create and publish a service list on its WebSite and update it periodically. The Commission will not accept a Notice of Participation after Day 35, absent a petition to intervene.

#### *Discovery Process*

An exchange of information between Verizon and the participants will be necessary to fully explore the relevant issues. We will facilitate the exchange of information by naming one or more administrative law judges (ALJ) to oversee a modified form of discovery appropriate to this inquiry. Electronic discovery will be permitted.<sup>8</sup>

An ALJ will manage all discovery matters. If a participant is dissatisfied with a discovery ruling, it may note

<sup>8</sup> All parties are encouraged to cooperate in discovery by initiating discovery as early as reasonably possible and by exchanging information on an informal basis. Such cooperation is preferable to numerous or protracted discovery disagreements. Further, there are limitations on discovery and sanctions for abuse of the discovery process.

its objection on the record. Commission staff will review the objection and make a recommendation as to whether the disallowed discovery request should be included in the Commission's discovery requests. Accordingly, the Commission will not accept any discovery matters for interlocutory review. Consistent with its practice, the Commission reserves the right to issue its own discovery requests at any time. In addition to informal exchanges of information through the technical conferences and otherwise, the participants may submit discovery requests regarding Verizon's filing between Day 1 and Day 27. Verizon may submit discovery requests regarding the participants' comments between Day 36 and Day 62. All responses to discovery requests are due, in hand or electronically, within 10 days of the date the discovery request was received. Discovery will conclude by Day 62. All electronic filings shall be in PDF format to the extent feasible.

#### *Response to Verizon's Filing*

All participants may comment on Verizon's notice and Section 271 supporting documentation. Each participant must organize its comments by checklist items. If a particular participant has no comment on a checklist item, its comments must state that. Also, comments by participants must be accompanied by auditable supporting documentation and affidavits. The comprehensive nature of the comments will allow all interested persons the opportunity to develop meaningful input, which in turn, will allow the Commission to fully study the issues. Comments are due by Day 35.

#### *Technical Conferences*

Technical conferences will be held to facilitate discovery and the informal exchange of information and to assist Verizon and the participants in reaching stipulations on checklist items and related matters. We, therefore, expect the technical conferences to narrow the number of checklist items and related matters to be considered during the en banc hearings. Commission staff members, including one or more ALJs, will manage the technical conferences; they will be designated on or about Day 10.

There will be a minimum of two technical conferences working simultaneously. There may be sub-groups within each technical conference. One technical conference (Track A) will examine Verizon's initial filings and compliance with Section 271(c) checklist items as well as any comments and responses thereto. The second technical conference (Track B) will focus on the OSS issues, including performance measures, and post-OSS test commercial operation data. One staff member for each technical conference will be identified and assigned responsibility for resolving any discovery disputes, administering an oath to all persons offering testimony, and insuring the creation of a record, including a transcript where appropriate. Additional technical conferences and/or subgroups may be formed as necessary.

The staff will ensure that the issues are properly identified and categorized for the record. The staff will also facilitate consideration of stipulations or a resolution of any disputed issue. If the participants reach resolution (partial or whole) of any issues supporting compliance with the Section 271 checklist items or related matters, the participants will prepare a written stipulation to be presented into the record on or before Day 70. If the group cannot reach agreement, then staff will submit into the record, on or before Day 80,<sup>9</sup> a one-page report that identifies the issue and summarizes the divergent view-

points. The summary should also contain a recommendation on whether the issue should be scheduled for the en banc hearings and, if so, how much hearing time is preferred.

All applicable process or time requirements set forth in this order and the *Global Order* will be adhered to. In all other respects, the conferences may be run with the level of flexibility appropriate to meet the goals of the group.

#### *Ex Parte Rules*

The purpose of ex parte rules is to avoid unilateral influence on a decision-maker in an adjudication. However, as mentioned previously, this is not an adjudication. Nonetheless, to insure a fair and orderly process, we shall impose modified ex parte prohibitions on Verizon and the participants after Day 70. Day 70 is the point at which the technical conferences are scheduled to end and we will know what checklist items or related matters will be contested in the en banc hearings. After such time, the Commission and its staff (including our consultant) retain the discretion to initiate communications, but we shall not permit Verizon or the participants to initiate ex parte communications after that time. Any communications initiated by the Commission, staff or the consultant after Day 70 will be noticed in advance to Verizon and the participants.

#### *Commercial Availability Data*

We recognize that the KPMG test of Verizon's OSS was conducted in an artificial environment created solely for the purpose of the OSS test. The OSS test results are very valuable to our evaluation, but the "most probative evidence that OSS functions are operationally ready is actual commercial usage." *Application by Bell Atlantic New York for Authorization Under Section 271*, CC Docket No. 99-295, Memorandum Opinion and Order (Dec. 22, 1999) at para. 89. Accordingly, we have prepared for the submission of three months' worth of such data following the completion of the OSS test and we intend to retain a consultant to assist our evaluation of such data.

The commercial operation data reports should be submitted consistent with the PMO proceeding and in a format that enables a CLEC to reasonably reconcile its internal data with the reports. CLEC responses should be consistent with the metrics and submetrics in the PMO proceeding and in a format that enables our consultant to reasonably evaluate the CLECs' data. If there are difficulties, they should be brought to our attention at the earliest possible date. We do require, additionally, that Verizon provide our staff or a requesting CLEC with the raw data files and other backup documentation to support any given company-specific data report.<sup>10</sup> Also, we order a limited-time exception to the practice of distributing the reports only upon request. For purposes of the Section 271 Docket, Verizon must distribute the reports to the individual companies immediately upon the availability of the reports, even absent a request for the information, to insure adequate opportunity for review and comment. Verizon commercial availability data reports must also include the applicable remedies reports.

#### *Briefs*

Briefs, written materials, and affidavits from the parties will be due on Day 80 of the Section 271 inquiry. Parties may include arguments and affidavits to support their position that compliance with certain checklist items has, or has not, been achieved by Verizon.

<sup>9</sup> Except for the results and responses of the third 30-day period of commercial availability.

<sup>10</sup> A CLEC will receive only its own raw data files. The Commission will receive all raw data files.



*En Banc Hearings*

The purpose of the en banc hearings is to hear argument on checklist items and related matters which may remain unresolved after the technical conferences and to address information suggesting that Verizon has not met one or more of the Section 271(c) mandates. At the present time, the Commission expects that the hearings will be presided over by an ALJ with cross-examination by the Commissioners, staff, and active participants.

The Commission anticipates issuing a subsequent notice concerning the scheduling, briefing, and organization of the en banc hearings.

*Proprietary Data*

A confidentiality agreement similar to the one used in the *Global Order* or OSS test proceedings will be provided to the parties who give notice that they wish to participate in this proceeding. Verizon shall submit its proposed confidentiality agreement to the Commission within 10 days of the date of entry of this Procedural order. The parties must sign and return a confidentiality agreement to receive copies of any confidential or proprietary data.

*Schedule for Discovery, Comments, Technical Conferences, and Briefs*

In the *Global Order*, we set forth a schedule that focused mainly upon issuance of the Final KPMG Report, the collection of post-OSS commercial availability data and CLEC responses thereto, written materials for en banc hearings, the en banc hearings, and issuance of the Commission's consultative report to the FCC. *Global Order* at 258. None of those elements are disturbed by this Procedural Order. However, we find that we need to establish additional process and procedure details to ensure a full and fair evaluation of Verizon's Section 271 application. This Procedural Order provides for, among other things, discovery of Verizon's filing, the submission of CLEC comments to the filing, discovery of CLEC comments, treatment of proprietary information, the conduct of technical conferences, and the scope of final briefs and/or comments prior to the en banc hearings.

Below is a timeline version of our schedule for creating a consultative report to the FCC on the matter of Verizon's worthiness to obtain authority to provide in-region, inter-LATA service in Pennsylvania. This is the Commission's schedule, and we reserve the right to suspend, revise or extend the schedule as necessary to achieve the purposes of this process.

	<i>Track A: 14-Point Checklist And Related Issues</i>	<i>Track B: OSS Issues, Performance Metrics, and Review of Commercial Operations Data</i>
Day 1 Day 1-27	VZ files notice Discovery of VZ filing	Start collection of CA data
Day 10	PUC commences tech conferences	PUC commences tech conferences
Day 20-29 Day 27	Tech conferences continue Discovery of VZ filing ends	Tech conferences continue
Day 35 Day 35 Day 36-62	CLECs file comments Last day for interventions Discovery of CLEC comments	VZ submits results of first 30 days of CA data
Day 45	Tech conferences continue	CLECs respond to first 30 days of CA data Tech conferences continue
Day 50-59	Tech conferences continue	Tech conferences continue
Day 62 Day 65	Discovery of CLEC comments ends	VZ submits results of second 30 days of CA data
Day 70  Day 75	Tech conferences end Participants file stipulations Ex parte rules apply	Tech conferences end Participants file stipulations Ex parte rules apply CLECs respond to second 30 days of CA data
Day 80	Participants file Final Comments	
Day 90 Day 95	PUC holds en banc hearings	VZ submits results of third 30 days of CA data
Day 100 Day 105	VZ files Section 271 w/FCC	CLECs respond to third 30 days of CA data
Day 120	PUC files Consultative Report w/FCC	

Therefore,

*It Is Ordered:*

1. That this Procedural Order be posted on the Commission's WebSite and published in the *Pennsylvania Bulletin*.
2. That this Procedural Order be served on the Consumer Advocate, the Small Business Advocate, the Office of Trial Staff, the United States Department of Justice, Verizon Pennsylvania, Inc., and all parties on the service lists of Docket Nos. M-00991228, P-00991643, P-00991648, and P-00991649.

3. That Verizon Pennsylvania, Inc., submit a proposed confidentiality agreement to the Commission within 10 days of entry of this Procedural Order to be used during our process of evaluating the company's Section 271 notice.

*By the Commission,*

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 00-2183. Filed for public inspection December 15, 2000, 9:00 a.m.]

### Rescission Order

*Commissioners Present:* Robert K. Bloom, Vice Chairperson; Nora Mead Brownell; Aaron Wilson, Jr.; Terrance J. Fitzpatrick

Public Meeting held  
November 29, 2000

Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. QCC, Inc.; Doc. No. C-00004123;  
A-310019

### Rescission Order

*By the Commission:*

On August 30, 2000, Law Bureau Prosecutory Staff instituted a complaint against QCC, Inc. a/k/a Quest Communications Corp. (the Respondent), an interexchange (IXC) reseller certificated at A-310019, for failure to remit payments for its monthly Universal Service Fund assessments by three or more months. Subsequently, on October 31, 2000, the Commission entered a Default Order that sustained the complaint and set forth a process to cancel Respondent's certificate of public convenience. The Default Order was published on November 18, 2000, at 30 Pa.B. 6040.

Since the issuance of the Default Order, the Respondent has paid the entire overdue amount, plus accumulated late payment charges, as well as its monthly assessments for the rest of the calendar year. In a separate letter dated November 6, 2000, to Secretary James McNulty, the company stated that the worksheets and other papers relating to its assessments were misplaced during an internal reorganization of its office, and it requested that the Default Order be rescinded. The Commission is satisfied that the non-payment was inadvertent and that future payments will be made on time; *Therefore,*

*It Is Ordered That:*

1. The Default Order entered October 31, 2000, at Docket No. C-00004123 is hereby rescinded.
2. The certificate of public convenience held by QCC, Inc. is hereby reinstated.
3. A copy of this Order be published in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 00-2184. Filed for public inspection December 15, 2000, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before January 8, 2001, as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent application or both.

**Application of the following for approval of the beginning of the exercise of the right and privilege of operating as contract carrier for transportation of persons as described under each application.**

**A-00107700, Folder 2. Lee Lynn Ann, Inc., t/d/b/a ACS Medicoach** (75 Braden Street, Washington, Washington County, PA 15301)—persons in paratransit service, between points in the counties of Greene and Washington, and from points in said counties, to points in Allegheny County, and vice versa; limited to the transportation of persons, who require assistance for personal mobility.

**A-00117022, Folder 2. Aloysius K. Drapcho, t/d/b/a Drapcho Shuttle Service** (606 Dwight Street, Coudersport, Potter County, PA 16915)—persons in paratransit service, between points in the borough of Coudersport and within an airline distance of 20 statute miles of the limits of said borough, and from points in said territory, to points in Pennsylvania, and return.

**A-00117371. Kinsale Investment Company** (401 Neptune Street, Pittsburgh, Allegheny County, PA 15220), a corporation of the Commonwealth of Pennsylvania—persons in airport transfer service, from points in the counties of Fayette, Indiana, Somerset, Washington and Westmoreland, to the Pittsburgh International Airport and the Allegheny County Airport, both located in the county of Allegheny, and to the Arnold Palmer Airport (formerly Westmoreland County Airport), located in the county of Westmoreland. William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219.

**A-00117370. Johnny Mack Limousine, Inc.** (3139 Laughead Lane, Boothwyn, Delaware County, PA 19061), a corporation of the Commonwealth of Pennsylvania—persons in limousine service, between points in the county of Bucks, Chester, Delaware, Montgomery and Philadelphia, and from points in said counties, to points in Pennsylvania, and return.

**A-00117372. Grace E. Leland** (300 South Carlisle Street, Greencastle, Franklin County, PA 17225)—persons upon call or demand in the townships of Antrim and Montgomery, and the boroughs of Greencastle and Mercersburg, all in Franklin County.

**A-00117373. Ford City Hose Company #1 Ambulance Service, t/d/b/a Care-Van** (412 10th Street, Ford City, Armstrong County, PA 16226), a corporation of the Commonwealth of Pennsylvania, persons in paratransit service, between points in the county of Armstrong, and from points in said county, to points in Pennsylvania, and return. *Attorney:* William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219.

**Applications of the following for approval of the beginning of the exercise of the right and privilege of operating motor of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under each application.**

**A-00116030, Folder 2. Louis T. Wilder, Jr.** (8548 Williams Avenue, Philadelphia, PA 19150)—(1) persons in limousine service between points in the county of Bucks, and from points in said county, to points in Pennsylvania, and return; (2) persons in limousine service from the Philadelphia International Airport, in the city and county of Philadelphia and the township of Tinicum, Delaware County, to points in the county of Bucks; with Right No. 2 subject to the following condition: The persons being transported must have previously been transported to the airport by the applicant for the outgoing trip; and reservations must be made at least 4 hours in advance; which is to be a transfer of the rights authorized under the certificate issued at A-00110745 to C.L.C., Inc., t/d/b/a Classics Limousine Company, subject to the same limitations and conditions. *Attorney:* Kenneth A. Olsen, 33 Philhower Road, Lebanon, NJ 08833.

**A-00117375. Karen L. Peters, t/d/b/a Snow White Dove** (312 Wendel Road, Irwin, Westmoreland County, PA 15642)—persons in limousine service, between points in Indiana County, and from points in said county, to points in Westmoreland County, and vice versa; subject to the following condition: that no right, power or privilege is granted to provide service for funeral homes or to transport persons to or from funerals; which is to be a transfer of all of the right authorized under the certificate issued at A-00111136 to Hani Khatib, t/d/b/a White Bird 007 Limo Service, subject to the same limitations and conditions.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 00-2185. Filed for public inspection December 15, 2000, 9:00 a.m.]

### Telecommunications

**A-310074F0002. Verizon North Inc. and Penn Telecom, Inc.** Joint Petition of Verizon North Inc. and Penn Telecom, Inc. for Approval of an Interconnection Agreement under section 252(e) of The Telecommunications Act of 1996.

Verizon North Inc. and Penn Telecom, Inc., by its counsel, filed on November 27, 2000, 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 Verizon North Inc. and Penn Telecom, 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. 00-2186. Filed for public inspection December 15, 2000, 9:00 a.m.]

### Telecommunications

**A-310203F0002. Verizon Pennsylvania Inc. f/k/a Bell Atlantic-Pennsylvania, Inc. and MCI WorldCom Communications, Inc. f/k/a MFS Intelenet of Pennsylvania, Inc.** Joint Petition of Verizon Pennsylvania Inc. f/k/a Bell Atlantic-Pennsylvania, Inc. and MCI WorldCom Communications, Inc. f/k/a MFS Intelenet of Pennsylvania, Inc. for approval of a replacement interconnection and resale agreement under section 252(i) of the Telecommunications Act of 1996, by means of adoption of an interconnection agreement between Verizon Pennsylvania Inc. and MCImetro Access Transmission Services, Inc.

Verizon Pennsylvania Inc. f/k/a Bell Atlantic-Pennsylvania, Inc. and MCI WorldCom Communications, Inc. f/k/a MFS Intelenet of Pennsylvania, Inc., by its counsel, filed on November 24, 2000, at the Pennsylvania Public Utility Commission, a Joint Petition for approval of a replacement interconnection and resale agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. f/k/a Bell Atlantic-Pennsylvania, Inc. and MCI WorldCom Communications, Inc. f/k/a MFS Intelenet of Pennsylvania, Inc. Joint Petition are on file with the Pennsylvania Public Utility Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 00-2187. Filed for public inspection December 15, 2000, 9:00 a.m.]

### Telecommunications

**A-311042. Verizon Pennsylvania Inc. and Mercury Message Paging, Inc.** Joint Petition of Verizon Pennsylvania Inc. and Mercury Message Paging, Inc. for approval of an Interconnection Agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and Mercury Message Paging, Inc., by its counsel, filed on November 24, 2000, at the Pennsylvania Public Utility Commission, a Joint Petition for approval of an Interconnection Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and Mercury Message Paging, Inc. Joint Petition are on file with the Pennsylvania Public Utility Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 00-2188. Filed for public inspection December 15, 2000, 9:00 a.m.]

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### Telecommunications

**A-310898F0002. Verizon Pennsylvania Inc. and Navigator Telecommunications, LLC.** Joint Petition of Verizon Pennsylvania Inc. and Navigator Telecommunications, LLC for Approval of an Interconnection Agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and Navigator Telecommunications, LLC, by its counsel, filed on December 1, 2000, 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 Verizon Pennsylvania Inc. and Navigator Telecommunications, LLC 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. 00-2189. Filed for public inspection December 15, 2000, 9:00 a.m.]

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### Telecommunications

**A-310626F0002. Verizon Pennsylvania Inc. and Net2000 Communications Services, Inc.** Joint Petition of Verizon Pennsylvania Inc. and Net2000 Communications Services, Inc. for Approval of an Interconnection Agreement under section 252(e) of The Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and Net2000 Communications Services, Inc. by its counsel, filed on November 24, 2000, 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 Verizon Pennsylvania Inc. and Net2000 Communications Services, 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. 00-2190. Filed for public inspection December 15, 2000, 9:00 a.m.]

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### Telecommunications

**A-310260F0002. Verizon Pennsylvania, Inc. and Nextlink Pennsylvania.** Joint Petition of Verizon Pennsylvania Inc. and Nextlink Pennsylvania for approval of a replacement interconnection agreement and amendment Nos. 1, 2, 3 and 4 under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and Nextlink Pennsylvania, by its counsel, filed on November 22, 2000, at the Pennsylvania Public Utility Commission, a Joint Petition for approval of a replacement interconnection agreement and amendments Nos. 1, 2, 3 and 4 under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and Nextlink Pennsylvania Joint Petition are on file with the Pennsylvania Public Utility Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 00-2191. Filed for public inspection December 15, 2000, 9:00 a.m.]

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### Telecommunications

**A-310867F0002. Verizon Pennsylvania Inc. and Telergy Network Services, Inc.** Joint Petition of Verizon Pennsylvania Inc. and Telergy Network Services, Inc. for Approval of a Resale Agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and Telergy Network Services, Inc., by its counsel, filed on December 1, 2000, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of a Resale Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the

Verizon Pennsylvania Inc. and Telergy Network Services, 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. 00-2192. Filed for public inspection December 15, 2000, 9:00 a.m.]

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### Telecommunications

**A-310945. Verizon Pennsylvania Inc. and TSR Wireless LLC.** Joint Petition of Verizon Pennsylvania Inc. and TSR Wireless LLC for approval of an interconnection agreement and amendment no. 1 under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and TSR Wireless LLC, by its counsel, filed on November 24, 2000, at the Pennsylvania Public Utility Commission, a Joint Petition for approval of an interconnection agreement and amendment no. 1 under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and TSR Wireless LLC Joint Petition are on file with the Pennsylvania Public Utility Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 00-2193. Filed for public inspection December 15, 2000, 9:00 a.m.]

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### Telecommunications

**A-311043. Verizon Pennsylvania Inc. and Weblink Wireless, Inc. f/k/a PageMart Wireless, Inc.** Joint Petition of Verizon Pennsylvania Inc. and Weblink Wireless, Inc. f/k/a PageMart Wireless, Inc. for approval of an interconnection agreement for narrowband commercial mobile radio service under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and Weblink Wireless, Inc. f/k/a PageMart Wireless, Inc., by its counsel, filed on November 24, 2000, at the Pennsylvania Public Utility Commission, a Joint Petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and Weblink Wireless, Inc. f/k/a PageMart Wireless, Inc. Joint Petition are on file with the Pennsylvania Public Utility Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 00-2194. Filed for public inspection December 15, 2000, 9:00 a.m.]

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### Telecommunications

**A-310706F0002. Verizon Pennsylvania Inc. and Z-Tel Communications, Inc.** Joint Petition of Verizon Pennsylvania Inc. and Z-Tel Communications, Inc. for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and Z-Tel Communications, Inc., by its counsel, filed on November 24, 2000, at the Pennsylvania Public Utility Commission, a Joint Petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and Z-Tel Communications, Inc. Joint Petition are on file with the Pennsylvania Public Utility Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 00-2195. Filed for public inspection December 15, 2000, 9:00 a.m.]

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### Wastewater Services Without Hearing

**A-230046F0002. Stallman and Stahlman, Inc.** Application of Stallman and Stahlman, Inc., for approval to offer, render, furnish or supply wastewater services to an additional portion of Hamilton Township, Adams County, Pennsylvania.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before January 2, 2001, under 52 Pa. Code (relating to public utilities).

*Applicant:* Stallman and Stahlman, Inc.

*Through and By Counsel:* Jerry T. Stahlman, P.E., 139 East Market Street, York, PA 17401.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 00-2196. Filed for public inspection December 15, 2000, 9:00 a.m.]

# PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

## Hearings Scheduled

Hearings have been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's denial of Claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

January 10, 2001	Emil R. Capetola (Change of Option)	1 p.m.
	Joann Miller (Purchase of Service)	2:30 p.m.
January 24, 2000	Bruce J. Miller (Change of Option)	1 p.m.
	Virginia J. Laverty (Purchase of Service)	2:30 p.m.

Persons with a disability who wish to attend the above-listed hearings and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Marilyn Fuller-Smith, Assistant Executive Director, at (717) 720-4700 to discuss how the Public School Employees' Retirement System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) is granted.

DALE H. EVERHART,  
*Secretary*

[Pa.B. Doc. No. 00-2197. Filed for public inspection December 15, 2000. 9:00 a.m.]

# STATE ATHLETIC COMMISSION

## Meeting Cancelled

The Pennsylvania State Athletic Commission has changed their meeting from December 18, 2000 to December 20, 2000 at 9:30 a.m. at State Athletic Commission office, 116 Pine Street, 3rd Floor, Harrisburg, PA.

If there are any questions concerning this change, please call the office at (717) 787-5720.

GREGORY P. SIRB,  
*Executive Director*

[Pa.B. Doc. No. 00-2198. Filed for public inspection December 15, 2000. 9:00 a.m.]

# TURNPIKE COMMISSION

## Request for Proposals to Provide Power Supply Services

### Reference No. 123-001

#### *Descriptive Memorandum*

The Pennsylvania Turnpike Commission (PTC) has retained Pace Global Energy Services (Pace) as its agent to conduct a Request for Proposals (RFP) on behalf of PTC facilities located in the Commonwealth of Pennsylvania. This Memorandum and RFP for power supply services is part of a procurement process, conducted by Pace, whereby PTC intends to award one or more power supply contracts to meet its requirements in the Commonwealth of Pennsylvania for a predetermined supply period, defined as February 2001 through January 2002. With the distribution of this Memorandum, Pace is requesting proposals from qualified Recipients who will deliver power supply services. This Memorandum has been assembled by the management of PTC and by Pace. The sole purpose of this Memorandum is to assist the Recipient in deciding whether to submit a proposal in accordance with the procedures herein. Additional information beyond what is included in this RFP will be provided to the Recipient upon request to Pace. All inquiries should be submitted to Pace.

The information provided herein is believed to be accurate and reliable, any and all material changes will be addressed by addendum to this Document. In furnishing this Memorandum, PTC & Pace reserves the right to amend or replace the Memorandum at any time and undertakes no obligation to provide the Recipient with access to any additional information. The Recipient understands that Pace shall be free to establish and change any process or procedure with respect to this solicitation, as Pace in its sole discretion shall determine, without prior written notice to any and all Recipients, including terminating this solicitation. Nothing contained in this Memorandum is or should be relied upon as a promise or representation as to future load requirements or projection of electricity usage. Recipients should conduct their own investigation and analysis of the data and infrastructure described herein.

Recipients are responsible for the preparation and submission of their proposals. Neither PTC nor Pace assumes any responsibility or liability for any costs incurred by the recipient in the preparation of a bid, conference calls/attendance, or otherwise in connection with this RFP. Recipients shall not disclose confidential

information received hereunder. Pace or PTC reserves the right to reject any and all proposals, to terminate the process at any time at its sole discretion, or to reject and rebid in their own discretion.

Proposals must be received by 5 p.m. December 29, 2000.

Principal contact for questions and additional information: Director, Power Market Services, Pace Global Energy Services, 4401 Fair Lakes Court, Suite 400, Fairfax, VA 22033-3848, Phone: (703) 227-8746, Fax: (703) 222-6431, e-mail: fowlerb@paceglobal.com.

### **General Information and Special Requirements**

#### **1.0 Background and General Information**

The Pennsylvania Turnpike Commission (PTC) is seeking proposals from qualified power suppliers to provide electricity for its facilities in the Commonwealth of Pennsylvania. PTC has enlisted the services of Pace Global Energy Services to coordinate this RFP process including the short-listing of final supplier(s). Under the Commonwealth of Pennsylvania's recently enacted retail choice legislation, PTC has applied for and received confirmation of its participation in the retail choice program.

PTC's Pennsylvania facilities are all located within the service territories of GPU, PECO and PP&L, which serve as the Electric Distribution Companies (EDC). Facility names, account numbers, EDC's, rate schedule, maximum peak load, and annual energy requirements can be provided upon request.

#### **2.0 Quantity and Character of Service**

PTC is seeking supply for all purchased electricity requirements at the indicated sites. Power supply shall be for the firm, full purchased requirements of the indicated sites per the terms of the Pennsylvania retail electric choice program. PTC would prefer that Recipients use the most accurate data in developing their offer. A graph of PTC's peak demand for the 12-month period from June 1999 to May 2000 can be provided upon request. In addition, Pace can provide Recipients with 12 months of hourly demand data for 3 of the 4 Tunnel loads (Allegheny Tunnel, Tuscarora Tunnel and Lehigh Tunnel) upon request.

The selected supplier(s) will be responsible for all power supply to meet all PJM requirements for PTC's loads for the duration of the contract including transmission, capacity obligation, scheduling, and line losses to the Delivery Point.

#### **2.1 Energy Scheduling and Account Reconciliation**

PTC may experience increases or decreases in loads at various locations during the contract Term. PTC does not guarantee any specific load level during the Term. The supplier shall be responsible for both capacity and energy supply scheduling, planning, forecasting, including system losses (used for forecasted or actual energy credits, where applicable). PTC may add new service or shut down facilities at its sole discretion. The supplier shall perform all account reconciliation of differences and any supplemental energy.

The supplier will be responsible for coordinating with the PJM and the EDC's among others to ensure the same level of safety, reliability and quality of power as historically provided by the EDC's.

The supplier shall pay any enrollment fees per service account. The supplier will also be responsible for all costs

associated with the procurement and delivery of the commodity requirements, including any congestion charges.

#### **3.0 Transmission Service and Delivery Point**

Transmission services provided to PTC shall meet the following requirements:

1. Supplier will procure all transmission and transmission-related ancillary services necessary to supply electricity to PTC's facilities.

2. The charge to PTC for such transmission and transmission-related ancillary services shall not exceed the transmission and transmission-related ancillary services charge accepted by the Pennsylvania Public Service Commission (PSC) in the EDC's final proofs of revenue submitted to the PSC in the respective restructuring proceeding supporting the unbundled rates for PTC's service classification, including any applicable riders, discounts or incentives in PTC's unbundled transmission and ancillary services rates.

3. If the EDC's are granted permission by the FERC to adjust its transmission revenue requirements or the rate design applicable to PTC's service classification (including but not limited to adjustments in ancillary services charges), supplier will take all necessary steps to ensure that PTC's transmission and distribution charges do not exceed the combined level for such charges as of January 1, 2001, as approved in the EDC's final proofs of revenue submitted in its restructuring proceeding.

Electricity shall be delivered to the facilities identified by the PTC at the delivery point on the transmission system identified by the EDC's (Delivery Point). Identification of specific facilities can be provided upon request.

#### **4.0 Contract Term**

Delivery of power shall commence on the February 2001 meter reading date for each location as set by the EDC and shall continue for 12 months to the January 2002 meter read date as determined by the EDC. PTC understands that the date that service will begin is dictated by the EDC, but PTC expects that the Recipient will make every effort to ensure that service will begin as soon as permitted. Alternative contract periods will be considered, and should be included as an option.

#### **5.0 Pricing**

PTC is open to different pricing options and Recipients are encouraged to be creative in their offer. As a minimum requirement PTC is requesting that one of the pricing options offered be a fixed price per facility (in \$ per kWh) for firm, full purchased requirements service. PTC will consider alternative pricing options including, but not limited to:

1. Demand and Energy pricing for all facilities in aggregate.

2. Time of Day/Demand and Energy pricing-per facility or in aggregate.

3. Demand and Energy prices with a demand charge applied to monthly peak demand and energy charge applied to each kWh consumed-per facility or in aggregate.

4. Curtailable Load/Generation capacity sales and power remarketing.

5. Indexed price.

6. Seasonal Pricing.

7. Other.

Prices for transmission, capacity, energy and ancillary services should be separately stated. All pricing and other economic terms must be clearly and concisely stated in the offer.

### 6.0 Evaluation Criteria

Price and material economic terms of the offer are among the selection criteria. Cancellation terms, liquidated damages, Force Majeure terms, and other material terms of the power supply offers are equally relevant to the evaluation. Recipients that provide credit assurances (that is, a balance sheet or high credit rating) to back up economic terms of the Offer will be favorably considered. Supplier experience, offer credibility and any known information that could affect the ability of the Recipient to deliver will be considered in the evaluation. PTC and/or Pace may request oral presentations.

### 7.0 Participation Eligibility

The following requirements must be satisfied in order to be considered as a potential supplier:

1. Potential suppliers responding to this RFP must be capable of making arrangements for power delivery to the Delivery Point specified by the EDC's for all facilities.

2. Recipient must be a licensed electricity generation supplier by the Pennsylvania Public Service Commission.

3. All offers must conform to the terms of the retail choice program approved by the PSC for the EDC's serving PTC's facilities.

4. Recipient must be a member of the Pennsylvania-New Jersey-Maryland Interconnection Power Pool (PJM) or provide evidence that it has contracted with a member for generation and transmission services.

5. Recipient must offer fixed price in \$ per kWh for each of the facilities from the earliest possible date after February 2001 for 12 months. Any alternative pricing structures must be stated separately.

6. The Recipient will provide full electric purchased power requirements to each PTC site under the terms of the Pennsylvania retail choice program approved by the Pennsylvania PSC.

### 8.0 Required Information and Instructions

Offers should include, but are not limited to, the following information:

1. Rates and all pricing terms for firm, full purchased requirements power supply as allowed by the Pennsylvania retail electric choice program;

2. A sample contract specifying terms such as prices, liquidated damages, cancellation terms, force majeure terms and commencement date for power deliveries;

3. Evidence of financial creditworthiness which may include any of the following:

- Willingness to provide a letter of credit or other form of commercially accepted security supporting this transaction;

- Credit rating by a recognized credit rating agency;
- Financial statements (income statement and balance sheet);

- Parent Guarantee; and

4. Exceptions to the RFP.

**Offers are due by 5 p.m. on December 29, 2000.**

PTC reserves the sole right to reject any and all offers and to select a short list of suppliers based on the responses for the purpose of interviewing prospective suppliers. PTC intends to select a supplier by January 19, 2001. Recipients must send five copies of the offer to Pace Global Energy Services at the following address: Brandon Fowler, Director, Power Services, Pace Global Energy Services, L.L.C., 4401 Fair Lakes Circle, Suite 400, Fairfax, VA 22033.

Questions regarding this RFP should be directed to Brandon Fowler at (703) 227-8746 or via e-mail to: fowlerb@paceglobal.com.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 00-2199. Filed for public inspection December 15, 2000, 9:00 a.m.]



# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

**EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.**

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:

The payment date specified in the contract.

30 days after the later of the receipt of a proper invoice or receipt of goods or services.

The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center  
PA Department of Community and Economic Development  
374 Forum Building  
Harrisburg, PA 17120  
800-280-3801 or (717) 783-5700

### Reader's Guide

#### Legal Services & Consultation—26

- ① Service Code Identification Number
- ② Commodity/Supply or Contract Identification No.

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services

Location: Harrisburg, Pa.

Duration: 12/1/93-12/30/93

Contact: Procurement Division  
787-0000

③ Contract Information

④ Department

⑦

⑤ Location

(For Commodities: Contact:)  
Vendor Services Section  
717-787-2199 or 717-787-4705

⑥ Duration

#### REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

## GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, "Frequently Asked Questions About State Contracts," explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**  
 Pennsylvania State Treasury  
 Room G13 Finance Building  
 Harrisburg, PA 17120  
 717-787-2990  
 1-800-252-4700

BARBARA HAFER,  
*State Treasurer*

### Commodities

**8057580** Burster with an imprinter. For a copy of bid package fax request to (717) 787-0725. If you have problems downloading a bid, please call our Fax Back System at (717) 705-6001.

**Department:** Transportation  
**Location:** Harrisburg, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**9150-01** Motor Oil & Lubricants. For a copy of the bid package fax request to (717) 787-0725.

**Department:** General Services  
**Location:** Various  
**Duration:** 06/01/01 - 05/31/02  
**Contact:** Vendor Services, (717) 787-2199

**1233350** Recycled Tire Mouse Pads. For a copy of bid package fax request to (717) 787-0725. If you have problems downloading a bid, please call our Fax Back System at (717) 705-6001.

**Department:** Environmental Protection  
**Location:** Harrisburg, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**1236110** Cold Roll Sheet Steel. Size: 48 x 96 x 16GA. For a copy of bid package fax request to (717) 787-0725. If you have problems downloading a bid, please call our Fax Back System at (717) 705-6001.

**Department:** Corrections  
**Location:** Pittsburgh, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**9330-01** Sheets, Polycarbonate & Acrylic. For a copy of the bid package fax request to (717) 787-0725.

**Department:** General Services  
**Location:** Various  
**Duration:** 04/01/01 - 03/31/02  
**Contact:** Vendor Services, (717) 787-2199

**9905-04** Pavement Marking Legends. For a copy of the bid package fax request to (717) 787-0725.

**Department:** Transportation  
**Location:** Various  
**Duration:** 04/01/01 - 03/31/02  
**Contact:** Vendor Services, (717) 787-2199

**1214150** Complete Engineering Robotics Lab System. For a copy of bid package fax request to (717) 787-0725.

**Department:** Education  
**Location:** Penn State University, University Park, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**1234210** Furnish and make operational one (1) open channel gravity flow ultraviolet (UV) disinfection system. For a copy of bid package fax request to (717) 787-0725.

**Department:** Public Welfare  
**Location:** Torrance, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**6760-02** Microfilm Equipment & Supplies. For a copy of the bid package fax request to (717) 787-0725.

**Department:** General Services  
**Location:** Various  
**Duration:** 04/01/01 - 03/31/02  
**Contact:** Vendor Services, (717) 787-2199

**0031-11** Agriculture News. For a copy of the bid package fax request to (717) 787-0725.

**Department:** Agriculture  
**Location:** Various  
**Duration:** 04/15/01 - 04/14/02  
**Contact:** Vendor Services, (717) 787-2199

**0071-12** Keystone Wild Notes. For a copy of the bid package fax request to (717) 787-0725.

**Department:** Conservation and Natural Resources  
**Location:** Various  
**Duration:** 05/01/01 - 04/30/02  
**Contact:** Vendor Services, (717) 787-2199

**1274110** Crimsco USTC-72-A Food Tray Delivery Cart. For a copy of bid package fax request to (717) 787-0725.

**Department:** Corrections  
**Location:** Pittsburgh, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**8176760** 2000 Truckers Map. For a copy of bid package fax request to (717) 787-0725.

**Department:** Transportation  
**Location:** Harrisburg, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**0091-12** PennDOT Envelopes. For a copy of the bid package fax request to (717) 787-0725.

**Department:** Transportation  
**Location:** Various  
**Duration:** 04/01/01 - 03/31/02  
**Contact:** Vendor Services, (717) 787-2199

**3610-04** Offset Printing Equipment. For a copy of the bid package fax request to (717) 787-0725.

**Department:** General Services  
**Location:** Various  
**Duration:** 04/01/01 - 03/31/02  
**Contact:** Vendor Services, (717) 787-2199

**7485-01** Ribbons, Printer and Typewriter. For a copy of the bid package fax request to (717) 787-0725.

**Department:** General Services  
**Location:** Various  
**Duration:** 04/01/01 - 03/31/02  
**Contact:** Vendor Services, (717) 787-2199

**6530-07** Hospital Equipment & Supplies. For a copy of the bid package fax request to (717) 787-0725.

**Department:** General Services  
**Location:** Various  
**Duration:** 07/01/01 - 06/30/02  
**Contact:** Vendor Services, (717) 787-2199

**1282110** Scalar 100 - 1DLT8000 LVD Drive Module (No Substitute). For a copy of bid package fax request to (717) 787-0725.

**Department:** Corrections  
**Location:** Camp Hill, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**1288350** Automated Ion Analysis and Titration System. For a copy of bid package fax request to (717) 787-0725.

**Department:** Environmental Protection  
**Location:** Harrisburg, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**7930-04** Dishwashing Compound, Machine. For a copy of the bid package fax request to (717) 787-0725.

**Department:** General Services  
**Location:** Various  
**Duration:** 05/01/01 - 04/30/02  
**Contact:** Vendor Services, (717) 787-2199

**8520-01** Toiletries: Beauty Supplies Skin Care Dentifrice. For a copy of the bid package fax request to (717) 787-0725.

**Department:** General Services  
**Location:** Various  
**Duration:** 03/01/01 - 02/29/02  
**Contact:** Vendor Services, (717) 787-2199

**8505520** Mirror, Head Only, West Coast Conventional, Heated. For a copy of bid package fax request to (717) 787-0725. If you have problems downloading a bid, please call our Fax Back System at (717) 705-6001.

**Department:** Transportation  
**Location:** Harrisburg, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**8247120** Channelizing Device. For a copy of bid package fax request to (717) 787-0725. If you have problems downloading a bid, please call our Fax Back System at (717) 705-6001.

**Department:** Transportation  
**Location:** Harrisburg, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**4930-01** Automated Fuel Control System Repl. Parts. For a copy of the bid package fax request to (717) 787-0725.

**Department:** Transportation  
**Location:** Various  
**Duration:** 04/01/01 - 03/31/02  
**Contact:** Vendor Services, (717) 787-2199

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## SERVICES

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### Audio/Video—04

**R0008743** Millersville University is soliciting qualified vendors who can provide and install a Telco Interface Card 4 wire E&M #993-0275-314, Telco panel, Telco Line Filter, & MDF Telco Cable in the University's Telephone Switch Room. Also provide STS-ADV regular enhanced 911 solution configured for an Intecom PBX including TRAX on-site and TRAX OSN Software client version for University Switch Room. Bidders must fax their requests to Anna Stauffer (FAX: 717/871-2000) no later than 2PM, Friday, 2PM, Thursday, 12/21/00.

**Department:** State System of Higher Education  
**Location:** Millersville University of PA, Millersville, PA 17551  
**Duration:** January - February 2001  
**Contact:** Anna Stauffer, (717) 872-3041

**FD09747** The PA Emergency Management Agency (PEMA) is soliciting bids to provide a RC3000 Satellite Locator/Inclined Orbit Tracking Controller for Mobile Antennas; RC3KFG Flux Gate Compass; and RC3000GPS GPS Receiver. No substituted items. This item avoids the time consuming tasks of manually positioning your mobile antenna and tracking inclined orbit satellites. It allows even non-technical personnel to automatically locate and position a mobile antenna within minutes from power up. To request a Bid Package contact Fiscal Management at(717) 651-2188 or send an e-mail to gducansstate.pa.us

**Department:** PA Emergency Management Agency  
**Location:** PA Emergency Management Agency, 2605 Interstate Drive, Harrisburg, PA 17110-9463  
**Duration:** Before June 30, 2001  
**Contact:** Christopher Nolan, (717) 651-2188

### Construction & Construction Maintenance—09

**DGSA251-581** PROJECT TITLE: Re-Skin Metal Building. BRIEF DESCRIPTION: Replace existing metal roof, wall panels, windows and doors. ESTIMATED RANGE: \$100,000.00 to \$500,000.00. General Construction. PLANS DEPOSIT: \$25.00 per set payable to: COMMONWEALTH OF PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5.00 or provide your express mail account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Tel: 717/787-3923. Bid Date: WEDNESDAY, January 24, 2001 at 1:00 P.M.

**Department:** General Services  
**Location:** PennDOT Maintenance Building, Trevese, Bucks County, PA  
**Duration:** 100 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE  
**Contact:** Contract and Bidding Unit, (717) 787-3923

**DGSA920-8** PROJECT TITLE: Renovations to 5 Technology Park. BRIEF DESCRIPTION: Renovate South Half of building interior by removing everything except the computer flooring. Install all new carpeting, ceilings, stud walls, gypsum board, doors, windows, a new entrance, new HVAC, Plumbing, electrical circuits and lighting. ESTIMATED RANGE: \$100,000.00 to \$500,000.00. General, HVAC and Electrical Construction. PLANS DEPOSIT: \$25.00 per set payable to: COMMONWEALTH OF PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5.00 per set or provide your express mail account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Tel: 717/787-3923. Bid Date: WEDNESDAY, January 3, 2001 at 2:00 P.M.

**Department:** General Services  
**Location:** Commonwealth Tech Center, Harrisburg, Dauphin County, PA  
**Duration:** 150 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE  
**Contact:** Contract and Bidding Unit, (717) 787-6556

**DGSA1574-22Rebid** PROJECT TITLE: Roof Replacement-Chapel. BRIEF DESCRIPTION: Replace the shingle roof, copper roof and flat roof of the Bell Tower. Repoint the Stair Tower, replace some glass panes, repair or replace deteriorated wood trim, fascia, slats, rails, etc and repaint. ESTIMATED RANGE: Under \$100,000.00. General Construction. PLANS DEPOSIT: \$25.00 per set payable to: COMMONWEALTH OF PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5.00 per set or provide your express mail account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Tel: 717/787-3923. Bid Date: WEDNESDAY, January 10, 2001 at 11:00 A.M.

**Department:** General Services  
**Location:** State Correctional Institution, Cresson, Cambria County, PA  
**Duration:** 130 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE  
**Contact:** Contract and Bidding Unit, (717) 787-6556

**6797-56** PROJECT TITLE: Electrical. The Sports & Exhibition Authority ("Owner") will receive sealed bids for trade packages as identified below for Additions and Renovations to the David L. Lawrence Convention Center (the "Project"). The Architect for the Project is Rafael Vinoly Architects, P.C., The Construction Manager is Turner Construction Company, P.J. Dick Incorporated and ATS, Inc., a joint venture. APPROXIMATE VALUE: Over \$10,000,000.00. Bid Packages can be examined and Bids will be received by Owner at the field office of the Construction Manager located at 951 Penn Avenue, Pittsburgh, Pennsylvania 15222. Bid Date: THURSDAY, December 28, 2000 AT 2:00 P.M. Inquiries regarding the bidding should be made to the Construction Manager at its field office located at 951 Penn Avenue, Pittsburgh, PA 15222, Attn: Ralph Shipe, Tel: 412/227-2010, FAX No: 412/227-2015. Bid Packages may be obtained through Accu-Copy 412/281-0799. Determination of Responsibility. Bids will be awarded to bidders determined to be "responsible" by the Owner based upon criteria applicable to the particular Bid Package. Bidders must complete and submit a Determination of Responsibility ("DOR") with the bid. A Mandatory Pre-Bid Meeting will be held. Contact Ralph Shipe, Tel: 412/227-2010 for time and location.

**Department:** General Services  
**Location:** 951 Penn Avenue (basement level), Pittsburgh, PA 15222  
**Contact:** Ralph Shipe, (412) 227-2010

**DDGSA374-3** PROJECT TITLE: Security Fencing and Running Track Realignment. BRIEF DESCRIPTION: Install new fencing in West Exercise Yard and between "G" and "E" housing units. Relocate and repave portion of West Running Track. ESTIMATED RANGE: \$100,000.00 to \$500,000.00. General Construction. PLANS DEPOSIT: \$25.00 per set payable to: COMMONWEALTH OF PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5.00 per set or provide your express mail account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Tel: 717/787-3923. Bid Date: WEDNESDAY, January 10, 2001 at 11:00 A.M.

**Department:** General Services  
**Location:** State Correctional Institution, Somerset, Somerset County, PA  
**Duration:** 120 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE  
**Contact:** Contract and Bidding Unit, (717) 787-6556

**6797-18** PROJECT TITLE: Core Stairs (RE-BID). The Sports & Exhibition Authority ("Owner") will receive sealed bids for trade packages as identified below for Additions and Renovations to the David L. Lawrence Convention Center (the "Project"). The Architect for the Project is Rafael Vinoly Architects, P.C., The Construction Manager is Turner Construction Company, P.J. Dick Incorporated and ATS, Inc., a joint venture. APPROXIMATE VALUE: \$1,000,000.00 to \$2,000,000.00. Bid Packages can be examined and Bids will be received by Owner at the field office of the Construction Manager located at 951 Penn Avenue, Pittsburgh, Pennsylvania 15222. Bid Date: THURSDAY, December 28, 2000 AT 2:00 P.M. Inquiries regarding the bidding should be made to the Construction Manager at its field office located at 951 Penn Avenue, Pittsburgh, PA 15222, Attn: Ralph Shipe, Tel: 412/227-2010, FAX No: 412/227-2015. Bid Packages may be obtained through Accu-Copy 412/281-0799. Determination of Responsibility. Bids will be awarded to bidders determined to be "responsible" by the Owner based upon criteria applicable to the particular Bid Package. Bidders must complete and submit a Determination of Responsibility ("DOR") with the bid. A Mandatory Pre-Bid Meeting will be held. Contact Ralph Shipe, Tel: 412/227-2010 for time and location.

**Department:** General Services  
**Location:** 951 Penn Avenue (basement level), Pittsburgh, PA 15222  
**Contact:** Ralph Shipe, (412) 227-2010

**FDC-226-795** Replacing boat docks at Jamestown Boat Livery, Pymatuning State Park, Crawford County. Work includes removal of existing piles and docks; clearing, excavating and backfill; mechanical dredging (15,000 C.Y.); 5 new concrete bulkheads; 21,500 S.F. pile supported floating dock structures; rip rap protection; gravel road rehabilitation and landscaping. NOTE: Requests for Bid Documents will be taken ON or AFTER December 18, 2000

**Department:** Conservation and Natural Resources  
**Location:** West Shenango Township  
**Duration:** Complete all work by May 24, 2002  
**Contact:** Construction Management Section, (717) 787-5055

**FDC-109-921** Repair concrete cracking, delamination and spalling; and replace old missing joint materials in the walls and slabs of the spillway at Hills Creek State Park in Tioga County. NOTE: Requests for Bid Documents will be taken ON or AFTER December 18, 2000.

**Department:** Conservation and Natural Resources  
**Location:** Charleston Township  
**Duration:** Complete all work by October 31, 2001  
**Contact:** Construction Management Section, (717) 787-5055

**DGSA1579-2REVISED REBID** PROJECT TITLE: New Parking Lot. BRIEF DESCRIPTION: Pave staff parking lot and provide lighting on new staff and existing visitors' parking lot. ESTIMATED RANGE: \$100,000.00 TO \$500,000.00. Electrical and Paving Construction. PLANS DEPOSIT: \$25.00 per set payable to: COMMONWEALTH OF PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5.00 per set or provide your express mail account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Tel: 717/787-3923. Bid Date: WEDNESDAY, January 17, 2001 at 11:00 A.M.

**Department:** General Services  
**Location:** State Correctional Institution, Cambridge Springs, Erie County, PA  
**Duration:** 120 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE  
**Contact:** Contract and Bidding Unit, (717) 787-6556

**MU 98-140** Mansfield University is seeking qualified contractors for construction of a new Parking Structure. The facility is a two-story 40,000 +/- square foot structure, consisting of poured concrete foundation, pre-cast concrete frames and deck, pre-cast concrete spandrel panels, associated site work, plumbing and electrical systems. Bid packages are available for a non-refundable fee of \$35 from Peg Chapel, Purchasing Department, Mansfield, Pa. 16933, phone (570)662-4148. Bid packages will be available from December 11, 2000 thru pre-bid. A pre-bid meeting has been scheduled for January 4, 2001 at 10AM in Brooks Maintenance Building. Bids will be opened on January 19, 2001 at 2PM in the Purchasing Department in a public forum. All responsible bidders are invited to participate including MBE/WBE firms.

**Department:** State System of Higher Education  
**Location:** Mansfield University, Mansfield, Pa. 16933  
**Duration:** 124 calendar days from Notice to Proceed  
**Contact:** Peg Chapel, (570) 662-4148

**DGS972-5PHASE2** PROJECT TITLE: Construction of a Historic Wagon Storage Facility. BRIEF DESCRIPTION: The construction work of a Historic Wagon Storage Facility consists of site preparation, concrete foundations, masonry foundation walls, stone veneer, metal building system, metal roofing, building insulation, overhead door, pipe railing, gypsum board finishes and metal liner panels, to include HVAC, plumbing and electrical systems. ESTIMATED RANGE: \$100,000.00 to \$500,000.00. General, HVAC, Plumbing and Electrical Construction. PLANS DEPOSIT: \$50.00 per set payable to: Dagit-Saylor Architects. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check or provide your express mail account number to the office listed below. Mail requests to: Dagit-Saylor Architects, 1100 Land Title Building, 100 South Broad Street, Philadelphia, PA 19110-1023. Tel: 215/972-0500. Bid Date: WEDNESDAY, January 10, 2001 at 2:00 P.M.

**Department:** General Services  
**Location:** Landis Valley Museum, Lancaster, Lancaster County, PA  
**Duration:** 120 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE  
**Contact:** Contract and Bidding Unit, (717) 787-6556

## Engineering Services & Consultation—14

**08430AG2648** To provide NBIS bridge safety inspection and documentation services on 502 designated bridges and structures on the local system in Engineering District 5-0, that is Berks, Carbon, Lehigh, Monroe, Northampton and Schuylkill Counties. Details concerning this project may be found under Department of Transportation - Retention of Engineering Firms in the Pennsylvania Bulletin, or www.statecontracts.com under via Retention of Engineering Firm Data.

**Department:** Transportation  
**Location:** Engineering District 5-0  
**Duration:** Seventy-two (72) Months  
**Contact:** N/A, N/A

**Financial & Insurance—17**

**1801812984** PA Department of Revenue is seeking a qualified CPA or Attorney, to assist in the technical evaluation and consolidation of Pennsylvania Partnership and S-Corporation and owner returns and instructions.

**Department:** Revenue  
**Location:** Department of Revenue, Bureau of Fiscal Management, Strawberry Square, 11th Floor, Harrisburg, PA 17128  
**Duration:** From Effective Date of Contract through February 28, 2001, with the option to extend upon mutual agreement.  
**Contact:** Kevin Milligan, (717) 787-6737

**Food—19**

**405556** Bread, Rolls & Related Products, Fresh

**Department:** Public Welfare  
**Location:** Warren State Hospital, 33 Main Dr., N. Warren, PA 16365-5099  
**Duration:** 01/01/01 - 06/30/01  
**Contact:** Ms. Bobbie Muntz, PA III, (814) 726-4496

**Fuel Related Services—20**

**097006** Bid is for 6 (six) 5,000 gallon vertical storage tank containment systems. Units should be like the ones available from Eastern Glass Lined Storage, Inc. They will be of a steel panel type construction with glass lining fused to the steel panel and or approved equal. The secondary containment tank will hold 110% of a 5,000 gallon tank, which would be (5,500 gallon). The panels will be made of steel with used glass fused to them, to be assembled with new hardware. Diameter: 14'0, sidewall height: 57" volume (full to top): 5,500 gallon. Units will be delivered to the department's Buckstown Stockpile, located on SR0030, approximately 20-mile Northeast of Somerset, PA. Bid price will include all delivery charges and the installation direction cost of 1 (one) tank containment system, labor and equipment will be supplied by the department. Vendor will be able to supply all necessary materials within 45 days from receipt of purchase order number. Bid will be lump sum, and include all freight charges. Department reserves the right to reject any or all bids. Requests for bid package and specifications contact B.L. Baumgardner at (814) 445-7905. Any questions on bid items contact Mike Knepper, Somerset Co. Equipment Manager at (814) 445-7905.

**Department:** Transportation  
**Location:** 1312 North Center Avenue, Somerset, PA 15501  
**Duration:** Undetermined  
**Contact:** R. M. Knepper, (814) 445-7905

**HVAC Services—22**

**FL-260098** Fluorescent fixtures, with electronic ballasts and hanger kits.

**Department:** Liquor Control Board  
**Location:** Harrisburg, PA  
**Contact:** Robert L Isenberg, (717) 787-9855

**sp 134301003** Services for Automatic Temperature control, to maintain, adjust, calibrate, repair and/or replace components. Manufacturer of on site system is Johnson Temp. Reg. Co. and Barber Coleman Co. These systems are in 6 different buildings.

**Department:** Military Affairs  
**Location:** Hollidaysburg Veterans Home, PO Box 319, Hollidaysburg, PA.16648  
**Duration:** This is a 3 Year contract  
**Contact:** Becky Clapper Purchasing Manager, (814) 696-5210 fax (814) 696-5395

**08-015014** Provide the Pennsylvania Department of Transportation, Maintenance District 1-5, with overall electrical system maintenance and repairs at its five (5) stockpile locations in Venango County. Bid packages with detailed requirements available upon request. All requests must be received via fax at 814-432-3115, and must include Company Name, Address, Phone Number, Fax Number, Contact Person and Federal I.D. Number.

**Department:** Transportation  
**Location:** 1460 Pittsburgh Road, P. O. Box 191, Franklin, PA 16323  
**Duration:** 1-year contract with three (3), 1-year renewals  
**Contact:** Patricia J. Carrara, (814) 432-3115

**62-0048.4** West Chester University of PA of the State System of Higher Education is soliciting sealed bids for Project 62-0048.4 - Electrical Work in Goshen Hall. The work shall consist of new feeder cables from the main substation to Goshen Hall, installation of a transformer and a new switch gear in the basement, running of main feeders to each floor, installation of a distribution panel at each floor and running of circuits to each dorm room. The exterior work will begin on or about April 15, 2001, the work in the basement may begin May 7, 2001 and the remainder of the work may begin May 15, 2001. The work is to be completed by July 31, 2001. A site visit will be conducted at 10:30 on January 3, 2001 meeting in the lobby of Goshen Hall. The bids are due and will be publicly opened at 11:00 on January 16, 2001. Prevailing wages apply and bonds will be required.

**Department:** State System of Higher Education  
**Location:** West Chester University, Goshen Hall, West Chester, PA  
**Duration:** April 15, 2001 - July 31, 2001  
**Contact:** Jacki Marthinsen, Contracts Manager, (610) 436-2705

**sp 134301005** Calibration service for (2) 500 horsepower gas/oil fired Kewanee boilers and (1) 250 horsepower gas fired kewanee boiler. Contractor to also provide emergency service on as needed basis, vendor will be required to be available 24 hours a day, seven days a week. Must respond within 4 hours of call. Please fax your request to Becky Clapper 814-696-5395

**Department:** Military Affairs  
**Location:** Hollidaysburg Veterans Home, PO Box 319, Hollidaysburg, PA 16648  
**Duration:** Contract to begin July 01, 2001 and end June 30, 2002 with renewals.  
**Contact:** Becky Clapper, fax- 814-696-5395

**Lodging/Meeting Facilities—27**

**8101840020** The Office of Administration is requesting bids from vendors to provide meeting space and catering services for the 2001 Personnel/EEO Conference. The conference will be held October 22 and 23, 2001. Vendor must provide a large meeting room that can hold 800 people, 10 to 12 break out rooms that accommodate 40 people, morning and afternoon refreshments, lunch, and audiovisual equipment daily. Prospective bidders must be able to accommodate and bid on both dates in their entirety. A complete description of services required will be included in the bid package. If interested in receiving a bid package, please fax your request on company letterhead to 717-787-0776, Attn: Jane L. Benfer. Please include your company name, address, phone and fax numbers, and federal id number.

**Department:** Office of Administration/Executive Offices  
**Location:** Within a twenty-five (25) mile radius of the Harrisburg Capitol Complex.  
**Duration:** October 22 and 23, 2001.  
**Contact:** Jane L. Benfer, (717) 787-8767

**SU-00-09** Shippensburg University is seeking vendors interested in submitting bids for conference facilities in the Hershey, PA area for the timeframe February 28, 2001 through March 2, 2001. Must have facilities for 400 individuals for lodging, meeting rooms and food service. Must also have audio/visual equipment available for rental. Please fax your request to (717) 477-4004 to be added to bidders list. Requests must be received by Dec. 22, 2000. All responsible bidders are invited to participate including MBE/WBE firms.

**Department:** Education  
**Location:** Hershey, PA  
**Duration:** February 28, 2001 through March 2, 2001  
**Contact:** Pamela A. King, (717) 477-1121

**Medical Services—29**

**SP 134301004** Vendor to supply Dental Laboratory Services to the residents of the Hollidaysburg Veterans Home on as needed basis. Vendor will supply dentures and or partials including repair/relining. Vendor must be located within a 20 mile radius of facility to have capability of pick-up & delivery service. Please fax your request to: Becky Clapper 814-696-5395

**Department:** Military Affairs  
**Location:** Hollidaysburg Veterans Home, PO Box 319, Hollidaysburg, PA. 16648  
**Duration:** 1 year contract with renewals starting July 01, 2001  
**Contact:** Becky Clapper, fax-814-696-5395

**SP 10972007** MAMMOGRAM SERVICES FOR PATIENTS AT MAYVIEW STATE HOSPITAL. PLEASE CALL PURCHASING AT MAYVIEW STATE HOSPITAL (412) 257-6215. TO OBTAIN AN INVITATION/BID PROPOSAL PACKAGE.

**Department:** Public Welfare  
**Location:** MAYVIEW STATE HOSPITAL, 1601 MAYVIEW ROAD, BRIDGEVILLE, PA 15017  
**Duration:** 07/01/01 - 06/30/06  
**Contact:** F. MOLISEE, PURCHASING AGENT, (412) 257-6215

**Property Maintenance & Renovation—33**

**62-0049** Readvertisement: West Chester University is soliciting sealed bids for Project 62-0049 - Traditions Dining Room Renovation. Three prime contracts will be awarded - general, HVAC and electrical. The food service portion will be done by ARAMARK. The project consists of renovations to a take-out area, serving area and seating area. Limited modification to the building, new interior and exterior doors, interior partitions, millwork, fire protection, lighting, & electrical installations. GC is estimated at \$350,000, HVAC at \$445,000 and electrical at 110,000. On or about December 20, 2000, the specifications will be available from Marianna Thomas for a non-refundable fee of \$82.12 for pick-up, \$90.82 for ground delivery and \$107.82 for overnight delivery (the delivery price may change slightly due to contractor location). The on-site work is to be completed between May 7, 2001 and August 10, 2001.

**Department:** State System of Higher Education  
**Location:** West Chester University, West Chester, PA 19383  
**Duration:** On site between May 7, 2001 and August 10, 2001  
**Contact:** Jacki Marthinsen, Contracts Manager, (610) 436-2705

**SP180550001** The Office of the Budget/PP&R Comptroller's Office is soliciting bids to furnish and install replacement fabric on existing modular office system partitions/panels. Work includes teardown and re-assembly of workstations/cubicles, repair and/or replacement of raceways and end caps, and disposal of existing fabric. Replacement parts must match existing. Fabric type to be Haworth Tangram Systems Fabric, Color W7-9 Mah Jongg. NO SUBSTITUTE. For a copy of the bid package, fax a request to (717)705-6215 or call (717) 787-8971.

**Department:** Office of the Budget/Executive Offices  
**Location:** 901 North Seventh Street (Rear), Harrisburg, PA 17105  
**Duration:** Notice to Proceed to June 30, 2001  
**Contact:** Mark Intrieri, (717) 787-8971

**MI-771 Rebid** Project Name: MI-771 Rebid, Duncan House Bathroom Renovation  
 Scope of Work: Project consists of construction of one toilet room and one sump pump room in an existing basement storage room. Include partitions, finishes, doors, hardware, plumbing, fixtures, electrical and some minor duct modifications. Contact Jill Coleman with your request for bid packet. Fax 717-871-2000 or phone 717-872-3730.

**Department:** Education  
**Location:** Millersville University, Duncan Alumni House, Millersville, PA 17551  
**Duration:** 60 calendar days from the date of the Notice to Proceed.  
**Contact:** Jill M. Coleman, (717) 872-3730

**00677-000-00-AS-4** Replace wood shingle roof on 5 buildings at Pennsbury Manor, Morrisville, PA. For directions contact the site at 215-946-0400 or the project manager, Mark Heeb at 717-787-6944. All interested bidders should submit a \$25.00 (non-refundable) check and a request for a bid package in writing to: PA. Historical & Museum Commission, Division of Architecture, Room N118, Plaza Level, 400 North Street, Harrisburg, PA 17120-0053—ATTENTION: Judi Yingling (717) 772-2401. All proposals are due on Wednesday, January 10, 2001 at 11:45 am. Bid opening will be held in The Commonwealth Keystone Building, Division of Architecture, Room N118, Plaza Level, 400 North Street, Harrisburg, PA 17120-0053 .

**Department:** Historical and Museum Commission  
**Location:** Pennsbury Manor, 400 Pennsbury Memorial Lane, Morrisville, PA 19067  
**Duration:** March 1, 2001 to October 31, 2001  
**Contact:** Judi Yingling, (717) 772-2401

**Real Estate Services—35**

**93149** Proposals are invited to provide the PA Board of Probation & Parole with 3413 useable square feet of office space in Butler County, PA with a minimum parking for 12 vehicles. The offered space must be located within the following boundaries: NORTH: Intersection of Route 8 & Halston Road; SOUTH: Route 422 from Route 8 & Route 308 westward to Route 528; EAST: Route 8 & Route 308 north from Route 422 to Halston Road; WEST: Route 528 from Route 422 & Route 8. The offered space must also be located within three (3) blocks of public transportation. Downtown locations will be considered. For more information on SFP #93149 which is due on February 12, 2001 visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or call 717-787-4394.

**Department:** Probation and Parole Board  
**Location:** Room 505, North Office Building, Harrisburg, Pa. 17125  
**Contact:** John Hocker, (717) 787-4396

**Sanitation—36**

**SP 10972008** PROVIDE RUBBISH/TRASH REMOVAL AND RECYCLING SERVICES FOR MAYVIEW STATE HOSPITAL. MATERIAL REMOVAL, CONTAINER SIZES, LOCATIONS AND SPECIFIC SERVICE REQUIREMENTS MAY BE OBTAINED FROM THE HOSPITAL. PLEASE FAX PURCHASING AT MAYVIEW STATE HOSPITAL FOR COPIES OF BID SPECS (412) 257-6761.

**Department:** Public Welfare  
**Location:** MAYVIEW STATE HOSPITAL, 1601 MAYVIEW ROAD, BRIDGEVILLE, PA 15017  
**Duration:** 07/01/01 - 06/30/06  
**Contact:** F. MOLISEE, (412) 257-6215

**Vehicle, Heavy Equipment & Powered Machinery Services—38**

**Mobile Lifting System** One (1) ARI Hetra HdML 8 Heavy Duty Mobile Lifting System or approve equal. Must consist of four (4) post, which are capable of lifting 15,000 pounds per post or up to 60,000 pounds with four (4) posts. Support Stands, Tall, 15,000 pound Capacity. Remote Control Up/Down. To include setup/training/manuals/warranty/manufacturer requirements. The system will be finished in OSHA safety green. Construction shall be in accordance with the ANSI Requirements B153.1-1990 Safety Requirements for the Construction, Care and Use of Automotive Lifts, where applicable. East post shall be NRTL listed electrically, structurally and bear the ALI/ETTL label of compliance. All fabricated steel shall be of US origin.

**Department:** Transportation  
**Location:** 1000 East Bishop Street, Bellefonte, PA 16823  
**Duration:** One Year  
**Contact:** Tina Smith, (814) 355-4731

**Miscellaneous—39**

**RFP 20001004** Provide PLCB consolidation and transportation of alcohol beverage products from New York and New Jersey to the three PLCB Distribution Centers.

**Department:** Liquor Control Board  
**Location:** New York, New Jersey, Pennsylvania  
**Duration:** Two (2) years with three (3) one-year options  
**Contact:** Nelson McCormick, (717) 787-9851

**010H04** This work shall consist of furnishing all specified material, equipment, personnel, pesticide certifications, liability insurance, safety equipment and practices necessary for the professional application of pesticides to roadside vegetation or other areas as directed by the engineer. This work will be conducted along various state routes in PennDOT Engineering District 1-0 in northwestern Pennsylvania. Detailed requirements and a bid package are available upon request by contacting Carol Shoup at 814-678-7145.

**Department:** Transportation  
**Location:** Crawford, Erie, Forest, Mercer, Venango and Warren Counties  
**Duration:** Two year contract, with one three year renewal  
**Contact:** Carol Shoup, (814) 678-7145

**000780139** Provide medical exams to White Haven Center employees as required by EPA to determine employees' medical fitness to perform asbestos abatement work. For bid package please fax your request to 570-443-4177.

**Department:** Public Welfare  
**Location:** White Haven Center, White Haven, PA 18661  
**Duration:** 12/01/01 - 12/31/04  
**Contact:** Sandra A. Repak, PA, (570) 443-4232

**ME 200723** The Request for Proposal (RFP) is issued to solicit contractors' submission of plans and bids for: The Development, Validation, Field Testing, and Implementation of the Pennsylvania Academic Standards Proficiency Assessment for Teachers. This development shall include, the validation, establishment of proficiency levels, and implementation of the initial set of computer adaptive diagnostic proficiency assessments based on item response theory (IRT). The assessment shall be designed to measure a teacher's knowledge in the content area of mathematics and the skill area of reading and be integrated with the Pennsylvania Academic Standards and Reading, Writing, Speaking and Listening. The assessment design shall be web based and subsequently available to all Pennsylvania school entities during normal school hours.

**Department:** Education  
**Location:** PA Department of Education, 333 Market St., Harrisburg, PA 17126-0333  
**Duration:** 2 years  
**Contact:** Division of Teacher Education, (717) 787-3470

**11-B-00** Printing Services of Employer's Report for Unemployment Compensation and Employer's Quarterly Report of Wages paid to each Employee. Approximately 1,300,000 forms. To request a bid package please call 717-787-2877 or fax your request to (717) 787-0688.

**Department:** Labor and Industry  
**Location:** Department of Labor and Industry, Bureau of Employer Tax Operations, 1549B Bobali Drive, Harrisburg, PA 17104  
**Duration:** Deliveries to be made February 16, 2001 (1st quarter Reports) and May 18, 2001 (2nd quarter Reports)  
**Contact:** Cherianita Thomas/DK, (717) 787-2877

**SP 134301002** Service Contract for Funeral Services for indigent veterans of the Hollidaysburg Veterans Home. This contract will cover only a limited number of funerals per year for those veterans who are financially unable to pay for the cost of such services. For a bid package please fax your request to Becky Clapper Purchasing Manager @ 814-696-5395.

**Department:** Military Affairs  
**Location:** Hollidaysburg Veterans Home, PO Box 319, Hollidaysburg, PA, 16648  
**Duration:** This is a 3 year contract. July 01, 2001 thru June 30, 2004  
**Contact:** Becky Clapper, Fax 814-696-5395

[Pa.B. Doc. No. 00-2200. Filed for public inspection December 15, 2000, 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 No.</b>	<b>PR Award Date or Contract Effective Date</b>	<b>To</b>	<b>In the Amount Of</b>
6515-06	12/07/00	DMR Inc.	100,000.00
6515-06	12/07/00	Arbill Industries Inc.	100,000.00
6515-06	12/07/00	Druzak Medical Inc.	100,000.00
6515-06	12/07/00	Para Scientific Co.	100,000.00
6515-06	12/07/00	Delta Medical Supply Group Inc.	100,000.00
6515-06	12/07/00	Medline Industries Inc.	100,000.00
6515-06	12/07/00	Redline Medical Supply Inc.	100,000.00
6515-06	12/07/00	Tronex Healthcare Industries Div. of Tronex International Inc.	100,000.00
7370-01 rip # 1	11/30/00	Calico Industries Inc.	16,343.80
7370-01 rip # 1	11/30/00	Feesers Inc.	34,170.00

<b>Requisition or Contract No.</b>	<b>PR Award Date or Contract Effective Date</b>	<b>To</b>	<b>In the Amount Of</b>
7370-01 rip # 1	11/30/00	Xpedx	19,333.79
1053040-01	12/04/00	W W Mfg/a wholly owned subsidiary of W W Capital Corp.	401,645.50
1141230-01	12/04/00	Plasterer Equipment Co. Inc.	322,431.00
1177120-01	12/04/00	Moore North America	334,390.00
1189150-01	12/04/00	Xpedx	30,979.55
1190150-01	12/04/00	G R Sponaugle and Sons Inc.	47,598.00
8252350-01	12/04/00	Walsh Equipment Inc.	5,359.00
8252540-01	12/04/00	Five Star International LLC	86,665.00

GARY E. CROWELL,  
*Secretary*

[Pa.B. Doc. No. 00-2201. Filed for public inspection December 15, 2000, 9:00 a.m.]