

PENNSYLVANIA BULLETIN

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See Part II page 769 for the
Environmental Quality Board's Erosion
and Sediment Control

Agencies in this issue:

The Courts
Department of Banking
Department of Environmental Protection
Department of General Services
Department of Health
Department of Revenue
Department of Transportation
Environmental Quality Board
Governor's Office
Independent Regulatory Review Commission
Insurance Department
Pennsylvania Public Utility Commission
Turnpike Commission

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

No. 279, February 1998

PENNSYLVANIA



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Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

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

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Part II

This part contains the
Environmental Quality Board's
Erosion and Sediment Control

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THE COURTS

Title 207—JUDICIAL CONDUCT

PART III. JUDICIAL CONDUCT BOARD

[207 PA. CODE CH. 119]

Proposed Adoption of Rule 35

The Judicial Conduct Board proposes to adopt Rule 35 to the Rules of Procedure that govern practice before the Board. All communications in reference to the proposed amendments should be sent not later than March 27, 1998 to Vincent J. Quinn, Esquire, Chief Counsel, Judicial Conduct Board, 225 Market Street, Harrisburg, PA 17101.

Annex A

TITLE 207. JUDICIAL CONDUCT

PART III. JUDICIAL CONDUCT BOARD

CHAPTER 119. SPECIAL PROCEDURES FOR CASES INVOLVING MENTAL OR PHYSICAL DISABILITY

Rule 35. Intervention.

(A) During the course of an investigation, upon the good faith belief that the alleged misconduct was caused by mental illness, drug dependency, addiction to alcohol, or temporary mental infirmity, the Board shall take one or more of the following actions:

- (1) request that the judicial officer resign from office;
- (2) request that the judicial officer seek appropriate treatment;
- (3) request that the judicial officer take a leave of absence from his or her judicial office until such time that the Board and the judicial officer agree that it is appropriate for the judicial officer to return to office;
- (4) upon application of the judicial officer, the Board may approve an appropriate treatment program.

(B) Action taken by a judicial officer in response to any action taken by the Board pursuant to Paragraph A, shall be considered by the Board in making a determination pursuant to Rule 31.

(C) The judicial officer's entrance into and participation in a rehabilitation program approved by the Board shall constitute good cause under Rule 31(C) for the Board to continue any full investigation beyond 180-days.

[Pa.B. Doc. No. 98-209. Filed for public inspection February 6, 1998, 9:00 a.m.]

Title 255—LOCAL COURT RULES

DELAWARE COUNTY

Amended Criminal Court Costs; Misc. Doc. No.
98-80018

Order

And Now, to wit, this 15th day of January, 1998, it is hereby ordered and decreed that a seventy five dollar (\$75.00) bench warrant fee will be included as a court cost against all defendants for whom a bench warrant is issued for their arrest. The authority for this fee is controlled by 42 Pa.C.S.A. § 9728(g).

By the Court

A. LEO SERENI,
President Judge

[Pa.B. Doc. No. 98-210. Filed for public inspection February 6, 1998, 9:00 a.m.]

DELAWARE COUNTY

Amended Juvenile Court Costs; Misc. Doc. No.
98-80019

Order

And Now, to wit, this 15th day of January, 1998, it is hereby ordered and decreed that the fee structure to be paid by all juvenile defendants is hereby amended and revised.

The fees are hereby increased in the following manner:

Clerk of Courts	
Misdemeanor/Felony	\$125.00
Witness Fee	25.00
Summary Offense	15.00
Sheriff	40.00
Subpoena Service	
Service by mail	5.00
Personal service	25.00
Electronic Recording	8.00
Administrative Fee	25.00
District Attorney (Each adjudication/consent decree)	25.00
Community Service Fee	25.00
Bench Warrant Fee	75.00
Nolle Prose (Each Charge)	15.00

By the Court

A. LEO SERENI,
President Judge

[Pa.B. Doc. No. 98-211. Filed for public inspection February 6, 1998, 9:00 a.m.]

RULES AND REGULATIONS

Title 52—PUBLIC UTILITIES

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CHS. 1, 3, 5, 21, 23, 29 AND 31]

[L-950106]

Motor Carriers of Property

Executive Summary

The Federal Aviation Authorization Act of 1994 amended the Interstate Commerce Act, preempting state regulation of motor carriers of property in the areas of rates, routes and service. The Commission historically regulated intrastate property transportation in these areas as well as in the areas of safety and insurance. In light of the Federal preemption, the Commission proposed modifying its regulations to reflect its changed regulatory role. Also, the Commission took this opportunity to delete the requirement of filing annual reports for both motor carriers of passengers and property. Finally, the Commission invited comments on the possibility of allowing binding estimates for household goods carriers.

Comments to the proposed amendments were limited to the binding estimates proposal. The Commission rejected implementing binding estimates for household goods movers, thereby preserving the current regulatory framework.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Commission submitted a copy of the final-form regulations, which was published as proposed at 26 Pa.B. 1350 (March 30, 1996), to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of House Committee on Consumer Affairs and the Senate Committee on Consumer Protection and Professional Licensure for review and comment. In compliance with section 5(b.1) of the Regulatory Review Act, the Commission also provided IRRC and the Committees with copies of the comments received as well as other documentation.

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

These final-form regulations were deemed approved by the House Committee on Consumer Affairs on October 30, 1997, were approved by the Senate Committee on Consumer Protection and Professional Licensure on October 28, 1997, and were approved by IRRC on November 6, 1997, in accordance with section 5(c) of the Regulatory Review Act.

Public meeting held
June 5, 1997

Commissioners present: John M. Quain, Chairperson;
Robert K. Bloom, Vice Chairperson; John Hanger;
David W. Rolka; Nora Mead Brownell

Order

By the Commission:

By order entered December 19, 1995, the Pennsylvania Public Utility Commission (Commission) initiated a proposed rulemaking to amend its regulations governing motor carriers of property. The Commission's regulatory oversight of the property carrier industry was dramati-

cally changed by passage of the Federal Aviation Authorization Act of 1994, which, inter alia, amended the Interstate Commerce Act at 49 U.S.C.A. §§ 14501(c) and 41713(b). In effect, the Aviation Act preempted state regulation of rates, routes or service of property carriers. However, states do maintain oversight of safety and financial responsibility for property carriers. It was the Commission's changed regulatory role, as dictated by the changes in Federal Legislation, that was the impetus for the proposed rulemaking.

On March 15, 1996, the Office of Attorney General issued its approval of the proposed regulations as to form and legality. On March 25, 1996, copies of the proposed amendments were delivered for review and comment to the designated standing committees of both houses of the General Assembly and IRRC. The proposed rulemaking was published at 26 Pa.B. 1358 (March 30, 1996).

Comments to the proposed amendments were filed by the Pennsylvania Motor Truck Association, Tri-State Household Goods Tariff Conference, Inc., Morgan Moving and Storage, Ltd., Williamsport Moving Company, Inc., Adam Meyer Moving and Storage, B.F. Fields Moving and Storage, Weleski Transfer, Inc., O'Brien's Moving and Storage, Hoy Transfer, Inc., Clemmer Moving and Storage, Inc. and IRRC. None of the commentators offered any substantive comments on the proposed amendments. Instead, the exclusive focus of the commentators was the possibility of requiring binding estimates for household goods movers, an issue raised in Commissioner Robert K. Bloom's statement accompanying the proposed rulemaking. We will address these comments below.

In light of the absence of any comments to the proposed amendments, we will promulgate the final-form regulations as proposed with two major exceptions. First, the proposed amendments defined "household goods in use carrier" consistent with the then current Federal definition. See proposed § 21.1. However, from the time these regulations were proposed, Federal Legislation narrowed that definition of "household goods" to include only a portion of those moves previously considered household goods movements. 49 U.S.C.A. § 13102(10). In effect, this definitional change broadened the preemption created by the Federal Aviation Act of 1994, since moves that were previously labeled household goods moves (and subject to continued state economic regulation) are no longer considered household goods moves, but rather general property moves (and exempt from state economic regulation). We have modified the final rulemaking to reflect the definitional change at the Federal level.

The second change to the proposed amendments concerns § 3.381(n)(3). The proposed amendments provided for a safety fitness review to be conducted within 180 days of the date of the Commission's compliance letter approving an application. If an applicant failed that review, it was given 60 days to correct the deficiencies and pass the review. If an applicant failed to pass the review the second time, its certificate would be immediately suspended. The carrier was then given 30 days from the date of suspension to pass the review or have its certificate revoked.

Enforcement personnel within the Commission commented that the 60-day period allotted a carrier to correct deficiencies and pass the review was too short. They recommended that this period be extended to 90 days. Further, staff commented that in light of the extension

given to carriers to correct deficiencies, revocation should occur following a carrier's failure to pass the review after the 90-day period. We agree with these comments and modify the proposed amendments accordingly.

Finally, we note that we have modified the structure of § 3.381. This is purely an organizational change aimed at making those provisions more user friendly. Further, we have made some technical changes to the following provisions: §§ 3.383, 3.384, 5.235, 21.2, 23.1, 23.53, 23.101, 23.103, 23.104, 23.114, 23.121, 23.124, 23.125, 23.148, 31.4, 31.8, 31.11 and 31.35. Also, we have deleted § 31.8, concerning accounts and records, as no longer serving any useful public purpose.

Household Goods-Binding Estimates

Commissioner Robert K. Bloom issued a statement accompanying the proposed rulemaking directing that the Commission examine the possibility of requiring binding estimates for household goods carriers. Only industry representatives and IRRC submitted comments on this issue. Industry comments to this proposal were negative. The industry alleged that the establishment of binding estimates will adversely affect both consumers and the moving industry. Commentators claimed that binding estimates promote discriminatory pricing by encouraging carriers to attract business by undercutting currently filed rates and by encouraging carriers to charge excessive rates when there is no competition. Further, industry commentators alleged that binding estimates will encourage carriers to charge lower rates to high volume shippers and higher rates for smaller shippers. Finally, industry commentators alleged that binding estimates may be inappropriate due to the tariff structure differences for local intrastate moves compared to interstate moves. Interstate tariffs are generally based on weight and mileage, while tariffs for intrastate moves of less than 40 miles are based on time. Commentators suggested that it is much more difficult to accurately estimate time than mileage and weight, since the time it takes to perform a move is dependent on factors that the carrier has no control over; such as, the weather, the moving sites, and shipper preparation.

IRRC commented that binding estimates would not encourage discriminatory pricing any more than current Commission pricing regulations. IRRC commented that the industry commentators provide no data regarding discriminatory pricing. IRRC postulates that consumers can protect themselves from overcharges by soliciting bids from competing carriers. Further, IRRC discounts the notion that binding estimates encourage "low-balling" to attract business. IRRC argues that the current Commission tariff regulations encourage "low-balling" more than binding estimates would, since under current regulations the shipper is required to pay 110% of the estimated cost to receive his goods from the carrier. Moreover, the carrier can collect the remainder of the charges that exceed 110% of the estimate within 15 days of delivery.

At the Federal level, household goods carriers are permitted to issue binding estimates at their discretion for interstate moves. 49 U.S.C.A. § 13704(a)(1). Under 49 U.S.C.A. § 13702(c), interstate household goods carriers must maintain rates in a published tariff and carriers must provide for binding estimates in their tariffs if they wish to utilize them. 49 CFR § 1056.3. However, neither the Federal Highway Administration nor the Surface Transportation Board, successors to the duties of the Interstate Commerce Commission, require that carriers actually file their tariffs with them. Further, the actual rates to be charged in a binding estimate are not included

in a carrier's tariff, but rather are a matter of negotiation between the carrier and shipper. Binding estimate rates are not subject to reasonableness standards as are non-binding rates. 49 U.S.C.A. § 13701. However, rates used for binding estimates can not be preferential or predatory. 49 U.S.C.A. § 13704(a)(2).

Staff conversations with personnel from the Surface Transportation Board and the Federal Highway Administration indicate that the Federal experience with binding estimates for household goods carriers has been negative. Numerous consumer complaints have been generated as a result of binding estimates used by unscrupulous operators. These operators use binding estimates to attract business but later renege on the estimate, alleging that the shipper did not fully inform them of the extent of the shipment. Under these circumstances, the carrier voids the binding estimate and demands payment for services which were not detailed in the estimate.

Based on the Federal experience, we are cautious about instituting binding estimates in this Commonwealth. Notwithstanding the potential for abuse by unscrupulous carriers, an additional concern over the introduction of binding estimates is Pennsylvania's statutory requirement that rates charged by carriers be just and reasonable. 66 Pa.C.S. § 1301. Under the Federal scheme, the only statutory requirement for binding estimates is that the rates be nonpredatory and nondiscriminatory. 49 U.S.C.A. § 13704(a). The Federal scheme allows the market, through private negotiations, to set rates for binding estimates. No mechanism is available in this Commonwealth. Household goods carriers in this Commonwealth are required to charge rates in accordance with their filed tariffs, regardless of whether the estimate is binding or nonbinding. 66 Pa.C.S. § 1303.

Further, even if a Commonwealth household goods carrier was statutorily permitted to negotiate rates with shippers for binding estimates, it is questionable whether those negotiations would be a viable means of setting rates. Barriers to market entry remain for household goods carriers in this Commonwealth. Prospective carriers must establish that a public demand exists for the proposed service. See 66 Pa.C.S. § 1103, 52 Pa. Code § 41.14.¹ Given the restrictions to competition among carriers in this Commonwealth, the negotiating table would possibly be skewed toward the carrier, leaving the shipper with little bargaining power to reach a fairly negotiated rate. See *Petition of the Pennsylvania Bus Association*, Docket No. P-00950983 (Order entered June 10, 1996). Therefore, even if we were to adopt binding estimates for household goods carriers, the rates charged would have to be contained in the carrier's tariff to ensure reasonableness. 66 Pa.C.S. §§ 1301 and 1303.

Requiring a carrier to follow its tariff rates in offering a binding estimate presents a serious problem. Carriers are required to charge according to their tariff rates. 66 Pa.C.S. § 1303. In rendering a binding estimate, a carrier would apply those rates to a particular move, binding itself to that estimate. However, if the binding estimate given proved to be too high or too low for the move (as calculated by the carrier's tariff) the carrier and shipper would still be bound by the estimate. The carrier would not be able to charge in accordance with its tariff due to the binding estimate, thus creating a violation of the Code. 66 Pa.C.S. § 1303.

Based on the foregoing, we are not persuaded to institute binding estimates for household goods carriers at this time. While we agree with IRRC's comment that binding estimates would not encourage "low-balling" any more than the Commission's current 110% role, we believe that it would be nearly impossible for carriers to offer binding estimates and follow their tariffs. As in the Federal scheme, we believe that binding estimates are more appropriate in an environment where rates would be set by negotiation in an open market. Our statute does not provide for this option. Further, given the restrictions to entry imposed on prospective carriers, we can not assume that the market would be a viable means of setting rates even if statutorily permitted. Therefore, we will not institute binding estimates for household goods carriers.

Finally, we note that, having received no comments, we will not, at this time, modify the leasing and insurance regulations governing common carriers of property.

Having considered all comments filed to the proposed rulemaking, we believe the regulations as set forth in Annex A should be adopted as the final rulemaking.

Accordingly, under section 501 of the Public Utility Code, 66 Pa.C.S. § 501, and the Commonwealth Documents Law (45 P.S. § 1201 et seq.), and regulations promulgated thereunder at 1 Pa. Code §§ 7.1—7.4, we find that regulations in 52 Pa. Code shall be amended; *Therefore,*

It is Ordered that:

1. The regulations of the Commission, 52 Pa. Code Chapters 1, 3, 5, 21, 23, 29 and 31, are amended by amending §§ 1.43, 3.381—3.385, 5.235, 21.1, 21.2, 23.1, 23.14, 23.16, 23.21, 23.22, 23.53, 23.67, 23.101, 23.103, 23.104, 23.114, 23.121, 23.124, 23.125, 23.148, 31.1, 31.2, 31.4, 31.11, 31.16, 31.27, 31.41, 31.45 and 31.62; and by deleting §§ 23.33, 23.81—23.83, 23.85, 23.91, 23.92, 23.116, 23.131—23.135, 23.149, 29.42, 31.8, 31.9, 31.21—31.25, 31.28—31.31, 31.34, 31.37, 31.47—31.50, 31.61 and 31.66—31.71 to read as set forth in Annex A, with ellipses relating to the existing text of the regulations.

(*Editor's Note:* The amendment of §§ 5.235, 21.2, 23.53, 23.101, 23.103, 23.114, 23.121, 23.124, 23.125, 23.148 and 31.11 and the deletion of § 31.8 were not included in the proposal at 26 Pa.B. 1358. The proposal to amend § 31.10, included at 26 Pa.B. 1358, has been withdrawn by the Commission.)

2. The Secretary shall submit this order and Annex A to the Office of Attorney General for approval as to the legality.

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

4. 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 by IRRC.

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

6. The Secretary shall serve copies of this order and Annex A upon each of the commentators.

7. These amendments shall become effective immediately upon publication in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,
Secretary

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 27 Pa.B. 6128 (November 22, 1997).)

Fiscal Note: Fiscal Note 57-166 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 52. PUBLIC UTILITIES

PART I. PUBLIC UTILITY COMMISSION

Subpart A. GENERAL PROVISIONS

CHAPTER 1. RULES OF ADMINISTRATIVE PRACTICE AND PROCEDURE

Subchapter E. FEES

§ 1.43. Schedule of fees payable to the Commission.

(a) *Fees for services.* The fees for services rendered by the Commission are as follows:

<i>Description</i>	<i>Fee (in dollars)</i>
Initial filing of Form A for intangible transition property notice	\$550
Subsequent filing of notice changes in intangible transition property notice on Form B	\$350
Chapter 74 public information requests relating to perfection of security interests	\$10 plus standard per page copying costs
Copies of papers, testimony, microfiche, records and computer printouts per sheet	\$.75
Copies of microfiche per sheet	\$1.50
Copies of microfilm per roll	\$80
Certifying copy of a paper, testimony or record	\$5
Filing each securities certificate	\$350
Filing each abbreviated securities certificate	\$25
Filing each application for a certificate, permit or license or amendment of a certificate, permit or license	\$350
Filing an application for a certificate of public convenience for a motor common carrier of property	\$100
Filing an application for emergency temporary authority as common carrier of passengers or household goods in use, contract carrier of passengers or household goods in use, or broker or for an extension thereof	\$100
Filing an application for temporary authority as common carrier of passengers or household goods in use, contract carrier of passengers or household goods in use, or broker	\$100
Filing an application for a certificate to discontinue intrastate common carrier passenger or household goods in use service	\$10

(b) *Fees for testing.* The fees fixed by section 317 of the act (relating to fees for services rendered by commission)

to be charged and collected from public utilities for the testing of their instruments of precision and measuring apparatus are as follows:

<i>Description</i>	<i>Fee (in dollars)</i>
Testing each watthour meter	\$16
Testing each indicating instrument	10
Testing each transformer	10
Testing each standard cell	5
Testing each standard resistance	10
Testing each potentiometer	50
Testing each gas meter prover	35
Testing each calorimeter tested at the gas company's plant	35
Testing each calorimeter tested at the Commission laboratory	10
Each water meter testing apparatus tested at the company's plant	15
Each water meter tested at the Commission laboratory	3

(c) *Condensation and steam flow meters.*

(1) The schedule of fees for testing condensation and steam flow meters is as follows:

(i) For condensation meters having an outlet not exceeding 2 inches—\$5.

(ii) For condensation meters having an outlet in excess of 2 inches—\$10.

(iii) For steam flow meters—\$25.

(2) Upon receipt of complete specifications, the Commission will determine the fees for testing those meters located so that the cost is out of proportion to the fee specified or those not included in the classification in this subsection

(d) *Water meters.*

(1) The schedule of fees for testing meters is as follows:

(i) For each water meter having an outlet not exceeding 1 inch—\$5.

(ii) For other water meters having an outlet not exceeding 2 inches—\$10.

(2) Rates for testing other meters, including those which are located so that the cost is out of proportion to the fee specified, will be furnished by the Commission upon the receipt of complete specifications.

(e) *Supersession.* Subsections (a)—(d) supersede 1 Pa. Code §§ 33.21(b) and 33.23 (relating to filing fees; and copy fees).

CHAPTER 3. SPECIAL PROVISIONS

Subchapter E. MOTOR TRANSPORTATION PROCEEDINGS

§ 3.381. Applications for transportation of property, household goods in use and persons.

(a) *Applications.*

(1) *Forms.* The following forms may be obtained from the Office of the Secretary of the Commission:

* * * * *

(v) An application by a common carrier of passengers or household goods in use to abandon or discontinue service in whole or in part.

* * * * *

(3) *Filing and verification.* An original application, together with two copies, shall be filed by the applicant, or an authorized officer or representative, with the Secretary of the Pennsylvania Public Utility Commission, Post Office Box 3265, Harrisburg, Pennsylvania 17105-3265. The application shall be verified under § 1.36 (relating to verification). An application by a common carrier for a certificate of public convenience authorizing the transportation of passengers or household goods in use may be accompanied by verified statements of the applicant and supporting party or firm, as set forth in subsection (c)(1)(iii)(A)(II) and (III). An application by a contract carrier for a permit authorizing the transportation of passengers or household goods in use may be accompanied by a verified statement of the applicant, as set forth in subsection (c)(1)(iii)(A)(II) and a copy of the bilateral contract or statement of the shipper that it will enter into a bilateral contract with the carrier.

* * * * *

(5) *Abandonment or discontinuance of service.* A motor common carrier of property, contract carrier or broker is not required to file an application to abandon or discontinue service. Abandonment or discontinuance of service, in whole or in part, by a motor common carrier of property, contract carrier or broker shall require the submission of a letter to the Commission containing a statement that the service is no longer being rendered or that the contract has expired.

* * * * *

(8) *Change in the name of shipper of a motor carrier of passengers or household goods in use.*

(i) If a shipper named in the existing or proposed operating authority of a motor carrier of passengers or household goods in use changes its name, the motor carrier shall submit a verified letter of notification to the Secretary containing the following information:

* * * * *

(ii) If a shipper named in the existing or proposed operating authority of a motor carrier of passengers or household goods in use simply makes an addition to or change of a fictitious trade name, the motor carrier shall notify the Secretary by letter, identifying the name and docket number of the motor carrier and submitting a copy of the shipper's fictitious name registration form filed with the Department of State under 54 Pa.C.S. § 312.

(9) *Change in entity of named shipper of a motor carrier of passengers or household goods in use.*

(i) A change in the entity of a shipper named in the existing or proposed operating authority of a motor carrier of passengers or household goods in use, which is accompanied by a change in the ownership or control of the shipper's business—for example, through a sale or merger—requires the filing of an application by the motor carrier in accordance with paragraphs (3) and (4) and § 5.12.

(ii) A change in the entity of a shipper named in the existing or proposed operating authority of a motor carrier of passengers or household goods in use, which is not accompanied by a change in the ownership or control of the shipper's business—for example, through the incorporation of a sole proprietorship or partnership—requires

the submission by the motor carrier of a verified letter of notification to the Secretary containing the following information:

* * * * *

(10) *Change in location of named shipper of a motor carrier of passengers or household goods in use.*

(i) A change in the location of an existing facility of a shipper named in the existing or proposed operating authority of a motor carrier of passengers or household goods in use requires the filing of an application under paragraphs (3) and (4) and § 5.12, except as provided in subparagraph (ii).

(ii) A change in the location of an existing facility of a shipper named in the existing or proposed operating authority of a motor contract carrier of passengers or household goods in use, which is not accompanied by a change in ownership or control of the business, requires the submission of a verified letter of notification to the Secretary containing the name and docket number of the motor carrier, and a statement that there is no change in ownership or control of the business.

(b) *Notice.* Applications will be docketed by the Secretary and thereafter forwarded for publication in the *Pennsylvania Bulletin*. No other notice to the public or to a carrier, forwarder or broker is required, except that an applicant filing an application for the discontinuance of the transportation of persons, on a scheduled basis, shall certify to the Commission that it has done the following:

(i) Notified the local government having jurisdiction over affected areas.

(ii) Posted notice of the proposed discontinuance in a conspicuous place in vehicles engaged in service on affected routes.

(c) *Protests*

(1) *Applications for passenger or household goods in use authority.*

(i) *Content and effect.*

(A) A person objecting to the approval of an application shall file with the Secretary and serve upon the applicant and the applicant's attorney, if any, a written protest which shall contain the following:

(I) The applicant's name and the docket number of the application.

(II) The name, business address and telephone number of the protestant.

(III) The name, business address and telephone number of the protestant's attorney or other representative.

(IV) A statement of the protestant's interest in the application, including a statement of any adverse impact which approval of the application can be expected to have on the protestant.

(V) A list of all Commission docket numbers under which the protestant operates, accompanied by a copy of any portion of the protestant's authority upon which its protest is predicated.

(VI) A statement of any restrictions to the application which would protect the protestant's interest, including a concise statement of any amendment which would result in a withdrawal of the protest.

(B) Upon the filing of a timely protest, the protestant will be allowed to participate in the proceeding as a party intervenor.

(C) A protest shall be treated as a pleading and the applicant may, within 20 days after the closing date for the filing of protests, file motions to strike, to dismiss, or for amplification as provided in § 5.101 (relating to preliminary motion).

(ii) *Time of filing.* A protest shall be filed within the time specified in the notice appearing in the *Pennsylvania Bulletin*, which shall be no less than 15 days from the date of publication. Failure to file a protest in accordance with this subsection shall bar subsequent participation in the proceeding, except when permitted by the Commission for good cause shown.

(iii) *Failure to file protests.* If no protest is filed with the Commission on or before the date specified in the *Pennsylvania Bulletin* or if all protests have been withdrawn at or prior to the hearing, the Commission may take either of the following actions:

(A) Consider the application without holding an oral hearing if it deems the facts are sufficient as in the application or as determined from additional information as the Commission may require of the applicant. An application processed under this section, without oral hearing, will be determined on the basis of verified statements submitted by the applicant and other interested parties.

(I) Verified statements will be filed with the Secretary within 30 days of the Commission's request therefor. Failure to file additional information as requested by the Commission may result in dismissal of the application for lack of prosecution.

(II) The applicant's verified statement shall be in paragraph form and shall contain the following information, as applicable:

(-a-) The legal name and domicile of the applicant.

(-b-) The identity and qualifications of the person making the statement for applicant.

(-c-) Whether or not the applicant is affiliated with any other carriers, with a description of the affiliation.

(-d-) The authority sought.

(-e-) The general scope of currently authorized operations—attach copies of pertinent operating rights.

(-f-) Duplicating authority which will result from grant of authority.

(-g-) Dual operations resulting from grant of authority.

(-h-) Pertinent terminal facilities and communications network.

(-i-) Pertinent equipment—make, model, year, owned or leased, and lessor; safety program; service currently provided to supporting witnesses.

(-j-) The type of service offered.

(-k-) Financial data—current balance sheet and income statement for corporations and partnerships and assets and liabilities for individuals.

(-l-) Other information deemed pertinent.

(III) Verified statements of the supporting party or firm shall be in paragraph form and shall contain the following information, as applicable:

(-a-) The legal name and domicile of the supporting party or firm.

(-b-) The identity and qualifications of the person making the statement for supporting party or firm.

(-c-) A general description of the supporting party, organization or operations.

(-d-) The volume and frequency of intended use.

(-e-) Specific or representative origins and destinations, or both.

(-f-) The type of service required—persons, group movements, tours, call or demand, scheduled, and the like.

(-g-) Similar applications supported—pertinent docket numbers.

(-h-) Other information deemed pertinent.

(IV) There will be the following extensions of time to file verified statements. When extenuating circumstances exist, the Commission will grant up to 45 days to file verified statements. Requests for extensions of time may be granted by the Commission based upon a written request giving reasons for the extension.

(B) Schedule the unopposed application for oral hearing at a time, date and place to be set, thereafter notifying the applicant by letter of the scheduling.

(2) *Applications for motor common carrier of property authority.*

(i) *Content and effect.*

(A) A person objecting to the approval of an application for motor common carrier of property authority shall file with the Secretary and serve upon the applicant, the applicant's attorney, if any, and the Bureau of Transportation and Safety a written protest which shall contain the following:

(I) The applicant's name and docket number of the application.

(II) The name, business address and telephone number of the protestant.

(III) The name, business address and telephone number of the protestant's attorney or other representative.

(IV) Specific factual allegations regarding an applicant's safety fitness. Factual allegations which specifically reference the applicant's United States Department of Transportation Safety rating, safety ratings from other State agencies or adverse decisions in safety related proceedings before other tribunals will be required in protests. Protests which are not supported by specific factual allegations will not be considered.

(B) Upon the filing of timely protests which contain specific factual allegations relating to an applicant's safety fitness, the application and comments will be referred to the prosecutory staff of the Bureau of Transportation and Safety for a determination as to the necessity for a hearing.

(ii) *Time for filing.* Protests to applications for motor common carrier property authority shall be filed within the time specified in the *Pennsylvania Bulletin*, which will not be less than 10 days from the date of publication.

(iii) *Failure to file protests.* If no protests are filed, or if the Bureau of Transportation and Safety has determined that the protests do not raise significant allegations of safety fitness, the Commission will act on motor common carrier of property applications as follows:

(A) A compliance letter will be issued directing that the applicant file a Form E Uniform Motor Carrier Bodily Injury and Property Liability Certificate of Insurance and a Form H Uniform Cargo Insurance Certificate. Temporary evidence of insurance may be filed in the form of an

insurance identification card for Pennsylvania registered vehicles, a copy of the declaration page of the insurance policy, a copy of a valid binder of insurance or a copy of a valid application for insurance to the Pennsylvania Automobile Insurance Plan. The temporary evidence of insurance shall be replaced by the required certificates within 60 days. A carrier may begin operations upon filing acceptable evidence of insurance.

(B) Once acceptable Form E and Form H certificates of insurance have been filed, a certificate of public convenience will be issued authorizing the transportation of property, not including household goods in use, between points in this Commonwealth.

(C) Applicants which do not possess a current satisfactory safety rating issued by the United States Department of Transportation or a state with safety regulations comparable to the Commonwealth's, shall complete a safety fitness review conducted by Commission staff. The safety fitness review shall be scheduled and completed within 180 days of the date of the compliance letter. If the applicant fails to attain a satisfactory safety evaluation within the 180-day period, it will be given an additional 90 days to correct the deficiencies. Failure to achieve a satisfactory evaluation within the 90-day period will result in immediate suspension of the certificate of public convenience and in proceedings to revoke the certificate.

(D) Safety fitness reviews will take place at the applicant's primary place of business in this Commonwealth. Out-of-State carriers without facilities in this Commonwealth will have reviews conducted at the nearest Commission office. Out-of-State carriers shall provide Commission enforcement officers with sufficient records to enable meaningful examination of the applicant's safety related programs.

(E) In the course of a safety fitness review, Commission enforcement staff will examine an applicant's management policies, records and equipment to ensure that the applicant understands and will comply with Chapter 37 (relating to safety).

(d) *Hearings on protested applications.*

(1) *Applications for passenger or household goods in use authority.*

(i) *Scheduling hearings.* The applications to which timely protests were filed will not be acted on by the Commission for 20 days after the closing date for filing of protests, to permit the applicant to make restrictive amendments leading to the withdrawal of protests. If all protests are withdrawn upon amendment, the Commission may dispose of the application in accordance with subsection (c). If the application is still subject to protest, then after the expiration of the 20-day waiting period, the Commission will set the application for hearing and will notify all parties thereof. Absent good cause shown, no further amendments to the application will be considered after expiration of the 20-day period or the commencement of hearings.

(ii) *Requests for postponements.* If any scheduled hearing is postponed for any reason prior to the date thereof, notice of postponement and the date, time and place of the continued hearing will be given by the presiding officer of the Commission to all parties. Requests for hearing postponements shall be submitted in writing to the Secretary of the Commission and the presiding officer with copies to parties of record, no later than 5 days prior to hearing. Hearings will not be postponed absent good cause.

(iii) *Prehearing conferences.* The presiding officer may, in his discretion or at the written request of any party of record, set any protested application for prehearing conference, to simplify the issues prior to hearing.

(2) *Applications for motor common carrier of property authority.*

(i) *Scheduling hearings.* If protests are filed which raise significant issues regarding an applicant's safety fitness, or if the Bureau of Transportation and Safety prosecutory staff determine that safety ratings from other jurisdictions or adverse decisions in safety related proceedings before other tribunals exist, the Bureau of Transportation and Safety shall enter its appearance and refer the matter to the Office of Administrative Law Judge for hearing on the applicant's safety fitness. A determination by the Commission, after hearing, that the applicant possesses the necessary safety fitness will result in the application being processed as though the applicant possessed a satisfactory safety rating.

(ii) *Requests for postponement.* Requests for postponement shall be made and disposed of in accordance with paragraph (1)(ii).

(iii) *Prehearing conferences.* Prehearing conferences shall be conducted in accordance with paragraph (1)(iii).

(e) *Compliance: conditions for approval for passenger and household goods in use authority.* When the Commission approves operation by a motor common carrier of passengers or household goods in use, forwarder, broker or motor contract carrier of passengers or household goods in use, the applicant will be notified of the approval by registered or certified mail. The applicant shall file with the Commission within 60 days of receipt of the notice, a certificate of insurance or other security required by this title, relating to insurance and security for the protection of the public. In addition, motor common carriers of passengers or household goods in use shall file tariffs of their applicable rates and charges, and contract carriers of passengers or household goods in use shall file schedules of actual charges. When all of these requirements have been met, the Commission will issue the certificate, permit or license as the case may be. Failure by an applicant to comply with this section within the 60-day period may result in the dismissal of the application and rescission of prior approval, unless the Commission has, upon written request demonstrating good cause, extended the time for compliance.

(f) *New applications: conditions for reconsideration.* Applications filed within 6 months of the date of an order refusing or dismissing, on the merits, an application for the same rights filed by the same party shall set forth any new facts or changed conditions not previously presented to the Commission for consideration. The Commission may, in its administrative discretion, either accept or refuse the filing of the application.

§ 3.382. Evidentiary guidelines for applications for passenger and household goods in use of authority.

(a) *Service request evidence.* Evidence of requests received by an applicant for passenger or household goods in use service may be offered by the applicant in a transportation application proceeding relevant to the existence of public necessity for the proposed service. The credibility and demeanor of a witness offering evidence will be considered in evaluating the evidence. The weight which will be attributed to the evidence will depend upon the extent to which the alleged requests are substantiated by evidence such as the following:

- (1) The date of each request.
- (2) The name, address and phone number of the person or company requesting service.

(3) The nature of the service requested on each occasion, including the commodities or persons to be transported, and the origin and destination of the requested transportation.

(4) The disposition of the request, that is, whether the applicant provided the service or, if not, whether the requesting shipper was referred to another carrier and, if there was a referral, to which carrier was the shipper referred.

(b) *Prospective rate evidence.* An applicant for a motor carrier certificate or permit for the transportation of passengers or household goods in use, though not required to offer testimony as to the rates proposed to be charged, may do so if it is otherwise competent. The weight to be attributed to the evidence will depend upon the extent to which it is accompanied by cost evidence demonstrating that the prospective rates would be compensatory, that is, that the prospective rates would be adequate to enable the applicant to recover its costs and realize a reasonable return either on investment or under operating ratio standards. The demeanor and credibility of a witness offering the evidence will also be considered in evaluating the weight to be attributed to the evidence.

§ 3.383. Applications for temporary authority and emergency temporary authority.

* * * * *

(b) *Definitions and applicability.*

(1) The following words and terms, when used in relation to applications for temporary authority and emergency temporary authority, have the following meanings:

Carrier—Includes motor common carriers of passengers or household goods in use and motor contract carriers of passengers or household goods in use, brokers and forwarders.

ETA—Emergency temporary authority—Limited duration operating authority issued under 66 Pa.C.S. §§ 1103(d) and 2509 to authorize the transportation of passengers or household goods in use to meet an emergency situation and when time or circumstances do not reasonably permit the filing and processing of an application for TA.

TA—Temporary authority—Limited duration operating authority issued under 66 Pa.C.S. §§ 1103(d) and 2509 to authorize the transportation of passengers or household goods to meet an emergency situation.

(2) ETA and TA are not available to motor common carriers of property.

* * * * *

(c) *Filing of applications.* An application shall be filed as follows:

(1) *How and where filed.* An original and one copy of each application for TA or ETA (Form C) is to be filed with the Secretary, Pennsylvania Public Utility Commission, Harrisburg, Pennsylvania 17105-3265. The envelope containing the application shall be clearly marked: "TA" APPLICATION or "ETA" APPLICATION.

* * * * *

(3) *Supporting statements.* An application shall be accompanied by supporting statements of the applicant and shippers or other witnesses which establish an immediate

need for service. A statement shall contain a certification of its accuracy and shall be signed by the person submitting the statement.

* * * * *

(ii) *Statements of supporting shippers or witnesses.* The statement of a supporting shipper or witness, which shall be prepared by the shipper or witness, or an authorized representative of the shipper or witness, shall contain the following information:

(A) Points or areas to, from or between which the transportation will be provided.

(B) A statement of the shipper's current and recent needs concerning volume of traffic, frequency of movement and manner of transportation.

(C) A statement indicating when the service shall be provided.

(D) A statement indicating how long the need for service will continue and whether the supporting shipper or witness will support the permanent authority application.

(E) An explanation of the consequences of not having the service made available.

(F) A description of the circumstances which created an immediate need for the requested service.

(G) A statement of whether efforts have been made to obtain the service from existing carriers, including the data and results of these efforts.

(H) Names and addresses of existing carriers who have failed or refused to provide the service and the reasons given for the failure or refusal.

(I) A statement of whether the supporting shipper or witness has supported a recent application for permanent, temporary or ETA covering all or part of the requested service, the carrier's name, address and docket numbers, if known, and whether the application was granted or denied and the date of the action, if known.

(J) Names and addresses of labor unions which represent, or which within the past 12 months have represented, or which have filed a petition to represent the employes of the supporting shipper with the National Labor Relations Board or the Pennsylvania Labor Relations Board.

(4) *Procedures for filing ETA application.* Procedures for filing ETA applications are as follows:

* * * * *

(ii) If the urgency of the situation warrants, the supporting statement of those having the immediate need for service may be furnished by telegram. The telegram shall contain substantially the factual information described in paragraph (3). The telegram shall be sent to the Director, Bureau of Transportation and Safety.

(iii) The filing of ETA applications by telegram or telephone shall be acceptable in exigent circumstances. Confirmation shall be made by filing written application—Form C—with the supporting statements, within 5 working days from the filing by telephone or telegram.

* * * * *

(5) *Procedures for filing TA applications.* An application for TA shall be accompanied by a corresponding application for permanent authority. Unless otherwise specified

in the TA application, it will be considered as proposing service pending disposition of the permanent authority application.

(i) *Notice to interested persons.*

* * * * *

(B) *Service on unions.* Service of temporary authority applications shall be made by certified mail upon the unions described in paragraph (3)(i)(H) and (ii)(J).

* * * * *

§ 3.384. Disposition of applications for ETA and TA.

(a) *General.* Initial determination of ETA and TA applications will be made by the Bureau of Transportation and Safety with the approval of the Commission.

(b) *Standards for determination of need.*

(1) *General.* Grants of TA or ETA shall be made upon the establishment of an immediate need for the transportation of passengers or of household goods in use. Requests involving service to cities, counties, townships or other defined areas warrant approval when supported by evidence that there is a need for service to or from a representative number of points in each city, county, township or areas and that there is a reasonable certainty that the service will be used.

(2) *Immediate need.* A grant of TA or ETA will be made when it is established that there is or soon will be an immediate transportation need. A showing of immediate need may involve passenger service to a new or relocated plant, an origin or destination not presently served by carriers, a discontinuance of existing service, failure of existing carriers to provide service or comparable situations which require new carrier service before an application for permanent authority can be filed and processed. An immediate need will not normally be found to exist when there are other carriers capable of rendering the service unless it is determined that there is a substantial benefit to be derived from the initiation of a competitive service.

(3) *Failure to provide equipment.* TA or ETA may be granted when existing authorized carriers are unable or refuse to furnish equipment necessary to move passengers or household goods in use to meet an immediate transportation need.

(4) *General bases for disapproval.* Applications for TA or ETA may be denied for the following reasons:

(i) Failure to meet statutory standards and this title.

(ii) Unfitness of the applicant.

(c) *Determination of fitness issues in motor carrier applications.* The following standards shall be used in the initial or appellate determination of fitness issues in applications by motor carriers for TA or ETA:

(1) Unless there is a particularly urgent transportation need, an application will normally be denied when the applicant has been found unfit or in substantial noncompliance with Chapter 37 (relating to safety code for transportation of property and passengers) or 67 Pa. Code Part I (relating to Department of Transportation). An application may, however, be approved if the carrier has reestablished compliance or if the application contains sufficient evidence to establish that the carrier has taken significant steps to remedy its deficiencies and is now in substantial compliance.

(2) Alleged violations of statute or regulations or a pending fitness investigation when no formal proceeding

has been instituted may not be used as grounds for denial unless the Commission has evidence that the carrier applicant has a history of willful or flagrant violation of the statute or regulations. If authority is denied for lack of fitness on this basis, the decision will state the basis for denial.

(3) The granting of ETA or TA will not give rise to a presumption regarding the applicant's fitness.

(4) A grant of authority may be later revoked by the Commission if it determines that the applicant is unfit under this subsection. The Commission may revoke a carrier's ETA or ETA extension. The denial of a TA application will have the effect of automatically revoking the corresponding ETA or ETA extension.

(5) Allegations of unfitness in these proceedings will be considered in light of the urgency of the shipper's needs.

§ 3.385. Rates, fares and charges for TA and ETA authorities.

(a) *Rates requirements of motor carriers—publish on less than 30 days' notice.* Under § 23.42 (relating to establishment of new rates), rates, fares, charges and related provisions may be established by motor carriers upon not less than 1 day's notice to apply on shipments transported under TA.

(b) *Insurance—motor carriers.* A carrier may not render transportation services until it has complied with the provisions concerning the filing of evidence of insurance.

(c) *Publication of rates and charges.* A motor carrier who has been granted ETA or TA may not render transportation services until it has complied with the rate filing requirements as stated in the Commission order.

CHAPTER 5. FORMAL PROCEEDINGS

Subchapter B. HEARINGS

§ 5.235. Restrictive amendments to applications for motor carrier of passenger and household goods in use authority.

(a) The participants to motor carrier applications for passenger and household goods in use authority may stipulate as to restrictions or modifications to proposed motor carrier rights. Stipulations in the form of restrictive amendments or modifications shall be in writing, signed by each participant to the stipulation, and a copy submitted to the Secretary for insertion into the document folder.

(b) Restrictive amendments shall be binding on the parties but not on the Commission if it is determined they are not in the public interest. If a restrictive amendment is not accepted by the Commission, it may remand the matter for appropriate proceedings.

Subpart B. CARRIERS OF PASSENGERS, PROPERTY OR HOUSEHOLD GOODS IN USE

CHAPTER 21. GENERAL PROVISIONS

§ 21.1. Definitions.

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

Certificate—A certificate of public convenience as issued by the Commission.

Commission—The Pennsylvania Public Utility Commission.

Common carrier of property—A motor common carrier who or which transports property, other than household goods in use.

Corporation—A body corporate, joint stock company or association, domestic or foreign, its lessee, assignee, trustee, receiver or other successor in interest, having the powers or privileges of corporations not possessed by individuals or partnerships, but not including a municipal corporation except as otherwise expressly provided in the act.

Household goods in use—As used in connection with transportation, the term means personal effects and property used or to be used in a dwelling, when a part of the equipment or supply of the dwelling, and similar property if the transportation of the effects or property is one of the following:

(i) Arranged and paid for by the householder, including transportation of property from a factory or store when the property is purchased by the householder with intent to use in his dwelling.

(ii) Arranged and paid for by another party.

Household goods in use carrier—A motor common or contract carrier that transports household goods in use.

Motor carrier—A common or contract carrier by motor vehicle.

Passenger carrier—A motor common or contract carrier that transports passengers.

§ 21.2. Advertising by common carriers of passengers or household goods in use.

A common carrier of passengers or household goods in use which advertises its services as an intraState carrier within this Commonwealth shall include in the advertisements its certificate number issued by the Commission. A common carrier of passengers or household goods in use which does not comply with this section shall be subject to penalty under 66 Pa.C.S. §§ 3301—3315 (relating to violations and penalties).

CHAPTER 23. TARIFFS FOR PASSENGER AND HOUSEHOLD GOODS IN USE CARRIERS

GENERAL PROVISIONS

§ 23.1. Definitions and applicability.

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

Common carrier or carrier—A person or corporation holding out, offering or undertaking, directly or indirectly, service for compensation to the public for the transportation of passengers or household goods in use, or both, or any class of passengers or household goods in use, between points within this Commonwealth by, through, over, above or under land, water or air, including forwarders, but not motor common carriers of property, contract carriers, brokers or any bona fide cooperative association transporting property exclusively for the members of the association on a nonprofit basis.

Contract carrier—A person or corporation who or which provides or furnishes transportation of passengers or household goods in use, or both, or any class of passengers or household goods in use, between points within this Commonwealth by motor vehicle for compensation, whether or not the owner or operator of the motor vehicle, or who or which provides or furnishes, with or without drivers, any motor vehicle for the transportation,

or for use in transportation, other than as a common carrier by motor vehicle, but not including any of the following:

(i) A lessor under a lease given on a bona fide sale of a motor vehicle where the lessor retains or assumes no responsibility for maintenance, supervision or control of the motor vehicle sold.

(ii) A bona fide agricultural, cooperative association transporting property exclusively for the members of the association on a nonprofit basis or any independent contractor hauling exclusively for the association.

(iii) An owner or operator of a farm transporting agricultural products from, or farm supplies to, the farm, or an independent contractor hauling agricultural products or farm supplies, exclusively, for one or more owners or operators of farms.

(iv) Transportation of school children in any motor vehicle owned by any school district, or operated under contract with any school district, for which transportation is lawfully paid by the school district from district funds.

(v) A person or corporation who or which uses, or furnishes for use, dump trucks for the transportation of ashes, rubbish, excavated or road construction materials.

(vi) Transportation of voting machines to and from polling places by any person or corporation for or on behalf of any political subdivision of this Commonwealth for use in any primary, general or special election.

Rate—An individual or joint fare, toll, charge, rental or other compensation of a public utility, other than a motor common carrier of property in its transportation of property, or contract carrier by motor vehicle, made, demanded or received for jurisdictional service, offered, rendered or furnished by the public utility, other than a motor carrier of property in its transportation of property, or contract carrier by motor vehicle, whether in currency, legal tender or evidence thereof, in kind, in services or in another medium or manner, and whether received directly or indirectly, and rules, regulations, practices, classifications or contracts affecting the compensation, charge, fare, toll or rental.

Tariff—Schedules of rates, rules, regulations, practices or contracts involving any rate, including contracts for interchange of service and, in the case of a common carrier, other than a common carrier of property in the transportation of property, schedules showing the method of distribution of the facilities of the common carrier.

(b) *Applicability*. This chapter applies to motor carriers except common carriers of property.

§ 23.14. Numbering of tariffs and supplements.

(a) Tariffs shall be numbered consecutively with the prefix "Pa. P.U.C. No." and a separate series of numbers shall be used for tariffs pertaining to each kind of service furnished.

(b) The designation on tariffs of motor carriers shall show the kind of service and serial number as follows:

- (1) "Bus Pa. P.U.C. No. ____"
- (2) "Call and Demand Pa. P.U.C. No. ____"
- (3) "Contract Pa. P.U.C. No. ____"
- (4) "Group or Party Pa. P.U.C. No. ____"

(c) Supplements to tariffs shall be numbered in the same manner, in the form "Supplement No. ____ to ____ Pa. P.U.C. No. ____"

§ 23.16. Filing in numerical order.

(a) Tariffs and supplements should be filed in numerical order insofar as possible and when this cannot be done suitable explanation shall be made concerning missing numbers.

(b) Each tariff or supplement filed with the Commission shall be accompanied by a separate letter of transmittal, in duplicate if receipt is desired, prepared on paper not larger than 8 1/2 by 11 inches in size. Specific reference shall be made thereon to all of the following:

- (1) The tariff or supplement being filed.
- (2) The effective date of the tariff or supplement.

(3) Supporting data required by §§ 23.63—23.66 (relating to data required in filing proposed rate changes; data required in filing increases in operating revenues; exemptions from filing; filings as public record), unless the supporting data has been previously filed.

(c) If the tariff transmitted is a joint one, a statement should be included to the effect that it is concurred in by all participants, under appropriate authorization on file with the Commission or attached to the tariff.

(d) The original letter of transmittal will be retained by the Commission. The duplicate, when accompanied by an addressed, stamped envelope or postage sufficient to cover return mailing, will be stamped and returned to the carrier to evidence receipt of the tariff matters filed.

(e) If a number of tariffs or supplements pertaining to one kind of service are filed simultaneously, they may be included in one transmittal letter.

(f) Separate letters shall be used for tariffs or supplements filed for different classes of service. Tariffs tendered for filing shall be addressed to:

Bureau of Transportation and Safety
 Pennsylvania Public Utility Commission
 Post Office Box 3265
 Harrisburg, Pennsylvania 17105-3265.

CONTENT AND ARRANGEMENT OF TARIFFS

§ 23.21. Title page.

Each tariff shall contain a title page showing the following information in the sequence specified:

(1) The Commission (Pa. P.U.C.) number of tariff or supplement, as indicated in § 23.14 (relating to numbering of tariffs and supplements). The designation shall be placed in the upper right corner, and immediately under it the numbers of tariffs or supplements cancelled thereby. Motor carriers shall place in the upper left corner their certificate or permit and folder numbers.

(2) The name of the issuing carrier or publishing agent. The names of motor carriers shall be exactly as they appear in the certificates or permits.

(3) The kind of service to which the tariff applies. Motor carriers shall describe exactly the right authorized. If the rights are extensive they may be described in the body of the tariff or in a separate issue with appropriate reference to it on the title page.

(4) Reference by title and Commission number to any other tariff which may apply in connection with the tariff or schedule. If not practical to show, this information may be included in the body of the tariff under rules and regulations. When a carrier proposes to apply the rates named in agency tariffs for all or part of its services, it is necessary to submit a tariff in the name of the individual,

precludes the Commission from requiring supporting financial data in instances when increases in rates appear to be excessive.

§ 23.81. (Reserved).

§ 23.82. (Reserved).

§ 23.83. (Reserved).

§ 23.85. (Reserved).

§ 23.91. (Reserved).

§ 23.92. (Reserved).

RATES RELATED TO VALUE OF SHIPMENTS

§ 23.101. Applications to establish rates related to value.

(a) Applications for authority to establish rates for the transportation of household goods in use related to the released value of the shipments shall contain full and complete information concerning the grounds and facts upon which the request is based.

(b) Each application shall show the names of the carriers for and on behalf of which it is made, or if made on behalf of all carriers, parties to a particular tariff or classification may refer by Commission number to the tariff or classification.

(c) The existing and the proposed rules, regulations, rates or ratings shall be plainly set forth. A mere reference to existing rules, regulations, rates or ratings will not suffice.

(d) Four copies of each application shall be filed, one of which shall be verified.

(e) In referring to existing rules, regulations, rates or ratings, the Commission numbers of the tariffs or classifications in which same are published, shall be shown.

(f) Carriers shall recite fully in their applications all further information in connection with any facts which are presented as justifying the authorization sought.

§ 23.103. Applications based on special circumstances.

When applications are based upon special circumstances and conditions, or upon rules, regulations, rates or ratings applying in other localities or territories, or applicable over the lines of other carriers, full information respecting these special circumstances and conditions or existing rules, regulations, rates or ratings shall be given.

§ 23.104. Changes where declared value and routes or destinations remain unchanged.

If authority has been granted under 66 Pa.C.S. § 2304 (relating to liability of common carriers for damages to property in transit; bills of lading), to establish and maintain rules, regulations, rates or ratings dependent upon the value declared in writing by the shipper, or agreed upon in writing as the released value of household goods in use, changes in rates, ratings or carload minimum weights may be established thereafter and filed under authority of the original order without securing new released rate orders, if the rules or regulations, or the declared or agreed values on which same are dependent are not changed, and, if they additional routes or points of origin or destination are not added.

§ 23.114. Suspension supplements.

(a) If the Commission, under 66 Pa.C.S. § 1308(b) (relating to voluntary changes in rates), suspends any proposed rates, charges or regulations contained in any tariff, the previous rates, charges or regulations shall

remain in effect during the period of suspension or until lawfully cancelled, reissued or otherwise ordered by the Commission.

(b) If an order of suspension is received by a carrier against whose tariffs the order of suspension is directed, it is the duty of the carrier immediately to post in its offices and file with the Commission a supplement, which shall bear no effective date, announcing that the rates, charges or regulations are suspended by order of the Commission until the date stated in the order of suspension. Reference shall also be made in this supplement to the tariffs where the rates, charges or regulations remaining in effect during the period of suspension will be found.

(c) If the order directs the suspension of a part of a tariff which, except as to that part, is allowed to become effective, the supplement announcing the suspension shall also contain the rates, charges and regulations applicable during the period of suspension or shall make specific reference by Commission number to the tariff or supplement where they will be found.

(d) The regulations limiting the number of supplements which may be issued do not apply with respect to suspension supplements.

(e) If, upon final determination, the matter suspended is found not unlawful and the Commission directs that the order of suspension be vacated or the case be dismissed, the affected carrier shall issue a supplement announcing the vacation of the order of suspension and providing the proper publication of the rates, charges or regulations authorized, and otherwise comply with the orders of the Commission.

(f) The provisions of 66 Pa.C.S. § 1308(d) apply to every public utility described in 66 Pa.C.S. § 102 (relating to definitions), except common carriers of property.

§ 23.116. (Reserved).

GRANTING OF POWER OF ATTORNEY AND ISSUING OF CONCURRENCE IN TARIFFS OF COMMON CARRIERS

§ 23.121. Filing of tariffs of joint rate.

(a) Tariffs of joint rates need only be filed with the Commission by one of the participant common carriers or its agents. The remaining participant common carriers shall file evidence of concurrence therein or acceptance thereof in accordance with the rules and forms provided in this title.

(b) The forms prescribed shall be on paper 8 by 10 1/2 inches in size, and may be either printed or typewritten. The original and one copy of the form shall be filed with the Commission and a copy furnished to the carrier or agent in whose favor the instrument is issued.

(c) One of the following serial designations shall be used for power of attorney:

(1) Pa. F 1 No. _____ (for household goods tariffs).

(2) Pa. P 1 No. _____ (for passenger tariffs).

(d) One of the following serial designations shall be used for concurrences:

(1) Pa. F 2 No. _____ (for household goods tariffs).

(2) Pa. P 2 No. _____ (for passenger tariffs).

§ 23.124. Form for giving authority.

(a) The form in subsection (c) shall be used to give authority to the following:

(1) An attorney and agent to file tariffs and supplements.

(2) An agent to receive occurrences for it.

(3) Another agent to give and receive concurrences.

(b) The authorization may not be given to an association or bureau, except if incorporated and in instances other than covered by § 23.121 (relating to filing of tariffs of joint rate), shall name an alternate agent to act in the event of the death or disability of the principal agent and may not contain authority to delegate to another the power thereby conferred.

(c) The form shall be as follows: _____
(Name of carrier in full)
Date _____, 19__

Pa. H 1 No. (for household goods tariffs) or

Pa. P 1 No. (for passenger tariffs)

KNOW ALL MEN BY THESE PRESENTS:

That the (name of the carrier) has made, constituted, and appointed, and by these presents does make, constitute, and appoint (name of principal agent appointed) is true and lawful attorney and agent for the said carrier, and in its name, place, and stead, (1) for it alone, and (2) for it jointly with other carriers to receive concurrences in, and to file, rate schedules and supplements thereto, as required of carriers by the Public Utility Law and by regulations established by the Pennsylvania Public Utility Commission thereunder, for the period of time, the traffic, and the territory specified below, and to accept service of any notice, order or process for it and on its behalf which may be issued in proceedings before the Commission involving the lawfulness of rates, charges, classifications or practices contained or proposed in tariffs or schedules so filed:

And the said (name of carrier) does hereby give and grant unto its said attorney and agent full power and authority to do and perform all and every act and thing above specified as fully, to all intents and purposes, as if the same were done and performed by the said carrier, hereby ratifying and confirming all that its said attorney and agent may lawfully do by virtue hereof, and assuming full responsibility for the acts and neglects of its said attorney and agent hereunder. And further, That the (name of carrier) has made, constituted and appointed, and by these presents does make, constitute and appoint as alternate (name of alternate agent appointed) its true and lawful attorney and agent, for said carrier and in its name, place and stead, (1) for it alone, and (2) for it jointly with other carriers, in case and only in case of death or disability of the said (here insert name of principal agent) to do and perform the same acts and exercise the same authority as hereinabove granted to (here insert name of principal agent.)

In witness whereof the said carrier has caused these presents to be signed in its name by its president and to be fully attested under its incorporated seal by its secretary, at _____ in the State of _____, on this ___ day of _____, in the year of our Lord nineteen hundred and ___.

(Name of carrier)
By _____
(Name of officer)

(Title of officer)

ATTEST (if a corporation)

Secretary

(d) The form contained in subsection (c) may be modified by omitting the words "(1) for it alone, and (2)" or "and (2) for it jointly with other carriers," or "to receive concurrences in, and" or "and to file," when the words are inapplicable. When used to give authority to an agent for the publication of a classification, a classification exception tariff, a rules or regulations tariff or a carrier directory, the power of attorney form should be modified by striking out the words "rate schedule" and substituting therefor the word or words "classification," "classification exception tariffs," or "rules and regulations tariff" and "carrier directory," as the case may be.

§ 23.125. Form for concurring in rate or fare tariffs.

The following form shall be used in concurring in rate or fare tariffs published by common carriers, or their appointed agents:

(Name of carrier in full)
Date _____, 19__

Pa. H 2 No. (for household goods tariffs) or

Pa. P 2 No. (for passenger tariffs)

To: PENNSYLVANIA PUBLIC UTILITY COMMISSION
P. O. Box 3265
HARRISBURG, PENNSYLVANIA 17105-3265

THIS IS TO CERTIFY that (name of carrier) assents to and concurs in the publication and filing of any (household goods or passenger) rate (or fare) tariff or supplements thereto which the (name of carrier) or its agent may make and file, and in which this company is shown as a participating carrier and hereby makes itself a party to and bound thereby insofar as such schedule or supplements thereto contain rates (or fares) as described below:

until this authority is revoked by formal and official notice of revocation placed in the hands of Pennsylvania Public Utility Commission and of the carrier to which this concurrence is given.

(Name of carrier)
By _____
(Name of officer)

(Title of officer)

§ 23.131. (Reserved).

§ 23.132. (Reserved).

§ 23.133. (Reserved).

§ 23.134. (Reserved).

§ 23.135. (Reserved).

CONTRACT CARRIERS

§ 23.148. Filing of schedules with the Commission.

(a) Each contract carrier shall file with the Commission one copy of each schedule or supplement accompanied by a letter of transmittal listing the publications enclosed and addressed to the Bureau of Transportation and Safety, Pennsylvania Public Utility Commission, Harrisburg, Pennsylvania 17105-3265.

(b) Postage or other charges shall be prepaid.

§ 23.149. (Reserved).

CHAPTER 29. MOTOR CARRIERS OF PASSENGERS

Subchapter B. COMMON CARRIERS

ACCOUNTS, RECORDS AND REPORTS

§ 29.42. (Reserved).

CHAPTER 31. MOTOR CARRIER PROPERTY AND HOUSEHOLD GOODS TRANSPORTATION

GENERAL PROVISIONS

§ 31.1. Definitions.

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

Common carrier by motor vehicle—A person or corporation holding out or undertaking, directly or indirectly, to transport household goods in use or property between points within this Commonwealth by motor vehicle for compensation, whether or not as the owner or operator of the motor vehicle. The term includes persons or corporations providing or furnishing a motor vehicle with or without a driver for the transportation or for use in the transportation of household goods in use or property; a common carrier by rail, water or air; and express or forwarding public utilities insofar as the common carrier or the public utility is engaged in motor vehicle operation, except as expressly exempted by the act.

Contract carrier by motor vehicle—A person or corporation who or which provides or furnishes transportation of household goods in use between points within this Commonwealth by motor vehicle for compensation whether or not as the owner operator of the motor vehicle. The term includes a person or corporation providing or furnishing a motor vehicle with or without a driver for the transportation or for use in the transportation other than as a common carrier by motor vehicle, except as expressly exempted by the act.

Corporation—As defined in § 21.1 (relating to definitions), but shall also exclude *bona fide* corporate associations which furnish service on a nonprofit basis only to their stockholders or members, as expressly exempted by the act.

Forwarder—A person or corporation not included in the terms “common carrier by motor vehicle,” “contract carrier by motor vehicle” or “broker,” who or which issues receipts or billings for property received by the person or corporation for transportation, forwarding or consolidating, or for distribution by a medium of transportation or combination of media of transportation other than solely by motor vehicle.

Household goods in use. See § 21.1 (relating to definitions).

Household goods in use carrier—A motor common or contract carrier who or which holds a certificate or permit to transport household goods in use.

Motor common carrier of property—A motor common carrier who or which transports property, other than household goods in use.

Permit—A permit issued by the Commission to contract carriers by motor vehicle.

Property—Tangible property, other than household goods in use.

§ 31.2. Applicability.

This chapter applies to common carriers by motor vehicle, contract carriers by motor vehicle and forwarders operating at the time of the adoption of this chapter; and also to those to whom a certificate or permit may be issued.

§ 31.4. Transfer of certificates and permits.

(a) A certificate or permit or the rights thereunder may not be sold or transferred by act, deed or operation of law, unless the approval of the Commission is first obtained. The approval may be granted with or without hearing and after reasonable notice in the *Pennsylvania Bulletin* as the Commission directs.

(b) Certificates issued to motor common carriers of property are nontransferable, except as provided in subsections (c)—(e).

(c) Upon the death of an individual holder of a certificate or permit or upon an individual certificate holder being legally declared incompetent, the rights conferred by the certificate or permit shall continue with the legal representative of the deceased or incompetent holder for 1 year. After that time, the rights conferred shall terminate, unless application has been made to transfer the rights to the heirs, guardian, trustees, legatee or others, in which case the rights shall continue with the legal representative until the application is granted or refused. If application is made by the legal representative not less than 30 days prior to the end of the period of 1 year, the Commission may, for cause shown, permit the transfer of rights to the executors, administrators, guardians, trustees or other legal representatives of the deceased or incompetent holder for a period to be fixed by the Commission. Pertinent orders or decrees of the court having jurisdiction over the estate of the decedent or incompetent person may be deemed cause for the granting of the application by the Commission.

(d) If the individual holder of a certificate of permit dies or is legally declared incompetent and an application is made to transfer the rights granted under the certificate to his legal representative or if the certificate holder is a copartnership and the application for transfer is in effect to change one or more of the partners, the Commission may dispose of the application without a hearing.

(e) If a trustee, receiver, assignee, custodian or similar officer is appointed by a court of competent jurisdiction or is selected by creditors in accordance with provisions of law, with authority to take or retain possession and to operate the property and business of a certificate holder, the officer shall have authority to perform the service authorized in the certificates of the debtor carrier for 90 days from his appointment or selection. The officer may petition the Commission for authority to conduct the operations for an additional period of time, and the Commission may, for good cause shown, grant the authority. If the petition is filed within 90 days of the appointment or selection of the petitioner, the petitioner shall have the authority to continue operations pending decision by the Commission on the petition. Pertinent orders or decrees of the court having jurisdiction may be deemed a basis for action on the petitions by the Commission.

§ 31.8. (Reserved).

§ 31.9. (Reserved).

§ 31.11. Reports of accidents and damage.

(a) Within 30 days after a reportable accident occurs, a detailed report shall be mailed to: Secretary, Pennsylva-

nia Public Utility Commission, Post Office Box 3265, Harrisburg, Pennsylvania 17105.

(b) A reportable accident is one involving one or more of the following:

- (1) The death of a person.
- (2) Personal injuries which require medical attention.
- (3) Property damage amounting to \$4,200 or more, based on actual costs or reliable estimates.
- (4) Collisions at grade crossings between motor vehicles operated under a certificate of public convenience or contract carrier permit and trains or streetcars, whether or not a person is killed or injured in the accident.

(c) If the occurrence of an accident results in the death of a person, an immediate report of the accident shall be made by telephone or telegraph to the Bureau of Transportation and Safety, in addition to the detailed written report required by subsection (a).

(d) The requirements of this section for the reporting of accidents correspond closely with those of the United States Department of Transportation, Federal Highway Administration, Bureau of Motor Carrier Safety, and the Department of Transportation, Bureau of Traffic Safety, of the Commonwealth. A copy of the report to the Bureau of Motor Carrier Safety or the Bureau of Traffic Safety will be accepted in lieu of a separate accident report.

§ 31.16. Mileage description in certificates.

A certificate of public convenience issued by the Commission for the transportation of household goods in use to common carriers by motor vehicle, in which mileage distances are provided without being described in terms of "airline distance," "statute miles," "usually traveled highways" or other comprehensive definition, shall be construed to mean airline distance measured in statute miles.

COMMON CARRIERS OF PROPERTY AND HOUSEHOLD GOODS IN USE

§ 31.21. (Reserved).

§ 31.22. (Reserved).

§ 31.23. (Reserved).

§ 31.24. (Reserved).

§ 31.25. (Reserved).

§ 31.27. Rate schedules and tariffs.

(a) Each common carrier of household goods in use shall comply with regulations the Commission may formulate governing the filing, publishing and posting of tariffs by common carriers of household goods in use as set forth in Chapter 23 (relating to tariffs for common carriers of passengers and household goods in use).

(b) No rate based upon a limitation of liability may be published in the tariff and no limitation of liability may be prescribed in a bill of lading, unless approval has been obtained from the Commission for the publication of tariffs providing rates limited to value of the commodity, in the form and manner of the petition and proceedings as the Commission may provide in its rules governing filing, publishing and posting of tariffs by common carriers of household goods in use as set forth in Chapter 23.

§ 31.28. (Reserved).

§ 31.29. (Reserved).

§ 31.30. (Reserved).

§ 31.31. (Reserved).

§ 31.34. (Reserved).

§ 31.35. Maintenance of equipment lists.

(a) A motor carrier engaged in transporting property or household goods in use by motor vehicle between points in this Commonwealth shall maintain at its principal place of business in this Commonwealth a current list of equipment owned and leased which is used in the transportation of property or household goods in use for-hire, containing the following information:

- (1) Year.
- (2) Make.
- (3) Type.
- (4) Manufacturer's serial number.
- (5) State and license number.
- (6) Name and address of the owner-lessor.

(b) The information shall be made available during regular business hours to authorized representatives of the Commission.

§ 31.37. (Reserved).

CONTRACT CARRIERS OF HOUSEHOLD GOODS IN USE

§ 31.41. Classification.

The classification of contract carriers of household goods in use is as described in the permit.

§ 31.45. Contracts.

(a) *Form.* The special or individual agreements entered into by a contract carrier of household goods in use with shippers shall be in writing, shall provide for transportation for a particular shipper, shall be bilateral and impose specific obligations upon both carrier and shipper.

(b) *Filing.* Each contract carrier of household goods in use shall file and keep on file with the Commission copies or abstracts of contracts in a manner the Commission may by regulation from time to time prescribe. The contracts shall be certified by the carrier and the shipper.

(c) *Cancellation or expiration.* Notice of cancellation or expiration of every contract shall be given to the Commission within 10 days following the cancellation or expiration of the contract. Upon receipt of the notice, the Commission may, without further hearing or notice, revoke or rescind the authorization to operate under the provisions of the contract.

(d) *Addition or substitution.* Contracts may be added to or substituted for those named in the permit only upon the issuance of an amendment to the permit obtained upon the approval of the Commission and only after compliance with the following:

(1) Application to the Commission showing the name and address of the proposed customer, route or area sought to be served, extent to which the route or area differs from or conforms to the provisions of the existing permit, commodity to be hauled and the extent to which they exceed or are covered by existing permit, duration of proposed contract or arrangement, and, if substitution, the contract or customer for which to be substituted.

(2) Publication of notice of the application in the *Pennsylvania Bulletin*.

(3) If no protests to the application are filed on or before the date prescribed in the *Pennsylvania Bulletin* for protest, the Commission may issue an amended permit upon consideration of the application and without

hearing. If protest is filed, a hearing will be held. Further, the applications may, in the discretion of the Commission, be scheduled for hearing before protests are filed.

(4) If the application is for substitution of a contract or customer covering the same commodities and route or territory as for the customer or contract covered by the permit and for which the substitution is to be made, the Commission may grant the same without notice but subject to protest, upon issuance of the amended permit.

§ 31.47. (Reserved).

§ 31.48. (Reserved).

§ 31.49. (Reserved).

§ 31.50. (Reserved).

FORWARDERS OF PROPERTY

§ 31.61. (Reserved).

§ 31.62. Use of or interchange with carriers.

(a) No forwarder in intrastate commerce may use or interchange with a motor or water common carrier which does not have a certificate of public convenience issued by the Commission, if the certificate is required.

(b) No forwarder may accept freight from, or deliver freight to, a motor, air or water contract carrier which does not have a permit issued by the Commission, if the permit is required. A forwarder may accept freight from, or deliver freight to, a contract carrier with the permit for the customers the contract carrier is authorized to serve, and only to the extent the contract carrier is authorized to serve the customer. The forwarder shall neither receive allowance nor participate in joint rates with a contract carrier.

§ 31.66. (Reserved).

§ 31.67. (Reserved).

§ 31.68. (Reserved).

§ 31.69. (Reserved).

§ 31.70. (Reserved).

§ 31.71. (Reserved).

¹In contrast, the application process for interstate household goods carriers is limited to a fitness test and does not include a public demand component. 49 U.S.C.A. § 13902.

*Operating ratio is operating expenses, excluding income taxes, divided by operating revenue.

[Pa.B. Doc. No. 98-212. Filed for public inspection February 6, 1998, 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 January 27, 1998.

BANKING INSTITUTIONS

Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
1-23-98	First Union Corporation, Charlotte, North Carolina, to acquire 100% of the voting shares of CoreStates Financial Corp., Philadelphia, PA	Charlotte, NC	Filed

Conversions

<i>Date</i>	<i>Name of Institution</i>	<i>Location</i>	<i>Action</i>
1-22-98	Northwood Savings Association Philadelphia Philadelphia County <i>To:</i> Northwood Savings Bank Philadelphia Philadelphia County	1500 E. Susquehanna Ave. Philadelphia Philadelphia County	Filed

Application represents conversion from a State-chartered mutual savings association to a State-chartered mutual savings bank.

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-23-98	PSB Interim Bank, East Berlin, and The Peoples State Bank, East Berlin Surviving Institution—PSB Interim Bank, East Berlin, with a change in corporate title to "The Peoples State Bank"	East Berlin	Filed

The proposed merger will be effected solely to facilitate the acquisition of The Peoples State Bank, East Berlin, by Community Banks, Inc., Millersburg, a bank holding company.

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-20-98	Franklin First Savings Bank Wilkes-Barre Luzerne County	115 J. Campbell Collins Drive Wilkes-Barre Luzerne County	Opened

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-16-98	Franklin First Savings Bank Wilkes-Barre Luzerne County	City Heights Shopping Center 161 Amber Lane Wilkes-Barre Luzerne County	Effective

SAVINGS ASSOCIATIONS

Branch Applications

<i>Date</i>	<i>Name of Association</i>	<i>Location</i>	<i>Action</i>
1-22-98	First Financial Savings Bank, PaSA Downingtown Chester County	414 Lancaster Ave. Devon Chester County	Filed

NOTICES

CREDIT UNIONS

No activity.

RICHARD C. RISHEL,
Secretary

[Pa.B. Doc. No. 98-213. Filed for public inspection February 6, 1998, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

[National Pollution Discharge Elimination System Program (NPDES)]

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

(Part I Permits)

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

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

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

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

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

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984.

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

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

PA 0114081. SIC: 4952, **Clear-Run, Inc. (Woods-Edge Estates)**, R. R. 2, Box 551, Bloomsburg, PA 17815.

This proposed action is for renewal of an NPDES permit for discharge of treated sewage to an unnamed tributary of Fishing Creek in Orange Township, **Colombia County**.

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

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the proposed downstream potable water supply (PWS) considered during the evaluation is the Bloomsburg Municipal Water Authority.

The proposed effluent limits for Outfall 001, based on a design flow of 0.021 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	10.0	10.0
Suspended Solids	10.0	20.0

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
NH ₃ -N (5-1 to 10-31)	10.0	20.0
(11-1 to 4-30)	30.0	60.0
Total Chlorine Residual	1.0	2.3
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	200/100 ml as a geometric average	
pH	6.0—9.0 su at all times	

The EPA waiver is in effect.

PA 0114553. Sewerage, SIC: 4952, **Millheim Borough Council**, P. O. Box 421, Millheim, PA 16854.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater to Elk Creek in Penn Township, **Centre County**.

The receiving stream is classified for the following uses: exception value, aquatic life, water supply and recreation. For the purposes of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Dauphin Consolidated located at Dauphin.

The proposed effluent limits for Outfall 001, based on a design flow of 0.1 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
TSS	30	45	60
Total Cl ₂ Residual			0.05
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—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 0028703. Sewage, **Peters Township Sanitary Authority**, 3244 Washington Road, McMurray, PA 15317.

This application is for an amendment of an NPDES permit to discharge treated sewage from the Donaldson Crossroads Sewage Treatment Plant in Peters 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 West View Municipal Authority on the Ohio River.

Outfall 001: existing discharge, design flow to be increased from 0.8 to 1.2 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅ (5-1 to 10-31)	15	22.5		30
(11-1 to 4-30)	25	37.5		50
Suspended Solids	30	45		60
Ammonia Nitrogen (5-1 to 10-31)	9	13.5		18
(11-1 to 4-30)	20	30		40
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			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA 0041114. Sewage, **Kiskiminetas Springs School**, 1888 Brett Lane, Saltsburg, PA 15681.

This application is for renewal of an NPDES permit to discharge treated sewage from the Kiskiminetas Springs School STP in Loyalhanna Township, **Westmoreland County**.

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

Outfall 001: existing discharge, design flow of .04 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	50,000/100 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.

PA 0094455. Sewage, **Derry Township Municipal Authority** P. O. Box 250, New Derry, PA 15671.

This application is for renewal of an NPDES permit to discharge treated sewage from the Derry Township Municipal Authority, Dogwood Acres MHP STP in Derry Township, **Westmoreland County**.

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

Outfall 001: existing discharge, design flow of .035 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25	37.5		50
Suspended Solids	30	45		60
Ammonia Nitrogen (5-1 to 10-31)	11	16.5		22
(11-1 to 4-30)	monitor and report			
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	15,000/100 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 0102911. Sewage. **Pennlakes Girl Scout Council, Inc.**, 220 West Plum Street, Edinboro, PA 16412.

This application is for renewal of an NPDES permit, to discharge sewage to Unnamed Tributary to Conneaut Creek in Sadsbury Township, **Crawford County**. This is an existing discharge.

The receiving water is classified for the following uses: high-quality warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Franklin General Authority on French Creek located at RMI 2.17 in the City of Franklin, which is approximately 36.4 miles below point of discharge.

The proposed discharge limits for Outfall 001, based on a design flow of 0.008400 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow		
CBOD ₅	25	50
Total Suspended Solids	30	60
Ammonia-Nitrogen (5-1 to 10-31)	2	4
(11-1 to 4-30)	6	12
Total Phosphorus	monitor and report	

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

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

WQM Permit No. 2598403. Sewage. **Erie Sewer Authority/City of Erie**, c/o Knox, McLaughlin, Gornall & Sennett, P. C., 120 West 10th Street, Erie, PA 16501-1461. This project is for the construction of headworks facility and overflow retention facility and associated onsite piping in the City of Erie, **Erie County**.

WQM Permit No. 6198401. Sewage. **Clintonville Borough Sewer and Water Authority**, P. O. Box 292, Clintonville, PA 16372. This project is for the modification to the sewage treatment plant to improve performance and effluent quality. This improvement includes new grit chamber, shredder/bar screen, settling tank, process pump station, renovation to existing tanks and process piping changes in Clintonville Borough, **Venango County**.

WQM Permit No. 1698401. Sewage. **Paint Township**, R. D. 1, Box 231 A, Shippensburg, PA 16254. This project is for the extension of an existing 8" sanitary sewer line and construction of one pump station and a 4" force to serve the Route 66 north area with treatment at the existing sewage treatment plant in Paint Township, **Clarion County**.

WQM Permit No. 2498401. Sewage. **Jay Township**, P. O. Box 186, Weedville, PA 15868-0186. This project is for the upgrade/expansion of the existing Weedville Wastewater Treatment Plant and extension of sanitary sewers to serve the Villages of Force, Byrnedale and two new areas of Weedville in Jay Township, **Elk County**.

WQM Permit No. 2598402. Sewage. **City of Erie**, 626 State Street, Room 400, Erie, PA 16501-1128. This project is for the Phase II Act 537 sewer improvements to include the construction of relief sewers for the City's West Side Interceptor and Liberty Street Sewer in the City of Erie, **Erie County**.

**INDIVIDUAL PERMITS
(PAS)**

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

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

Persons wishing to comment on the proposed permit are invited to submit a statement to the office noted above the application within 30 days from the date of this public notice. Comments reviewed within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses

should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the responsible office considers the public response significant.

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

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

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984.

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

NPDES Permit PAS10-PAS10-G299. Stormwater. **Robert Sweeney, Jr.**, 116 Culbertson Run Road, Downingtown, PA 19335, has applied to discharge stormwater from a construction activity located in Honeybrook Township, **Chester County**, to West Branch Brandywine Creek.

NPDES Permit PAS10-PAS10-G300. Stormwater. **North 100 Partners**, P. O. Box 453, Chester Springs, PA 19425, has applied to discharge stormwater from a construction activity located in East Nantmeal Township, **Chester County**, to Birch Run.

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

NPDES Permit PAS107203. Stormwater. **Conewango Township Municipal Authority**, 4 Firemans Street, Warren, PA 16365, has applied to discharge stormwater from a construction activity located in Conewango Township, **Warren County**, to Morse Run and two unnamed tributaries, unnamed tributary Allegheny River, Jackson Run and nine unnamed tributaries.

SAFE DRINKING WATER

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

Southcentral Regional Office, Sanitarian Regional Manager, One Ararat Boulevard, Harrisburg, PA 17110, (717) 657-4692.

A. 0597501. Public water supply. **St. Clairsville Area Water Corporation**, East St. Clair Township, **Bedford County**. *Responsible Official:* Ella Imler, President, P. O. Box 284, Osterburg, PA 16667; *Type of Facility:* Modifications to the system include sedimentation tank, diatomaceous earth filtration, corrosion control treatment, booster pumps, 101,000 gallon storage tank and sludge holding tank; *Consulting Engineer:* Steve Sesack, P. E., Neilan Engineers Inc., 450 Aberdeen Drive, Somerset, PA 15501.

Northwest Regional Office, Regional Manager, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6899.

A. 1098501. Public water supply. **Connoquenessing Borough Authority**, Box 215, Connoquenessing, PA 16027. This proposal involves the construction of a new water booster pump station and water meter facilities for a new connection to the PA American Water Company's distribution system and approximately 750' of 12" water line to connect the two distribution systems in Connoquenessing Township, **Butler County**.

A. 2598501. Public water supply. **Erie City Water Authority**, 340 W. Bayfront Parkway, Erie, PA 16507. This proposal involves the construction of a booster pump station and transmission main to provide water service at elevations above that presently served along Station Road and along Jordan Road in Harborcreek Township, **Erie County**.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 1

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

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

For further information concerning the content of a Notice of Intent to Remediate, contact the Department's Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at 1 (800) 654-5984.

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

Southeast Regional Office, Environmental Cleanup Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-5950.

Station Square Property, Whitemarsh Township, **Montgomery County**. Michael Gonshor, P. G., RT Envi-

ronmental Services, Inc., 215 W. Church Rd., King of Prussia, PA 19406, has submitted a Notice of Intent to Remediate site soil contaminated with polycyclic aromatic hydrocarbons and surface water contaminated with lead and heavy metals. The applicant proposes to remediate the site to meet the Statewide health standard.

Southcentral Regional Office, Environmental Cleanup Program Manager, One Ararat Boulevard, Harrisburg, PA 17110, (717) 657-4592.

Grove North America, Antrim Township, **Franklin County**. Grove North America, Division of Kidde Industries, Inc., 1565 Buchanan Trail East, Shady Grove, PA 17256, has submitted a Notice of Intent to Remediate site soils and groundwater contaminated with BTEX. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Chambersburg Public Opinion* on January 14, 1998.

Northwest Regional Office, Craig Lobins, Acting Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6648.

Greater Erie Industrial Development Corporation, former Mac Erie site, 1110 Walnut Street, **Erie County**, City of Erie, has submitted a Notice of Intent to Remediate groundwater and soil. The site has been found to be contaminated with solvents and heavy metals. The applicant proposes to remediate the site to meet the Statewide health and background standards. The Notice of Intent to Remediate was reported to have been published in the *Erie Daily Times* and *Morning News* on December 22, 1997.

Barron Oil Co., Erie County, City of Erie, has submitted a Notice of Intent to Remediate groundwater. The site has been found to be contaminated with BTEX. The applicant proposes to remediate the site to meet the Statewide health standard. The Notice of Intent to Remediate was reported to have been published in the *Erie Times* on December 19, 1997.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 2

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

Sections 304 and 305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use a site-specific standard or who intend to remediate a site in a Special Industrial Area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demon-

strates attainment of one or a combination of the cleanup standards identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department and shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific cleanup standard, in whole or in part, and for sites determined to be located in Special Industrial Areas. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area by the person conducting remediation. For the sites identified, a municipality may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period a municipality may request that the person identified, as the remediator of a site, develop and implement a public involvement plan. Requests to be involved, and comments, should be directed to the remediator of a site. For further information concerning the content of a Notice of Intent to Remediate, contact the Department's Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at 1 (800) 654-5984.

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

Southeast Regional Office, Environmental Cleanup Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-5950.

Kvaerner Philadelphia Shipyard, Inc., City of Philadelphia, **Philadelphia County**. James M. Scott, III, Drinker, Biddle & Reath LLP, 1345 Chestnut St., Philadelphia, PA 19107, has submitted a Notice of Intent to Remediate site soil contaminated with PCBs, lead, pesticides, heavy metals, solvents, BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons; and groundwater contaminated with PCBs, lead, heavy metals, solvents, BTEX and polycyclic aromatic hydrocarbons. The site is located in a Special Industrial Area. The applicant's proposed remediation will address any immediate, direct or imminent threat to public health and the environment. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Inquirer* on January 14, 1998.

Southcentral Regional Office, Environmental Cleanup Program Manager, One Ararat Boulevard, Harrisburg, PA 17110, (717) 657-4592.

General Battery Corporation, Muhlenberg Township and Laureldale Borough, **Berks County**. General Battery Corporation, a subsidiary of Exide Corporation, P. O. Box 14205, Reading, PA 19601-4205 has submitted a Notice of Intent to Remediate site soils and sediment contaminated with lead. 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 *Reading Eagle Times* on January 20, 1998.

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

Legionville Hollow Site, Baden, Economy and Harmony Boroughs, **Beaver County**. Robertson CECO Corp., Suite 425, 5000 Executive Parkway, San Ramon, CA 94583 and H. Thomas Walsh, CEC, Inc., 601 Holiday Drive, Foster Plaza III, Pittsburgh, PA 15220 has submitted a Notice of Intent to Remediate soil, groundwater, surface water and sediment contaminated with heavy metals. The applicant proposes to remediate the site to meet a site specific (soils only) standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Beaver County Times* on January 7, 1998.

SOLID AND HAZARDOUS WASTE BENEFICIAL USE DETERMINATIONS

Request for Determination of Applicability received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and residual waste regulations for a general permit to operate residual waste processing facilities and the beneficial use of residual waste other than coal ash.

Northwest Regional Office: Waste Management Program, 230 Chestnut Street, Meadville, PA 16335.

Application received from **Standard Tool & Machine Company**, 205 East Carson Street, Pittsburgh, PA 15219-1189, for a determination of applicability on permit no. **WMGR038** originated by the Department for use of waste tires and tire-derived material as a fuel at approved facilities, civil engineering or construction material and feedstock in the manufacturing of consumer products. The facility is located at IUSS Industrial Park, Ellwood City, **Lawrence County**. The Department accepted the Standard Tool & Machine Company application as administratively complete on January 20, 1998.

RESIDUAL WASTE PROCESSING FACILITIES

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

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

A. WMGR038SE002. T. T. Recycling Inc., 5170 East Valley Road, Center Valley, PA 18034. Facility located in Springfield Township, **Bucks County**. Application was resubmitted for Determination of Applicability prior to conducting operations authorized by General Permit WMGR038 for waste tires and tire-derived material. Because operation under the general permit may involve construction material uses, a 60-day comment period is provided for public comment under section 287.642(c) of the Residual Waste Regulations. Application was received in the Southeast Regional Office on December 12, 1997.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Applications submitted under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate or close solid waste processing or disposal area or site.

Regional Office—Regional Solid Waste Manager, One Ararat Boulevard, Harrisburg, PA 17110.

This Permit No. was incorrectly published in the December 13, 1997 *Pennsylvania Bulletin*.

Permit No. WMGR038SC001. Penn Turf, Inc. (R. R. 4, Box 624, Hollidaysburg, PA 16648). Application for general permit for the processing of tires at a site in Frankstown Township, **Blair County**. Application determined to be administratively complete in the Regional Office November 13, 1997.

AIR POLLUTION OPERATING PERMITS

Operating Permit applications received under the Air Pollution Control Act (35 P. S. §§ 4001—4015).

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

48-399-041: Bethlehem Apparatus Company, Inc. (P. O. Box Y, Hellertown, PA 18055) for the operation of a building ventilation system with air pollution control by carbon filters in Hellertown Borough, **Northampton County**.

Southcentral Regional Office, Air Quality Program, One Ararat Blvd., Harrisburg, PA 17110, (717) 657-4587.

06-302-141D: Sunsweet Growers, Inc. (105 South Buttonwood Street, Fleetwood, PA 19522) for three boilers in Fleetwood, **Berks County**. Two of the boilers are subject to 40 CFR 60, Subpart Dc, Standards of Performance for New Stationary Sources.

Northcentral Regional Office, Air Quality Program, 200 Pine Street, Williamsport, PA 17701, (717) 327-3637.

8-318-026: E. I. duPont de Nemours and Company, Inc. (R. D. 1, Box 15, Towanda, PA 18848-9784) for the operation of an extrusion die PET film coater (#9) and associated air cleaning device (a recuperative thermal oxidizer) in North Towanda Township, **Bradford County**.

8-316-005A: Masonite Corporation (P. O. Box 311, Towanda, PA 18848) for the operation of hardboard pretrim saws (Line I and II) and associated air cleaning device (a scrubber) in Wysox Township, **Bradford County**.

47-318-007D: Cabinet Industries, Inc. (400 Railroad Street, Danville, PA 17821) for the operation of three dip tanks and three wiping areas associated with a wood furniture finishing operation in Danville Borough, **Montour County**.

Notice of Intent to Issue Title V Operating Permits

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

Copies of the Title V application, proposed permit and other relevant information are available for public inspection and additional information may be obtained by contacting the regional office noted.

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

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

Southcentral Regional Office: Air Quality Program, One Ararat Boulevard, Harrisburg, PA 17110, Attn: Kanubhai L. Patel, (717) 657-4587.

21-05003: Carlisle Tire & Wheel Company (P. O. Box 99, Carlisle, PA 17013) in Carlisle, **Cumberland County**. The facility's major sources include tire cementing operations which primarily emit volatile organic compounds.

PLAN APPROVALS

Plan Approval applications received under the Air Pollution Control Act (35 P. S. §§ 4001—4015).

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

35-302-102: P E I Power Corporation (One PEI Center, Wilkes-Barre, PA 18711) for the modification of three boilers at the Archbald Power Plant, Archbald Borough, **Lackawanna County**.

39-302-155A: The Coca-Cola Company (7551 Schantz Road, Allentown, PA 18106) for the modification of a natural gas fired boiler in Allentown, **Lehigh County**.

40-309-039: Schott Glass Technologies, Inc. (400 York Ave., Duryea, PA 18642) for the construction of three glass melting furnaces with oxy-firing in Duryea Borough, **Luzerne County**.

40-320-007: Offset Paperback Co. (Route 309, P. O. Box N, Dallas, PA 18612) for the construction of a nonheat lithographic press in Dallas Borough, **Luzerne County**.

48-313-078A: Foamex, L. P. (1000 Columbia Ave., Linwood, PA 19061-3997) for the modification of a flexible slabstock polyurethane foam operation in Williams Township, **Northampton County**.

Southcentral Regional Office, Air Quality Program, One Ararat Blvd., Harrisburg, PA 17110, (717) 657-4587.

06-3015A: Construction Fasteners, Inc. (P. O. Box 6326, Reading, PA 19610) for installation of two scrubbers to control an E-coating line in Exeter Township, **Berks County**.

21-317-059: Quaker Oats Co. (St. Johns Church Road, Shiremanstown, PA 17011) for the construction of a wheat dryer and modification to an existing baghouse in Hampden Township, **Cumberland County**.

36-317-019B: Warner-Lambert Company (400 West Lincoln Avenue, Lititz, PA 17543) for the installation of two dry ingredient mixer hoppers controlled by an existing dust collector at their Lititz facility in Lititz Borough, **Lancaster County**.

67-309-042C: J. E. Baker Co. (P. O. Box 1189, York, PA 17405) for modification of operating requirements for a kiln incinerator in West Manchester Township, **York County**.

Northcentral Regional Office, Air Quality Program, 200 Pine Street, Williamsport, PA 17701, (717) 327-3637.

49-302-051A: Pocono Village Farms L. P. (P. O. Box C, Mt. Carmel, PA 17851) for the construction of two natural gas/#2 fuel oil-fired boilers in Mt. Carmel Township, **Northumberland County**. These boilers are subject to Subpart Dc 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.

PA-37-291A: Lafarge Corporation (Route 551, Pulaski, PA 16143) for the resubmission of a plan approval for the construction of a slag processing facility (400 tons/hour) in Pulaski, **Lawrence County**.

MINING

APPLICATIONS TO CONDUCT COAL AND NONCOAL ACTIVITIES

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

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

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

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

based effluent limitations (as described in the Department's regulations—25 Pa. Code §§ 77.522, 87.102, 88.92, 88.187, 88.242, 89.52 and 90.102) for iron, manganese, suspended solids, settleable solids, alkalinity and pH. In addition to the above, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit when necessary for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies which have requested review of the NPDES permit requirements for a particular mining activity within the above-mentioned public comment period will be provided with a 30-day period to review and submit comments on those requirements.

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

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

Coal Applications Received

56920114. Permit Renewal. **Sanner Energies, Inc.** (1179 Rockdale Road, Rockwood, PA 15557-6409), commencement, operation and restoration of bituminous strip mine in Southampton Township, **Somerset County**, affecting 278.5 acres, receiving stream unnamed tributaries to North Branch of Jennings Run, Jennings Run, and unnamed tributaries to Jennings Run. Application received January 16, 1998.

56930102. Permit Renewal. **Cooney Brothers Coal Company** (Box 246, Cresson, PA 16630), commencement, operation and restoration of bituminous strip mine in Shade Township, **Somerset County**, affecting 280.0 acres, receiving stream Hinson Run, unnamed tributary to Hinson Run, two unnamed tributaries to Shade Creek, and Shade Creek. Application received January 21, 1998.

56920106. Permit Renewal. **Cooney Brothers Coal Company** (Box 246, Cresson, PA 16630), commencement, operation and restoration of bituminous strip mine in Shade Township, **Somerset County**, affecting 276.0 acres, receiving stream unnamed tributary to Hinson Run, unnamed tributary to Shade Creek, unnamed tributary to Stony Creek. Application received January 21, 1998.

32920105. Permit Renewal. **M. B. Energy, Inc.** (250 Airport Road, P. O. Box 1319, Indiana, PA 15701-1319), commencement, operation and restoration of bituminous strip mine in Buffington Township, **Indiana County**, affecting 143.6 acres, receiving stream Mardis Run. Application received January 22, 1998.

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

65840119. **M. B. Energy, Inc.** (P. O. Box 1319, Indiana, PA 15701). Application received to revise permit for a stream relocation at a bituminous surface mining site located in Derry Township, **Westmoreland County**, affecting 630 acres. Receiving streams: unnamed tributary

to Stony Run, unnamed tributary to McGee Run. Application received: January 8, 1998.

65970103. M. B. Energy, Inc. (P. O. Box 1319, Indiana, PA 15701). Application received to revise permit for a stream relocation at a bituminous surface mining site located in Derry Township, **Westmoreland County**, affecting 105 acres. Receiving streams: unnamed tributary to Stony Run, unnamed tributary to McGee Run. Application received: January 8, 1998.

65960107. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Revision received to change postmining land use from forestland to recreation on the Amerikohl Mining, Inc. property on an existing bituminous surface mine located in Mt. Pleasant Township, **Westmoreland County**. Receiving streams: unnamed tributaries to Laurel Run to Jacobs Creek to the Youghiogheny River and Jacobs Creek to the Youghiogheny River. Revision application received: January 12, 1998.

02980101. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Application received for commencement, operation and reclamation of a bituminous surface mine located in Findlay and North Fayette Townships, **Allegheny County**, proposed to affect 16.1 acres. Receiving streams: Potato Garden Run to Raccoon Run to Ohio River; unnamed tributaries to Little Raccoon Run to Raccoon Run to the Ohio River. Application received: January 8, 1998.

Knox District Office, P. O. Box 669, Knox, PA 16232.

24870101. Tamburlin Brothers Coal Company (P. O. Box 1419, Clearfield, PA 16830-5419). Renewal of an existing bituminous surface and auger operation in Fox Township, **Elk County**, affecting 81.0 acres. Receiving streams: unnamed tributaries of Toby Creek to Toby Creek to the Clarion River to the Allegheny River. Application received January 5, 1998.

33920109. Sky Haven Coal, Inc. (R. D. 1, Box 180, Penfield, PA 15849). Renewal of an existing bituminous strip and auger operation in Winslow Township, **Jefferson County** affecting 315.0 acres. Receiving streams: Trout Run, McCreight Run, Unnamed tributary to Soldier Run. Application received: January 14, 1998.

33960106. R & L Coal Corp. (P. O. Box 26, Punxsutawney, PA 15767). Revision to an existing bituminous strip operation to add auger mining in Oliver Township, **Jefferson County** affecting 66.7 acres. Receiving streams: Unnamed tributary to Hadder Run and Hadder Run. Application received: January 15, 1998.

10820139. Quality Aggregates, Inc. (P. O. Box 9347, 200 Neville Road, Neville Island, PA 15225). Transfer of an existing bituminous surface strip and beneficial use-coal ash placement operation in Venango Township, **Butler County** affecting 102.8 acres. Receiving streams: Seaton Creek and three unnamed tributaries thereto; Seaton Creek tributary to Slippery Rock Creek. Transfer from Tiche Limestone and Construction Co. Application received January 21, 1998.

24880101. Energy Resources, Inc. (P. O. Box 259, Brockway, PA 15824). Renewal of an existing bituminous strip, auger, tippel refuse disposal and Fly Ash/Bottom Ash disposal operation in Horton Township, **Elk County** affecting 361.0 acres. This renewal is for reclamation only. Receiving streams: Unnamed tributaries of Mead Run and Unnamed tributaries of West Branch Walburn Run. Application received January 21, 1998.

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

35910102R. Silverbrook Anthracite, Inc. (1 Market Street, Laflin, PA 18702), renewal of an existing anthracite surface mine operation in Archbald Borough, **Lackawanna County** affecting 1,000.3 acres, receiving stream unnamed tributary to Aylesworth Creek. Application received December 22, 1997.

40743011T. Coal Contractors, (1991), Inc. (Gowen Mine, Fern Glen, PA 18241), transfer of an existing anthracite surface mine operation from Brook Contracting Corp. in Hazle Township, **Luzerne County** affecting 582.0 acres, receiving stream Little Nescopeck Creek. Application received December 24, 1997.

40663024T. Coal Contractors, (1991), Inc. (Gowen Mine, Fern Glen, PA 18241), transfer of an existing anthracite surface mine operation from Pagnotti Coal Company in Hazle Township, **Luzerne County** affecting 780.0 acres, receiving stream none. Application received December 24, 1997.

54981301. Par L Coal Company (R. R. 1, Box 56A, Hegins, PA 17938), commencement, operation and restoration of an anthracite underground mine operation in Frailey Township, **Schuylkill County** affecting 2.1 acres, receiving stream unnamed tributary to Coal Run. Application received December 29, 1997.

54930101R. J & L Coal Company (R. R. 4, Box 4225, Pottsville, PA 17901), renewal of an anthracite surface mine operation in Branch Township, **Schuylkill County** affecting 100.0 acres, receiving stream Schaefer Creek. Application received January 6, 1998.

49981301. G.A.L. Mining (R. R. 2, Box 852, Coal Township, PA 17866), commencement, operation and restoration of an anthracite deep mine operation in Coal Township, **Northumberland County** affecting 70.0 acres, receiving stream Shamokin Creek. Application received January 7, 1998.

54910205R. CLS Coal Company (P. O. Box 81, Port Carbon, PA 17965), renewal of an existing coal refuse reprocessing operation in West Mahanoy Township, **Schuylkill County** affecting 12.5 acres, receiving stream none. Application received January 8, 1998.

40980103. No. 1 Contracting Corporation (1001 Wilkes-Barre Township, Boulevard, Wilkes-Barre, PA 18702), commencement, operation and restoration of an anthracite surface mine/refuse disposal/bank removal operation in Hazle and Banks Townships, **Luzerne and Carbon Counties**, affecting 27.0 acres, receiving stream Wetzel Creek. Application received January 8, 1998.

54920102R. Green Power, Inc. (P. O. Box 126, Paxinos, PA 17860), renewal of an existing anthracite surface mine operation in Foster and Hegins Townships, **Schuylkill County** affecting 245.0 acres, receiving stream Hans Yost Creek. Application received January 12, 1998.

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

Noncoal Applications Received

03910401R. M & M Lime Co., Inc. (R. D. 1, Box 257M, Worthington, PA 16262). NPDES Renewal application received for an existing noncoal surface mine located in West Franklin and Clearfield Townships, **Armstrong and Butler Counties**. Receiving stream Buffalo Creek. NPDES Renewal application received: January 5, 1998.

Knox District Office, P. O. Box 669, Knox, PA 16232.

38A76SM8. New Enterprise Stone & Lime Co., Inc. (P. O. Box 77, Church Street, New Enterprise, PA 16664). Renewal of an existing sand and gravel operation in Snyder Township, **Jefferson County** affecting 55 acres. Receiving streams: Little Toby Creek to Clarion River. Renewal of NPDES Permit No. PA0211711. Application received January 8, 1998.

10980302. Ben Hal Mining Company (389 Irishtown Road, Grove City, PA 16127). Commencement, operation and restoration of a limestone operation in Cherry and Slippery Rock Townships, **Butler County** affecting 119.9 acres. Receiving streams: Slippery Rock Creek, McMurray Run and unnamed tributaries to McMurray Run to McMurray Run to Slippery Rock Creek to Connoquenessing Creek to Beaver Run. Application received January 9, 1998.

43820603. Larry G. Temple (228 Georgetown Road, Hadley, PA 16130). Transfer of an existing sandstone and shale pit operation from Custom Crushing LTD in Mill Creek Township, **Mercer County** affecting 11.8 acres. Receiving streams: one unnamed tributary to Mill Creek. Application received January 16, 1998.

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

8274SM6C4. Binkley & Ober, Inc. (P. O. Box 7, East Petersburg, PA 17520), renewal of NPDES Permit No. PA0595349 in East Hempfield Township, **Lancaster County**, receiving stream unnamed tributary to Little Conestoga Creek. Application received January 7, 1998.

5273SM1T. Pyramid Land Development, Inc. (414 W. Knowlton Road, Media, PA 19063), transfer of an existing quarry operation from Pyramid Land Development Company in Aston Township, **Delaware County** affecting 28.0 acres, receiving stream Chester Creek. Application received December 18, 1997.

0179301T. Barre Granite Quarries, LLC (P. O. Box 9323, South Burlington, VT 05407-9323), transfer of an existing quarry operation from Wilson C. Clapsaddle in Mt. Joy Township, **Adams County** affecting 16.0 acres, receiving stream unnamed tributary to Rock Creek. Application received January 2, 1998.

01970301T. Barre Granite Quarries, LLC (P. O. Box 9323, South Burlington, VT 05407-9323), transfer of an existing quarry operation from National Earth Products, Inc. in Mt. Joy Township, **Adams County** affecting 12.7 acres, receiving stream none. Application received January 2, 1998.

64900302C2. Ciccone Construction, Inc. (R. R. 2, Box 1575, Honesdale, PA 18431), renewal of NPDES Permit No. PA0595047 in Palmyra Township, **Wayne County**, receiving stream unnamed tributary to Middle Creek. Application received December 26, 1997.

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

Industrial Minerals NPDES Permit Renewal Applications Received

4077SM7. Commonwealth Stone, Inc. (1898 North Center Avenue, Somerset, PA 15501-7013) renewal of NPDES Permit No. PA0212580, Jenner Township, **Somerset County**, receiving streams Roaring Run and Quemahoning Creek. NPDES renewal application received January 21, 1998.

29890301. K. G. Richards (810 Lincoln Way, McConnellsburg, PA 17233), renewal of NPDES Permit No.

PA0212504, Todd Township, **Fulton County**, receiving stream Licking Creek. NPDES renewal application received January 22, 1998.

APPLICATIONS RECEIVED UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT

ENCROACHMENTS

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

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1 (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.

Central Office: Bureau of Water Quality Protection, Division of Waterways, Wetlands and Erosion Control, 400 Market Street, 10th Floor, P. O. Box 8775, Harrisburg, PA 17105-8775, (717) 787-6827.

E11-18. Encroachment. GPU Energy, 2800 Pottsville Pike, P. O. Box 16001, Reading, PA 19640-0001. GPU Energy submitted a request for permit amendment to Permit No. E11-18. Permit No. E11-18 was issued on April 23, 1981, and authorized the Pennsylvania Electric Company (Penelec) to construct, modify, abandon or remove overhead and underground electric facilities in or across the 100-year flood plain in municipalities and counties within Penelec's service area. Metropolitan Edison Company (Met-Ed) and Penelec are now doing business as GPU Energy. Therefore, GPU Energy would like to include both service territories in Permit No. E11-18. The service territory of Penelec includes all or part of **Armstrong, Bedford, Blair, Bradford, Cambria, Cameron, Centre, Clarion, Clearfield, Clinton, Crawford, Cumberland, Elk, Erie, Forest, Franklin, Huntingdon, Indiana, Jefferson, Juniata, Lackawanna, Lycoming, McKean, Mifflin, Perry, Potter, Somerset, Sullivan, Susquehanna, Tioga, Venango, Warren, Wayne, Westmoreland and Wyoming Counties**. The service territory of Met-ED includes all or part of **Adams, Berks, Bucks, Chester, Cumberland, Dauphin, Lancaster, Lebanon, Lehigh, Monroe, Montgomery, Northampton, Perry, Pike and York Counties**.

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

E35-290. Encroachment. **Clarks Summit Borough**, 304 South State Street, Clarks Summit, PA 18411. To maintain a 64-inch × 43-inch pipe arch culvert in a tributary to Ackerly Creek (CWF). The project is located at the intersection of Marion Street and Tributary B (Scranton, PA Quadrangle N: 20.9 inches; W: 11.2 inches) in the City of Scranton, **Lackawanna County** (Baltimore District, Army Corps of Engineers).

E35-291. Encroachment. **City of Scranton**, Rear 801 Providence Road, Scranton, PA 18508. To remove the existing structure and to construct and maintain a single-span pre-stressed concrete adjacent box beam bridge having a span of 106.5 feet and a minimum underclearance of 16.25 feet on an 82° skew across the Lackawanna River (WWF). The project is located at the intersection of East Market Street and the Lackawanna River (Scranton, PA Quadrangle N: 11.3 inches; W: 4.1 inches) in the City of Scranton, **Lackawanna County** (Baltimore District, Army Corps of Engineers).

E39-340. Encroachment. **Borough of Emmaus**, 28 South 4th Street, Emmaus, PA 18049. To remove the existing structure and to construct and maintain a 250 linear foot long, 6-foot by 3-foot concrete box stream enclosure in a tributary to Little Lehigh Creek (HQ-CWF). The project is located along the southwestern side of Klines Lane immediately upstream of the intersection of S. R. 2005 (Main Street) and Klines Lane (Allentown East, PA Quadrangle N: 7.3 inches; W: 15.5 inches) in Emmaus Borough, **Lehigh County** (Philadelphia District, Army Corps of Engineers).

E39-341. Encroachment. **Pennsylvania Department of Transportation, District 5-0**, 173 Lehigh Street, Allentown, PA 18103-4727. To remove the existing structure and to construct and maintain a 12-foot × 2-foot precast concrete box culvert in Schaefer Run (HQ-CWF). The project is located on S. R. 3011 approximately 0.1 mile south of the intersection of S. R. 0222 and S. R. 3011 (Topton, PA Quadrangle N: 7.9 inches; W: 6.5 inches) in Upper Macungie Township, **Lehigh County** (Philadelphia District, Army Corps of Engineers).

E40-482. Encroachment. **Pennsylvania Department of Transportation, Engineering District 4-0**, P. O. Box 111, Scranton, PA 18501. To remove the existing structure and to construct and maintain a road crossing of Big Wapwallopen Creek (CWF), consisting of an 18.0-foot × 9.0-foot precast reinforced concrete box culvert, with its invert depressed 1.0 foot below the streambed. The project is located on S. R. 0437, Section 371, Segment 0230, Offset 0000, approximately 1.0 mile southeast of the intersection of S. R. 0437 and S. R. 0309 (Wilkes-Barre East, PA Quadrangle N: 7.3 inches; W: 15.7 inches) in Fairview Township, **Luzerne County** (Baltimore District, U. S. Army Corps of Engineers).

E40-483. Encroachment. **Rudy and Sharon Kranys**, Box 402, R. R. 1, Harveys Lake, PA 18618. To remove the existing dock decking and to construct and maintain a dock, with a boathouse and gazebo, on existing pilings in Harveys Lake. The structure, as proposed, has an overall width of approximately 54 feet, and a total lake coverage of approximately 1,900 square feet, and extends approximately 49 feet from the shoreline. The project is located at Pole No. 25 (Harveys Lake, PA Quadrangle N: 20.2 inches; W: 4.6 inches), in Harveys Lake Borough, **Luzerne County** (Baltimore District, U. S. Army Corps of Engineers).

E40-484. Encroachment. **Butler Enterprises, Inc.**, 8 West Broad Street, Hazleton, PA 18201. To place fill in 2.08 acres of PFO wetlands in the drainage basin of Dreck Creek (HQ-CWF), for the purpose of constructing an office building and associated parking on a 2.48-acre commercial parcel. The project, known as the East Broad Street Development, is located on the south side of S. R. 0093, approximately 0.8 mile west of the intersection of S. R. 0093 and S. R. 3019 (Hazleton, PA Quadrangle N: 11.8 inches; W: 10.3 inches), in the City of Hazleton, **Luzerne County** (Philadelphia District, U. S. Army Corps of Engineers).

E45-347. Encroachment. **Pocono Commons Associates, L.L.C.**, 1765 Merriman Road, Akron, OH 44313. To place fill in approximately 0.41 acre of PFO wetlands for the purpose of constructing a commercial-retail complex known as Pocono Commons. The project is located on the northern side of S. R. 0611 at the intersection of S. R. 0611 and T498 (White Stone Corner Road) (Stroudsburg, PA-NJ Quadrangle N: 22.0 inches; W: 16.5 inches) in Stroud Township, **Monroe County** (Philadelphia District, Army Corps of Engineers).

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

E14-315. Encroachment. **Orazio and Martha Nastase**, P. O. Box 265, Bellefonte, PA 16823. To realign, operate and maintain the channel of an unnamed tributary to Spring Creek for the development of a commercial facility and its appurtenances. The realignment work shall consist of constructing a channel that has a length of 150 feet, a depth of 6.3 feet and side slopes of 1 foot vertical to 2 foot horizontal. The project is located along the western right-of-way of SR 0550 approximately 1,500 feet west of the intersection of SR 0026 and SR 0550 (Mingoville, PA Quadrangle N: 7.3 inches; W: 16.8 inches) in Spring Township, **Centre County**. Estimated stream disturbance is approximately 150 feet with no wetland impacts; stream classification is CWF.

E14-316. Encroachment. **Pennsylvania Department of Transportation**, 1924-30 Daisy St., Clearfield, PA 16830. To remove the existing structure and to construct and maintain a twin cell precast concrete box culvert with each cell having a span of 14 feet and rise of 9 feet, depressed 1 foot below the stream bed in Six Mile Run located on SR 504 next to Six Mile Road (Black Moshannon, PA Quadrangle N: 6.12 inches; W: 2.75 inches) in Rush Township, **Centre County**. Estimated stream disturbance is 100 feet with no wetland impacts; stream classification is HQ.

E14-317. Encroachment. **Pennsylvania Department of Transportation**, 1924-30 Daisy St., Clearfield, PA 16830. To remove the existing structure and to construct and maintain a precast, post tensioned, single cell box culvert depressed 1 foot below the streambed with a clear span of approximately 20 feet on a left skew of 45 degrees and a underclearance of 5 feet. The project is located on PA 504 over Black Bear Run approximately 18 miles west of the intersection of routes PA 504 and US 220 (Philipsburg, PA Quadrangle N: 4.7 inches; W: 3.95 inches) in Rush Township, **Centre County**. Estimated stream disturbance is approximately 70 feet with no wetland impacts; stream classification is Exceptional Value.

E18-246. Encroachment. **International Paper Co.**, Lock Haven Mill, P. O. Box 268, Lock Haven, PA 17745-0268. To operate and maintain an existing spillway

structure and wood piling in and under the canal wall in the vicinity of the spillway of the Pennsylvania Canal system. The sub facility is located on the south side of Rt. 150 approximately one half mile east of the intersection of Rt. 150 with US Rt. 220 (Mill Hall, PA Quadrangle N: 22.1 inches; W: 13.2 inches) in Flemington Borough, **Clinton County**. Estimated stream disturbance is approximately 145 feet with no wetland impacts; stream classification is WWF.

E18-248. Encroachment. **Western Clinton County Municipal Authority**, P. O. Box 363, Renovo, PA 17764. To stabilize with concrete and riprap and maintain an 8 inch and 12 inch concrete encased sanitary sewer line under Paddy Run located just upstream and downstream of the SR 120 bridge (Renovo East, PA Quadrangle N: 15 inches; W: 14 inches) in Renovo Borough, **Clinton County**. Estimated stream disturbance is 150 feet with no wetland impacts; stream classification is EV.

E41-417. Encroachment. **Washington Township Supervisors**, R. R. 1, Allenwood, PA 17810. To remove the existing bridge and to construct and maintain a 48 inch diameter and 60 inch diameter corrugated metal pipe with a 75 degree skew with the associated R-7 riprap bank in an unnamed tributary of Spring Creek located 500 feet north on a private drive from SR 2001 (Montoursville South, PA Quadrangle N: 8.02 inches; W: 14.39 inches) in Washington Township, **Lycoming County**. Estimated stream disturbance is 45 linear feet of permanent impact; stream classification is TSF.

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

E63-445. Encroachment. **Roger F. Dolanch**, 2498 Washington Road, McMurray, PA 15317. To construct and maintain a 300 foot long stream enclosure consisting of a 16.6 foot x 10.1 foot high steel plate arch culvert in an unnamed tributary to Brush Run (WWF) for the purpose of constructing a parking lot on the north side of Washington Road, approximately 2,700 feet north from the intersection of Valley Brook Road and S. R. 19 (Bridgeville, PA Quadrangle N: 8.4 inches; W: 14.1 inches) in Peters Township, **Washington County**.

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

E37-116. Encroachment. **Pulaski Township**, Pulaski Township Supervisor, Pulaski, PA 16143. To remove the existing structure and to construct and maintain a precast reinforced concrete spread box beam bridge with a clear normal span of 30 feet and an underclearance of 13.55 feet on T-382 (English Road) across Buchanan Run (WWF). The project is located on T-382 across Buchanan Run approximately 800 feet north of the intersection of T-382 and SR 0208 (Edinburg, PA Quadrangle N: 22.3 inches; W: 2.9 inches) located in Pulaski Township, **Lawrence County**.

ENVIRONMENTAL ASSESSMENT

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

Central Office: Bureau of Waterways Engineering, 400 Market Street, 3rd Floor, P. O. Box 8554, Harrisburg, PA 17105-8554, (717) 787-8568.

EA15-021C0. Environmental Assessment. **Terramics Management Company** (1830 West Swedesford Road,

South Point, Building #2, Berwyn, PA 19312). To construct and maintain a nonjurisdictional dam across a tributary to East Branch Chester Creek (TSF) for the purpose of stormwater management at Lot 21 of the Brandywine Industrial Park located approximately 550 feet southwest of the intersection of Airport Road and Ward Avenue (West Chester, PA Quadrangle N: 20.6 inches; W: 10.8 inches) in West Goshen Township, **Chester County**.

WATER ALLOCATIONS

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

Southcentral Regional Office: Field Operations, Sanitarian Regional Manager, One Ararat Boulevard, Harrisburg, PA 17110, (717) 657-4692.

WA 36-574E. Water allocation. **East Petersburg Borough Water Authority, Lancaster County**. The applicant is requesting the right to increase its allocation from the City of Lancaster Authority to 500,000 gpd (30-day average flow) with a maximum daily flow of 700,000 gpd.

ACTIONS

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

[National Pollution Discharge Elimination System Program (NPDES)]

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

(Part I Permits)

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

Persons aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, 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).

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

NPDES Permit No. PA-0031071. Sewerage. **St. Pius X Seminary**, R. R. 2, Dalton, PA 18414 is authorized to discharge from a facility located in Dalton Borough to a Wet Weather Channel to Ackerly Creek.

NPDES Permit No. PA-0032204. Sewerage. **Ashland Regional Medical Center**, 101 Broad Street, Ashland, PA 17921-2198 is authorized to discharge from a facility located in Butler Township, **Schuylkill County** to Mahanoy Creek.

NPDES Permit No. PA-0061395. Industrial waste. **Borough of Schuylkill Haven**, 12 West Main Street, Schuylkill Haven, PA 17972-1900 is authorized to discharge from a facility (Tumbling Run Water Treatment Plant) located in North Manheim Township, **Schuylkill County** to Tumbling Run.

NPDES Permit No. PA-0013501. Industrial waste. **Allied Signal, Inc.**, P. O. Box 697, Westwood Road, Pottsville, PA 17901 is authorized to discharge from a facility located in Norwegian Township, **Schuylkill County** to the West Branch Schuylkill River.

NPDES Permit No. PA-0061573. Sewerage. **Camp Moshava**, 25 West 26th Street, New York, NY 10010 is authorized to discharge from a facility located in Berlin Township, **Wayne County** to an Unnamed Tributary of Indian Orchard Brook.

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

Permit No. 1197406. Sewerage, **Hastings Municipal Authority**, 207-1 Fifth Avenue, Hastings, PA 16646. Construction of an interceptor sewer located in the Borough of Hastings, **Cambria County** to serve the Coleman Street Relief Sewer.

Permit No. 5692401, Amendment No. 3. Sewerage, **Somerset Township Municipal Authority**, Somerset

Township Water Department, P. O. Box 247, Somerset, PA 15501-0247. Installation of a supplemental heating system located in the Township of Black, **Somerset County** to serve the Somerset Correctional Facility STP.

Permit No. 6374419, Amendment No. 3. Sewerage, **Washington—East Washington Joint Authority**, 60 East Beau Street, P. O. Box 510, Washington, PA 15301. Modification of sewage treatment plant located in the Township of South Strabane, **Washington County** to serve the Washington—East Washington Joint Authority Sewage Treatment Plant.

Permit No. 6597411. Sewerage, **Robert W. Garris**, 1100 Whitney Court Drive No. 5, Latrobe, PA 15650. Construction of a single residence sewage treatment plant located in the Township of Derry, **Westmoreland County** to serve the Garris Residence.

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

WQM Permit No. 6297410. Sewerage, **Fred E. and Katherine Kemp Jensen**, SRSTP, R. D. 1, Box 14A, Columbus, PA 16405. Construction of Fred J. and Katherine Kemp Jensen SRSTP located in Columbus Township, **Warren County**.

INDIVIDUAL PERMITS

(PAS)

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10-G263	General Real Estate Development, Inc. 921 Briarwood Circle West Chester, PA 19380	Charlestown Twp. Chester Co.	Tributary to Pickering Creek

INDIVIDUAL PERMITS

(PAR)

The following parties have submitted Notices of Intent (NOIs) for Coverage under (1) General NPDES Permit(s) to discharge wastewater into the surface waters of this Commonwealth. The approval for coverage under these general NPDES permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions set forth in the general permit; (2) General Permit(s) for Beneficial Use of Sewage Sludge or Residential Septage by Land Application in Pennsylvania. The approval of coverage for land application of sewage sludge or residential septage under these general permits is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective general permit. The Department of Environmental Protection approves the following coverages under the specified General Permit.

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

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

List of NPDES and/or other General Permit Type

PAG-1	General Permit For Discharges From Stripper Oil Well Facilities
PAG-2	General Permit For Discharges of Stormwater From Construction Activities
PAG-3	General Permit For Discharges of Stormwater From Industrial Activities

*List of NPDES and/or other
General Permit Type*

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 Sewage Sludge By Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-9	General Permit For Beneficial Use of Residential Septage By Land Application to Agricultural Land, Forest or a Land Reclamation Site

General Permit Type—PAG 2

Facility Location

<i>County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Crawford Co. Cambridge Springs Boro.	PAR102301-R	State Correctional Facility Cambridge Springs PA Dept. of General Services 18th & Herr Streets Tent Building Harrisburg, PA 17120	French Creek	Crawford Conservation District 1012 Water St., Suite 18 Meadville, PA 16335 (814) 724-1793
Crawford Co. Vernon Twp.	PAR102306-R	Meadville Walmart Supercenter Walmart Stores, Inc. 701 S. Walton Blvd. Bentonville, AR 72716	UNT Watson Run	Crawford Conservation District 1012 Water St., Suite 18 Meadville, PA 16335 (814) 724-1793
Crawford Co. Vernon Twp.	PAR102309-R	Scott's Dev. Company Scott's Meadville Inn & Rest. Nicholas Scott P. O. Box 3306 Erie, PA 16508	UNT Van Horne Crk.	Crawford Conservation District 1012 Water St., Suite 18 Meadville, PA 16335 (814) 724-1793
Snyder County Monroe Twp.	PAR105912	Lowes Companies Inc. 1203 School St. Wilkesboro, NC 28697	Penns Creek	Snyder CCD 403 West Market St. Middleburg, PA 17842 (717) 327-0085
Snake Spring Valley Twp. Bedford Co.	PAR-10-0407-R	Memorial Hospital of Bedford Co. R. D. 1, Box 80 Everett, PA 15537-9513	Tributary to Raystown Branch	Bedford CCD 702 West Pitt Street Suite 4 Bedford, PA 15009 (814) 623-6706
East St. Clair Twp. Bedford Co.	PAR-10-0411-R	James Webb P. O. Box 83 4125 Federal Hill Rd. Jaccetsville, MD 21084	Tributary to Bob's Creek	Bedford CCD 702 West Pitt Street Suite 4 Bedford, PA 15009 (814) 623-6706
Juniata Twp. Bedford Co.	PAR-10-0413-R	Lois Foy 442 Lake Manor Drive East Berlin, PA 17316	Raystown Branch	Bedford CCD 702 West Pitt Street Suite 4 Bedford, PA 15009 (814) 623-6706
Bedford Twp. Bedford Co.	PAR-10-0415-R	Bedford Area School District 330 East John St. Bedford, PA 15522	Raystown Branch	Bedford CCD 702 West Pitt Street Suite 4 Bedford, PA 15009 (814) 623-6706

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Kimmel Twp. Bedford Co.	PAR-10-0416-R	Merle L. Hevston 849 Third Ave. Duncansville, PA 16635	Beaverdam Crk.	Bedford CCD 702 West Pitt Street Suite 4 Bedford, PA 15009 (814) 623-6706
Harriston Twp. Bedford Co.	PAR-10-0417-R	Dolores W. Holler 17626 York Rd. Hagerstown, MD 21740	Buffalo Run	Bedford CCD 702 West Pitt Street Suite 4 Bedford, PA 15009 (814) 623-6706
East St. Clair Twp. Bedford Co.	PAR-10-0420-R	Joe Klucker R. D. 1, Box 66A New Paris, PA 15554	Tributary to Adams Run	Bedford CCD 702 West Pitt Street Suite 4 Bedford, PA 15009 (814) 623-6706
Napier Twp. Bedford Co.	PAR-10-0421-R	William Wodent 18 Gephart Ave. Bedford, PA 15522	Tributary to Shawnee Branch	Bedford CCD 702 West Pitt Street Suite 4 Bedford, PA 15009 (814) 623-6706
West Providence Twp. Bedford Co.	PAR-10-0422-R	Daniel W. Klock 1812 Timberline Rd. Altoona, PA 16601	Raystown Branch	Bedford CCD 702 West Pitt Street Suite 4 Bedford, PA 15009 (814) 623-6706
Exeter Twp. Berks County	PAR-10-C198	Overlook Woods Fodolfo Folino 68 Southampton Dr. Reading, PA 19610	Municipal Storm Sewer	Berks CCD P. O. Box 520 1238 County Welfare Rd. Leesport, PA 19533 (610) 372-4657
Penn Twp. Lancaster Co.	PAR-10-O-286	Al Hamilton 55 Doe Run Rd. Box 157 Manheim, PA 17545	Little Conestoga Crk.	Lancaster CCD 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
East Earl Twp. Lancaster Co.	PAR-10-O-291	Weaverland Auction 485 Quarry Rd. New Holland, PA 17557	Conestoga River	Lancaster CCD 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
Carroll Twp. York Co.	PAR-10-Y201-R	GlenCarron Estates Robert M. McKendrick 154 Calvary Church Rd. Wrightsville, PA 17368	Stony Run	York CCD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Manchester Twp. York Co.	PAR-10-Y294	Rain Tree Masonry Contractors 4219 Hanover Pike Manchester, MD 21102-1499	UNT to Little Conewago Creek	York CCD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Springettsbury Twp. York Co.	PAR-10-Y155-R	Sheridan Manor S & A Custom Built Homes Inc. 501 Rolling Ridge Drive State College, PA 16801	Codorus Crk.	York CCD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
New Freedom Borough York Co.	PAR-10-Y246-R	Carrington Crossing S & A Custom Built Homes, Inc. 501 Rolling Idge Dr. State College, PA 16801	South Branch Codorus Crk.	York CCD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Carroll Twp. York Co.	PAR-10-Y111-R	Greenbriar Glen Phase IV Vernon Anderson 19A North Baltimore St. Dillsburg, PA 17019	Fisher Run	York CCD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Fairview Twp. York Co.	PAR-10-Y148-R	Deer Run III Michael S. Green Deer Run Associates—Fairview 4075 Market Street Camp Hill, PA 17011	Fishing Creek	York CCD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Windsor Twp. York Co.	PAR-10-Y112-R	Keystone Custom Homes Windsor Crossings 214A Willow Valley Lakes Drive Willow Street, PA 17584	Cabin Creek	York CCD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Paradise Twp. York Co.	PAR-10-Y200-R	North Ridge Section 2 Stephen Brent R. D. 8, Box 40 York, PA 17403	UNT to Beaver Creek	York CCD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
North Codorus Twp. York Co.	PAR-10-Y115-R	Noss Village Hollis McKinney R. D. 10, Box 184N York, PA 17404	West Branch Codorus Creek	York CCD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
York Twp. York Co.	PAR-10-Y216-R	Chestnut Heights Vito Spagnola 449 Penn Blvd. York, PA 17402	UNT to Mill Creek	York CCD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Penn Twp. Perry County	PAR-10-5120	Furnley Frisch 291 Sawmill Road Duncannon, PA	Unt to Cove Creek	Perry CCD P. O. Box 36 31 W. Main Street New Bloomfield, PA 17068 (717) 582-8988
Lykens Twp. Dauphin Co.	PAR-10-I137	Vernon L. Gessner 496 Luxemburg Rd. Lykens, PA 17048	Deep Creek	Dauphin CCD 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100

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 or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Old Forge Borough Lackawanna Co.	PAR802219	Overnite Transportation Co. P. O. Box 1216 Richmond, VA 23218	Lackawanna River	Northeast Regional Office 2 Public Square Wilkes-Barre, PA 18711-0790 (717) 826-2511 Water Quality
Albion Borough Erie Co.	PAR208309	Frank C. Endean, Jr. Endean Industries, Inc. 31 Euclid St. Albion, PA 16401	Tributary to Conneaut Crk.	Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335 (814) 332-6942
Warren City Warren Co.	PAR808366	Allegheny & Eastern Railroad, Inc. 316 Pine St. Warren, PA 16365	Municipal Storm Drain and then to Allegheny	Northwest Regional Office 230 Chestnut St. Meadville, PA 16365-3481 (814) 332-6942

General Permit Type—PAG 4

*Facility Location
County and
Municipality*

Permit No.

*Applicant Name
and Address*

*Receiving Stream
or Body of Water*

*Contact Office and
Telephone No.*

Westmoreland Co. PAG046142
Derry Twp.

Robert Garris
1100 Whitney Court
Drive-No. 5
Latrobe, PA 15650

Union Run

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

Columbus Twp. PAG048469
Warren County

Fred E. and Katherine
Kemp Jensen
R. D. 1, Box 14A
Columbus, PA 16405

Unnamed
Tributary
to Coffee Creek

Northwest Region
Water Management
230 Chestnut St.
Meadville, PA
16335-3481
(814) 332-6942

**SEWAGE FACILITIES ACT
PLAN APPROVAL**

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

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

*Location: Sergeant Township, McKean County, Ser-
geant Township Supervisors, P. O. Box 1A, Clermont
S. R., Mt. Jewett, PA 16740.*

*Project Description: This approved project proposes con-
struction of a small diameter septic tank effluent dis-
charge collection and conveyance system to sewer a
portion of the Village of Clermont. A 12,500 gpd extended
aeration package wastewater treatment plant will also be
built. The Department's review of the sewage facilities
update revision has not identified any significant environ-
mental impacts resulting from this proposal.*

SAFE DRINKING WATER

**Actions taken under the Pennsylvania Safe Drink-
ing Water Act (35 P. S. §§ 721.1—721.17).**

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

Permit No. 0997518. Public water supply. **Olde Colo-
nial Greene Home Owners' Association**, James M.
Kilgannon, One Olde Colonial Drive, Doylestown, PA
18901. A permit has been issued to Olde Colonial Greene
granting permission to apply soda ash to the water from
Well Nos. 1 and 2 for corrosion control treatment in
Doylestown Township, **Bucks County**.

Type of Facility: Public Water Supply System.

*Consulting Engineer: Weldon C. Harris E. Associates,
P. O. Box 1361, Doylestown, PA 18901.*

Permit to Construct Issued: January 20, 1998.

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

A. M. A. The Department issued an operating permit
to **Dushore Borough** (216 Julia Street, Dushore, PA
18614, Dushore Borough, **Sullivan County**) for operation

of the recently constructed 218,000 finished water storage
tank and 4 inch diameter ductile iron transmission line
from Well No. 2 to the chlorination building.

**LAND RECYCLING AND
ENVIRONMENTAL REMEDIATION**

Under Act 2, 1995

Preamble 3

**The following final reports were submitted under
the Land Recycling and Environmental Remedia-
tion 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 (Depart-
ment) to publish in the *Pennsylvania Bulletin* a notice of
submission of any final reports. A final report is submit-
ted 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 se-
lecting the environmental media of concern, documenta-
tion supporting the selection of residential or nonresiden-
tial exposure factors, a description of the remediation
performed and summaries of sampling methodology and
analytical results which demonstrate that the remedia-
tion has attained the cleanup standard selected.

For further information concerning the final report,
contact the Environmental Cleanup Program in the De-
partment's Regional Office under which the notice of
receipt of a final report appears. If information concern-
ing a final report is required in an alternative form,
contact the community relations coordinator at the appro-
priate Regional Office listed. TDD users may telephone
the Department through the AT&T Relay Service at 1
(800) 654-5984.

The Department has received the following final re-
ports:

*Southeast Regional Office: Environmental Cleanup Pro-
gram Manager, Lee Park, Suite 6010, 555 North Lane,
Conshohocken, PA 19428, (610) 832-5950.*

National Linen Services, City of Philadelphia, **Phila-
delphia County**. Samuel J. Kucia, Project Engineer,
Pennoni Associates, 3001 Market St., Philadelphia, PA

19104, has submitted a Final Report concerning remediation of site soil contaminated with solvents, BTEX and polycyclic aromatic hydrocarbons; and groundwater contaminated with solvents and BTEX. The report is intended to document remediation of the site to meet Statewide health standards with the exception of benzene and methyl chloride in groundwater which was reported to have been remediated to a site-specific standard.

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

Ramsey Sturman Ford, (Hydraulic Lift Area), West Mifflin Borough, **Allegheny County.** Thomas W. Weaver, 200 Marshall Drive, Coraopolis, PA 15108 has submitted a Final Report addressing soil contaminated with PHCs. The report is intended to document remediation of the site to meet the Statewide health standard.

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.

Price Trucking Corp., P. O. Box 70, Buffalo, NY 14220; License No. **PA-AH 0371**; amended license issued January 13, 1998.

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.

Allwaste Environmental Services of Atlanta, P. O. Box 517, Forest Park, GA 30051-0517; License No. **PA-AH 0406**; renewal license issued January 8, 1998.

Barbish Environmental Services, Route 22 East, P. O. Box 515, New Alexandria, PA 15670; License No. **PA-AH 0513**; renewal license issued January 13, 1998.

Casie Ecology Oil Salvage, Inc., t/a Casie, P. O. Box 92, Franklinville, NJ 08322; License No. **PA-AH 0307**; renewal license issued January 8, 1998.

C. J. Langenfelder & Son, Inc., 8427 Pulaski Highway, Baltimore, MD 21237; License No. **PA-AH 0405**; renewal license issued January 8, 1998.

Elk Transportation, Inc., 1418 Carbon Street, Reading, PA 19061; License No. **PA-AH 0509**; renewal license issued January 6, 1998.

Logano Transportation Company, Inc., P. O. Box 186, Portland, CT 06480-0186; License No. **PA-AH 0424**; renewal license issued January 23, 1998.

Price Trucking Corp., 67 Beacon Street, Buffalo, NY 14220; License No. **PA-AH 0371**; renewal license issued January 8, 1998.

U. S. Bulk Transport, Inc., 6286 Sterrettania Road, Fairview, PA 16415; License No. **PA-AH 0408**; renewal license issued January 23, 1998.

Valley City Disposal, Inc., 1040 Market Street SW, Grand Rapids, MI 49503; License No. **PA-AH 0410**; renewal license issued January 23, 1998.

License expired 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.

J.D.L. Leasing, 7-A Madison Drive, Zelienople, PA 16063-9703; License No. **PA-AH S232**; license expired on December 31, 1997.

Hazardous Waste Transporter License voluntarily terminated under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), 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.

CWM Chemical Services, Inc., 1550 Balmer Road, Model City, NY 14107; License No. **PA-AH 0503**; license terminated January 7, 1998.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

Permit No. 101494. Waste Management of PA, Inc., G.R.O.W.S. Inc. Landfill, 1000 New Ford Mill Road, Morrisville, PA 19067, Falls Township, **Bucks County,** was issued a major permit modification to the gas management plan for the direct sale of landfill gas to PECO Energy. Also included in the permit modification is an equivalency to allow for the use of angular AASHTO#57 stone as protective cover. An equivalency for a rounded to subangular AASHTO#57 stone had been previously approved. The permittee wished to change suppliers of stone with the new supply of stone being more angular than that originally tested and approved. The permittee submitted a new equivalency request for the more angular (sharp edged) stone. Condition six of the modification includes restrictions governing the utilization of the equivalency and may be obtained from the regional office. With the issuance of this major modification, this equivalency is placed on the Statewide equivalency list. Permit modification issued by the Southeast Regional office on January 9, 1998.

Permits revoked under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate solid waste processing or disposal area or site.

Southcentral Regional Office, Regional Solid Waste Manager, One Ararat Boulevard, Harrisburg, PA 17110, (717) 657-4588.

Permit No. 603339. Mil-Joy Farm, BFI (Mineview Drive, P. O. Box 128, Morgantown, PA 19543). This permit has been revoked because BFI is currently not planning any operations for this agricultural utilization site in Greenwich, Perry and Windsor Townships, **Berks County**. Permit revoked in the Regional Office January 12, 1998.

Solid waste permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate solid waste processing or disposal area or site.

Southcentral Regional Office, Regional Solid Waste Program Manager, One Ararat Boulevard, Harrisburg, PA 17110, (717) 657-4588.

Permit No. 100346. Pioneer Crossing Landfill, FR&S, Inc. (727 Red Lane Road, Birdsboro, PA 19508). Application for modification for approval of the design modification of Cell 3B for a site in Exeter Township, **Berks County**. Permit issued in the Regional Office January 15, 1998.

PREVIOUSLY UNPERMITTED CLASS OF SPECIAL HANDLING WASTE

INFECTIOUS OR CHEMOTHERAPEUTIC WASTE

Licenses issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Infectious and Chemotherapeutic Waste Law (35 P. S. §§ 6019.1—6019.6) and regulations for license to transport infectious and chemotherapeutic waste.

Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

Genesis Environmental, Ltd., 108 Atterbury Road, Monroeville, PA 15146; License No. **PA-HC 0203**; license issued January 13, 1998.

Renewal licenses issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Infectious and Chemotherapeutic Waste Law (35 P. S. §§ 6019.1—6019.6) and regulations for license to transport infectious and chemotherapeutic waste.

Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

Brookville Hospital, 100 Hospital Road, Brookville, PA 15825; License No. **PA-HC 0137**; renewal license issued January 13, 1998.

License expired under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Infectious and Chemotherapeutic Waste Law (35 P. S. §§ 6019.1—6019.6) and regulations for license to transport infectious and chemotherapeutic waste.

Bureau of Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

Environmental Control Co., Inc., 150 Broadway Avenue, Garden City Park, NY 11040; License No. **PA-HC 0044**; license expired December 31, 1997.

AIR POLLUTION

OPERATING PERMITS

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

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

GP-10-304: JSP International (Bonnie Brook Road, Butler, PA 15061) for the construction of a natural gas fired boiler in Summit Township, **Butler County**.

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

Northcentral Regional Office, Air Quality Program, 200 Pine Street, Williamsport, PA 17701, (717) 327-3637.

8-399-046: OSRAM SYLVANIA Products, Inc. (Hawes Street, Towanda, PA 18848-0504) issued January 16, 1998, to add several grinders, and the like, to the list of like equipment identified in the operating permit for Department 007, Building 20 in North Towanda Township, **Bradford County**.

PLAN APPROVALS

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

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

35-308-010B: GNB Batteries, Inc. (P. O. Box 177, Dunmore, PA 18512) issued January 9, 1998, for the modification of a four battery assembly operations with air pollution control by four baghouses in Dunmore Borough, **Lackawanna County**.

39-302-157G: Macintosh Linen & Uniform Rental (1202 West Allen Street, Allentown, PA 18102) issued January 15, 1998, for the construction of a natural gas fired boiler in Allentown, **Lehigh County**.

39-302-158G: Macintosh Linen & Uniform Rental (1202 West Allen Street, Allentown, PA 18102) issued January 15, 1998, for the construction of a natural gas fired boiler in Allentown, **Lehigh County**.

40-313-033A: Coates Reprographics, Inc. (P. O. Box 160, Dallas, PA 18612) issued January 13, 1998, for the modification of toner production lines with air pollution control by a baghouse in Dallas Borough, **Luzerne County**.

45-318-016A: Transistor Devices, Inc. (1901 West Main Street, Stroudsburg, PA 18327) issued January 14, 1998, for the modification of the alumitek finishing system with air pollution control by panel filters in Stroudsburg Borough, **Monroe County**.

45-320-004A: Transistor Devices, Inc. (1901 West Main Street, Stroudsburg, PA 18327) issued January 14,

1998, for the modification of a silkscreen process and drying oven in Stroudsburg Borough, **Monroe County**.

48-399-041: Bethlehem Apparatus Company, Inc. (P. O. Box Y, Hellertown, PA 18055) issued January 9, 1998, for the modification of building ventilation with air pollution control by a carbon filter system in Hellertown Borough, **Northampton County**.

54-313-078: Air Products & Chemical Co. (R. R. 1, P. O. Box 351, Tamaqua, PA 18252) issued January 14, 1998, for the modification of the tba and ttp plant with air pollution control by a scrubber in Rush Township, **Schuylkill County**.

Southcentral Regional Office, Air Quality Program, One Ararat Blvd., Harrisburg, PA 17110, (717) 657-4587.

67-309-070D: Global Stone PenRoc, Inc. (P. O. Box 1967, York, PA 17405-1967) issued on January 22, 1998, for modification of the ball mill feed system controlled by a fabric collector at their West Filler Plant in West Manchester Township, **York County**. This source is subject to 40 CFR 60, Subpart OOO, Standards of Performance for New Stationary Sources.

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

PA-20-194B: Lord Corp. (Route 198, Saegertown, PA 16433) issued January 9, 1998, for the construction of a latex reactor in Saegertown, **Crawford County**.

PA-33-156A: National Fuel Gas Supply Corp. (North 4th Street, Reynoldsville, PA 15851) issued January 12, 1998, for the construction of a natural gas compressor station in Winslow Township, **Jefferson County**.

PA-61-188A: National Fuel Gas Supply Corp. (R. D. 1, Cranberry, PA 16319) issued January 12, 1998, for the construction of a natural gas compressor station in Cranberry Township, **Venango County**.

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

Northcentral Regional Office, Air Quality Program, 200 Pine Street, Williamsport, PA 17701, (717) 327-3637.

14-309-043: Corning Asahi Video Products Company (P. O. Box 9, State College, PA 16801-0009) issued on January 21, 1998, for the minor modification of a plan approval to revise a production limitation for a glass furnace (Tank 221) in College Township, **Centre County**.

MINING

APPROVALS TO CONDUCT COAL AND NONCOAL ACTIVITIES

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 water quality certification. Mining activity permits issued in response to the applications will also address the applicable permitting requirements of the following

statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

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

Coal Applications Issued

32970201. Permit Revision. **Britt Energies, Inc.** (P. O. Box 515, Indiana, PA 15701), revision to an existing coal refuse reprocessing operation for the restoration of industrial rather than forestland and pastureland on the lands of Kovalchick Salvage Company, in Center Township, **Indiana County**, affecting 4.6 acres, receiving streams unnamed tributaries to Two Lick Creek. Application received November 12, 1997. Application issued January 20, 1998.

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

26970105. Purco Coal, Inc. (22 Van Voorhis Lane, Monongahela, PA 15063). Permit issued for commencement, operation and reclamation of a bituminous surface mine located in North Union Township, **Fayette County**, affecting 53.0 acres. Receiving streams: unnamed tributaries to Redstone Creek to the Monongahela River. Application received: June 23, 1997. Permit issued: December 26, 1997.

26920110. Patterson Coal Company (R. D. 2, Box 335, Smithfield, PA 15478). Permit revised to relocate 2.7 acres of mining at a bituminous surface mining site located in German, Georges and Nicholson Townships, **Fayette County**, affecting 267.0 acres. Receiving streams: unnamed tributaries to S. Branch Brown's Run—Brown's Run—Monongahela River; unnamed tributaries to Jacobs Creek to the Monongahela River. Application received: October 8, 1997. Revision issued: January 9, 1998.

26850112. Christopher Resources, Inc. (70 Heritage Hills Road, Uniontown, PA 15401). Permit revised to add auger mining at a bituminous surface mining site located in Dunbar Township, **Fayette County**, affecting 158.8 acres. Receiving streams Gist Run to Dunbar Creek to Youghiogheny River. Application received August 8, 1997. Revision issued January 9, 1998.

Knox District Office, P. O. Box 669, Knox, PA 16232.

10930102. Thomas J. Smith, Inc. (R. D. 1, Box 260D, Shelcta, PA 15774). Renewal of an existing bituminous strip and auger operation in Summit Township, **Butler County** affecting 22.6 acres. This renewal is issued for reclamation only. Receiving streams: Unnamed tributary of Bonnie Brook. Application received: November 7, 1997. Permit Issued: January 16, 1998.

33960106. R & L Coal Corp. (P. O. Box 26, Punxsutawney, PA 15767). Commencement, operation and restoration of a bituminous strip operation in Oliver Township, **Jefferson County** affecting 66.7 acres. Receiving streams: Unnamed tributary of Hadder Run. Application received: May 29, 1996. Permit issued: January 8, 1998.

33970109. MSM Coal Co., Inc. (P. O. Box 243, DuBois, PA 15801). Commencement, operation and restoration of a bituminous strip operation in Oliver Township, **Jefferson County** affecting 85.2 acres. Receiving streams: Unnamed tributaries to Lick Run and unnamed tributary to Little Sandy Creek. Application received: November 30, 1997. Permit Issued: January 15, 1998.

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

13890201C7. Panther Creek Partners (1001 Industrial Road, Nesquehoning, PA 18240), correction to an existing coal refuse reprocessing/processing facility in Nesquehoning Borough, **Carbon County** affecting 428.0, receiving stream First Hollow Run and Nesquehoning Creek. Correction issued January 12, 1998.

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

Industrial Minerals NPDES Permit Renewal Applications Issued

32970201. Permit Revision. Britt Energies, Inc. (P. O. Box 515, Indiana, PA 15701), revision to an existing coal refuse reprocessing operation for the restoration of industrial rather than forestland and pastureland on the lands of Kovalchick Salvage Company, in Center Township, **Indiana County**, affecting 4.6 acres, receiving streams unnamed tributaries to Two Lick Creek. Application received November 12, 1997. Application issued January 20, 1998.

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

General Small Noncoal Authorizations Granted

55970803. Scott E. Garrison Excavating (R. R. 1, Box 2064, Beavertown, PA 17813), commencement, operation and restoration of a small quarry operation in Spring Township, **Snyder County** affecting 1.0 acre, receiving stream none. Authorization granted January 9, 1998.

58970854. David E. Hobart (411 Oak Street, Susquehanna, PA 18847), commencement, operation and restoration of a bluestone quarry operation in Jackson Township, **Susquehanna County** affecting 1.0 acre, receiving stream none. Authorization granted January 14, 1998.

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

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

Persons aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, 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 (32 P. S. § 679.302) and sections 5 and 402 of The Clean Streams Law (35 P. S. §§ 691.5 and 691.402) and notice of final action for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)). (Note: Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description.)

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

E09-656. Encroachment Permit. Commissioners of Bucks County, Administration Building, Broad and Court Streets, Doylestown, PA 18901. To reissue Permit No. E09-460, which proposes to remove the existing Walnut Street Bridge, and to construct and maintain a replacement bridge (County Bridge No. 13) having three clear spans of 67 feet each and an underclearance of 8.75 feet across the East Branch of Perkiomen Creek. This bridge is located 200 feet northwest of the intersection of Walnut Street and Constitution Avenue (Telford, PA Quadrangle N: 21.3 inches; W: 6.15 inches) in Perkasio Borough, **Bucks County**.

E15-551. Encroachment Permit. General Real Estate Development, Inc., 921 Briarwood Circle, West Chester, PA 19380-1895. To widen Chesterfield Lane at the proposed Somerset Lane entrance to the Somerset Subdivision. The proposed work will impact a total area of 0.17 acre of wetlands (PEM). This site is located at the intersection of Hollow Road and Chesterfield Lane (Malvern, PA Quadrangle N: 14.5 inches; W: 9.0 inches) in Charlestown Township, **Chester County**. The permittee agrees to provide 0.17 acre of onsite replacement wetlands.

E15-532. Encroachment Permit. Pennsylvania Department of Transportation, 200 Radnor-Chester Road, St. Davids, PA 19087-5178. To remove an existing single span steel bridge and to construct and maintain a two span prestressed concrete box beam bridge which carries Marshall Road (S. R. 4033) over the East Branch of the Brandywine Creek on a new alignment approximately 90 feet upstream from the existing bridge. The proposed bridge will have 44-foot long effective twin spans and a minimum vertical clearance of 6.3 foot. Work also includes the following: 1) realignment of existing S. R. 4033; 2) intersection improvements at SR 4033 with S. R. 0282 and T-410, and associated drainage improvements; 3) to reroute approximately 90 linear feet of an unnamed tributary to the East Branch of Brandywine Creek by redirecting the flow through a proposed 76-inch by 48-inch elliptical culvert that will be constructed beneath Marshall Road on the north side of the proposed bridge. Approximately 100 feet of this tributary will be restored between the aforementioned culvert terminus and its confluence with the East Branch of Brandywine Creek. This site is located (Wagontown, PA Quadrangle N: 13.9 inches; W: 0.7 inch) in Wallace Township, **Chester County**.

E23-365. Encroachment Permit. The Boeing Company, P. O. Box 16858, MS No. P25-62, Philadelphia, PA 19142-0858. To construct, operate and maintain a boat launching ramp and adjacent pedestrian access pier situated along the northern bank of the Delaware River (WWF, MF) at the point of confluence with Crum Creek (WWF). The ramp will be used to facilitate access for

small watercraft with spill response activities. The project site is located at the southwestern corner of the Boeing Company property, situated just south of S. R. 291 (Bridgeport, NJ-PA Quadrangle N: 19.5 inches; W: 9.9 inches) in Ridley Township, **Delaware County**. This permit was issued under section 105.13(e) Small Projects. This permit also includes 401 Water Quality Certification.

E46-769. Encroachment Permit. **Pennsylvania Department of Transportation**, 200 Radnor-Chester Road, District 6-0, St. Davids, PA 19087-5178. To modify, operate and maintain an existing stream enclosure located in and along an unnamed tributary to Tacony Creek (WWF) beneath Township Line Road (S. R. 0073). The project proposes a roadway widening which will require the extension of the 178-foot long existing stream enclosure. The new 19.7-foot long stream enclosure extension will be equal in conveyance area to the existing enclosure, and will utilize a 2'-10" high by 6'-6" wide cast-in-place reinforced concrete box culvert, adjoined to the downstream end of the existing stream enclosure. The project also includes removal of an existing concrete headwall, and construction of a new 60-foot long reinforced concrete endwall, and the repair of existing masonry stone walls which line the stream banks. The site is located near the intersection of Township Line Road and Foxcroft Road (Frankford, PA-NJ Quadrangle N: 15.4 inches; W: 17.4 inches) in Cheltenham and Abington Townships, **Montgomery County**.

E23-361. Encroachment Permit. **Desenberg Design LTD**, 63 Llangollen Lane, Newtown Square, PA 19073-3136. To impact approximately 660 linear feet of an unnamed tributary to Little Crum Creek (WWF) associated with the proposed New Forest residential subdivision. The project includes the following activities:

1. To modify an existing stream enclosure used to convey stream flow beneath Swarthmore Avenue by removing approximately 80 linear feet, 30-inch diameter culvert pipe and attaching a 220 foot long, twin 46-inch by 36-inch CSP stream enclosure.

2. To relocate aforementioned stream channel upstream of the modified enclosure and excavate 140 linear feet of the 100-year floodway to accommodate construction of the proposed stormwater management facility. Issuance of this permit also constitutes an approval of an Environmental Assessment for a proposed nonjurisdictional dam.

3. To install and maintain 260 linear feet of 66-inch CSP stream enclosure upstream of aforementioned stormwater management facility to convey flow beneath the proposed development access road impacting 0.04 acre of adjacent wetland (PFO).

The site is located near Swarthmore Avenue and Avondale Lane (Lansdowne, PA Quadrangle N: 4.9 inches; W: 12.0 inches) in Springfield Township, **Delaware County**.

E51-157. Encroachment Permit. **Fairmount Park Commission**, Memorial Hall, Philadelphia, PA 19131-0901. To remove five 60-inch roadway culverts, and replace and maintain the Cotton Street Canal Crossing with a triple 30 foot long box culvert, appurtenant wingwalls and associated roadway backfill. The northern box culvert is 15-feet wide by 9-feet high, the center culvert is 12-feet wide by 7-feet high and the southern culvert is 10-feet wide by 6-feet high. This roadway culvert will provide access across the Manayunk-Schuylkill Canal to Venice Island (Germantown, PA Quadrangle N: 4.55 inches; W: 13.6 inches) in the City of Philadelphia, **Philadelphia County**.

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

E13-103. Encroachment. **Hauto Valley Estates, Inc.**, One Industrial Complex, Nesquehoning, PA 18240. To place fill in 0.40 acre of wetlands for the expansion of a commercial development. The project is located adjacent to Nesquehoning Creek, approximately 0.6 mile northeast of the intersection of S. R. 0209 and S. R. 0054 (Nesquehoning, PA Quadrangle N: 21.2 inches; W: 8.2 inches) in Nesquehoning Borough, **Carbon County**. The permittee is required to provide 1.0 acre of replacement wetlands.

E13-104. Encroachment. **Carbon County Economic Development Corporation**, P. O. Box 210, Jim Thorpe, PA 18229-0210. To place fill in 0.48 acre of wetlands for the construction of a 40,080 square foot multi-tenant building and associated parking lot. The project is located within the Green Acres Industrial Park approximately 2.4 miles west of the intersection of S. R. 0054 and S. R. 0209 (Nesquehoning, PA Quadrangle N: 19.7 inches; W: 15.4 inches) in Nesquehoning Borough, **Carbon County**. The permittee is required to provide 0.48 acre of replacement wetlands by participating in the Pennsylvania Wetland Replacement Project.

E39-336. Encroachment. **Busch Building Group, Inc.**, 3140-B Tilghman Street, No. 254, Allentown, PA 18104. To fill in 0.47 acre of wetlands for the construction of two office buildings, nine self storage buildings and associated parking lot. The project is located approximately 0.2 mile east of the intersection of S. R. 0309 and the Pennsylvania Turnpike Northeast Extension (Allentown West, PA Quadrangle N: 20.6 inches; W: 10.3 inches) in South Whitehall Township, **Lehigh County**. The permittee is required to provide for 0.47 acre of replacement wetlands by participating in the Pennsylvania Wetland Replacement Project.

E40-474. Encroachment. **TFP Limited**, 1140 Route 315, Wilkes-Barre, PA 18711. To construct and maintain a stream enclosure of Coal Brook, consisting of approximately 1,633 linear feet of 66-inch aluminized steel pipe with an improved (side-tapered) inlet, and to place fill in 2.05 acres of wetlands, for the purpose of constructing a retail-commercial shopping center (The Arena Hub). The project is located south of Mundy Street and north of Interstate 81, approximately 1.0 mile southwest of Interchange 47 of I-81 (Wilkes-Barre East, PA Quadrangle N: 21.1 inches; W: 12.5 inches), in Wilkes-Barre Township, **Luzerne County**. The permittee is required to provide 2.05 acres of replacement wetlands.

E40-478. Encroachment. **Bear Creek Association**, P. O. Box 155, Bear Creek Village Borough, PA 18602. To modify and maintain an existing beach area in Bear Creek Lake, with work consisting of the following: regrading and placement of sand and/or pea gravel within approximately a 0.1-acre area to achieve a uniform slope; and extension of existing groin structures, utilizing R-6 rock, to extend approximately 30 feet from the shoreline. The purpose of the project is to restore and protect the beach area. The project is located along the eastern shoreline of Bear Creek Lake, approximately 0.4 mile northeast of the intersection of S. R. 0115 and S. R. 2041 (Wilkes-Barre East, PA Quadrangle N: 10.7 inches; W: 0.2 inch), in Bear Creek Village Borough, **Luzerne County**.

E48-256. Encroachment. **Pennsylvania Department of Transportation, Engineering District 5-0**, 2460 Parkwood Drive, Allentown, PA 18103. To remove the

existing structure and to construct and maintain a steel girder bridge having a single span of 92 feet and an underclearance of approximately 11 feet across Little Bushkill Creek for the purpose of realigning S. R. 0191 to improve horizontal roadway geometry. The project also involves the following: 1.) channel improvement work including the removal of minor silt and sediment deposits along each streambank to maintain a 30-foot channel bottom width through the project area; 2.) 300 l. f. of bank stabilization work along the eastern streambank consisting of R-6 rock riprap on a 1.5 H: 1 V sideslope; 3.) construction of an 8-foot wide bituminous pavement bike path in the floodway along the eastern streambank; and 4.) construction of three stormwater outfall structures to convey runoff from the new roadway directly to Little Bushkill Creek. The project is located along S. R. 0191, Section 02B, approximately 300 feet upstream from the existing structure (Wind Gap, PA Quadrangle N: 7.8 inches; W: 2.1 inches) in Plainfield Township, **Northampton County**.

E48-259. Encroachment. **Willow Brook Land Development Corporation, LLC**, Howertown Road, P. O. Box 32, Catasauqua, PA 18032-0032. To construct and maintain two single-span golf cart bridges, each having a span of 56 feet and underclearance of approximately 6 feet across Catasauqua Creek. This project is located on the Willow Brook Golf Course, just east of the intersection of Howertown Road and Township Road T-482 (Catasauqua, PA Quadrangle N: 7.5 inches; W: 12.5 inches) in North Catasauqua Borough and Allen Township, **Northampton County**.

E54-240. Encroachment. **Orwigsburg Ambulance, Inc.**, P. O. Box 4, Orwigsburg, PA 17901. To place fill in a de minimis area of wetlands less than or equal to 0.05 acre to develop a site for a new building which will house emergency vehicles. This project is located along East Market Street approximately 700 feet west of S. R. 0443 (Orwigsburg, PA Quadrangle N: 5.1 inches; W: 13.3 inches) in Orwigsburg Borough, **Schuylkill County**.

E54-241. Encroachment. **Paul A. Moyer**, 102 South Route 183, Schuylkill Haven, PA 17972. To place fill in 0.3 acre of wetlands to develop the site for a future commercial building. This project is located in the southeast corner of the intersection of S. R. 183 and S. R. 443 (Friedensburg, PA Quadrangle N: 20.3 inches; W: 12.5 inches) in Wayne Township, **Schuylkill County**. The permittee is required to provide for 0.3 acre of replacement wetlands by participating in the Pennsylvania Wetlands Replacement Project.

E58-226. Encroachment. **Pennsylvania Department of Transportation, Engineering District 4-0**, P. O. Box 111, Scranton, PA 18501. To remove the existing structure and to construct and maintain a road crossing of Bell Creek, consisting of a 14-foot by 9-foot precast concrete box culvert. The project is located on S. R. 2067, Section 550, Segment 0100, Offset 0044, approximately 0.6 mile north of the intersection of S. R. 2067 and S. R. 0092 (Lenoxville, PA Quadrangle N: 21.3 inches; W: 0.8 inch), in Gibson Township, **Susquehanna County**.

Southcentral Regional Office, Water Management Program, Soils and Waterways Section, One Ararat Boulevard, Room 126, Harrisburg, PA 17110, (717) 657-4590.

E06-505. Encroachment. **Clyde Masemore**, 1784 Huffs Church Road, Barto, PA 19504. To place fill for a driveway in 0.15 acre of wetlands adjacent to the channel of a tributary to Perkiomen Creek at a point near the intersection of Huffs Church Road and Captain Wolfe

Road (East Greenville, PA Quadrangle N: 10.25 inches; W: 11.75 inches) in Hereford Township, **Berks County**. The applicant is creating 0.20 acre of replacement wetlands. This permit also includes 401 Water Quality Certification.

E21-270. Encroachment. **UGI Utilities**, Nina Harpoth, 1500 Paxton Street, P. O. Box 3565, Harrisburg, PA 17105. To construct and maintain a 12-inch diameter concrete encased natural gas line across the bed of Conodoguinet Creek located about 775 feet downstream of PA 34 bridge (Carlisle, PA Quadrangle N: 20.7 inches; W: 7.3 inches) in North Middleton Township, **Cumberland County**. This permit was issued under section 105.13(e) Small Projects. This permit also includes 401 Water Quality Certification.

E21-273. Encroachment. **Department of Corrections**, Jacob Blied, 2520 Lisburn Road, Camp Hill, PA 17011. To remove the existing structure and to construct and maintain three cells of culverts each having a dimension of 7 feet x 4 feet across Cedar Run and repairing adjacent sinkholes located within the correction's property (Lemoyne, PA Quadrangle N: 17.75 inches; W: 6.02 inches) in Lower Allen Township, **Cumberland County**. This permit was issued under section 105.13(e) Small Projects. This permit also includes 401 Water Quality Certification.

E21-275. Encroachment. **PA Dept. of Transportation, Engineering District 8-0**, John Rautzahn, 2140 Herr Street, Harrisburg, PA 17103. To extend an existing 9.33 feet by 6.25 feet arch culvert by 15 feet on the bed of an unnamed tributary to Cedar Run on SR 0641 in order to widen the turning lane at the intersection of SR 0641 (Trindle Road) and SR 2025 Segment 0050, Offset 2700 (Railroad Avenue) (Lemoyne, PA Quadrangle N: 19.0 inches; W: 11.85 inches) in Hampden Township, **Cumberland County**. This permit was issued under section 105.13(e) Small Projects. This permit also includes 401 Water Quality Certification.

E22-368. Encroachment. **Jacob's Creek, Inc.**, Donald Lechleitner, 1106 Cocoa Avenue, Hershey, PA 17033. To replace an existing structure with a 43-inch x 64-inch CMP arch culvert and to place fill in 0.16 acre of wetlands in and along the Channel of a tributary to Spring Creek at a point downstream of McCorkel Road (Hershey, PA Quadrangle N: 0.0 inch; W: 2.0 inches) in Derry Township, **Dauphin County**. The permittee is required to provide 0.68 acre of replacement wetlands. This permit also includes 401 Water Quality Certification.

E36-641. Encroachment. **Elizabeth Township Board of Supervisors**, Larry Wiker, 423 Southview Drive, Lititz, PA 17543. To remove the existing structure, construct and maintain a reinforced concrete box culvert having a 10-foot span with a 6-foot height across Furnace Run on Elser Hill Road (Lititz, PA Quadrangle N: 19 inches; W: 4.3 inches) in Elizabeth Township, **Lancaster County**. This permit was issued under section 105.13(e) Small Projects. This permit also includes 401 Water Quality Certification.

E67-611. Encroachment. **York County Rail/Trail Authority**, Gwen Loose, R. D. 8, Box 438A, York, PA 17403. To fill a de minimis area of 0.03 acre of wetlands for construction of a bicycle trail along the eastern side of railroad tracks, between Church Street (SR 0214) for the Hanover Junction to Indiana Rock Dam Road rail/trail project (Seven Valleys, PA Quadrangle N: 20.2 inches; W: 2.0 inches) in Seven Valleys Borough, **York County**. This permit also includes 401 Water Quality Certification.

E67-613. Encroachment. **PA Department of Transportation, Engineering District 8-0**, 2140 Herr Street, Harrisburg, PA 17103. To remove the existing structure, construct and maintain a bridge consisting of a concrete deck and prestressed concrete box beams having a clear span of 20.28 feet on an 80 degree skew, with a minimum underclearance of 6.33 feet across a Fishing Creek tributary on SR 0392-001 Segment 0060, Offset 1434 (Steelton, PA Quadrangle N: 5.5 inches; W: 8.75 inches) in Newberry Township, **York County**. This permit was issued under section 105.13(e) Small Projects. This permit also includes 401 Water Quality Certification.

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

E57-078. Encroachment. **DCNR**, Bureau of Facility Design & Construction, P. O. Box 8451, Harrisburg, PA 17105. To remove an existing deteriorated structure and to construct and maintain a precast reinforced concrete box beam bridge with a 36 foot clear span and a 3 foot effective rise plus the associated concrete wingwalls over Rock Run which is located approximately 1.9 miles eastbound on Brunnerdale Road from its intersection with SR 3005 (Hills Grove, PA Quadrangle N: 2.13 inches; W: 2.25 inches) in Shrewsbury Township, **Sullivan County**.

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

E10-266. Encroachment. **Borough of Mars**, P. O. Box 395, Mars, PA 16046. To construct and maintain a 20-foot long by 28-foot wide concrete block addition, a 22-foot diameter backwash holding tank and site improvements within the 100-year floodplain and floodway of Breakneck Creek at the Banks Water Treatment Facility approximately 1,000 feet southeast of the intersection of S. R. 228 and S. R. 3015 (Mars, PA Quadrangle N: 11.5 inches; W: 0.55 inch) located in Adams Township, **Butler County**. This permit was issued under section 105.13(e) Small Projects. This permit also includes 401 Water Quality Certification.

ENVIRONMENTAL ASSESSMENT

Southcentral Regional Office, Water Management Program, Soils and Waterways Section, One Ararat Boulevard, Room 126, Harrisburg, PA 17110, (717) 657-4590.

EA05-003. Environmental Assessment. **DEP Hazardous Sites Cleanup Program**, Southcentral Regional Office, Toni Martinelli, One Ararat Boulevard, Harrisburg, PA 17110. The Department of Environmental Protection Hazardous Sites Cleanup Program (HSCP) proposes to cleanup 10 acres of the F. E. Cooper Lumber Company Site. The proposed remediation involves the excavation and onsite treatment of creosote-contaminated soils and the demolition of buildings and surface debris. The site is located near the town of Hopewell (Everett East, PA Quadrangle N: 21.75 inches; W: 3.75 inches) in Broadtop Township, **Bedford County**. This Environmental Assessment was issued under section 105.15(3)(b). 401 Water Quality Certification is issued for this Environmental Assessment.

SPECIAL NOTICES

Request for Comment and Notice of Public Meeting for the Proposed Total Maximum Daily Load (TMDL)

Bald Eagle Creek

The Department of Environmental Protection (Department) is holding a public meeting on Tuesday, March 3, 1998 beginning at 7 p.m. at the Tyrone Borough Office, 1100 Logan Street to discuss and accept comments on a proposed TMDL, established in accordance with the requirements of Section 303(d) of the Clean Water Act. Bald Eagle Creek (Stream Code 15835) was listed on Pennsylvania's 1996 Section 303(d) List because water quality standards for temperature to support the designated uses of trout stocking are not expected to be met even after technology-based controls required by law are installed. This TMDL establishes the following allowable pollutant loading for Bald Eagle Creek from its headwaters to its confluence with the Little Juniata River, in Tyrone Borough, Blair County:

<i>Pollutant</i>	<i>TMDL</i>
Thermal	
January	478 MBTU/day
February	420 MBTU/day
March	1341 MBTU/day
April	1214 MBTU/day
May	1072 MBTU/day
June	
(1-15)	342 MBTU/day
(16-30)	205 MBTU/day
July	38 MBTU/day
August	
(1-15)	172 MBTU/day
(16-31)	366 MBTU/day
September	284 MBTU/day
October	
(1-15)	323 MBTU/day
(16-31)	280 MBTU/day
November	
(1-15)	355 MBTU/day
(16-30)	291 MBTU/day
December	391 MBTU/day

Point Source Discharges Affected

The Department has determined that Westvaco Corporation NPDES Permit No. PA0008893 is the only significant thermal discharge to Bald Eagle Creek under critical conditions (the 7-day—10 year low flow). Nonpoint source contributions of temperature are negligible at critical low flow conditions.

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 Roger Musselman, Water Management Program, Southcentral Region, One Ararat Boulevard, Harrisburg, PA 17110, (717) 541-7996. Persons with a disability may use the AT&T Relay Service by calling 1 (800) 654-5984 (TDD users) or 1 (800) 654-5988 (voice users).

Written comments will be accepted at the above address and must be postmarked by March 7, 1998. Persons who plan to make a presentation at the public meeting, should notify the Department no later than 4 p.m. on

February 27, 1998, The Department will consider all comments in developing the final TMDL, which will be submitted to the EPA for approval.

Unnamed Tributary of Mill Creek

The Department of Environmental Protection (Department) is holding a public meeting on Thursday, March 12, 1998 beginning at 7 p.m. at the Upper Leacock Municipal Building, 28 Keystone Court, Leola to discuss and accept comments on a proposed TMDL, established in accordance with the requirements of Section 303(d) of the Clean

Water Act. The unnamed tributary of Mill Creek (Stream Code 7612) was listed on Pennsylvania's 1996 Section 303(d) List because water quality standards for dissolved osmotic pressure needed to support the designated uses of warm water fishery are not expected to be met even after technology-based controls required by law are installed. This TMDL establishes the following allowable pollutant loading for the unnamed tributary to Mill Creek from River Mile 1.2 to 0.3 mile, in Upper Leacock Township, Lancaster County.

<i>Pollutant</i>	<i>TMDL = (Total Maximum Daily Load)—</i>	<i>WLA + (Wasteload Allocation -by source)</i>	<i>LA + (Load Allocation)</i>	<i>MOS (Margin of Safety)</i>
Osmotic Pressure	76 mos/kg	76 mos/kg	Omos/kg	Omos/kg

Point Source Discharges Affected

The Department has determined that Dart Container NPDES Permit No. PA0044571 is the only significant contributor of osmotic pressure to the unnamed tributary under critical conditions (the 7-day—10 year low flow). Nonpoint source contributions for osmotic pressure is negligible at critical low flow conditions.

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 James Miller, Water Management Program, Southcentral Region, One Ararat Boulevard, Harrisburg, PA 17110, (717) 541-7996. Persons with a disability may use the AT&T Relay Service by calling 1 (800) 654-5984 (TDD Users) or 1 (800) 654-5988 (voice users).

Written comments will be accepted at the above address and must be postmarked by March 18, 1998. Persons who plan to make a presentation at the public meeting, should notify the Department no later than 4 p.m. on Friday, March 6, 1998. The Department will consider all comments in developing the final TMDL, which will be submitted to the EPA for approval.

[Pa.B. Doc. No. 98-214. Filed for public inspection February 6, 1998, 9:00 a.m.]

**DEPARTMENT OF
GENERAL SERVICES**

Design Professional Selections

The Selections Committee for the Department of General Services (Department) will meet to consider selections of Design Professionals for the following project:

Project No. DGS 1103-48—Convocation/Events Center, University of Pittsburgh, Pittsburgh, Allegheny County, PA. Construction Cost: \$50,000,000. The scope of work includes, but is not limited to, construction of a multievent activity complex including a multipurpose arena for basketball, track and field, performing arts, commencement exercises, concerts, meetings, food service and ancillary spaces. The building will contain energy efficient HVAC and electrical systems appropriate for multipurpose event facility, connecting to and compatible

with University data/video/voice communication distribution system. Site improvements include development and/or modification of utilities roads, driveways, sidewalks, landscaping, parking facilities and outdoor spaces. The Department may contract separately for Construction Management Services. The Construction Manager will be responsible for scheduling and administering work during design and construction phases.

Requirements and Information

Note—Project Program

A Project Program, prepared by the Using Agency, for the above advertised project may be available and can be obtained upon request to the Selections Committee, Department of General Services, Room 104, 18th & Herr Streets, Harrisburg, PA 17125, (717) 783-8468.

Instructions for Filing Application

Professionals will not be considered by the Committee until all of the following requirements are met.

(a) Signed Revised 1994 Form 150, not more than 1 year old as of the deadline date stated in paragraph (d) as follows, must be filed with the Department of General Services for the requesting professional firm and the designated key consultants listed on the requesting professional firm's application (Form 150-S). All signatures on Form 150 must be original signatures. Consultants listed on the requesting professional firm's application (Form 150-S) shall be deemed to be designated key consultants. If these documents are not on file with the Department, the requesting professional firm must submit them with the firm's application (Form 150-S). A photocopy of Form 150 without an original signature of a principal of the firm is not acceptable. Revised 1994 Form 150, Architect/Engineer Questionnaire, may be obtained upon request to the Selections Committee, Department of General Services, Room 104, 18th & Herr Streets, Harrisburg, PA 17125, (717) 783-8468.

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

(c) The requesting professional firm must submit six signed copies of Revised 1994 Form 150-S, Specific Project Form, for each project herein advertised in which the firm is interested and qualified to perform. All signatures on Form 150-S must be original signatures. For architectural projects and, when appropriate, for engineering projects, the Professional shall supply photographs showing a maximum of two different views of each of the three projects described in Question 14, Page 5 of the application (Form 150-S). The requesting professional firm or Joint Venture members must be the Professional of Record for the projects described in Question 14, Page 5 of the application (Form 150-S). It is not acceptable to list work performed by key consultants. The identification and appropriate supportive information concerning each photograph shall include the name, project title, location and the name of the Professional of Record. Renderings and brochures will not be accepted in lieu of photographs. The photographs shall be attached to each copy of the application (Form 150-S). The pages of each copy of revised 1994 Form 150-S must be stapled with photographs and consultant's letters of certification followed by photocopies of licenses of registered professionals included as the last section of the application. Do not bind the application (Form 150-S) in any way to any other documentation. Do not bind the application (Form 150-S) in a binder of any type. Revised 1994 Form 150-S may be obtained upon request to the Selections Committee, Department of General Services, Room 104, 18th and Herr Streets, Harrisburg, PA 17125, (717) 783-8468.

(d) A complete project submission, which consists of documents described in paragraphs (a), (b) and (c) above, must be received on or before the close of business (5 p.m.) Thursday, February 26, 1998, and addressed to the Selections Committee, Department of General Services, Room 104, 18th & Herr Streets, Harrisburg, PA 17125. Fax applications are not acceptable.

Project submissions must be made on the current 1994 forms. Outdated forms are not acceptable.

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

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

Additional Services—Indoor Air Quality Assessment Program and Hazardous Materials

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

The professional agrees to comply with the terms of the Agreement and specifically as it relates to the Professional Liability Insurance and the General Liability Insurance Requirements.

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

All applications submitted are subject to review by the Selections Committee. The Selections Committee disclaims any liability whatsoever as to its review of the applications submitted and in formulating its recommendations for selection. All recommendations for selection made by the Committee shall be final under the act of July 22, 1975 (P. L. 75, No. 45).

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 98-215. Filed for public inspection February 6, 1998, 9:00 a.m.]

DEPARTMENT OF HEALTH

Health Policy Board Meeting

The Health Policy Board is scheduled to hold a meeting on March 11, 1998, at 10 a.m. in Room 812, Health and Welfare Building, Commonwealth and Forster Streets, Harrisburg, PA.

This meeting is subject to cancellation without notice.

For additional information, or for persons with a disability who desire to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Robin Bowman at (717) 783-2500.

DANIEL F. HOFFMAN,
Secretary

[Pa.B. Doc. No. 98-216. Filed for public inspection February 6, 1998, 9:00 a.m.]

Organ Donation Advisory Committee Meeting

The Organ Donation Advisory Committee is scheduled to hold a meeting on February 18, 1998, from 10 a.m. to 1 p.m. in Room 812 of the Health and Welfare Building, Seventh and Forster Streets, Harrisburg, PA.

For additional information or persons with a disability who desire to attend the meeting and require an auxiliary aide, service or other accommodation to do so, should contact William J. Neil, Chief, Program Development Section, Division of Health Risk Reduction at (717) 787-5900. TDD: (717) 783-6514 or Network/TDD: (8) 717-433-6514.

This meeting is subject to cancellation without notice.

DANIEL F. HOFFMANN,
Secretary

[Pa.B. Doc. No. 98-217. Filed for public inspection February 6, 1998, 9:00 a.m.]

Preventive Health and Health Services (PHHS) Block Grant Advisory Committee Meeting

The Preventive Health and Health Services (PHHS) Block Grant Advisory Committee is scheduled to hold a meeting on February 19, 1998, from 9:30 a.m. to 3 p.m. in Room 812 of the Health and Welfare Building, Seventh and Forster Streets, Harrisburg, PA.

For additional information or persons with a disability who desire to attend the meeting and require an auxiliary aide, service or other accommodation to do so, should contact Emilie M. Tierney, Director, or Terry L. Walker, Administrative Officer, Bureau of Chronic Diseases, at (717) 787-6214. TDD: (717) 783-6514/Network TDD: 8-433-6514.

This meeting is subject to cancellation without notice.

DANIEL F. HOFFMANN,
Secretary

[Pa.B. Doc. No. 98-218. Filed for public inspection February 6, 1998, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Flowers of Fortune Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-1—3761-15), 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 Flowers of Fortune.

2. *Price:* The price of a Pennsylvania Flowers of Fortune instant lottery game ticket is \$2.00.

3. *Play Symbols:* Each Pennsylvania Flowers of Fortune instant lottery game ticket will contain one play area featuring one "Lucky Symbols" area and one "Your Symbols" area. The play symbols and their captions located in the "Lucky Symbols" area and "Your Symbols" area are: Daisy Symbol (DAISY), Rose Symbol (ROSE), Tulip Symbol (TULIP), Lily Symbol (LILY), Flower Pot Symbol (FLRPOT), Rake Symbol (RAKE), Sun Symbol (SUN) and Gloves Symbol (GLOVES).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the "Your Symbols" area are: \$1.⁰⁰ (ONE DOL), \$2.⁰⁰ (TWO DOL), \$4.⁰⁰ (FOUR DOL), \$8.⁰⁰ (EIGHT DOL), \$12.⁰⁰ (TWLV DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$100 (ONE HUN), \$400 (FOUR HUN) and \$12,000 (TWLV THO).

5. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$4, \$8, \$12, \$20, \$40, \$100, \$400, and \$12,000. The player can win up to six times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 4,080,000 tickets will be printed for the Pennsylvania Flowers of Fortune instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets where any one of the "Your Symbols" play symbols matches either of the "Lucky Symbols" play symbols and a prize play symbol of \$12,000 (TWLV THO) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$12,000.

(b) Holders of tickets where any one of the "Your Symbols" play symbols matches either of the "Lucky

Symbols" play symbols and a prize play symbol of \$400 (FOUR HUN) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$400.

(c) Holders of tickets where any one of the "Your Symbols" play symbols matches either of the "Lucky Symbols" play symbols and a prize play symbol of \$100 (ONE HUN) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(d) Holders of tickets where any one of the "Your Symbols" play symbols matches either of the "Lucky Symbols" play symbols and a prize play symbol of \$40\$ (FORTY) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(e) Holders of tickets where any one of the "Your Symbols" play symbols matches either of the "Lucky Symbols" play symbols and a prize play symbol of \$20\$ (TWENTY) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(f) Holders of tickets where any one of the "Your Symbols" play symbols matches either of the "Lucky Symbols" play symbols and a prize play symbol of \$12.⁰⁰ (TWLV DOL) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$12.

(g) Holders of tickets where any one of the "Your Symbols" play symbols matches either of the "Lucky Symbols" play symbols and a prize play symbol of \$8.⁰⁰ (EIGHT DOL) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$8.

(h) Holders of tickets where any one of the "Your Symbols" play symbols matches either of the "Lucky Symbols" play symbols and a prize play symbol of \$4.⁰⁰ (FOUR DOL) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(i) Holders of tickets where any one of the "Your Symbols" play symbols matches either of the "Lucky Symbols" play symbols and a prize play symbol of \$2.⁰⁰ (TWO DOL) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(j) Holders of tickets where any one of the "Your Symbols" play symbols matches either of the "Lucky Symbols" play symbols and a prize play symbol of \$1.⁰⁰ (ONE DOL) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

Match Any Of Your
Symbols To Either
Of The Lucky
Symbols, With
Prize(s) Of:

\$1 + \$1
\$2

Win
\$2
\$2

Approximate
Odds
1:8.33
1:16.67

Approximate No. of
Winners Per 4,080,000
Tickets
489,600
244,800

Match Any Of Your Symbols To Either Of The Lucky Symbols, With Prize(s) Of:

<i>Prize(s) Of:</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 4,080,000 Tickets</i>
\$1 x 4	\$4	1:50	81,600
\$1 x 2 + \$2	\$4	1:75	54,400
\$2 x 2	\$4	1:83.33	48,960
\$4	\$4	1:150	27,200
\$1 x 4 + \$4	\$8	1:107.14	38,080
\$2 x 4	\$8	1:150	27,200
\$1 x 2 + \$2 x 3	\$8	1:375	10,880
\$8	\$8	1:750	5,440
\$2 x 6	\$12	1:150	27,200
\$2 x 4 + \$4	\$12	1:750	5,440
\$12	\$12	1:750	5,440
\$2 x 4 + \$4 + \$8	\$20	1:750	5,440
\$4 x 5	\$20	1:750	5,440
\$8 + \$12	\$20	1:750	5,440
\$4 x 2 + \$12	\$20	1:750	5,440
\$20	\$20	1:750	5,440
\$4 x 5 + \$20	\$40	1:1,200	3,400
\$4 x 2 + \$12 + \$20	\$40	1:2,000	2,040
\$20 + \$20	\$40	1:3,000	1,360
\$40	\$40	1:6,000	680
\$8 + \$12 + \$20 x 4	\$100	1:3,000	1,360
\$20 + \$40 x 2	\$100	1:4,000	1,020
\$20 x 5	\$100	1:12,000	340
\$100	\$100	1:30,000	136
\$100 x 4	\$400	1:15,000	272
\$400	\$400	1:30,000	136
\$12,000	\$12,000	1:291,429	14

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Flowers of Fortune 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 Flowers of Fortune, prize money from winning Pennsylvania Flowers of Fortune 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 Flowers of Fortune 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. §§ 3761-1—3761-15), 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 Flowers of Fortune or through normal communications methods.

ROBERT A. JUDGE, Sr.,
Secretary

[Pa.B. Doc. No. 98-219. Filed for public inspection February 6, 1998, 9:00 a.m.]

Pennsylvania Joker's Wild '98 Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-1—3761-15), 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 Joker's Wild '98.

2. *Price:* The price of a Pennsylvania Joker's Wild '98 instant lottery game ticket is \$1.00.

3. *Play Symbols:* Each Pennsylvania Joker's Wild '98 instant lottery game ticket will contain one play area designated as "Hand 1," "Hand 2," "Hand 3" and "Hand 4." The play symbols and their captions located in the play area are: A (ACE), K (KNG), Q (QUN), J (JCK), 10 (TEN), 9 (NIN), 8 (EGT), 7 (SVN), 6 (SIX), 5 (FIV), 4 (FOR), 3 (THR), 2 (TWO) and Joker Symbol (DBL).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the play area are: \$1.⁰⁰ (ONE DOL), \$2.⁰⁰ (TWO DOL), \$4.⁰⁰ (FOUR DOL), \$6.⁰⁰ (SIX DOL), \$10.⁰⁰ (TEN DOL), \$20\$ (TWENTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$250 (TWHN FITY) and \$1,000 (ONE THO).

5. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$4, \$6, \$10, \$20, \$50, \$100, \$250 and \$1,000. The player can win up to four times on each ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 9,840,000 tickets will be printed for the Pennsylvania Joker's Wild '98 instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets with two matching play symbols in "Hand 1," "Hand 2," "Hand 3" or "Hand 4," and a prize play symbol of \$1,000 (ONE THO) in the prize area for that "Hand," on a single ticket, shall be entitled to a prize of \$1,000.

(b) Holders of tickets with two matching play symbols and a Joker Symbol (DBL) play symbol in "Hand 1," "Hand 2," "Hand 3" or "Hand 4," and a prize play symbol of \$250 (TWHN FITY) in the prize area for that "Hand," and a \$250 win in two other "Hands," on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets with two matching play symbols in "Hand 1," "Hand 2," "Hand 3" or "Hand 4," and a prize play symbol of \$250 (TWHN FITY) in the prize area for that "Hand," on a single ticket, shall be entitled to a prize of \$250.

(d) Holders of tickets with two matching play symbols and a Joker Symbol (DBL) play symbol in "Hand 1," "Hand 2," "Hand 3" or "Hand 4," and a prize play symbol of \$50\$ (FIFTY) in the prize area for that "Hand," and a \$50 and \$100 win in two other "Hands," on a single ticket, shall be entitled to a prize of \$250.

(e) Holders of tickets with two matching play symbols in "Hand 1," "Hand 2," "Hand 3" or "Hand 4," and a prize play symbol of \$100 (ONE HUN) in the prize area for that "Hand," on a single ticket, shall be entitled to a prize of \$100.

(f) Holders of tickets with two matching play symbols and a Joker Symbol (DBL) play symbol in "Hand 1," "Hand 2," "Hand 3" or "Hand 4," and a prize play symbol of \$50\$ (FIFTY) in the prize area for that "Hand," on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets with two matching play symbols and a Joker Symbol (DBL) play symbol in "Hand 1," "Hand 2," "Hand 3" or "Hand 4," and a prize play symbol of \$20\$ (TWENTY) in the prize area for that "Hand," and a \$20 win in three other "Hands," on a single ticket, shall be entitled to a prize of \$100.

(h) Holders of tickets with two matching play symbols in "Hand 1," "Hand 2," "Hand 3" or "Hand 4," and a prize play symbol of \$50\$ (FIFTY) in the prize area for that "Hand," on a single ticket, shall be entitled to a prize of \$50.

(i) Holders of tickets with two matching play symbols and a Joker Symbol (DBL) play symbol in two "Hands," and a prize play symbol of \$10⁰⁰ (TEN DOL) in the prize area for those two "Hands," and a \$10 win in another "Hand," on a single ticket, shall be entitled to a prize of \$50.

(j) Holders of tickets with two matching play symbols and a Joker Symbol (DBL) play symbol in "Hand 1," "Hand 2," "Hand 3" or "Hand 4," and a prize play symbol of \$10⁰⁰ (TEN DOL) in the prize area for that "Hand," and a \$10 win in three other "Hands," on a single ticket, shall be entitled to a prize of \$50.

(k) Holders of tickets with two matching play symbols in "Hand 1," "Hand 2," "Hand 3" or "Hand 4," and a prize play symbol of \$20\$ (TWENTY) in the prize area for that "Hand," on a single ticket, shall be entitled to a prize of \$20.

(l) Holders of tickets with two matching play symbols and a Joker Symbol (DBL) play symbol in "Hand 1," "Hand 2," "Hand 3" or "Hand 4," and a prize play symbol of \$4⁰⁰ (FOUR DOL) in the prize area for that "Hand,"

and a \$6, \$4, and \$2 win in three other "Hands," on a single ticket, shall be entitled to a prize of \$20.

(m) Holders of tickets with two matching play symbols in "Hand 1," "Hand 2," "Hand 3" or "Hand 4," and a prize play symbol of \$10⁰⁰ (TEN DOL) in the prize area for that "Hand," on a single ticket, shall be entitled to a prize of \$10.

(n) Holders of tickets with two matching play symbols and a Joker Symbol (DBL) play symbol in "Hand 1," "Hand 2," "Hand 3" or "Hand 4," and a prize play symbol of \$2⁰⁰ (TWO DOL) in the prize area for that "Hand," and a \$2 win in three other "Hands," on a single ticket, shall be entitled to a prize of \$10.

(o) Holders of tickets with two matching play symbols in "Hand 1," "Hand 2," "Hand 3" or "Hand 4," and a prize play symbol of \$6⁰⁰ (SIX DOL) in the prize area for that "Hand," on a single ticket, shall be entitled to a prize of \$6.

(p) Holders of tickets with two matching play symbols and a Joker Symbol (DBL) play symbol in two "Hands," and a prize play symbol of \$1⁰⁰ (ONE DOL) in the prize area for those two "Hands," and a \$1 win in two other "Hands," on a single ticket, shall be entitled to a prize of \$6.

(q) Holders of tickets with two matching play symbols and a Joker Symbol (DBL) play symbol in "Hand 1," "Hand 2," "Hand 3" or "Hand 4," and a prize play symbol of \$2⁰⁰ (TWO DOL) in the prize area for that "Hand," and a \$2 win in another "Hand," on a single ticket, shall be entitled to a prize of \$6.

(r) Holders of tickets with two matching play symbols and a Joker Symbol (DBL) play symbol in "Hand 1," "Hand 2," "Hand 3" or "Hand 4," and a prize play symbol of \$1⁰⁰ (ONE DOL) in the prize area for that "Hand," and a \$2 win in two other "Hands," on a single ticket, shall be entitled to a prize of \$6.

(s) Holders of tickets with two matching play symbols in "Hand 1," "Hand 2," "Hand 3" or "Hand 4," and a prize play symbol of \$4⁰⁰ (FOUR DOL) in the prize area for that "Hand," on a single ticket, shall be entitled to a prize of \$4.

(t) Holders of tickets with two matching play symbols and a Joker Symbol (DBL) play symbol in "Hand 1," "Hand 2," "Hand 3" or "Hand 4," and a prize play symbol of \$1⁰⁰ (ONE DOL) in the prize area for that "Hand," and a \$2 win in another "Hand," on a single ticket, shall be entitled to a prize of \$4.

(u) Holders of tickets with two matching play symbols in "Hand 1," "Hand 2," "Hand 3" or "Hand 4," and a prize play symbol of \$2⁰⁰ (TWO DOL) in the prize area for that "Hand," on a single ticket, shall be entitled to a prize of \$2.

(v) Holders of tickets with two matching play symbols and a Joker Symbol (DBL) play symbol in "Hand 1," "Hand 2," "Hand 3" or "Hand 4," and a prize play symbol of \$1⁰⁰ (ONE DOL) in the prize area for that "Hand," on a single ticket, shall be entitled to a prize of \$2.

(w) Holders of tickets with two matching play symbols in "Hand 1," "Hand 2," "Hand 3" or "Hand 4," and a prize play symbol of \$1⁰⁰ (ONE DOL) in the prize area for that "Hand," on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

Get A Pair And
Win Prize Shown.
Get A Pair With
A Joker And Win
Double, With
Prize(s) Of:

	Win	Approximate Odds	Approximate No. of Winners Per 9,840,000 Tickets
\$1	\$1	1:8.33	1,180,800
\$1(D)	\$2	1:18.75	524,800
\$2	\$2	1:50	196,800
\$1 + \$1 + \$1 + \$1	\$4	1:150	65,600
\$1(D) + \$2	\$4	1:214.29	45,920
\$2 x 2	\$4	1:500	19,680
\$4	\$4	1:600	16,400
\$1(D) + \$2 x 2	\$6	1:300	32,800
\$2 + \$2(D)	\$6	1:750	13,120
\$2 x 3	\$6	1:1,500	6,560
\$1(D) + \$1(D) + \$1 + \$1	\$6	1:1,500	6,560
\$6	\$6	1:1,500	6,560
\$2(D) + \$2 x 3	\$10	1:750	13,120
\$2 x 3 + \$4	\$10	1:750	13,120
\$4 + \$6	\$10	1:3,000	3,280
\$10	\$10	1:3,000	3,280
\$2 + \$4(D) + \$4 + \$6	\$20	1:750	13,120
\$4 + \$6 + \$10	\$20	1:750	13,120
\$10 + \$10	\$20	1:3,000	3,280
\$20	\$20	1:3,000	3,280
\$10(D) + \$10 x 3	\$50	1:2,400	4,100
\$4 + \$6 + \$20 x 2	\$50	1:8,000	1,230
\$10 + \$10(D) x 2	\$50	1:3,000	3,280
\$50	\$50	1:24,000	410
\$50 + \$20 x 2 + \$10	\$100	1:6,000	1,640
\$20(D) + \$20 x 3	\$100	1:12,000	820
\$50(D)	\$100	1:24,000	410
\$100	\$100	1:120,000	82
\$50(D) + \$50 + \$100	\$250	1:60,000	164
\$250	\$250	1:120,000	82
\$250 x 4	\$1,000	1:120,000	82
\$250(D) + \$250 x 2	\$1,000	1:240,000	41
\$1,000	\$1,000	1:240,000	41

D = Doubler With Joker

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Joker's Wild '98 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Joker's Wild '98, prize money from winning Pennsylvania Joker's Wild '98 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Joker's Wild '98 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-1—3761-15), 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 Joker's Wild '98 or through normal communications methods.

ROBERT A. JUDGE, Sr.,
Secretary

[Pa.B. Doc. No. 98-220. Filed for public inspection February 6, 1998, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Application for Lease of Right-of-Way

Notice is hereby given that pursuant to Volume 67 PA Code Chapter 495, Section 495.4, Par. D; Rules and Regulations covering the Administration of the Provisions of Act No. 37, approved March 13, 1974, and Act 251, as amended November 17, 1982, amending Section 2002, Act of April 9, 1929, P.L. 177, (No. 175) known as The Administrative Code of 1929, an application has been

made to the Pennsylvania Department of Transportation by: Richard Fiesser, and Lynn, h/w, dba Spring Valley Nurseries, 4038 Route 202, Doylestown, PA 18901 to lease a portion of Right-of-Way on S. R. 202, L. R. 152, Section 6, to be improved for parking and display of merchandise.

Interested persons are invited to submit written comments, suggestions and/or objections to the approval of the application, within thirty (30) calendar days from the date of publication of this notice to: Andrew Warren, District Administrator, Engineering District 6-0, 200 Radnor-Chester Road, St. Davids, PA 19087-5178, c/o Ray DeMasi.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 98-221. Filed for public inspection February 6, 1998, 9:00 a.m.]

Contemplated Sale of Land No Longer Needed for Transportation Purposes

Notice is hereby given that the Department of Transportation, pursuant to 71 P. S. § 513(e)(7), intends to sell certain land owned by the Department.

The following property is available for sale by the Department.

Parcel 304—Township of Ross, Allegheny County. This parcel contains approximately 24,620 sq ft ± of unimproved land situated at the corner of Winter Avenue and Perrysville Highway.

It has been determined that the land is no longer needed for present or future Transportation purposes.

Interested public entities are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice to: Henry M. Nutbrown, P.E., District Engineer, Pennsylvania Department of Transportation, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 98-222. Filed for public inspection February 6, 1998, 9:00 a.m.]

Retention of Engineering Firms

**Crawford, Erie, Forest, Mercer, Venango and Warren Counties
Project Reference No. 08430AG2157**

The Department of Transportation will retain an engineering firm for an Open-end Contract to provide supplementary construction inspection staff under the Department's Inspector(s)-in-Charge to perform construction inspection services on various projects in Engineering District 1-0, that is Crawford, Erie, Forest, Mercer, Venango, and Warren Counties. The Contract will include roadway and bridge construction projects, and material plant inspection. The Contract will be for a period of thirty (30) months, with a maximum cost of one million (\$1,000,000) dollars.

It is anticipated that a maximum supplementary construction inspection staff of forty-two (42) inspectors will be required for this assignment.

The Department will establish an order of ranking of a minimum of three (3) firms for the purpose of negotiating an Open-end Contract based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- a. Ability to package and present the Letter of Interest in accordance with the "General Requirements and Information" section.
- b. Previous construction experience.
- c. Review of inspectors' resumes with emphasis on construction inspection capabilities and specialized experience in the Maintenance and Protection of Traffic, soils, structures, concrete, asphalt paving, and drainage.
- d. Understanding Department procedures and policies.
- e. Past performance.
- f. Workload.
- g. NICET, or other certifications/training.

The qualifications and experience required of the firm's inspectors will be established by the Department, and the qualifications of the firm's proposed employees will be reviewed and approved by the Department.

It is anticipated that the supplementary construction inspection staff for this assignment will consist of the following number of inspectors who meet the requirements for the following inspection classifications:

<i>Classification</i>	<i>No. of Inspectors</i>
Transportation Construction Manager 1 (TCM-1) (NICET Highway Construction Level 4 or equivalent)	2 (1)
Transportation Construction Insp. Super. (TCIS) (NICET Highway Construction Level 3 or equivalent)	13 (8)
Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent)	27 (17)

The number(s) in parenthesis above indicate the number of inspectors in each Classification that must meet at least one of the following requirements:

- 1. Be certified by the National Institute for Certification in Engineering Technologies (NICET) in the field of Transportation Engineering Technology, subfield of Highway Construction, or subfield of Highway Materials, at the Level required for the Inspection Classification.
- 2. Be registered as a Professional Engineer by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
- 3. Be certified as an Engineer-in-Training by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
- 4. Hold a Bachelor of Science Degree in Civil Engineering or a Bachelor of Science Degree in Civil Engineering

Technology with the required highway experience specified for the Inspection Classification.

5. Hold an Associate Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

The maximum reimbursement per hour of inspection for each Department Payroll Classification for calendar year of 1998:

<i>Payroll Classification</i>	<i>Maximum Straight Time Reimbursement Per Hour of Inspection</i>
(TCM-1)	\$44.93
(TCIS)	\$39.36
(TCI)	\$34.43

The maximum reimbursement per hour of inspection includes all costs for providing construction inspection services at the project site during the normal work week.

Maximum reimbursement per hour of inspection for subsequent calendar years, if applicable, will be established at the scope of work meeting.

The firm selected may be required to attend a pre-construction conference with the Department and the construction contractor for this project. Under the supervision and direction of the Department, the selected firm will be required to keep records and document the construction work; prepare current and final estimates for payment to the construction contractor; assist the Department in obtaining compliance with the labor standards, safety and accident prevention, and equal opportunity provisions of the contract item; and perform other duties as may be required. Firms applying must have qualified personnel capable of climbing structures during painting, rehabilitation, or construction.

The maximum number of resumes to be included in the letter of interest shall be as follows:

<i>Classification</i>	<i>No. of Resumes</i>
TCM-1	3
TCIS	14
TCI	28

No resumes are required for the TA Classification.

The second copy of the letter of interest and required forms, (see general requirements and information section) shall be sent to: Mr. John Baker, P.E., District Engineer, District 1-0, 1140 Liberty Street, Franklin, PA 16323.

Any technical questions concerning the requirements for this project should be directed to Mr. David W. Ruhlman, P.E., District 1-0, at (814) 437-4311.

Any questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

**Fayette, Washington and Westmoreland Counties
Project Reference No. 08430AG2158**

The Department of Transportation will retain an engineering firm to provide supplementary construction inspection staff of approximately sixteen (16) inspectors, under the Department's Inspector-in-Charge, for construction inspection and documentation services on the following six (6) projects in Fayette, Washington and Westmoreland Counties, Engineering District 12-0.

1. Group 12-98-SI1, Fayette County

This project involves surface improvements to various State Routes.

2. Group 12-98-SI1-2, Fayette County

This project involves surface improvements to various State Routes.

3. Group 12-98-SI4, Washington County

This project involves surface improvements to various State Routes.

4. Group 12-98-SI4-2, Washington County

This project involves surface improvements to various State Routes.

5. Group 12-98-SI5, Westmoreland County

This project involves surface improvements to various State Routes.

6. Group 12-98-SI5-2, Westmoreland County

This project involves surface improvements to various State Routes.

The Department will establish an order of ranking of a minimum of three (3) firms for the purpose of negotiating an Engineering Agreement based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- a. Ability to package and present Letters of Interest in accordance with the "General Requirements and Information" Section.
- b. Number of available inspectors.
- c. Number of NICET certified inspectors.
- d. Experience and availability of inspectors.
- e. Knowledge and familiarity of Department's specifications, requirements and policies.
- f. Past performance.

The qualifications and experience required of the firm's inspectors will be established by the Department, and the qualifications of the firm's proposed employees will be reviewed and approved by the Department.

It is anticipated that the supplementary construction inspection staff for this assignment will consist of the following number of inspectors who meet the requirements for the following inspection classifications:

<i>Classification</i>	<i>No. of Inspectors</i>
Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent)	16 (10)

The number(s) in parenthesis above indicate the number of inspectors in each Classification that must meet at least one of the following requirements:

- 1. Be certified by the National Institute for Certification in Engineering Technologies (NICET) in the field of Transportation Engineering Technology, subfield of Highway Construction, or subfield of Highway Materials, at the Level required for the Inspection Classification.

2. Be registered as a Professional Engineer by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.

3. Be certified as an Engineer-in-Training by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.

4. Hold a Bachelor of Science Degree in Civil Engineering or a Bachelor of Science Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

5. Hold an Associate Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

The maximum reimbursement per hour of inspection for each Department Payroll Classification for calendar year of 1998:

<i>Payroll Classification</i>	<i>Maximum Straight Time Reimbursement Per Hour of Inspection</i>
(TCI)	\$34.43

The maximum reimbursement per hour of inspection includes all costs for providing construction inspection services at the project site during the normal work week.

Maximum reimbursement per hour of inspection for subsequent calendar years, if applicable, will be established at the scope of work meeting.

The firm selected may be required to attend a pre-construction conference with the Department and the construction contractor for this project. Under the supervision and direction of the Department, the selected firm will be required to keep records and document the construction work; prepare current and final estimates for payment to the construction contractor; assist the Department in obtaining compliance with the labor standards, safety and accident prevention, and equal opportunity provisions of the contract item; and perform other duties as may be required. Firms applying must have qualified personnel capable of climbing structures during painting, rehabilitation, or construction.

The firm selected will be required to supply the following equipment at no direct cost to the Department:

- 5 Cellular Phones
- 5 Pagers
(other equipment required by the District)

The maximum number of resumes to be included in the letter of interest shall be as follows:

<i>Classification</i>	<i>No. of Resumes</i>
TCI	20

No resumes are required for the TA Classification.

The second copy of the letter of interest and required forms, (see general requirements and information section) shall be sent to: Mr. Michael H. Dufalla, P.E., District Engineer, District 12-0, P.O. Box 459, N. Gallatin Avenue, Extension, Uniontown, PA 15401.

Any technical questions concerning the requirements for this project should be directed to Mr. Anthony M. Dzurko, P.E. District 12-0 at (412) 439-7137.

Any questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

Berks, Carbon, Lehigh, Monroe, Northampton and Schuylkill Counties

Project Reference No. 08430AG2159

The Department of Transportation will retain an engineering firm for an Open-end Contract for various engineering and/or environmental services on various projects located in Engineering District 5-0, that is Berks, Carbon, Lehigh, Monroe, Northampton and Schuylkill Counties. The Contract will be for a sixty (60) month period with projects assigned on an as-needed basis. The maximum amount of the Open-end Contract will be \$1.0 million.

The Department will establish an order of ranking of a minimum of three (3) firms for the purpose of negotiating an Open-end Contract based on the Department's evaluation of the letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- a. Ability to package and present the Letter of Interest in accordance with the "General Requirements and Information" section.
- b. Past record of performance with respect to timeliness, responsiveness, quality, cost control and ability to meet schedules.
- c. Diversity of experience and technical competence.
- d. Location of consultant in respect to the District.
- e. Relative size of firm to size of potential assignments.

The work and services required under this Contract may encompass a wide range of environmental studies and engineering efforts with the possibility of several different types of projects with short completion schedules being assigned concurrently. The anticipated types of projects include, but not limited to, bridge replacements or bridge rehabilitation with minor approach work, environmental studies, roadway betterments (3R type), minor capital improvement projects (bridges or roadway), railroad grade crossing projects, and minor location studies, etc.

The engineering work and services which may be required under this Contract include, but are not limited to: perform field surveys; plot topography and cross sections; prepare submission for utility verification and relocations engineering; prepare all pertinent submissions and materials necessary for the Department to prepare the application to PUC and for the PUC field conference; attend and supply any required information for all PUC meetings and hearings during the design of the project; develop erosion control details and narrative; prepare right of way plans; complete structure designs including type, size and location reports, core boring layouts and foundation designs and reports; develop traffic control plans with narratives; conduct soils investigations and prepare soils reports; investigate utility involvement on projects; provide material for and participate in value engineering reviews; coordinate contacts with railroad officials and procure railroad related costs, permits, and insurance; collect signal timing, accident data and other traffic flow data; document engineering study findings and activities; alternative analysis to assess impacts and mitigation; perform constructibility reviews; review shop drawings; perform hydraulic analysis; and prepare construction plans, specifications, and estimates.

The areas of environmental study required under the Contract may include, but are not limited to; air quality; noise; energy; vibration; hazardous waste; surface water and ground water quality; surface water and ground water hydrology; terrestrial ecology including threatened and endangered species; wetlands; soils; geology; farmlands; visual quality; socio-economic resources; cultural resources; Section 4(f) Evaluations; early coordination and; scoping correspondence; meeting minutes; public meeting and hearing presentations; visualization materials, handouts and displays; technical basis reports (TBRs) and/or technical files; NEPA environmental documents; Section 106 documents; mitigation plans and reports; wetland and floodplain findings; and preliminary engineering plans, and remote sensing/mapping innovations. The format and content of all documents will be consistent with applicable State and Federal regulations, policies and guidelines.

The engineering services and environmental studies identified above are the general work activities that can be expected under this Open-end Contract. A more specific and project-related Scope of Work will be outlined for each individual Work Order developed under this Open-end Contract.

The second copy of the letter of interest and required forms (see "General Requirements and Information" section) shall be sent to: Mr. Walter E. Bortree, P.E. District Engineer, District 5-0, 1713 Lehigh Street, Allentown, PA 18103.

Technical questions concerning the requirements for this project should be directed to Mr. Donald E. Lerch, P.E., District 5-0, at (610) 791-6019.

Questions concerning the submittal of the letter of interest for this Open-end Contract can be directed to the Consultant Agreement Division at (717) 783-9309.

General Requirements and Information

Firms interested in providing the above work and services are invited to submit two copies of a Letter of Interest and required information for each Project Reference Number for which the applicant wishes to be considered.

The first copy of the Letter of Interest and required information must be submitted to:

Mr. Charles W. Allwein, P.E., Chief
Consultant Selection Committee
7th Floor, Forum Place,
555 Walnut Street
P. O. Box 3060
Harrisburg, Pennsylvania 17105-3060

Note: The Zip Code for express Mailing is 17101-1900

The Letter of Interest and required information must be received within thirteen (13) calendar days of this Notice. The Deadline for receipt of a Letter of Interest at the above address is 4:30 P.M. prevailing time of the thirteenth day.

The second copy of the letter of interest and required information must be submitted to the appropriate District Engineer/Administrator or the Bureau Director as indicated in the individual advertisement. This copy must be postmarked or delivered on or before the deadline indicated above.

If an individual, firm, or corporation not authorized to engage in the practice of engineering desires to submit a Letter of Interest, said individual, firm, or corporation may do so as part of a Joint Venture with an individual,

firm, or corporate which is permitted under the state law to engage in the practice of engineering.

If a Joint Venture responds to a project advertisement, the Department of Transportation will not accept separate Letters of Interest from the Joint Venture constituents. A firm will not be permitted to submit on more than one (1) Joint Venture for the same Project Reference Number. Also a firm that responds to a project as a prime may not be included as a designated subcontractor to another firm that responds as a prime to the project. Multiple responses under any of the foregoing situations will cause the rejection of all responses of the firm or firms involved. The above does not preclude a firm from being set forth as a designated subcontractor to more than one (1) prime responding to the project advertisement.

If a goal for Disadvantaged Business Enterprise (DBE) participation is established for an advertised project, firms expressing interest in the project must agree to ensure that Disadvantaged Business Enterprise (DBE) firms as defined in the Intermodal Surface Transportation Efficiency Act of 1991 and currently certified by the Department of Transportation shall have the maximum opportunity to participate in any subcontracting or furnishing supplies or services approved under Form 442, Section 1.10(a). The Act requires that firms owned and controlled by women (WBEs) be included, as a presumptive group, within the definition of Disadvantaged Business Enterprise (DBE). The goal for DBE participation shall be as stated in the individual project advertisement. Responding firms shall make good faith efforts to meet the DBE goal using DBEs (as they were defined prior to the act), WBEs or combinations thereof.

Proposing DBE firms must be certified at the time of submission of the Letter of Interest. If the selected firm fails to meet the established DBE participation goal, it shall be required to demonstrate its good faith efforts to attain the goal.

Responses are encouraged by small firms, Disadvantaged Business Enterprise (DBE) firms, and other firms who have not previously performed work for the Department of Transportation.

Each Letter of Interest must include the following information and the information must be packaged and presented in the following order:

1. Transmittal Letter (Maximum of two (2) 8 1/2" x 11" typed pages, one side)

The subject heading of the transmittal letter must include the project reference number for which the applicant wishes to be considered, the firm's legal name, fictitious name (if applicable), and the firm's federal identification number. If the project advertisement indicated the Department will retain an engineering firm for the project, the applicant must indicate in the body of their transmittal letter the names and Professional Engineer License Number of individuals who are directing heads or employees of the firm who have responsible charge of the firm's engineering activities, and whose names and seals shall be stamped on all plans, specifications, plats, and reports issued by the firm.

2. Project Organization Chart (one 8 1/2" x 11" page, one side)

This Chart must show key staff from the prime and each subconsultant and their area of responsibility.

3. Standard Form 255, "Architect-Engineer and Related Services Questionnaire for Specific Project" (one Form 255 for the project team).

The Standard Form 255 must be signed, dated, and filled out in its entirety, including Item No. 6 listing the proposed subconsultants and the type of work or service they will perform on the project. Under Item 4 of this form, Column A must include the number of subconsultant personnel and Column B must include the number of prime consultant personnel to be assigned to work on this project reference number. The prime and each subconsultant may include no more than one page each for Items 10 and 11.

If a Disadvantage Business Enterprise (DBE) goal is specified for the project, the DBE must be currently certified by the Department of Transportation, and the name of the DBE and the work to be performed must be indicated in Item No. 6. If a Woman Business Enterprise (WBE) firm is substituted for the DBE, the WBE firm must also be presently certified by the Department of Transportation and indicated in Item 6.

4. Standard Form 254, "Architect-Engineer for Related Services Questionnaire"

A Standard Form 254, not more than one (1) year old as of the date of this advertisement, must accompany each Letter of Interest for the firm, each party to a Joint Venture, and for each subconsultant the firm or Joint Venture is proposing to use for the performance of professional services regardless of whether the subconsultant is an individual, a college professor, or a Company, unless an acceptable Standard Form 254 for the prime and each subconsultant/subcontractor is on file in both the Bureau of Design and the Engineering District Office or Central Office Bureau identified in the individual project advertisement.

If the Standard Form 254 is not submitted with the Letter of Interest, the transmittal letter shall indicate the dates that the Standard Forms 254 were submitted to the Bureau of Design and appropriate Engineering District/Central Office Bureau.

These Forms must be assembled with the prime's form first, followed by the form for each subconsultant in the same order as the subconsultants appear in Item 6 of Form 255.

5. Workload Projection Graph (Not required for Construction Inspection Services)

Separate Workload Projection Graphs for the prime and each subconsultant shown in Item 6 of the Form 255 must be included and must indicate the firm's current and anticipated workload compared to the anticipated capacity available for the next two-year time frame. The Workload Projection Graphs must be submitted for the office(s) where the work would be performed and must only include the personnel classifications required for providing the advertised services and work.

6. Authorization Letters (if required)

If the advertisement requires a letter signed by individuals giving their approval to use their name in the Letter of Interest, the letters from proposed prime employees must be first, followed by subconsultant employees, in the same order as shown in Item 6 of Form 255.

7. Registration To Do Business

Firms with out-of-state headquarters or corporations not incorporated in Pennsylvania must include, with each Letter of Interest, a copy of their registration to do business in the Commonwealth as provided by the Department of State. Firms who are not registered to do business in Pennsylvania at the time of this advertisement must document that they have applied for registration to the Department of State, Corporation Bureau. The telephone number for the Corporation Bureau is (717) 787-1057 or (717) 787-2004.

8. Overhead Rates (one page)

A single page summary must indicate the latest audited overhead rate developed in accordance with Federal Acquisition Regulations (FAR) for the prime consultant and each subconsultant. If a FAR rate is not available, the latest rate available from a Certified Public Account must be indicated. New firms should indicate how long the firm has been in existence and when an audited overhead rate would be available.

9. Additional Information

Additional information, not to exceed ten (10) one sided 8 1/2" x 11" pages or five (5) double sided 8 1/2" x 11" pages may be included at the discretion of the submitting firm.

The assignment of the agreement/contract for the above advertisement(s) will be made to one of the firms who submitted an acceptable Letter of Interest in response to the project advertisement. The assignment will be made based on the Department's evaluation of the firm's qualification and capabilities. The Department reserves the right to reject all letters submitted, to cancel the solicitations requested under this Notice, and/or to readvertise solicitation for the work and services.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 98-223. Filed for public inspection February 6, 1998, 9:00 a.m.]

ENVIRONMENTAL QUALITY BOARD

Cancellation of February 17, 1998, Meeting

The February 17, 1998, Environmental Quality Board meeting has been cancelled. The next meeting is scheduled for March 17, 1998, in the First Floor Meeting Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg.

JAMES M. SEIF,
Chairperson

[Pa.B. Doc. No. 98-224. Filed for public inspection February 6, 1998, 9:00 a.m.]

GOVERNOR'S OFFICE

Regulatory Review

Executive Order 1996-1, which was signed by Governor Ridge on February 6, 1996, requires all agencies under the jurisdiction of the Governor to submit for publication an agenda of regulations under development or consideration. The following is the fourth publication of the Administration's regulatory agenda, grouped by agency. Subsequent agendas will be published on the first Saturdays in February and July.

The agendas are compiled to provide members of the regulated community advanced notice of regulatory activity. It is the intention of the Administration that these agendas will serve to increase public participation in the regulatory process.

Agency contacts should be contacted for more information regarding the regulation and the procedure for submitting comments.

This Agenda represents the Administration's present intentions regarding future regulations. The nature and complexity of an individual regulation obviously will determine whether and when any particular regulation listed below (as well as any considered subsequent to publication of this Agenda) is published.

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
ADMINISTRATION			
No regulations being developed or considered at this date.			
AGING			
PA Code Title VI Chapter 11 Older Adult Daily Living Centers	April 1998, as proposed.	This regulation is in the process of revision to conform to the requirements of Acts 169-96 and 13-97 and will receive final review by stakeholders. Review is occurring as a result of these Acts and of Executive Order 1996-1.	Robert Hussar 717-783-6207
PA Code Title VI Chapter 15 Protective Services For Older Adults	July 1998, as proposed.	This regulation is being reviewed as a result of Executive Order 1996-1 and of Acts 169-96 and 13-97; it will receive initial review by stakeholders in early 1998.	Robert Hussar 717-783-6207
PA Code Title VI Chapter 21 Domiciliary Care Services for Adults	September 1998, as proposed.	This regulation is in the process of review by interested parties. Review is occurring as a result of Executive Order 1996-1.	Robert Hussar 717-783-6207
PA Code Title VI Chapter 3 Fair Hearings and Appeals	June 1998, as proposed.	This regulation is being sent for initial review by stakeholders. Review is occurring as a result of Executive Order 1996-1.	Robert Hussar 717-783-6207
AGRICULTURE			
Agricultural Land Conservation Assistance Grant Program 7 Pa. Code Chapter 138h	June 1998, as proposed.	This regulation will amend current regulations to refine the criteria pursuant to which the Department awards grants for farmland protection projects of Statewide scope.	Raymond Pickering (717)783-3167
"Clean and Green" Regulations 7 PA.Code Chapter 137	September 1998, as proposed.	County Assessors have primary enforcement authority under the "Clean and Green" Act (72 P. S. §§ 5490.1-5490.13), and favor a revision of current regulations to promote uniform and consistent interpretation and enforcement of the Act statewide. The current regulations have not been revised in 15 years. The Pennsylvania Farmland and Forest Land Assessment Act of 1974, known commonly as the "Clean and Green" Act (72 P. S. §§ 5490.1-5490.13) is the statutory basis for the regulation.	Raymond Pickering (717) 783-3167
Consolidation/Update of Retail Food Store Regulations	July 1998, as proposed.	This regulation would provide the retail food industry needed and requested guidance for the safe handling of food. The Food Act (31 P. S. § 20.1-20.18) is the statutory basis for this regulation.	Charles Radle (717) 772-3234

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Food Employee Certification 7 Pa. Code Chapter 83	April 1998, as final.	This regulation is required by the Food Employee Certification Act (3 Pa. C.S. Sections 6501-6510), and will establish standards for training of certain food industry personnel.	Martha Melton (717) 782-8354
Maple Products	June 1998, as proposed.	This regulation is required by the Maple Products Act (3 Pa. C.S. §§ 6101-6112). This regulation would establish standards, product quality practices and facility requirements relating to the production of maple syrup and maple products.	Charles Radle (717) 772-3234
Harness racing commission	September 1998, as proposed.	This regulation is necessary to update current regulations, make them more user-friendly and address conditions which exist in harness racing that did not exist when the current regulations were originally promulgated. This regulation is a long-term project and would amend 58 Pa. Code Chapters 181, 183, 185 and 186-190, including the general authority of the Commission and provisions relating to associations licensed to conduct pari-mutuel wagering, individual licensing, licensing of officials, rules of the conduct of races, veterinary practices, equine health and medication, wagering, due process and disciplinary action.	Richard Sharbaugh (717) 787-5196
Horse racing commission.	No publication anticipated in next 12 months.	This commission plans an update of its regulatory authority (at 58 Pa. Code Chapters 161, 163, 165, 167, 171 and 173), for the same general reasons and on the basis of the same statutory authority cited by the Harness Racing Commission, above.	Ben Nolt (717) 787-1942
Bureau of Market Development. Standards for Grading Veal Calves.	March 1998, as proposed.	The regulation would bring the Commonwealth's standards for grading veal calves into conformity with USDA standards. The regulation would amend current regulatory authority at 7 Pa. Code Chapter 101 by deleting standards for grading veal calves and adopting USDA standards by reference.	Richard McDonald (717) 787-5319
Certification of Virus-Tested Geraniums.	September 1998, as proposed.	This regulation would amend the current regulatory authority to update the voluntary program pursuant to which geranium producers may obtain the Department's certification of virus-tested geraniums. This amendment would establish an inspection fee to help cover the Department's costs in inspecting and testing geraniums offered for certification. This regulation would amend 7 PA.Code Chapter 122 to: 1) expand the certification of virus-tested geraniums to include Culture-Indexed Geraniums, which are free from certain economically- important bacterial and fungal pathogens; and 2) establish a reasonable fee for the Department's inspection and certification services.	Ruth Welliver (717) 787-5609

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Dog Law	June 1998, as proposed	House Bill 397 of 1996 accomplished revisions of the Dog Law that will necessitate regulatory revisions. This regulation is a long-term project and would amend 7 Pa. Code Chapters 21,23,25 and 27 to bring them into greater conformity with statutory revisions. The Dog Law (3 P. S. §§ 459-10 et. seq.)is the statutory basis for this regulation.	Richard Hess (717) 787-4833
Plant Industry Regulations Land application of soil & groundwater contaminated with agricultural chemicals.	June 1998, as proposed.	This regulation is required under the Land Recycling and Environmental Remediation Standards Act, at 35 P. S. § 6026.101 et seq. This regulation would allow soil and groundwater contaminated with agricultural chemicals to be treated and re-applied upon agricultural lands.	David Bingaman (717) 787-4843
Farm Safety and Occupational Health Grant Program	February 1999, as proposed.	This regulation is needed to replace an existing statement of policy published in the March 16, 1996 Pa. Bulletin. This regulation would formalize the statement of policy by which the Farm Safety and Occupational Health Grant Program operates. The Program awards grants to fund projects to increase the knowledge and awareness of farm safety measures and occupational health issues among the Commonwealth's rural youth.	John Tacelosky (717) 787-4843
Fruit Tree Improvement Program.	December 1998, as proposed.	This regulation would facilitate interstate and international export of Pennsylvania-grown fruit tree nursery stock. This regulation would amend 7 Pa. Code Chapter 120, which provides testing and inspection standards and procedures pursuant to which fruit tree nursery stock can be certified as to quality, consistency and disease/ insect-free status. The regulation would be a technical update of current provisions, would bring this program into greater conformity with programs in other states and would provide more practical assistance to participating growers.	Ruth Welliver (717) 787-5609
Rides and Measurement Standards	July 1998, as proposed.	Senate Bill 509 of 1996 was enacted into law as the Consolidated Weights and Measures Act at 3 Pa. C.S. §§ 4101-4193). This statute will necessitate regulatory revisions. This regulation is a long-term project intended to update regulatory authority. The Consolidated Weights and Measures Act (3 Pa. C.S. §§ 4101-4193) is the statutory basis for the regulation.	Charles Bruckner (717) 787-6772
BANKING			
Secondary Mortgage Loan Act regulations.	No publication anticipated in the next six months.	The Secondary Mortgage Loan Act ("SMLA"), 7 P. S. § 6601 et seq., was passed in 1980 and most recently amended by Act 15 of 1995. The Department is evaluating the need for regulatory guidance to be provided to second mortgage residential lenders, brokers sponsoring brokers, and broker's agents under the SMLA.	Laurie S. Kennedy, (717) 787-1471

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
"Other investments" regulations for Pennsylvania state-chartered banking institutions.	No publication anticipated in the next six months.	Sections 103(a) and 315(g) of the Banking Code of 1965, as amended, 7 P. S. §§ 103(a) and 315(g), provide authority for the Department to promulgate regulations to allow Pennsylvania state-chartered banking institutions to make investments not otherwise authorized by the Banking Code. The Department is evaluating the need for such regulatory guidance and authority in the context of modernizing investment authority for Pennsylvania state-chartered banking institutions.	Reginald S. Evans (717) 787-1471
Amendments to the Leeway Investments regulations for Pennsylvania state-chartered banking institutions.	No publication anticipated in the next six months.	The existing leeway investments regulations are located at 10 Pa. Code §§ 27.1 - 27.4 and have been effective since March 9, 1974. These regulations were promulgated pursuant to authority stated in sections 103(a), 307, 311(d)(vi), and 504(b)(x) of the Banking Code of 1965, as amended, 7 P. S. §§ 103(a), 307, 311(d)(vi), and 504(b)(x), and can be amended pursuant to the same statutory authority. Leeway investments are made by Pennsylvania state-chartered banks in stock, bonds, notes, or debentures of corporations formed to promote the public welfare and community development, expand the economy, or provide for social reform. The Department is evaluating the need for additional regulatory guidance in the context of modernizing leeway investment authority for Pennsylvania state-chartered banking institutions, including amending the parameters for Pennsylvania state-chartered banking institutions to make leeway investments.	David H. Bleicken (717) 787-1471
BUDGET			
No regulations being developed or considered at this date.			
COMMUNITY & ECONOMIC DEVELOPMENT			
Certified Provider	Spring, 1998, as proposed.	In accordance with the Job Enhancement Act of 1996, the regulation will establish professional and organizational standards that must be met in order for providers to continue packaging loans on behalf of the department.	Russell C. Bellavance (717) 783-8452
Pennsylvania Industrial Development Authority 12 Pa. Code Chapter 73 (review for amending and deleting)	Spring, 1998, as proposed.	The regulation will delete those portions of the existing regulation of The Pennsylvania Industrial Development Authority Board which ought to be in policies or guidelines rather than in regulation and, if any portion of the regulation remains, it will be brought current to comport with actual administration of the PIDA program	Gerald W. Kapp, Jr. (717) 787-6245
COMMISSION ON CRIME AND DELINQUENCY			
No regulations being developed or considered at this date.			

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
CONSERVATION & NATURAL RESOURCES			
Conservation of Native Wild Plants	September 1998, as proposed.	This proposal is being developed to update existing native wild plant regulations. The legal basis for these regulations is the Wild Resource Conservation Act of 1982. This update is necessary to change the status of various plants to reflect field work completed during the last three years. Recommendations of the Rare Plant Committee and the Vascular Plant Technical Committee will be considered during the development of this proposed rulemaking.	Daniel A. Devlin (717) 787-3444
State Forest Rules and Regulations	June 1998, as final.	This proposal is an update of existing regulations regarding conduct on State Forest land. The legal basis for these regulations is Section 301 of Act 18 of 1995. This update also includes changes to improve compliance where roads are closed to vehicular access, to provide for better protection of designated hiking trails, and to establish special activity agreements for commercial use of state forest roads.	Warren A. Ely (717) 787-2014
State Forest Picnic Areas Rules and Regulations	June 1998, as proposed.	This proposal is an update of existing regulations regarding conduct in State Forest Picnic Areas. The legal basis for these regulations is Section 301 of Act 18 of 1995.	Warren A. Ely (717) 787-2014
CORRECTIONS			
Motivational Boot Camp Act 61 P. S. Section 1221 et seq.	June 1998, as proposed.	The regulations will address boot camp administration, establishment of selection committees, inmate selection criteria, programming and supervision, inmate discipline and staff training.	Kathleen Gnall (717) 975-4860
Prison Medical Service Program	January 1998, as final.	The regulations are mandated by the Prison Medical Service Act, of May 16, 1996, Act No. 1996-40, and will enable the Department to require inmates to pay a fee for medical services. The regulations will describe the services which will and will not be subject to a fee, establish the fees and provide a mechanism for collection of the fees.	Kathleen Zwierzyna (717) 731-7031
Revisions to the existing regulations governing county correctional facilities, 37 Pa. Code Chapter 95.	June 1998, as proposed.	The regulation will be revised to eliminate unnecessary regulations and modernize necessary regulations, particularly those affecting the transfer of inmates between state and county correctional facilities.	William M. Reznor (717) 975-4876
Amendment of Media Relations regulations	January 1998, as final.	The regulations will be repealed because other internal departmental policies will enable media access to the inmate population. Repeal under such circumstances is consistent with the general principle of Executive Order 1996-1 that viable non-regulatory alternatives are preferred over regulations.	Roger H. Baumgarten (717) 975-4862

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Review and/or revision of all current Department of Corrections regulations contained in Title 37 of the Pennsylvania Code.	Spring/Summer 1998, as proposed.	The purpose of the review is to ensure that the Department's regulations are consistent with current legal standards concerning prison administration and operation. The legal basis for the action is found at Section 506 of the Administrative Code of 1929, 71 P. S. § 186, which grants the Commissioner of Corrections the authority to prescribe regulations for the Department that are not inconsistent with law.	J.D. Shutt (717) 975-4860
EDUCATION			
Pupil Personnel Services Pupil Attendance Students 22 Pa. Code, Chapters 7, 11, 12	May 1998, as proposed.	These proposed revisions to existing chapters of regulations are necessary to align provisions of Chapter 12 in compliance with recently-enacted legislation and court decisions; to accurately reflect current practices; delete nonregulatory language; and eliminate non-regulatory provisions. These regulations are promulgated under authority of the Public School Code of 1949 (P. L. 30, No. 14) Article XXVI-B, §§ 26-2601-B—26-2606-B.	Peter Garland (717) 787-3787
Special Education Services and Programs 22 Pa. Code, Chapter 14	July 1998, as proposed.	These regulations are necessary to establish procedures for the identification of students who are in need of special education services and programs and to set forth requirements and procedures for the delivery of those services and programs. The review of these current regulations will focus on current federal and state law regarding special education services and programs to ensure compliance, consistent and accurate terminology and application of existing provisions.	Peter Garland (717) 787-3787
School Buildings 22 Pa. Code, Chapter 21	May 1998, as proposed.	These regulations are necessary to provide uniform standards and procedures for seeking Departmental approval in school building projects. The proposed revisions are necessary to provide clarification and to reflect current practice. These revisions are proposed under authority of the Public School Code of 1949 (P. L. 30, No.14) Article XXVI-B, §§ 26-2601-B—26-2606-B.	Peter Garland (717) 787-3787
Higher Education General Provisions Foreign Corporation Standards Institutional Approval 22 Pa. Code, Chapters 31, 36, 40	July 1998, as proposed.	These regulations are necessary to establish procedures for the approval and operation of institutions of higher education in the Commonwealth. Specific revisions to Chapters 31 and 40 are necessary to clarify the intent of the chapters and to modify the time frame during which new institutions must achieve accreditation. These regulations are promulgated under authority of the Public School Code of 1949 (P. L. 30, No.14), Article XXVI-B, §§ 26-2601-B—26-2606-B.	Peter Garland (717) 787-3787
Branch Campuses for State-supported Institutions Program Approval 22 Pa. Code, Chapters 34, 42	August 1998, as proposed.	These regulations are necessary to establish procedures for the approval of branch campuses and for the approval of programs offered by institutions. Review and revision are necessary to ensure that the regulations are consistent with current practice and terminology. These regulations are promulgated under authority of the Public School Code of 1949 (P. L. 30, No. 14), Article XXVI-B, §§ 26-2601-B—26-2606-B.	Peter Garland (717) 787-3787

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Academic Standards and Assessment 22 Pa. Code, Chapter 4	April 1998, as proposed.	These regulations are proposed to establish rigorous academic standards and assessments for the public schools of the Commonwealth. These proposed regulations are designed to replace current Chapters 3 (School Profiles), 5 (Curriculum) and 6 (Vocational Education). These regulations are promulgated under authority of the Public School Code of 1949 (P. L. 30, No. 14), Article XXVI-B, §§ 26-2601-B—26-2606-B.	Peter Garland (717) 787-3787
Gifted Education 22 Pa. Code, Chapter 16	February 1998, as proposed.	These regulations are proposed to establish separate rules for programs and services for gifted students apart from those established for other special needs students. Current special education regulations (Chapters 14 and 342) are largely driven by federal action. Gifted education is a state program. Separation of enabling regulations will permit greater efficiency and effectiveness in program operations. These regulations are promulgated under authority of the Public School Code of 1949 (P. L. 30, No. 14), Article XXVI-B, §§ 26-2601-B—26-2606-B.	Peter Garland (717) 787-3787
Extended School Year Services 22 Pa. Code, Chapter 14, §§ 14.1, 14.34 & Chapter 342, § 342.34	February 1998, as final.	These revisions are proposed under authority of the Public School Code of 1949 (P. L. 30, No. 14) Article XXVI-B, §§ 26-2601-B—26-2606-B. These amendments are necessary to ensure that Commonwealth regulations and standards are consistent with federal law and judicial decisions affecting extended school year services for eligible students and to provide guidance to local educational agencies when determining whether or not eligible students under Chapter 14 are entitled to extended school year services. Additional legal basis is found in 20 U.S.C. Section 1400 et seq. known as the Individuals with Disabilities Education Act, and implementing regulations at 34 CFR Part 300.	William Penn (717) 783-2311
Certification of Professional Personnel 22 Pa. Code, Chapter 49	May 1998, as proposed.	These regulations and revisions are necessary to ensure that those individuals preparing to be teachers receive a quality education and are competent to teach in the disciplines and areas for which they are certified. These regulations are promulgated under authority of the Public School Code of 1949 (P. L. 30, No. 14) Article XXVI-B, §§ 26-2601-B—26-2606-B.	Peter Garland (717) 787-3787
General Standards for Preparation of Professional Educators 22 Pa. Code, Chapter 352	January 1998, as proposed.	These regulations will provide general standards for the preparation of professional educators for the Commonwealth. Pennsylvania colleges and universities must meet these standards to obtain or retain Pennsylvania Department of Education approval to conduct professional educator programs leading to Pennsylvania certification. These regulations are being promulgated under authority of 22 Pa. Code, Chapter 49.	Samuel Marcus (717) 783-6794
Private Driver Training Schools 22 Pa. Code, Chapter 101	April 1998, as final.	These regulations provide an updated set of rules and regulations for private driver training schools. The current regulations were adopted in 1970.	Robert Roush (717) 783-6595

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
EMERGENCY MANAGEMENT AGENCY			
No regulations being developed or considered at this date.			
ENVIRONMENTAL HEARING BOARD			
25 PA Code §§ 1021	March 1998, as proposed.	The regulations are being reviewed and revised on an ongoing basis. The revisions and additions to Chapter 1021 are meant to improve the practice and procedure before the Board and to provide the regulated community, the Department of Environmental Protection, and other potential litigants with more specific guidance on how to represent their interests before the Board. The legal basis for the regulation is § 5 of the Environmental Hearing Board Act (35 P. S. § 7515).	Kimberly Hafner 717-787-3483
ENVIRONMENTAL PROTECTION			
Special Protection Waters (Antidegradation) Program Clean Streams Law	June 1998, as final to the EQB.	The proposal has been developed to streamline and improve the existing program and to address EPA disapproval issues. The Department utilized a regulatory negotiation (Reg Neg) process to develop program changes at proposed rulemaking; however, expediting the regulation changes has been given a high priority as a result of a Federal Court order that EPA promulgate Federal regulations to correct program disapproval issues. EPA promulgated regulations for Pennsylvania in December 1996. The Reg Neg Group included representatives of conservation groups, the regulated community, public interest groups and government. The EQB received over 1,700 comments on its proposal. The Department has considered and responded to comments and is preparing final amendments. The Water Resources Advisory Committee (WRAC) will be briefed on the final rulemaking.	Carol Young, 717-787-4686
Stream Redesignations - French Creek, et al. (Part A) Clean Streams Law	March 1998, as final to the EQB.	This proposal evaluates 26 water bodies in 15 counties for addition, deletion or modification to the Special Protection use designations or for addition of use designations for streams which were not previously listed in Chapter 93. The changes will allow wastewater treatment requirements for dischargers to be consistent with water uses actually or potentially supportable by these streams. French Creek (Chester County), Sutton Creek (Luzerne County), Cedar Run and Slate Run (Lycoming and Tioga Counties), and Cove Creek (Bedford County), were evaluated as a result of petitions submitted to the Environmental Quality Board (EQB). Part B of the package contains recommendations for Browns Run (Warren County) and Trout Run (York County) and will be restudied by the EQB and considered in early 1999.	Tom Barron, 717-787-9637

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Chapters 91, 97 & 101 - Wastewater Management Clean Streams Law	April 1998, as final to the EQB.	This proposal has been developed as a result of the Regulatory Basics Initiative (RBI) and Executive Order 1996-1 and consolidates references to related water pollution control requirements into a single source, Chapter 91. The proposal will provide the regulated community and DEP greater flexibility in implementing pollution prevention measures and will provide authority for DEEP to issue general water quality management permits. The former Water Subcommittee of the Air and Water Quality Technical Advisory Committee (AWQTAC), which has been renamed the Water Resources Advisory Committee (WRAC), reviewed this proposal in February 1997. The proposal was discussed with the Agricultural Advisory Board (AAB) in October 1997. WRAC and the AAB will review the draft final rulemaking in early 1998.	Milt Lauch, 717-787-8184
Chapter 94 - Municipal Wasteload Management Clean Streams Law	April 1998, as final to the EQB.	This proposal was developed as a result of the RBI and Executive Order 1996-1 and deletes regulations related to implementation of the federal pretreatment program. These references are unnecessary because DEP has not accepted delegation of this EPA program, nor does it plan to seek delegation in the foreseeable future. The proposal also provides clarity with respect to annual reporting requirements for municipal wastewater facility permittees. WRAC will review the draft final rulemaking in early 1998.	Milt Lauch, 717-787-8184
Chapters 92, 93, 95, 96 & 97 - Water Quality Amendments Clean Streams Law	March 1998, as proposed to the EQB.	These revisions will address several of the principles of the RBI and Executive Order 1996-1. The revisions will reorganize these chapters into permitting, water quality standards and implementation chapters respectively and will make several modifications to the programs. The WRAC reviewed drafts of the proposed rulemaking. The draft proposal was discussed with the AAB in December 1997.	Carol Young, 717-787-4686
Chapter 102, Erosion Control Clean Streams Law	Fall 1998, as final to the EQB.	This proposal includes minor revisions such as eliminating obsolete terms, simplifying technical requirements for control facilities, updating and clarifying permit requirements to reflect current Federal NPDES permit requirements for construction activities, revising requirements that may be interpreted as more restrictive than Federal requirements, and establishing a minimum area of disturbance to require the development of an erosion and sedimentation control plan. The WRAC and the AAB will review drafts of the final rulemaking.	Ken Murin, 717-787-6827

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Chapter 105, Dam Safety and Waterway Management Clean Streams Law, Dam Safety and Encroachment Act	December 1998, as proposed to the EQB.	Revisions will be proposed to simplify and clarify the regulations, streamline the process for minor wetland encroachments, establish discretion to issue expedited permit decisions during site visits; simplify the application fee schedule; and clarify the Chapters 105 and 106 programs by consolidating rules and procedures for stream channels, floodways and floodplains into one regulation. The Wetlands Protection Advisory Committee (WetPAC) and the AAB are reviewing drafts of the proposal.	Ken Reisinger, 717-787-6827
Chapter 171, Schools Administrative Code of 1929	June 1998, as final to the EQB.	The Department proposes to eliminate these regulations concerning general sanitation at private and public schools because of the transfers of the Eating and Drinking Program to the Department of Agriculture and the Bathing Place Program to the Department of Health. The Department is working with these agencies to ensure that all regulatory programs continue to be administered in schools. Most basic sanitation requirements such as adequate sewage disposal, safe drinking water and proper solid waste disposal are provided by existing programs in DEP.	Joseph Hoffman, 717-787-5017
Bottled Water Systems Permit by Rule Safe Drinking Water Act	March 1998, as proposed to the EQB.	These amendments to Chapter 109 would incorporate a permit by rule for bottled water systems meeting specified criteria to streamline the permitting process. DEEP formed a working group of stakeholders and other interested parties to assist in identifying and selecting implementation options. The draft amendments will also include some changes pertaining to streamlining approval of new labels and clarifying reporting requirements as well as changes resulting from the RBI and Executive Order 1996-1. The Technical Assistance Center for Small Water Systems and WRAC have reviewed the draft amendments.	John Wroblewski, 717-787-9037
Chapters 260-270 - Comprehensive Hazardous Waste Amendments Solid Waste Management Act	September 1998, as final to the EQB.	The amendments are a major initiative to update Pennsylvania's hazardous waste regulations and to bring the state program into conformance with the federal RCRA program by adopting large portions of the federal regulations by reference. The SWAC reviewed the draft proposed rulemaking and will review the draft final amendments. The proposed rulemaking was published December 6, 1997. The public comment period closed February 4, 1998.	Rick Shipman, 717-787-6239

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Municipal Waste Revisions Solid Waste Management Act	April 1998, as proposed to the EQB.	This proposal changes the environmental assessment requirements to evaluate harms or potential harms vs. benefits; revises the criteria for permit issuance or denial based upon harms vs. benefits; includes revisions to ICW permit by rule and general permit requirements; includes standards for odor, noise and other nuisance control; modifies the closure requirements, and assessment and abatement standards to be consistent with the Act 2 regulations and federal Subtitle D criteria; revises the planning and grant procedures; revises isolation distances; changes the equivalency review procedure for municipal waste permits so that once approval is given, it may be applicable statewide; revises the mandatory site inspection schedules to reduce inspections at facilities with successful environmental management programs; revises the facility design and operating standards for composting facilities to be more performance based; moves the landfill liner specifications from regulations to guidance to allow for flexibility based upon technological advancements; revises leachate sampling requirements to delete parameters from quarterly sampling if not detected by monitoring; allows for leachate holding tanks and trucking for some processing facilities in lieu of connection to sewer systems or building treatment plants. The draft proposal was reviewed by SWAC.	Bill Pounds, 717-787-7564
Residual Waste Revisions Solid Waste Management Act	March 1998, as proposed to the EQB.	The proposal changes the definition of waste and related terms to be similar to the solid waste definitions in RCRA Subtitle C; revises definitions and final closure standards to be consistent with the Act 2 regulations; allows for industry wide coproduct determinations and recycling of scrap metal; revises the assessment and abatement procedures to be consistent with the Act standards; includes standards for odor, noise and other nuisance control; revises isolation distances; modifies the environmental assessment requirements; revises the mandatory site inspection schedules to reduce inspections at facilities with successful environmental management programs; reduces the permit application fee and simplifies the approval process for demonstration facilities; revises the facility design and operating standards for composting facilities to be more performance based; expands the current permit-by-rule provisions; moves the landfill liner specifications from regulations to guidance to allow for flexibility based upon technological advancements; revises leachate sampling requirements to delete parameters from quarterly sampling if not detected by monitoring; allows for leachate holding tanks and trucking for some processing facilities in lieu of connection to sewer systems or building treatment plants; modifies the attenuating soil requirements at landfills to allow for equivalency modeling based upon site specific conditions. The draft proposal was reviewed by SWAC.	Bill Pounds, 717-787-7564

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Waste Oil Amendments Solid Waste Management Act	April 1998, as proposed to the EQB.	This proposal consolidates the requirements for the management of used oil into one chapter. The SWAC reviewed the draft amendments in January 1998.	Bill Pounds, 717-787-7564
Aerospace Manufacturing and Rework - VOC Emission Limitations Air Pollution Control Act	May 1998, as final to the EQB.	This proposal establishes surface coating, adhesive, solvent cleaning, and housekeeping requirements specific to the aerospace manufacturing and rework industry. Presently, these operations are regulated, where applicable, by the general surface coating limitations contained in Section 129.52. The proposed regulation is based on the provisions of an EPA draft Control Techniques Guidance (CTG) which specifies minimum performance levels. The CTG and the companion maximum achievable control technology (MACT) document stress pollution prevention in use, reuse/recycling, handling, storage and disposal of solvents. The EPA CTG and MACT also specify application techniques which may be used. These requirements acknowledge the unique nature of the aerospace coatings and coating processes and provide for the use of some materials which have higher VOC levels than are permissible under existing regulations. The proposal also deletes the requirement from Section 129.51 which requires that all equivalencies be submitted to EPA as revisions to the State Implementation Plan (SIP). The Air Quality Technical Advisory Committee (AQTAC) reviewed the draft proposal and will review the draft final amendments.	Terry Black, 717-787-4310
New Motor Vehicle Emissions Control Program Air Pollution Control Act	September 1998, as final to the EQB.	This proposal establishes the mechanism for Pennsylvania to opt into the National Low Emission Vehicle (NLEV) program. It allows NLEV to be a fully acceptable compliance alternative to state emission limitations established for certain new vehicles sold after a specified model year. Should the state program be implemented, the applicable model year will be determined based on the time of adoption of the final rule; however, the model year cannot be earlier than the second model year following final adoption. The state emission limitations for nonmethane organic compounds (NMOG) and oxides of nitrogen (NOx) must be identical to those in effect for those applicable to cars sold in California. Each manufacturer must also meet a fleet emissions average for NMOG which gets increasingly more stringent over the years until 2003. This allows the manufacturer to vary the mix of vehicles according to market demand. The program will not require "California fuels" nor a zero emissions vehicle (ZEV) mandate. The AQTAC reviewed this proposal and will review the final amendments. The proposed rulemaking was published November 29, 1997.	Arleen Shulman, 717-787-4310

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Control of VOCs from Gasoline Dispensing Facilities (Stage II) Air Pollution Control Act	April 1998, as final to the EQB.	DEP formed stakeholder groups to assist the Department in selecting air quality control strategies to address ozone nonattainment in the Pittsburgh and Philadelphia areas. The stakeholders evaluated control strategies to address and resolve the problem. The Pittsburgh area proposed strategies resulted in proposed regulations regarding Stage II. This proposal will result in a revision to the SIP. The AQTAC was briefed in the development of the final rulemaking.	Terry Black, 717-787-4310
Air Quality Amendments - RBI #2 Air Pollution Control Act	April 1998, as final to the EQB.	These amendments are the second in a series of regulatory proposals implementing changes to DEP's air resource regulations resulting from the RBI. The proposal deletes portions of Chapter 128 which established alternative emission reduction limitations for certain air contamination sources; allows 45 days in Section 129.56 for repairs of defective seals on floating roof storage tanks of 40,000 gallons or more; revises Section 129.67(b)(2) to insert the term "less water" which was inadvertently deleted in a previous rulemaking; deletes the perchloroethylene (perc) requirements for dry cleaning facilities in Section 129.70 since EPA no longer considers perc a volatile organic compound (VOC); and deletes the Pennsylvania ambient air quality standards for sulfates, hydrogen fluoride and hydrogen sulfide in Chapters 131 and 139 because they are not required under the Clean Air Act. The ATAC will review the draft final amendments.	Terry Black, 717-787-4310
Malodors - RBI #3 Air Pollution Control Act	June 1998, as final to the EQB.	The malodor regulations will be modified to clarify the definition of "malodor," add a definition for "odor investigation" and add a technology limitation to resolve malodor problems. Drafts of the final rulemaking will be reviewed by AQTAC.	Terry Black, 717-787-4310
New Source Review Air Pollution Control Act	Contingent on EPA action.	The Department's existing new source review regulations will be reorganized and reformatted to make the requirements clear to the regulated community and to facilitate the creation and use of emission reduction credits. The Department will propose a separate rulemaking package regarding emission reduction credits. In addition, the Department will incorporate proposed changes in the Federal new source review requirements as necessary. Drafts of the proposal will be reviewed by the AQTAC. EPA has proposed in its draft new source review (NSR) regulations a number of mechanisms related to generation and use of ERC's, and the use of an "area wide" plantwide applicability limit (PAL) to address trading issues. The proposed rules were issued in July 1996, and EPA indicates that final rules are to be issued in mid 1998. With the uncertainty of the nature of the final rules, the Department cannot proceed with revisions of the existing trading regulations until the final EPA rule is promulgated.	Terry Black, 717-787-4310

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Surface Coating Processes Air Pollution Control Act	April 1998, as proposed to the EQB.	This regulation will simplify the calculation procedure for determining compliance with Chapter 129 and consider small source exemptions to the extent possible without degrading air quality. The AQTAC will review the draft regulations.	Terry Black, 717-787-4310
Mobile Equipment Repair and Refinishing Air Pollution Control Act	December 1998, as final to the EQB.	The Southwest and Southeast Ozone Stakeholder Working Groups recommended that DEP adopt programs to reduce VOC emissions from automobile refinishing. The proposed regulations will establish maximum VOC content levels for automobile refinish materials used in the Commonwealth. The proposed regulation will also establish permitting requirements, pollution prevention and work practice standards. The AQTAC reviewed the draft proposed regulations.	Terry Black, 717-787-4310
Degreasing Operations Air Pollution Control Act	June 1998, as proposed to the EQB.	The Southwest and Southeast Ozone Stakeholder Working Groups recommended that DEP adopt programs to reduce VOC emissions from degreasing operations. The proposed regulations will establish requirements for solvent cleaning operations not presently regulated by the provisions of Section 129.63. The AQTAC will review the draft proposed rulemaking.	Terry Black, 717-787-4310
Emissions Trading - NOx and VOCs (ERCs)	July 1998, as proposed to the EQB.	The proposed regulations will modify the existing program for emissions trading of NOx and VOCs. The AQTAC will review a draft of the proposed rulemaking. The proposed rule will address the generation of ERCs from pre-1994 source shutdowns; the elimination of VOC offset requirements in certain attainment counties; elimination of offset requirements for NOx MOU covered sources; and issues related to enhanced BAT.	Terry Black, 717-787-4310
Chapter 240, Radon Certification Radon Certification Act	December 1998, as proposed to the EQB.	DEP conducted workshops attended by selected individuals from the Pennsylvania certified radon community to discuss possible amendments to the current regulations which appear to be of concern to the regulated community and which do not fully address new technologies that were developed since the effective date of the 1991 radon certification regulations in Chapter 240. Draft regulations are anticipated to be developed by July 31, 1998.	Michael Pyles, 717-783-3594
Low-Level Radioactive Waste - Waste Minimization Low-Level Radioactive Waste Disposal Act	March 2000, as proposed to the EQB.	DEP prepared a draft waste minimization issues (WM) paper which identifies ideas and options pertaining to waste minimization plan requirements for low-level radioactive waste generators. This document was presented to the Low-Level Waste Advisory Committee (LLWAC) in September 1997. The WM issues paper was subsequently converted into draft WM criteria and was presented to the LLWAC on December 12. The draft WM criteria document is anticipated to be finalized by June 1998.	Rich Janati, 717-787-2163

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Radiological Health (Chapters 216, 218, 221, 223, 227, 228) Radiation Protection Act	July 1998, as final to the EQB.	The Department is developing amendments to its radiological health regulations which were last revised in 1983. The amendments will address technological advances, mostly in the medical profession, which have occurred since that time. Issues to be addressed include new diagnosis and treatment methods, and particle accelerators which have changed in design and function. The amendments will offer increased protection to both employees and patients for medical diagnosis and treatment applications and address health and safety concerns, including the reduction in unnecessary exposure to patients and employees/operators. The Department consulted with its Radiation Protection Advisory Committee (RPAC) to solicit input on a draft of the regulations. RPAC will review the draft final regulations in April 1998.	Stuart Levin, 717-787-3720
Radiological Health (Chapters 215, 217, 219, 220, 224, 225, 226, 230 and 232) Radiation Protection Act	November 1998, as final to the EQB.	The Department is updating its regulations for the control of radioactive material in preparation for becoming an Agreement State with the U.S. Nuclear Regulatory Commission (NRC). One of the NRC requirements for the agreement is to have and maintain compatible regulations with the NRC. The proposed regulations address industrial radiography, well logging, irradiators, medical uses, transportation and packaging, protection standards and licensing. The Department consulted with RPAC to solicit input on a draft of the regulations.	Stuart Levin, 717-787-3720
Chapter 86, Subchapters A and D - General Provisions and Areas Unsuitable for Mining Surface Mining Conservation and Reclamation Act, Clean Streams Law, Coal Refuse Disposal Control Act	Fall 1998, as final to the EQB.	The amendments address regulations which are more stringent than federal requirements, lack clarity, and which are inconsistent with language used in federal regulations. This proposal was reviewed by the MRAB and is anticipated to be published in February.	David Hogeman, 717-787-4761
Chapter 89 - Mine Subsidence Control, Damage Repair (Act 54) Surface Mining Conservation and Reclamation Act, Clean Streams Law, Coal Refuse Disposal Control Act, Bituminous Mine Subsidence and Land Conservation Act	March 1998, as final to the EQB.	Various sections of Chapter 89 are obsolete and are being addressed along with amendments which are necessary to bring Pennsylvania's program into conformance with 1994 amendments to Pennsylvania law (Act 54) and 1995 amendments to Federal regulations. These changes involve subsidence damage and water loss due to underground bituminous coal mining. These changes do not fall within the purview of the MRAB; therefore, there was no advisory committee review.	Harold Miller, 717-783-8845
GENERAL SERVICES			
Instructions to Bidders 4 Pa. Code, Chapter 61	Spring, 1998, as proposed.	This Chapter has been superseded and should be repealed because such instructions should not be set out in regulatory form. There is a need for flexibility which can be of benefit to the Department as well as bidders.	Merle H. Ryan (717) 787-7095
General Conditions of the Construction Contract 4 Pa. Code, Chapter 63	Spring, 1998, as proposed.	See comment for Chapter 61.	Merle H. Ryan (717) 787-7095

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Art Commission 4 Pa Code, Chapter 65	Spring, 1998, as proposed.	The legislation creating the State Art Commission was sunsetted.	Merle H. Ryan (717) 787-7095
Emergency Construction Repairs 4 Pa. Code, Chapter 67	Summer, 1998, as proposed.	The regulation should be amended to more accurately reflect present practice and to delete contract provisions. Such provisions should not be in regulatory form and their deletion will serve the same purpose as noted for Chapter 61.	Merle H. Ryan (717) 787-7095
Contract Compliance 4 Pa. Code, Chapter 68	Spring, 1998, as proposed.	Executive Order 1996-8 transferred the contract compliance responsibilities to the Department of General Services	John R. McCarty (717) 783-8720
Commonwealth Parking Facilities 4 Pa. Code, Chapter 71	Summer, 1998, as proposed.	Amendments are required because parking locations have been changed.	Ronald L. Coy (717) 783-5028
Commonwealth Automotive Fleet 4 Pa. Code, Chapter 73	Summer, 1998, as proposed.	The regulation will be amended to eliminate the requirement for a Pennsylvania license to drive a state vehicle and will permit out-of-state licenses.	Gary Ankabrandt (717) 783-1982
Processing Subscriptions and Sales of Pennsylvania Code and Related Publications 4 Pa. Code, Chapter 81	Fall, 1998, as proposed.	These regulations should be repealed since the Department of General Services' Bureau of Management Services no longer has responsibility for the processing of subscriptions and orders for the Pennsylvania Code. The Pennsylvania Code contractor is now responsible for Pennsylvania Code subscriptions. New regulations will be developed to address sales of Commonwealth publications in general.	John R. McCarty (717) 783-8720
First Amendment Rights Amendment to 4 Pa. Code, Chapter 86	Spring, 1998, as proposed.	The amendment will extend coverage of the statement of policy to the Philadelphia State Office Building, Pittsburgh State Office Building, Scranton State Office Building, and Reading State Office Building.	Gregory C. Santoro (717) 787-5599
Death Benefits for Survivors of Firemen and Law Enforcement Officers 4 Pa. Code, Chapter 89	Summer, 1998, as proposed.	Since Act 101 of June 24, 1976 (P. L. 424) was amended by Act 161 of 1994 (P. L. 1373), the regulations must be amended to reflect the legislative changes.	Ronald L. Coy (717) 783-5028
HEALTH			
Emergency Medical Services 28 Pa. Code § 1001.1 et seq.	July 1998, as proposed.	The proposed amendments to the current regulations for the operation of the Emergency Medical System in the Commonwealth pursuant to the Emergency Medical Services Act, 35 P. S. §§ 6921-6938.	Kenneth Brody 717-783-2500
Communicable Diseases 28 Pa. Code § 27.1 et seq.	October 1998, as proposed.	The amendments to existing regulations to make them consistent with current public health practices for the control of communicable and other reportable conditions. Currently under review by Bureau of Community Health, Bureau of Preventive Health, Bureau of Epidemiology and Bureau of Maternal and Child Health.	Suzanne Craig 717-783-2500
Personnel Administration in County Health Departments, 28 Pa. Code § 13.1 et seq.; State Aid to Local health Departments, 28 Pa. Code § 15.1 et seq.	October 1998, as proposed.	The amendments to existing regulations to make them consistent with current local health administration practices. Currently under review by Bureau of Community Health.	Suzanne Craig 717-783-2500

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Drug and Alcohol Confidentiality 4 Pa. Code § 255.1 et seq. and § 257.1 et seq.	July 1998, as proposed.	These regulations are being reviewed for updating and to address concerns regarding availability of records of patients being treated for drug and alcohol related problems.	Keith Fickel 717-783-2500
Newborn Screening 28 Pa. Code § 28.1 et seq.	No publication anticipated in the next six months.	These regulations are to address amendments to the Newborn Child Testing Act regarding procedures and time frames for the drawing of blood and filing of reports and the addition of two reportable diseases. Authority for these regulations is set forth in the Newborn Child Testing Act, 35 P. S. § 621.1 et seq.	Yvette Kostelac 717-783-2500
Amendments to the List of Drugs Which Optometrists May Use in the Course of Their Practice 28 Pa. Code Ch. 6	March 1998, as proposed.	These amendments to the regulations currently set out at 28 Pa. Code Ch. 6 are intended to comport with the expansion of the definition of the practice of optometry in the Optometric Practice and Licensure Act, (P. L. 197, No. 57) (63 P. S. § 244.1 et seq.). That act was amended by the Act of October 30, 1996, (P. L. 721, No. 130) to permit the administration and prescription of legend and nonlegend drugs as approved by the Secretary of Health for treatment of certain areas of the visual system, and under certain conditions. These proposed regulations include an expanded list of drugs approved by the Secretary for use by optometrists in the course of their practice.	Yvette Kostelac 717-783-2500
Environmental Health Assessment 28 Pa. Code § 17.1 et seq.	July 1998, as proposed.	These amendments are necessitated by the transfer of authority for certain environmental regulations from the Department of Environment Protection to the Department of Health. The DOH has met with consumer groups to obtain stakeholder input.	Nan Lipton 717-783-2500
Dental Laboratories 28 Pa. Code § 25.301 et seq.	March 1998, as proposed.	These new regulations are needed to establish standards for the operation of laboratories in dental offices, as required by the Controlled Substances, Drug Device and Cosmetic Act at 35 P. S. § 780-101 et seq.	Laurie McGowan 717-783-2500
Managed Care Organizations 28 Pa. Code §§ 9.1-9.227	July 1998, as proposed.	Amendment and update of regulations for Health Maintenance Organizations and Preferred Provider Organizations.	Howard Burde Laurie McGowan 717-783-2500
Head Injury Program	February 1998, as proposed.	Regulations will facilitate the implementation of this program.	Lawrence Otter 717-783-2500
Health Facility Licensure— Ambulatory Surgical Facilities 28 Pa. Code § 551.1 et seq.	March 1998, as final.	Amendment and update of regulations for ambulatory surgical facilities. Review occurred due to sunset of Certificate of Need	James T. Steele, Jr. 717-783-2500
Health Facility Licensure— Long Term Care Facilities & 28 Pa. Code § 201.1 et seq.	April 1998, as final.	Amendment and update of regulations for long term care facilities. Review occurred due to sunset of Certificate of Need	James T. Steele, Jr. 717-783-2500
Health Facility Licensure— General & Special Hospitals & Health Planning 28 Pa. Code § 101.1 et seq. 28 Pa. Code § 301.1 et seq. 28 Pa. Code § 401.1 et seq.	March 1998, as proposed.	Amendment and update of regulations for general and acute care hospitals, emergency services and psychiatric services. Also, the chapters on health planning are proposed for repeal. Review occurred due to sunset of Certificate of Need	James T. Steele, Jr. 717-783-2500

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Health Facility Licensure— General Administrative Chapter & General and Special Hospitals 28 Pa. Code § 51.1 et seq. 28 Pa. Code § 101.1 et seq.	February 1998, as final.	Addition of general administrative chapter providing regulations relevant to all health care facilities; and addition of chapters to the general and special hospital regulations detailing requirements for the provision of specific types of services: open heart surgery, cardiac catheterization, organ transplantation surgery and neonatal care. Review occurred due to sunset of Certificate of Need.	James T. Steele, Jr. 717-783-2500
HOUSING FINANCE AGENCY			
No regulations being developed or considered at this date.			
INFRASTRUCTURE INVESTMENT AUTHORITY			
Pennsylvania Infrastructure Investment Authority Financial Assistance, (relating generally to Letters of No Prejudice). 25 Pa Code Chapter 963.17(b)	Summer 1998, as proposed.	These amendments to Chapter 963 will notify the public of certain less onerous regulatory requirements for obtaining a Letter of No Prejudice. The Letter of No Prejudice is an exception to PENNVEST's refinancing limitation allowing the applicant or potential applicant to proceed to construction provided a satisfactory financial plan to interim fund the project is approved and the construction is necessary to accomplish an objective delineated in Section 963.17(b)(2) of PENNVEST's regulations. These amendments will eliminate the need to demonstrate why the Letter of No Prejudice is necessary, leaving that decision with local government. As a result, the Letter of No Prejudice shall be issued upon request provided the applicant or potential applicant has a satisfactory financial plan approved by PENNVEST. The grant of authority to issue amendments to 25 Pa. Code § 963.17(b) is set forth in Section 6(4)(i) of the Pennsylvania Infrastructure Investment Authority Act, 35 P. S. § 751.6(4)(i).	Brion Johnson (717) 783-6798 Jayne B. Blake (717) 783-6776
Individual On-Lot Sewage Disposal System Program. 25 Pa Code Chapter 967	Summer 1998, as proposed.	The On-Lot Program affords citizens of the Commonwealth a means to finance and comply with environmental sewage disposal regulations in rural areas where households are not and will not be served by a centralized sewage disposal system. The aforementioned regulations set forth the terms and conditions for obtaining financial assistance from the On Lot Program and are necessary to instruct the individual homeowners on the particulars of the On-Lot Program. For example, the On-Lot Program regulations will inform the homeowners on how to apply for assistance, funding eligibility criteria and on how the Program is administered. The On-Lot Program regulations are a collaborative effort of the United States Environmental Protection Agency, the Department of Environmental Protection, the Pennsylvania Housing Agency and PENNVEST. The grant of authority to issue these regulations is set forth in Section 6(4)(i) of the Pennsylvania Infrastructure Investment Authority Act 35 P. S. § 751.6(4)(i).	Brion Johnson (717) 783-6798 Jayne B. Blake (717) 783-6776
INSPECTOR GENERAL			
No regulations being developed or considered at this date.			

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INSURANCE			
Operating Expense Classifications 31 Pa. Code, Chapters 1, 5, 7 and 9	January 1998, as final.	Repeal obsolete, unnecessary regulations. The Insurance Commissioner has determined that the form, instructions and manuals prescribed by the National Association of Insurance Commissioners (NAIC) sufficiently address the classification of the types of expenses covered in the regulations. Therefore, the regulations are outdated and redundant to the NAIC guidelines and are no longer needed.	Peter J. Salvatore 717-787-4429
Allocation of Joint Expenses 31 Pa. Code, Chapter 3	July 1999, as proposed.	Amend to be consistent with current NAIC accounting instructions and to expand the scope of the regulations to include life and health insurers in holding company systems .	Peter J. Salvatore 717-787-4429
Miscellaneous (Relating to Uniform Classification of Expenses) 31 Pa. Code, Chapter 11	July 1999, as proposed.	Repeal § 11.2 and 11.5-7 to eliminate outdated unnecessary regulations and amend § 11.4 to clarify current NAIC accounting instructions for electronic data processing expenses.	Peter J. Salvatore 717-787-4429
Costs of Examinations (EDP Expenses) 31 Pa. Code, Chapter 12	July 1999, as proposed.	Amend to clarify the various types of costs incurred in the conduct of department examinations.	Peter J. Salvatore 717-787-4429
Stock Ownership Statements 31 Pa. Code, Chapter 21	July 1999, as proposed.	Amend to update requirements relating to Stock Ownership Statements consistent with NAIC model language.	Peter J. Salvatore 717-787-4429
Proxies, Consents and Authorizations 31 Pa. Code, Chapter 23	July 1999, as proposed.	Amend to update requirements relating to Proxies, Consents and Authorizations consistent with NAIC model language.	Peter J. Salvatore 717-787-4429
Acquisitions of Capital Stock (Insurance Company Holding Law) 31 Pa. Code, Chapter 25	August 1998, as proposed.	Amend to be consistent with 1993 amendments to the authorizing statute and to eliminate unnecessary filing requirements	Peter J. Salvatore 717-787-4429
Disclosure of Material Transactions 31 Pa. Code, Chapter 27	March 1998, as final.	Under § 320 of The Insurance Company Law of 1921 (40 P. S. § 443), insurers transacting business in the Commonwealth are required to file financial statements with the Department on an annual basis, and the Department has the discretion to require additional statements as necessary. The proposed regulation requires domestic insurers to file interim statements of specific transactions which may have an effect on the financial condition of the company. The regulation is required for continued accreditation by the NAIC.	Peter J. Salvatore 717-787-4429
Advances to Mutual, Stock and Life Companies	January 1999, as proposed.	New regulation to address surplus notes issued by mutual stock and life companies consistent with authorizing statute adopted in 1992.	Peter J. Salvatore 717-787-4429
Assigned Risk Plan 31 Pa. Code, Chapter 33	May 1998, as proposed.	Amend regulation to be consistent with Pennsylvania Assigned Risk Plan	Peter J. Salvatore 717-787-4429
Producer Licensing 31 Pa. Code, Chapter 37	April 1998, as proposed.	Amend 31 Pa. Code, Chapter 37, Agent Certificates of Qualification and Broker Licenses, consistent with statutory amendments in Act 72 of 1996 and 40 of 1997.	Peter J. Salvatore 717-787-4429
Producer Licensing 31 Pa. Code, Chapter 38	April 1998, as proposed.	Amend Statement of Policy regarding procedures for National and State Chartered Banks to sell insurance and annuities.	Peter J. Salvatore 717-787-4429

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Producer Licensing 31 Pa. Code, Chapter 39	April 1998, as proposed.	Amend Chapter 39 relating to continuing education for agents and brokers consistent with statutory amendments in Act 72 of 1996.	Peter J. Salvatore 717-787-4429
Fraternal Benefits Societies Administration 31 Pa. Code, Chapter 41	March 1998, as final.	Repeal pursuant to Executive Order 1996-1.	Peter J. Salvatore 717-787-4429
Reserves of Beneficial Societies 31 Pa. Code, Chapter 43	December 1998, as proposed.	Repeal pursuant to Executive Order 1996-1.	Peter J. Salvatore 717-787-4429
Advertising of Insurance 31 Pa. Code, Chapter 51	May 1998, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore 717-787-4429
Special Rules of Administrative Practice and Procedure 31 Pa. Code, Chapter 56	March 1998, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore 717-787-4429
Publication of Citations and Notice of Hearings 31 Pa. Code, Chapter 57	March 1998, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore 717-787-4429
Objections and Procedure for Hearings on Reports of Examination 31 Pa. Code, Chapter 58	July 1999, as proposed.	Repeal to eliminate outdated, unnecessary requirements consistent with the new examination law adopted in 1992 (40 P. S. §§ 323.1 - 323.8) .	Peter J. Salvatore 717-787-4429
Cancellations and Refusal to Renew Homeowners Insurance 31 Pa. Code, Chapter 59	May 1999, as proposed.	Amended language to regulation and statute is being drafted pursuant to Executive Order 1996-1.	Peter J. Salvatore 717-787-4429
Notices for and Appeals of Cancellations and Refusals to Renew Automobile Insurance Policies 31 Pa. Code, Chapter 61	July 1998, as proposed.	Modify regulation consistent with the statute (40 P. S. § 1008.1 et seq.). The regulations provide guidance to automobile insurers relating to cancellations and nonrenewals of certain automobile insurance policies, and the available administrative process to secure an administrative review of such terminations.	Peter J. Salvatore 717-787-4429
Physical Damage Appraisers 31 Pa. Code, Chapter 62	July 1998, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore 717-787-4429
Uninsured Motorist Coverage 31 Pa. Code, Chapter 63	August 1999, as proposed.	Amend pursuant to Executive Order 1996-1 and pending filing before the Department.	Peter J. Salvatore 717-787-4429
Private Passenger Automobile Policy Forms 31 Pa. Code, Chapter 64	July 1998, as proposed.	Repeal pursuant to Executive order 1996-1.	Peter J. Salvatore 717-787-4429
Charter Amendments 31 Pa. Code, Chapter 65 65"65.21-26	July 1999, as proposed.	Amend to eliminate outdated, unnecessary provisions relating to minimum capital and surplus requirements pursuant to Executive Order 1996-1.	Peter J. Salvatore 717-787-4429
Collision Loss Settlements 31 Pa. Code, Chapter 65, §§ 65.11-14	March 1998, as final.	Repeal pursuant to Executive Order 1996-1.	Peter J. Salvatore 717-787-4429
Catastrophic Loss Trust Fund 31 Pa. Code, Chapter 67, §§ 67.1-16	July 1999, as final.	Amend obsolete regulation for the automobile insurance Catastrophic Loss Trust Fund. The Fund was abolished and replaced with the Catastrophic Loss Benefits Continuation Fund.	Peter J. Salvatore 717-787-4429

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Motor Vehicle Financial Responsibility Law - Evidence of Financial Responsibility 31 Pa. Code, Chapter 67, §§ 67.21-28	June of 1998, as final.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore 717-787-4429
Motor Vehicle Financial Responsibility Law Consumer Protections Statement of Policy 31 Pa. Code, Chapter 68	June 1999, as proposed.	Repeal pursuant to Executive Order 1996-1.	Peter J. Salvatore 717-787-4429
Credit Insurance 31 Pa. Code, Chapters 71 and 73	February 1998, as final.	Delete Chapter 71 and amend Chapter 73. Because legislation passed in July 1994 expanded the Insurance Department's regulatory authority over credit unemployment insurance, the current credit insurance regulations will be expanded to include credit unemployment insurance. Additionally, the regulations will be revised to provide for less burdensome rating and rate deviation procedures, for new prima facie rates, and to incorporate and update numerous current credit insurance notices and guidelines.	Peter J. Salvatore 717-787-4429
Life Insurance Illustrations	September 1998, as proposed.	Act 154 of 1996 provides for life insurance illustration requirements for life insurance policies. The statute sunsets when a life insurance illustration regulation becomes effective. A life insurance illustration regulation will eliminate misleading illustrations, make illustrations more understandable, and standardize terms and illustration formats for the entire life insurance industry. Further, it is more appropriate that technical requirements, such as these, appear in a regulation rather than in statutory form.	Peter J. Salvatore 717-787-4429
Replace Life Insurance Annuities 31 Pa. Code, Chapter 81, §§ 81.1-9	July 1998, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore 717-787-4429
Variable Life Insurance 31 Pa. Code, Chapter 82, §§ 82.1-91	September 1998, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore 717-787-4429
Disclosure in Solicitation of Life Insurance 31 Pa. Code, Chapter 83, §§ 83.1-57	July 1998, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore 717-787-4429
Mortality Tables Used in Determining Nonforfeiture Standards 31 Pa. Code, Chapter 84, §§ 84.1-6	May 1998, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore 717-787-4429
Minimum Reserve Standards 31 Pa. Code, Chapter 84a., §§ 84a.1-8	July 1998, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore 717-787-4429
Actuarial Opinion & Accumulation Contracts 31 Pa. Code, Chapter 84b., §§ 84b.1-11	September 1998, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore 717-787-4429

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Variable Annuity & Accumulation Contracts 31 Pa. Code, Chapter 85, §§ 85.1-40	July 1998, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore 717-787-4429
Premium & Retirement Deposit Fund 31 Pa. Code, Chapter 86, 86.1-12	July 1998, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore 717-787-4429
Requirements for Life Policies and Sales Practices 31 Pa. Code, Chapter 87, §§ 87.1-42	August 1998, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore 717-787-4429
Individual Accident & Sickness Minimum Standards 31 Pa. Code, Chapter 88, §§ 88.1-195	September 1998, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore 717-787-4429
Accident and Health Insurance Regulation 31 Pa. Code, Chapter 89 §§ 89.1-11 and § 89.17	May 1998, as proposed.	Changes will be promulgated regarding the deregulation of rates and forms filings for accident and health insurance, as a result of Act 159 of 1996. Changes will be made pursuant to the health care provisions of the Federal Health Insurance Portability and Accountability Act of 1996.	Peter J. Salvatore 717-787-4429
Preparation of Forms, etc. 31 Pa. Code, Chapter 89, §§ 89.12-16, 89.18-62 and 89.101	August 1998, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore 717-787-4429
Separate Accounts for Principle and Interest Guarantees 31 Pa. Code, Chapter 90a, §§ 90a.1-31	July 1998, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore 717-787-4429
Various Individual Death/Life/Annuity Benefits 31 Pa. Code, Chapter 90c-90h	August 1998, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore 717-787-4429
Cash Advances to Insurance Companies 31 Pa. Code, Chapter 105	January 1999, as proposed.	Amend to reflect statutory amendments adopted in 1992 and 1995 and to eliminate outdated, unnecessary provisions relating to cash advancements to insurance companies pursuant to Executive Order 1996-1.	Peter J. Salvatore 717-787-4429
Policies Covering Personal Property Pledged as Collateral 31 Pa. Code, Chapter 112	August 1998, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore 717-787-4429
Consent to Rate Filings 31 Pa. Code, §§ 113.1-9	October 1998, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore 717-787-4429
Mass Merchandising of P&C Insurance 31 Pa. Code, §§ 113.51-62	January 1998, as final.	Repeal pursuant to Executive Order 1996-1.	Peter J. Salvatore 717-787-4429

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Notice of Increase in Premium 31 Pa. Code, Chapter 113,"113.81-87	March 1998, as final.	Amend current regulations to be consistent with 1995 amendments to Act 86 of 1986, which governs the termination of commercial property and casualty insurance policies. Act 10 of 1995 reduced the period for advance notice of increase in renewal premium from 60 to 30 days and eliminated the requirement that companies provide insureds with notice of estimated increases in premium. The proposed regulation reflects these statutory changes and clarifies various other provisions of Act 86 .	Peter J. Salvatore 717-787-4429
Public Adjusters 31 Pa. Code, Chapter 115	June 1998, as proposed.	The regulation was initially promulgated to clarify the requirements of public adjuster contracts. The authorizing statute, Act 72, was amended in 1983 (63 P. S. "1601-1608), and the Insurance Department seeks to modify Chapter 115 to be consistent with the revised statutory language. Additionally, three sections have been proposed for deletion since they mirror the Act.	Peter J. Salvatore 717-787-4429
Discounting Workers' Compensation Loss Reserves 31 Pa. Code, Chapter 116, "116.1-9	May 1998, as proposed.	Blend regulations on discounting of loss reserves into one regulation consistent with Executive Order 1996-1.	Peter J. Salvatore 717-787-4429
Anti Arson Application 31 Pa. Code, Chapter 117, §§ 117.1-8	March 1998, as final.	Repeal pursuant to Executive Order 1996-1.	Peter J. Salvatore 717-787-4429
Discounting Medical Malpractice Loss Reserve 31 Pa. Code, Chapter 118. "118.1-6	May 1998, as proposed.	Blend regulations on discounting of loss reserves into one regulation consistent with Executive Order 1996-1.	Peter J. Salvatore 717-787-4429
Fees for Out of State Companies 31 Pa. Code, Chapter 121	March 1998, as proposed.	Repeal pursuant to Executive Order 1996-1.	Peter J. Salvatore 717-787-4429
Surplus Lines 31 Pa. Code, Chapter 124	March 1998, as proposed.	Repeal two current regulations, 31 Pa. Code, Chapters 35 and 123 and replace with one updated regulation relating to surplus lines insurance consistent with 1992 statutory amendments.	Peter J. Salvatore 717-787-4429
Title Insurance 31 Pa. Code, Chapter 125	July 1998, as proposed.	Amend pursuant to Executive Order 1196-1.	Peter J. Salvatore 717-787-4429
Title Insurance 31 Pa. Code, Chapter 126	July 1998, as proposed.	Amend pursuant to Executive Order 1196-1.	Peter J. Salvatore 717-787-4429
Deductible Program 31 Pa. Code, Chapter 131	January 1998, as final.	Repeal pursuant to Executive Order 1996-1.	Peter J. Salvatore 717-787-4429
Preparation of Filing of Property and Casualty Forms for Approval 31 Pa. Code, Chapter 133	September 1998, as proposed.	Repeal pursuant to Executive Order 1996-1.	Peter J. Salvatore 717-787-4429
Qualifications of Persons Signing Annual Financial Statements 31 Pa. Code, Chapter 135	March 1998, as final.	Repeal pursuant to Executive Order 1996-1.	Peter J. Salvatore 717-787-4429

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Miscellaneous (Unsafe Products, Consumer Affairs, Advertising 31 Pa. Code, Chapter 137	February 1998, as final.	Repeal pursuant to Executive Order 1996-1.	Peter J. Salvatore 717-787-4429
Description of Reserves - Prohibited Phrases 31 Pa. Code, Chapter 139	August 1998, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore 717-787-4429
Unfair Insurance Practices; Unfair Claims Settlement Practices 31 Pa. Code, Chapter 146	June 1998, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore 717-787-4429
Securities Held Under Custodial Agreements 31 Pa. Code, Chapter 148	December 1998, as proposed.	Amend to eliminate unnecessary forms, add uniform requirements relating to custodial agreements and duties of custodians and update provisions relating to permissible custodians .	Peter J. Salvatore 717-787-4429
Continuing Care Providers 31 Pa. Code, Chapter 151	July 1999, as proposed.	Amend to be consistent with 1996 statutory amendments relating to the order of distribution of assets in insolvencies and to provide for the voluntary surrender of a certificate of authority.	Peter J. Salvatore 717-787-4429
Contractual Agreements with Integrated Delivery Systems 31 Pa. Code, Chapter 152	December 1998, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore 717-787-4429
Medical Professional Catastrophe Loss Fund 31 Pa. Code, Chapters 242 §§ 242.1- 242.20	December 1998, as proposed.	Act 135 of 1996 reforms the Medical Professional Liability Catastrophe Loss Fund (Fund) by raising primary coverage limits for health care providers to \$300,000. The statute also changes the formula used to assess providers' Fund coverage from a premium based method to one fixed on filed Joint Underwriting Association rates. The Insurance Department will amend its regulations consistent with the statute.	Peter J. Salvatore 717-787-4429
Health Maintenance Organizations 31 Pa Code, Chapters 301-303	August 1998, as proposed.	Amend pursuant to Executive order 1996-1.	Peter J. Salvatore 717-787-4429
Underground Storage Tank Indemnification Fund - Claims Regulation 25 Pa. Code, Chapter 977	October 1998, as proposed.	Requires underground storage tank owners be in compliance with certain leak detection standards in order to obtain claims coverage from the Underground Storage Tank Indemnification Fund. The proposed regulation establishes requirements for owners to file such claims.	Peter J. Salvatore 717-787-4429
Underground Storage Tank Indemnification Fund - Fee Regulation 25 Pa. Code, Chapter 971	October 1998, as final.	Amend the existing fee regulation for the Underground Storage Tank Indemnification Fund (USTIF) to comport with the USTIF Board's decision to reduce fees of the USTIF.	Peter J. Salvatore 717-787-4429
LABOR AND INDUSTRY			
Workers' Compensation Judges and Workers' Compensation Appeal Board 34 Pa. Code Chapters 131 and 111	Fall 1998, as proposed.	These rules have not been updated in many years; they need to reflect the changes in the law and practice of workers' compensation. Draft (tentatively) to be prepared by September 1998, but not into approval process until late 1998 for Judges Rules. Workers' Compensation Appeal Board, draft tentatively in 1998.	Thomas J. Kuzma (717) 783-4467

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Work-place Safety Committee Certification; Evaluation of Accident/Illness Prevention Services & Programs of Insurers and Self-insureds; Qualifications of Accident/Illness Prevention Service Providers 34 Pa. Code Chapter 129	March 1998, as proposed.	The rulemaking implements the health and safety provisions of Article X of the Workers' Compensation Act. The proposed rulemaking specifies the safety committee certification application and renewal processes and establishes the necessary program components and evaluation criteria for accident and illness prevention programs maintained or provided by licensed insurers and self-insured employers. In addition, the regulation ensures the uniform application of the provisions of Article X.	Len Negley (717) 772-1917
Group Self Insurance Funds 34 Pa. Code Chapter 125	March 1998, as final.	These regulations will bring Chapter 125 into compliance with certain amendments (Sections 30582, 802 (b)(11), 819) which resulted from Act 57.	George Knehr (717) 783-4476
Underground Storage Facilities	July 1998, as proposed.	This regulation will address requirements for natural or man-made caverns used for LPG storage.	James Varhola (717) 787-3329
Dry Cleaning	October 1998, as proposed.	Dry Cleaning Law, Act of December 19, 1990, P. L. 1387, No. 214, 35 P. S. '1270.1 et seq. This regulation is to regulate the construction, operation and maintenance of dry cleaning plants.	Edward Leister (717) 787-3323
Personal Care Homes Housing Immobile Residents 34 Pa. Code Chapters 49, 55 & 56.	May 1998, as proposed.	The regulation is a result of the Act of December 21, 1988, P. L. 1883, No. 185, which permitted the housing of immobile persons in personal care homes. The current Fire and Panic Regulations for personal care homes require personal care home occupants to be both physically and mentally capable of taking appropriate measures for self preservation with minimal supervision in the event of a fire. They are not designed to provide a fire safe environment for immobile persons. The proposed regulations will require the installation of an automatic sprinkler system in personal care homes which house immobile residents.	Edward Leister (717) 787-3323
Asbestos Occupations Accreditation and Certification	June 1998, as proposed.	Act of December 19, 1990, P. L. 05, No.194, 63 P. S. §§ 2101-2112. This regulation established the Department's worker certification and training provider accreditation program. It also sets up training course requirements. It is based on the Environmental Protection Agency's model plan.	Sharon Lawson (717) 772-3396
Elevators and Lifting Devices	October 1998, as proposed.	The new regulation will amend the current standards to include ANSI/ASME A17.1, B20.1 and other national consensus standards. There is a need to update standards to bring them in line with national standards.	James Varhola (717) 787-3329

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
MEDICAL PROFESSIONAL LIABILITY CATASTROPHE LOSS FUND			
Payment and Collection of Fund Surcharge 31 Pa Code §§ 242.1 et. seq.	January 1999, as proposed.	This regulations will further clarify the basis upon which the Medical Professional Liability Catastrophe Loss Fund's surcharge is to be paid. The regulation will be consistent with the statute as it relates to the procedure for levying, payment and collection of the surcharge, and the date on which it is to be remitted to the Fund. Statutory authority 40 P. S. §§ 1301.701 et. seq.	Arthur McNulty 717-783-3770
MILITARY AND VETERANS AFFAIRS			
State Veterans Home 43 Pa. Code Section 7.1 et. seq.	July 1998, as proposed.	This regulation is necessary to update current regulations, make them more user-friendly. This regulation is a long-term project and would amend 43 Pa. Code Chapter 7.	Robert P. Daday 717-861-8503
PARDONS			
Recommendation 37 PA. Code § 81.301	April, 1998, as final omitted.	This regulation will be amended to conform with Joint Resolution 1997-2.	Nelson R. Zullinger 717-787-2596
PROBATION AND PAROLE			
No regulations being developed or considered at this date.			
PUBLIC SCHOOL EMPLOYEES' RETIREMENT SYSTEM			
Change in Benefit Payment Plan 22 Pa. Code § 213.45	January 1999, as proposed.	Under the current regulations, a benefit payment plan becomes irrevocable upon filing of the application for annuity. The member, however, does not receive a final audit of the retirement account until after the application has been filed and benefits have commenced. The proposed regulation seeks to correct the unfairness of having the member make irrevocable retirement elections before receiving final account information by making the benefit payment plan irrevocable only after the required account audit is performed. The regulations are promulgated under the authority of the Public School Employees' Retirement Code (Act of October 2, 1975, P. L. 298, No. 96, as amended), 24 Pa.C.S. §§ 8101-8535.	Frank Ryder (717) 720-4733
22 Pa. Code Chapters 201, 211, 213 and 215	No publication anticipated in next six months	These regulations are in the process of review as a result of Executive Order 1996-1.	Frank Ryder (717) 720-4733
PUBLIC WELFARE			
Subsidized child day care	May 1998, as final.	The final regulation will provide policy changes needed to implement an integrated child care system as required by the Federal Child Care and Development Block Grant. The final regulation includes the requirements for a family to be eligible for the subsidized child care program and the benefit available through the subsidized child care system.	Tom Vracarich (717) 783-2209

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Child Protective Services Law	February 1998, as proposed.	This regulation incorporates the amendments to the child protective services law as a result of Act 151 of 1994 and Act 10 (Special Services No. 1) of 1995. The major changes are: provisions for investigating reports of suspected sexual abuse or exploitation or serious bodily injury by a school employee against a student; screening applicants for employment in schools against childline files to determine whether or not their names are on file as an abuser; and reports of neglect.	Tom Vracarich (717) 783-2209
Child Residential and Day Treatment Facility	February 1998, as proposed.	These revisions are being proposed to update regulations, which were last revised on June 7, 1986. the regulations address contemporary changes in the fields of residential care and day treatment. The emphasis is on protecting the health, safety and well-being of children served. The Department's legal basis for proposing the regulations is found in Article IX and X of the Public Welfare Code, Act of June 13, 1967 (P. L. 31, No. 21) (62 P. S. § 901-922 and 1001 and 1080).	Tom Vracarich (717) 783-2209
Medical assistance estate recovery	April 1998, as proposed.	This regulation will codify the department's collection practices to recover correctly paid Medical Assistance from the estates of certain deceased recipients age 55 or older who receive Medical Assistance for nursing facility care (includes Intermediate Care Facilities/Mental Retardation and Intermediate Care Facilities/Other Related Conditions), home and community based services, and related hospital prescription drug services. Changes effective August 15, 1994 and are the result of OBRA' 93 and Act 1994-49.	Tom Vracarich (717) 783-2209
Disclosure of social security number	June 1998, as final.	This regulation incorporates federal requirements that applicants for and recipients of benefits administered by the Department of Public Welfare are required to disclose or apply for a social security number as a condition of eligibility. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209
Continuation of Medical Assistance throughout pregnancy.	September 1998, as final omitted.	This regulation codifies the provision that Medical Assistance coverage will be continued for pregnant women throughout their pregnancy and postpartum period, regardless of changes in family income that occur after the authorization of MA or cash assistance. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Lump sum payments	February 1998, as proposed.	This proposed regulation will require that any balance remaining of a lump sum that has been treated as income in the calendar month of receipt for the Medical Assistance eligibility determination is treated as a resource in subsequent months. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209
Veterans Affairs Aid and Attendance	June 1998, as final omitted.	This regulation codifies the provision that the VA aid and attendance benefit received by an MA recipient in a nursing facility is not counted as income when determining the amount of income an individual is expected to pay toward the cost of care. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209
Emergency Assistance Program	June 1998, as proposed.	This regulation eliminates the allocation of emergency assistance for housing under the cash grant line. Funding for this purpose will be transferred to the Office of Social Programs. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209
Exclusion of Resources-Medical Assistance children	October 1998, as final omitted.	This regulation codifies the provision that resources are excluded in the Medical Assistance eligibility determination process for supplemental security income (SSI) related, general assistance (GA) related, and TANF-related persons under 21 years of age and for SSI-related, TANF-related, and GA-related families with children under 21 years of age. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209
Workfare/Community Service	January 1999, as proposed.	The revisions clarify who may be assigned and the priority and factors to be considered in making Workfare program assignments, define responsibilities of county assistance offices and project operators regarding participation expenses and program requirements, and provide for grievance rights for Workfare recipients and regular employees. Provisions of Act 1995-20 will also be incorporated into this regulation package. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
General Assistance Restructure - Act 1994-49	February 1998, as final omitted.	This regulation incorporates provisions of Act 1994-49 including acceptance of written verification of medical disability for chronically needy non-financial eligibility determination; 60-day residency requirement; savings designated for educational purposes; and certain medical services which are no longer compensable expenses. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209
Elimination of transitionally needy component of general assistance program	February 1998, as final omitted.	This regulation codifies the elimination of cash assistance payments to persons in the GA-Transitional Needy ("TN") category. References to both the TN and chronically needy (CN) components are deleted since there is no longer a need to differentiate between GA program requirements. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209
Act 1996-35 - General eligibility changes	February 1998, as final omitted.	This regulation codifies statutory changes to eligibility conditions for General Assistance benefits, including the following: expanding the eligibility determination period to 30 days; establishing a period of residency; imposing ineligibility periods based on welfare fraud convictions; limiting Medically Needy Only/Medical Assistance ("MNO/MA") eligibility to certain groups; and revising the methodology used to determine eligibility for retroactive MNO/MA. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209
Elimination of PACE requirement	October 1998, as final omitted.	This regulation codifies the elimination of the deduction from income for the PACE program and the mandate to enroll in the PACE program as required by Title XIX. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Minor parent	February 1998, as final omitted.	This regulation incorporates Act 1995-20 revisions to the Temporary Assistance for Needy Families and General Assistance general eligibility requirements by adding a condition that, to receive cash assistance, certain minor parents who are applicants or recipients and the dependent children in the minor parent's care, must reside in the home of a parent, legal guardian, other adult relative, or in an adult-supervised supportive living arrangement, unless one of several exceptions is met. Act 35 expanded this provision to include the TANF-related category of categorically needy- nonmoney payment medical assistance. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209
Real property liens	June 1998, as proposed.	This regulation codifies the elimination of the requirement that applicants who own real property, including mobile homes, which are used as their primary residence, will no longer be required to sign a lien encumbering their residence as a condition of eligibility for cash assistance. In addition, the regulation would address other policy issues and a general restructure of the existing chapter. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209
Criminal history	April 1998, as final omitted.	This regulation incorporates the Act 1995-20 provision that prohibits the granting of assistance to any person sentenced for a felony or misdemeanor who has not satisfied the penalty imposed by law by having completed the period of incarceration and by paying all fines, costs, and restitution. Act 1996-35 expands the satisfied penalty requirement to include compliance with an approved payment plan. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209
Act 1996-35 - Provisions Effective March 3, 1997	February 1998, as final omitted.	This regulation incorporates provisions of the TANF program implemented 3/3/97 by NORC including establishing RESET; requiring applicants and recipients to enter into an agreement of mutual responsibility with the department; establishing a two-tier benefit level based on residency; and further defining Title IV-D cooperation requirements and procedures for TANF and GA applicants and recipients. Act 1996-35 provisions applicable to the TANF program may not be implemented until federal approval is received. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Act 1996-35 - Community Service	March 1998, as final.	This proposed regulation would provide that a person who verifies they are actively engaged in volunteer community services for 100 hours per month can qualify for MNO-MA benefits if otherwise eligible. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209
Medical support rights	December 1998, as final omitted.	This regulation will require Medical Assistance applicants/ recipients to assign their medical support rights to the Commonwealth and apply for Title IV-D support services as conditions of eligibility. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209
Annuity rule	October 1998, as final omitted.	This regulation codifies the provision that in addition to the current provision permitting the institutionalized spouse to provide part of his monthly income to the community spouse whose income is below the minimum monthly maintenance needs allowance, either the institutionalized spouse or their representative may file an appeal and seek an administrative order permitting the protection of additional resources to enable the community spouse to purchase an annuity that will generate sufficient income to bring her income up to the minimum monthly maintenance needs allowance. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209
Intentional Program Violations	April 1998, as final omitted.	This regulation incorporates federal mandates by the U.S. Department of Agriculture and the U.S. Department of Health and Human Services that individuals found to have committed an intentional program violation be subject to an immediate disqualification penalty regardless of the individual's current eligibility status for benefits. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client groups.	Tom Vracarich (717) 783-2209
Early and Periodic Screening Diagnosis Treatment (EPSDT)	July 1998, as final omitted.	This regulation relating to services provided as a follow-up to an EPSDT visit or encounter that are not currently recognized under the approved Medical Assistance (Medical Assistance) State Plan. This regulation will be reviewed by the medical assistance advisory committee (MAAC) which includes representatives of professional provider associations, providers, the health law project, the welfare rights organization, consumers, and client advocacy groups.	Tom Vracarich (717) 783-2209

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Clozapine support services	May 1998, as final omitted.	This regulation codifies coverage for psychiatrists, outpatient psychiatric clinics and psychiatric partial hospital facilities for support services provided to MA recipients receiving clozapine. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209
Medical Assistance case management services	May 1998, as final omitted.	This final regulation codifies payment for medically necessary case management services as mandated by Omnibus Budget Reconciliation Act '89 to Medical Assistance recipients under the age of 21. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209
General Assistance Restructure - Act 1994-49	May 1998, as final omitted.	This final regulation codifies Act 1994-49 provisions that affect the medical benefits of General Assistance recipients over the age of 21 when these services are solely state funded. These recipients are no longer eligible for (1) dental services unless their medical condition or handicap requires services to be provided in an ambulatory surgical center, short procedures unit or inpatient hospital; (2) medical supplies and equipment except as prescribed for family planning or with home health agency service; and (3) prescription drugs except legend birth control drugs. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209
Prior authorization	May 1998, as final omitted.	This final regulation adds a prior authorization requirement for home health services, psychiatric partial hospitalization and multisource brand name drugs identified by the department as having equivalent generic drug products available for substitution. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209
Discontinue coverage - infertility	May 1998, as final omitted.	This final regulation codifies Act 1994-49 provisions that discontinues payment for all drugs, devices, products, services and procedures that are used or related to treating infertility, including surrogacy services, effective September 1, 1994. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209
Residential Treatment Facilities (RTF) for mental health services	May 1998, as final omitted.	This regulation codifies coverage for mental health services to children under 21 years of age that are provided in a residential treatment facility. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209
Pharmaceutical services drug coverage	May 1998, as final omitted.	This regulation provides that the medical assistance program provides drug coverage to medically needy only recipients receiving nursing facility services. This includes medically needy only recipients who reside in nursing facilities and intermediate care facilities/mental retardation (ICF/MR). This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
\$150 deductible for General Assistance recipients	May 1998, as final omitted.	This regulation implements Act 1996-35 provisions imposing a \$150 deductible on inpatient and outpatient hospital services and ambulatory surgical center services, except laboratory and x-ray services for General Assistance and General Assistance-related Medical Assistance recipients. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209
Inpatient Hospital Services - Negotiated Rate Agreement	June 1998, as final omitted.	This final regulation incorporates the provisions of the negotiated rate agreement between the Department and the hospital industry. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209
Minimum Data Set	June 1998, as final omitted.	This final regulation replaces the Department's current minimum data set forth for long term care providers. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209
Early Intervention Services	September 1998, as proposed.	This regulation will establish program regulations for early intervention services in keeping with the Federal regulations under the Individuals with Disabilities Education Act and Act 212 of 1990. Early intervention services regulations are called for by the Legislative Budget and Financing Committee Report on early intervention services.	Tom Vracarich (717) 783-2209
REVENUE			
Books, Publications and Advertising Materials 61 Pa. Code § 31.29	September 1998, as final.	The Department is amending § 31.29 (relating to books, printed matter and advertising materials) in response to statutory changes and inquiries from the public.	Douglas A. Berguson 717-787-1382
Calculation of Title Insurance Company Gross Premiums 61 Pa. Code § 162.11	June 1998, as final.	The Department is proposing a change in the method of calculating the gross premiums tax on title insurance policies for which the issuer charges the insured an all-inclusive fee pursuant to the rate schedule approved by the Pennsylvania Insurance Department.	Douglas A. Berguson 717-787-1382
Cigarette Tax 61 Pa. Code, Article III	January 1998, as final.	This regulation is a comprehensive amendment to the cigarette tax regulations set forth in Title 61, Article III. Cigarette and Beverage Taxes.	Douglas A. Berguson 717-787-1382
Compensation; Allowable Deductions From Gross Compensation and Deferred Compensation Arrangements 61 Pa. Code §§ 101.6, 101.6a and 101.6b	April 1998, as proposed.	The Department is amending §§ 101.6 and adding 101.6a and 101.6b to set forth its interpretation of current case law and current policy in the areas of compensation; commonly recognized old age or retirement benefits; reimbursements of business expenses; and guaranteed payments.	Douglas A. Berguson 717-787-1382
Credits Against Tax; Estimated Tax 61 Pa. Code §§ 111.2 - 111.5, 115.1 - 115.5, 115.8, 115.9 and 115.11 - 115.12	May 1998, as proposed.	This regulation sets forth the Department's policy relating to taxes for which credit is not allowed; other conditions for allowance of the credit for taxes paid to other states; limitations on the amount of the credit for taxes paid to other states; proof requirements; jointly paid estimated tax; and application of overpayments of estimated tax. This regulation is necessary to delete obsolete text; add language consistent with statutory changes; and provide additional guidance in areas that have been subject to questions from the public.	Douglas A. Berguson 717-787-1382

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Commercial Motion Pictures 61 Pa. Code § 32.38	March 1998, as proposed.	The Department is setting forth its interpretation of section 2 of Act 7-1997, section 204(54) (72 P. S. § 7204(54)) regarding the sales and use tax exclusion for the sale at retail to or use by a producer of commercial motion pictures of any tangible personal property directly used in the production of a feature-length commercial motion picture distributed to a national audience.	Douglas A. Berguson 717-787-1382
Computer Software and Related Transactions 61 Pa. Code § 31.33	June 1998, as proposed.	Pursuant to Act 7-1997, various types of computer services are no longer subject to sales and use tax on or after July 1, 1997. However, certain computer related transactions remain subject to tax. This regulation provides guidance concerning these transactions.	Douglas A. Berguson 717-787-1382
Corporate Net Income Tax Taxpayers and Capital Stock and Foreign Franchise Tax Taxpayers 61 Pa. Code §§ 153.1 and 155.1	May 1998, as proposed.	Act 7-1997 substantially revised the entities that are subject to the corporate net income tax and capital stock franchise tax effective for tax years beginning after December 31, 1997. The purpose of the regulation is to revise the lists of taxable entities that are subject to these taxes consistent with Act 7.	Douglas A. Berguson 717-787-1382
Definitions; Net Profits and Regulated Investment Companies 61 Pa. Code §§ 101.1, 103.12 and 155.30	June 1998, as final.	Section 101.1 (relating to definitions) is being amended by replacing the existing definitions of "employee" and "employer" with new definitions consistent with the requirements of 72 P. S. § 7301(g) and (h). The definition of "income" is being expanded to implement the provisions of 72 P. S. § 7602(f)(2)(A) and reflect recent holdings in <i>Morgan v. Commonwealth</i> , 42 Pa. Commonwealth Ct. 557, 400 A.2d 1384 (1979) and <i>Wettach v. Commonwealth</i> , 153 Pa. Commonwealth Ct. 293, 620 A.2d 730 (1993). Section 103.12 (relating to net profits) is also being amended to reflect <i>Morgan and Wettach</i> . The definition of "personal income tax income" set forth in § 155.30(b)(4) (relating to regulated investment companies) is being amended to provide that the term means income computed in the same manner and on the same basis as the income of an individual under Article V. Personal Income Tax.	Douglas A. Berguson 717-787-1382
Disclaimers of Nonprobate Taxable Assets 61 Pa. Code § 93.81	June 1998, as final.	The regulation sets forth specific conditions that must be met in order for a disclaimer executed in regard to nonprobate taxable assets and nontrust assets of resident decedents to be valid for Pennsylvania inheritance tax purposes. Based on the decision and order received from the Commonwealth Court <i>In Re Estate of Bernecker</i> , 654 A.2d 246 (Pa. Commonwealth 1995), the Department is revising its policy on the effectiveness of disclaimers of nonprobate taxable assets for Pennsylvania inheritance tax purposes.	Douglas A. Berguson 717-787-1382

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
File-by-phone (TeleFile) System and Federal and State Electronic Tax Filing Program 61 Pa. Code §§ 117.19 - 117.21	April 1998, as proposed.	The file-by-phone (TeleFile) program involves the filing of a Pennsylvania personal income tax return by phone. The Federal and State electronic tax filing program involves the filing of a Pennsylvania personal income tax return as part of the Federal and State Electronic Filing Program.	Douglas A. Berguson 717-787-1382
Further Examination of Books and Records 61 Pa. Code §§ 6.22, 8a.1 and 35.1	March 1998, as final.	This regulation interprets section 2915-A of the act of June 30, 1995 (P. L. 139, No. 21) (Act 21) by adding § 8a.1 (relating to further examination of books and records). It also deletes § 6.22 (relating to further examination of books and records) because the section will not be necessary upon final publication of § 8a.1. To avoid confusion, § 35.1 (relating to tax examinations and assessments) is being amended to delete language that is similar in nature to § 8a.1. Section 2910-A of Act 21 required the Department to develop regulations to implement the provisions of Article XXIX-A. Tax Amnesty Program, of which section 2915-A, further examination of books and records, is a part.	Douglas A. Berguson, 717-787-1382
Local Tax 61 Pa. Code §§ 60.16, and 95.1 - 95.303	June 1998, as proposed.	This regulation sets forth the Department's interpretation of sections 501-509 of the Pennsylvania Intergovernmental Cooperation Authority Act for Cities of the First Class (53 P. S. §§ 12720.501 - 12720.509), sections 3150-B - 3157-B of the Second Class County Code (16 P. S. §§ 6150-B - 6157-B) and section 201-A of the Tax Reform Code of 1971 (72 P. S. § 7201-A). Currently the Department's interpretation is set forth as a pronouncement and codified at 61 Pa. Code § 60.16 (relating to local sales, use and hotel occupancy tax). The Department has concluded that its policy relating to local sales, use and hotel occupancy tax should be set forth as a regulation. Therefore, in addition to proposing to add Chapter 95. Local Tax, the Department is also proposing to delete the pronouncement set forth at § 60.16.	Douglas A. Berguson, 717-787-1382
Public Transportation Assistance Fund Taxes and Fees 61 Pa. Code §§ 9.4 and 47.19	March 1998, as final.	This regulation sets forth the Department's interpretation of 72 P. S. § 9301 relating to public transportation assistance fund taxes and fees. Currently the Department's interpretation is set forth as a pronouncement and codified at § 9.4 (relating to public transportation assistance fund taxes and fees). The Department has concluded that its policy relating to public transportation assistance fund taxes and fees should be set forth as a regulation. Therefore, in addition to proposing to add § 47.19 (relating to public transportation assistance fund taxes and fees), the Department is also proposing to delete the pronouncement set forth at § 9.4.	Douglas A. Berguson, 717-787-1382

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Return of Information as to Payment In Excess of \$10 61 Pa. Code § 117.18	March 1998, as final.	This regulation amends § 117.18 (relating to return of information as to payment in excess of \$10) to clarify how a Pennsylvania information return may be made by a regulated investment company. In March, 1996, the Department adopted a final-form regulation that amended § 117.18 in addition to other personal income tax regulatory sections. During the final stages of the adoption process, a comment was made regarding the information return made by a regulated investment company. To avoid delay in adoption of the entire regulatory package, the Department agreed to amend the section in a separate regulation.	Douglas A. Berguson, 717-787-1382
Single Factor Apportionment 61 Pa. Code § 155.10	January 1998, as proposed.	Regulation provides that it is the policy of the Department that for tax years beginning on or after January 1, 1998, student loan assets set forth in § 155.10(d)(4)(vi) that are owned or held by a trust or other entity created or formed for the securitization of student loans, or by a trustee on its behalf, are exempt by reason of public policy from taxation for purposes of the taxable assets fraction under § 155.10.	Douglas A. Berguson 717-787-1382
Telecommunications Service 61 Pa. Code §§ 31.1, 31.24, 48.1 and 55.8	September 1998, as final.	This regulation sets forth the Department's interpretation of the 1991 statutory changes set forth in section 201(m), 202(c) and 204(5) of the Tax Reform Code of 1971 (72 P. S. §§ 7201(m), 7202(c) and 7204(5)) regarding telephone, telegraph and telecommunications services.	Douglas A. Berguson, 717-787-1382
Sales and Use Tax Amendments 61 Pa. Code §§ 7.3, 7.6, 31.4, 31.5, 31.7, 31.26, 32.1 - 32.5, 32.21, 32.22, 32.31 - 32.37, 33.1, 33.2, 33.4, 42.1, 42.3, 44.2, 45.1, 46.9, 47.18 and 58.13	February 1998, as proposed.	The Department is proposing numerous amendments to the Pennsylvania Code, Title 61. This regulatory package is the result, in part, of a comprehensive review of sales and use tax regulations in light of legislative changes from 1991 to the present.	Douglas A. Berguson, 717-787-1382
Vehicle Rental Tax 61 Pa. Code §§ 9.14 and 47.20	April 1998, as final.	This regulation sets forth the Department's interpretation of Article XVI-A Vehicle Rental Tax (72 P. S. §§ 8601-A - 8604-A). Currently the Department's interpretation is set forth as a pronouncement and codified at § 9.14 (relating to passenger car rental tax). The Department has concluded that its policy relating to Article XVI-A should be set forth as a regulation. Therefore, in addition to proposing to add § 47.20 (relating to vehicle rental tax), the Department is also proposing to delete the pronouncement set forth at § 9.14.	Douglas A. Berguson, 717-787-1382
Utility Gross Receipts Tax 61 Pa. Code §§ 160.21 - 160.43	May 1998, as proposed.	The Department is proposing this regulation to clarify the changes to the utility gross receipts tax brought about by utility deregulation (Act 138-1996) codified in Title 15 and Title 66. This regulation will also provide guidance and clarity to out-of-state businesses and the emerging industry.	Douglas A. Berguson, 717-787-1382

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
SECURITIES COMMISSION			
"Registration Procedure" 64 Pa. Code § 303	March 1998, as proposed.	The Commission plans to amend this regulation to conform its requirements to the state preemption provisions of the federal National Securities Markets Improvement Act of 1996.	G. Philip Rutledge (717) 783-5130
"Post-Registration Provisions" 64 Pa. Code § 304	March 1998, as proposed.	The Commission plans to amend this regulation to conform its requirements to the state preemption provisions of the federal National Securities Markets Improvement Act of 1996.	G. Philip Rutledge (717) 783-5130
"Suspension & Revocation" 64 Pa. Code § 305	March 1998, as proposed.	The Commission plans to amend this regulation to conform its requirements to the state preemption provisions of the federal National Securities Markets Improvement Act of 1996.	G. Philip Rutledge (717) 783-5130
"Advertisements by investment advisers" 64 Pa. Code § 404.010	March 1998, as proposed.	The Commission plans to amend this regulation to conform its requirements to the state preemption provisions of the federal National Securities Markets Improvement Act of 1996.	G. Philip Rutledge (717) 783-5130
"Notice to Purchasers under Section 207(m)" 64 Pa. Code § 207.130	March 1998, as proposed.	This amendment would implement provisions of Act 126 of 1994. Act 126 of 1994 amended Section 207(m) and deleted its application to transactions under Sections 203(e) and (r) of the 1972 Act while also making the furnishing of a notice reciting the withdrawal rights under Section 207(m) a condition of the exemption in Section 203(d). Act 126 also gave the Commission explicit authority to adopt a regulation specifying the form and manner in which a 207(m) notice has to be given.	G. Philip Rutledge (717) 783-5130
"Financial institutions exempt from broker-dealer registration" 64 Pa. Code § 302.065	March 1998, as proposed.	This regulation would exempt financial institutions and individuals representing financial institutions from broker-dealer and agent registration if the activities are conducted in connection with a net working arrangement or brokerage affiliate arrangement.	G. Philip Rutledge (717) 783-5130
STATE			
Corporations Bureau	Spring 1998, as proposed.	The Corporations Bureau will propose deleting references by name to the Governor, Secretary of the Commonwealth and Director of the Corporation Bureau on its sample filing forms and to the docketing statement promulgated by the Department pursuant to 15 Pa. C. S. § 133 because changes in administration render such references obsolete. It should be noted that under Section 133 sample filing forms are not considered to be agency regulations for purposes of the Administrative Code, the Commonwealth Attorneys Act or the Regulatory Review Act but shall be subject to opportunity of public comment required under Section 201 of the Commonwealth Documents Law.	Michael Frick, (717) 787-1057

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Bureau of Commissions, Elections and Legislation	Spring 1998, as proposed.	The Department proposes comprehensive revisions to regulations found at 4 Pa. Code to eliminate obsolete provisions, reflect recent statutory changes and to reflect changes to campaign expense reporting as a result of the computerization initiative. The amendments will be proposed pursuant to the Pennsylvania Voter Registration Act (25 P. S. § 961.301), the Pennsylvania Election Code (25 P. S. § 2601 et seq) and Campaign Expense Reporting Law (25 P. S. § 3241 et seq)	Richard Filling, (717) 787-5280
Bureau of Commissions, Elections and Legislation	Spring 1998, as final.	The Department proposes to eliminate references to campaign expense reporting forms which are obsolete. The amendments will be proposed pursuant to the Campaign Expense Reporting Law (25 P. S. § 3241 et seq)	Richard Filling, (717) 787-5280
State Athletic Commission	February 1998, as final. Spring 1998, as proposed.	The State Athletic Commission (SAC) proposes to amend 58 Pa. Code Chapter 21 to require professional boxers and kickboxers to submit, as part of their annual application for licensure, a report from a licensed medical laboratory that the applicant has tested negative for HIV. The final regulations were transmitted to the committees and IRRC in November 1997. The SAC proposes comprehensive revisions to 58 Pa. Code in order to reflect changes to the Pennsylvania Athletic Code as well as changes in commission procedures. The regulations will be promulgated pursuant to the Pennsylvania Athletic Code (5 Pa. C.S.A. § 101 et. seq).	Greg Sirb (717) 787-5720
Navigation Commission for the Delaware River and Its Navigable Tributaries	Winter 1998, as proposed.	The Navigation Commission will propose comprehensive revisions to 13 Pa. Code Chapters 201 - 209 to enhance navigational safety, eliminate obsolete regulations and reflect statutory changes pursuant to 55 P. S. § 31 and 71 P. S. § 670.2(4).	Brian Gottlieb, (717) 787-6458
State Board of Auctioneer Examiners Absolute Auctions - 49 Pa. Code § 1.41.	No publication anticipated in next 6 months.	The proposal would identify those auctions in which the term "absolute auction" (an auction of sale to the highest bidder without any reserve limitation or conditions) may be used in auctioneer advertising and when conducting an auction. The regulation will protect the consumer at auctions by making false or deceptive advertising or auctioneering grounds for discipline. The Board has authority to regulate the conduct of licensed auctioneers under Section 32 of the Auctioneer and Auction Licensing Act, Act of December 22, 1983, P. L. 327, 63 P. S. § 734.32.	Linda Dinger (717) 783-3397
Approved Course of Study - 49 Pa. Code § 1.11.	No publication anticipated in next 6 months.	The proposal would establish standards for school course practicum work in auctioneering. The regulation will permit the Board to verify the minimum level of education the Board believes necessary for licensure. Legal authority for the regulation is Section 32, 63 P. S. § 734.32.	

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Sponsorship of Apprentices - 49 Pa. Code § 1.31.	No publication anticipated in next 6 months.	The proposal would require that sponsors provide minimum training of apprentices and document supervision of apprentices whom they employ. The regulation is needed to provide objective standards for sponsors to follow in training and supervising apprentices whom they employ and whose apprenticeship qualifies them for licensure. Legal authority for the regulation is Section 32, 63 P. S. § 734.32.	
Biennial Renewal Increase - 49 Pa. Code § 1.41	February 1998, as proposed. May 1998, as final.	Proposed rulemaking will increase biennial renewal fees for auctioneers and apprentices. Legal authority for the regulation is 63 P. S. §§ 734.32, 734.33.	
State Board of Barber Examiners 49 Pa. Code, Chapter 3.	Fall 1998, as proposed.	Revision of all regulations. Updating all regulations and deleting antiquated provisions. Statutory authority: 63 P. S. § 566.4(b).	Sara Sulpizio (717) 783-3402
State Board of Chiropractic Sexual Misconduct - 49 Pa. Code § 5.54.	June 1998, as proposed.	Through the monitoring of its disciplinary process, including consumer complaints and disciplinary actions, the Board believes that enforcement standards are needed to notify licensees of acts which the Board deems unprofessional. The Board has authority to adopt regulations necessary to carry out the act under Section 302(3) of the Chiropractic Practice Act, Act of December 16, 1986, P. L. 1646, as amended, 63 P. S. § 625.302(3).	Deb Smith (717) 783-7156
Peer Review - 49 Pa. Code § 5.55.	No publication anticipated in next 6 months.	The proposal would regulate standards for review of chiropractic treatment. The proposal would assure that when chiropractic diagnosis and treatment are subject to utilization review by chiropractors, appropriate standards will be employed. The statutory authority for the regulation is Section 302(3) of the Act, 63 P. S. § 625.302(3).	
State Board of Cosmetology Disinfection, Equipment and Supplies; Accreditation - 49 Pa. Code §§ 7.71, 7.71a, 7.71b, 7.105, 7.113a and 7.114.	March 1998, as proposed.	These regulations reflect updated changes in industry standards for disinfecting and sterilizing necessary equipment required to be available and in use in cosmetology shops. Minimum safety and sanitation standards in cosmetology shops and schools are authorized under Section 11 of the Act of May 3, 1933, P. L. 242, as amended, 63 P. S. § 517.	Sara Sulpizio (717) 783-7130
General Revisions - 49 Pa. Code, Chapter 7.	September 1998, as proposed.	Revision of all regulations; updating all regulations and deleting outdated provisions. Statutory authority: 63 P. S. § 517.	
State Architects Licensure Board General Revisions - 49 Pa. Code §§ 9.1 -9.211.	March 1998, as final.	The amendments will delete unnecessary and outmoded provisions and revise language concerning requirements for licensure, professional conduct and board procedures. The regulations provide necessary guidance to applicants for licensure in Pennsylvania and will notify licensees of disciplinary process and procedures. Legal authority: Section 6(a) of the Architects Licensure Law, 63 P. S. § 34.6(a).	Dorna Thorpe (717) 783-3398

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Accountancy Continuing Education Program Sponsors - 49 Pa. Code §§ 11.1, 11.4, 11.64, 11.65, 11.66, 11.70-11.73, 11.80.	September 1998, as proposed.	The regulations would require approved continuing education program sponsors to biennially renew their approval and would authorize the Board to conduct audits of approved programs. The regulations are necessary to ensure that continuing education programs meet licensure renewal needs. Statutory authority: 63 P. S. § 9.3(10).	Dorna Thorpe (717) 783-1404
Commissions and Referral Fees - 49 Pa. Code § 11.24.	No publication anticipated in next 6 months.	The regulation would set forth the nature of the written disclosure that certified public accountants and public accountants must make in order to pay or receive commissions and referral fees in connection with the referral or recommendation of products and services. The regulation is necessary to comply with recent amendments to the C.P.A. Law. Statutory authority: 63 P. S. § 9.12(p).	
General Revisions - 49 Pa. Code §§ 11.4, 11.5, 11.7-11.9, 11.12-11.14, 11.18, 11.25, 11.27, 11.30, 11.31, 11.35, 11.41 and 11.53-11.55.	September 1998, as proposed.	The regulations would revise or eliminate existing requirements to conform to sweeping amendments to the C.P.A. Law that took effect February 3, 1997. Statutory authority: 63 P. S. § 9.3(10)-(12).	
State Board of Funeral Directors Pre-need 49 Pa. Code Chapter 13	Fall 1998, as proposed.	The board intends to promulgate regulations to provide clear and concise guidance to licensees regarding pre-need monies and contracts. Legal authority: Section 16(a) of the Law, 63 P. S. § 479.16(a).	Cheryl Lyne (717) 783-3397
State Board of Landscape Architects Continuing Education - 49 Pa. Code § 15.71-15.83.	April 1998, as proposed.	The amendments establish procedures and standards for continuing education as a condition of biennial renewal. The Board is required to adopt regulations establishing requirements of continuing education as a condition for renewal of a license under Section 9.1 of the Landscape Architects' Registration Law, Act of January 24, 1966, P. L. (1965) 1527, added by the Act of December 7, 1994, P. L. 774, 63 P. S. § 909.1.	Shirley Klinger (717) 783-3397
Examination Fees - 49 Pa. Code § 15.12.	May 1998, as final.	Amendments are required to raise fees for C.L.A.R.B. partial licensing examination commencing December, 1998, pursuant to contract. The Board is required to administer this examination under Sections 4(2) and 4(3) of the Landscape Architects' Registration Law, Act of January 24, 1966, P. L. (1965) 1527, 63 P. S. §§ 904(2) and 904(3).	
State Board of Medicine Sexual Misconduct - 49 Pa. Code, Chapter 16.	Summer 1998, as proposed.	Through the monitoring of its disciplinary process, including consumer complaints and disciplinary actions, the Board believes that enforcement standards are needed to notify licensees of acts which the Board deems unprofessional. The Board has authority to adopt regulations necessary to carry out the act under Section 8 of the Medical Practice Act, Act of December 20, 1985, P. L. 457, as amended, 63 P. S. § 422.8.	Cindy Warner (717) 783-1400

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Complaint Process - 49 Pa. Code § 16.62.	April 1998, as final.	Regulations which provide for recommendation by the Board prosecutor to the Board on the disposition of complaints were declared invalid in <i>Lyness v. State Board of Medicine</i> , 605 A.2d 1204 (1992). The Board has authority to repeal these regulations under Section 8 of the Medical Practice Act of 1985, 63 P. S. § 422.8.	Cindy Warner (717) 783-1400
Certified Registered Nurse Practitioners (CRNPs) - 49 Pa. Code § 18.21.	No publication anticipated in next six months.	The Board intends to collaborate with the State Board of Nursing to jointly promulgate standards and criteria by which CRNPs could write prescriptions for medical therapeutic measures. Provide for prescriptive authority of the CRNP in the Commonwealth under Section 15 of the Medical Practice Act, 63 P. S. § 422.15.	
Requirements for approval of training programs for Certified Registered Nurse Practitioners (CRNP) - 49 Pa. Code § 18.41.	Summer 1998, as proposed.		
Renewal Fees - 49 Pa. Code § 16.13.	February 1998, as proposed. May 1998, as final.	This regulation would require that all CRNP programs applying for approval by the Board meet specific criteria prior to approval. The regulations will assist educational institutions in developing programs in advanced practice nursing which will qualify graduates for certification as CRNPs. The Board has authority to jointly promulgate with the Nurse Board under Section 15(b) of the Medical Practice Act, 63 P. S. § 422.15(b).	
49 Pa. Code § 16.98.	No publication anticipated in next six months.	The Board intends to increase renewal fees. Section 6 of the Medical Practice Act, 63 P. S. § 422.6 requires the Board to fix fees to meet expenditures over a two-year period. If fees are not increased, the Board projects a deficit by the end of the next renewal period.	
Administration of Anesthesia - 49 Pa. Code § 16.98.	No publication anticipated in next six months.	This regulation would establish standards for the delegation of the administration of anesthesia. Publication as proposed occurred October 19, 1996. The Board has received a significant number of comments. The Board has determined further study is warranted before final rulemaking will occur. Statutory authority: Section 17(b) of the Medical Practice Act, 63 P. S. § 422.17(b).	Cindy Warner (717) 783-1400
Sympathomimetic Amines - 49 Pa. Code § 16.96.	April 1998, as final.	The Board intends to delete regulations pertaining to the prescribing of sympathomimetic amines. The regulation was sunset by its own terms January 17, 1992.	
State Board of Vehicle Manufacturers, Dealers and Salespersons General Provisions, Licensure, Facility requirements - 49 Pa. Code §§ 19.1-19.23.	Summer 1998, as proposed.	The Board intends to revise all its regulations to delete outdated provisions and take into account industry-wide changes in business practices. The amendments are needed to conform to changes in the 1996 amendments to the Board of Vehicles Act. The Board has authority to promulgate regulations under Section 4(9) of the Board of Vehicles Act, Act of December 22, 1983, as amended, 63 P. S. § 818.4(9).	Teresa Woodall (717) 783-1697

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Nursing Requirements for approval of training programs for Certified Registered Nurse Practitioners (CRNP) - 49 Pa. Code § 21.271.	Summer 1998, as proposed.	This regulation would require that all CRNP programs applying for approval by the Board meet specific criteria prior to approval. The regulations authorized under Section 6.1 of the Professional Nursing Law, 63 P. S. § 216.1, will assist educational institutions in developing programs in advanced practice nursing which will qualify graduates for certification as CRNPs. The Board has authority to jointly promulgate with the Medical Board under Section 2(1) of the Law, 63 P. S. § 212(1).	Ann Steffanic (717) 783-7142
Nursing Functions - 49 Pa. Code §§ 21.11, 21.12, 21.13, 21.14, 21.15, 21.16, 21.145.	Winter 1998, as final.	These regulations would confirm the registered nurse's authority to accept oral orders and authorize licensed practical nurses to accept oral orders for medical and therapeutic regimens, update, clarify and delete unnecessary language pertaining to the functions of registered nurses and authorize licensed practical nurses as well as registered nurses to administer drugs. The regulation of the practice of nursing and licensed practical nursing by the Board is authorized under Section 2.1(k) of the Professional Nursing Law, 63 P. S. § 212.1(k) and Section 17.6 of the Practical Nurse Law, 63 P. S. § 667.6.	
RN general revisions - 49 Pa. Code §§ 21.1—21.126.	Spring 1998, as proposed.	These regulations will update or delete outdated provisions pertaining to registered nurses and consolidate all regulatory provisions pertaining to registered nurse education programs. Revisions to the regulations are authorized by Section 2.1(k) of the Professional Nursing Law, 63 P. S. § 212.1(k).	
LPN general revisions - 49 Pa. Code §§ 21.141—21.234.	Summer 1998, as proposed.	These regulations will update or delete outdated provisions pertaining to licensed practical nurses and consolidate all regulatory provisions pertaining to practical nurse education programs. Revisions to the Practical Nurse Law are authorized under Section 17.6, 63 P. S. § 667.6.	
CRNP prescriptive privileges 49 Pa. Code §§ 21.151 - 21.351.	Summer 1998, as proposed.	These regulations, to be promulgated by both the State Board of Medicine and the State Board of Nursing, would authorize CRNPs to prescribe medications in cooperation with a licensed physician. These regulations, authorized under Section 2 and 2.1 under the Professional Nursing Law, 63 P. S. §§ 212 and 212.1(k), and Section 15 of the Medical Practice Act of 1985, 63 P. S. § 422.15, will clarify and update current, ambiguous provisions regarding CRNPs' prescriptive authority.	Ann Steffanic (717) 783-7142
Sexual Misconduct - 49 Pa. Code §§ 21.18 and 21.148.	Spring 1998, as proposed.	Through the monitoring of its disciplinary process, including consumer complaints and disciplinary actions, the Board believes that enforcement standards are needed to notify licensees of acts which the Board deems unprofessional. The Board has authority to adopt regulations necessary to carry out the act under Section 2.1(k) of the Professional Nursing Law, 63 P. S. § 212.1(k).	

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Optometry Sexual Misconduct - 49 Pa. Code, Chapter 23.	Fall 1998, as proposed.	Through the monitoring of its disciplinary process, including consumer complaints and disciplinary actions, the Board believes that enforcement standards are needed to notify licensees of acts which the Board deems unprofessional. The Board has authority to adopt regulations necessary to carry out the act under Section 3(a)(14) of the Optometric Practice and Licensure Act, Act of June 6, 1980, P. L. 197, as amended, 63 P. S. § 244.3(a)(14).	Deb Smith (717) 783-7134
General Revisions - 49 Pa. Code, Chapter 23.	No publication anticipated in next six months.	The Board proposes to revise regulations concerning fee sharing, corporate and fictitious name practice, specialty advertising and reciprocity. The Board intends to remove regulations which unduly burden optometrists in the business structure of practices and in procedures related to reciprocal licensure, as well as to clarify the parameters of specialty advertising. Statutory authority: Section 3(a)(14) of the Optometric Practice and Licensure Act, Act of June 6, 1980, P. L. 197, as amended, 63 P. S. § 244.3(a)(14).	
Certification for the Prescription of Therapeutic Drugs - 49 Pa. Code, Chapter 23.	March 1998, as final.	The Board will propose regulatory amendments to implement the therapeutic drug provisions added by Act 130 of 1996 effective October 30, 1996. The regulatory amendments would approve appropriate educational providers and examinations prerequisite to certification of optometrists in the prescription and administration of therapeutic drugs, and amend continuing education requirements. The amendments are authorized under Sections 3(a)(14) and 4.1 of the Optometric Practice and Licensure Act.	
State Board of Osteopathic Medicine Sexual Misconduct - 49 Pa. Code, Chapter 25.	June 1998, as proposed.	Through the monitoring of its disciplinary process, including consumer complaints and disciplinary actions, the Board believes that enforcement standards are needed to notify licensees of acts which the Board deems unprofessional. The Board has authority to adopt regulations necessary to carry out the act under Section 16 of the Osteopathic Medical Practice Act, 63 P. S. § 271.16.	Gina Bittner (717) 783-4858
Sympathomimetic Amines - 49 Pa. Code § 25.211.	February 1998, as final.	The Board anticipates deleting 49 Pa. Code § 25.211. Section 25.211(g) provides that the Board would delete section 25.211 by January 17, 1992, unless the section were revised or reestablished. The Board has determined not to revise or reestablish this section. The Board, therefore, will delete.	
State Board of Pharmacy General Revisions - 49 Pa. Code, Chapter 27.	April 1998, as final.	The Board proposes to delete outdated and redundant regulations and to clarify language in others. The proposal is needed to eliminate unnecessary provisions, reflect changes in state and federal law, and clarify practice parameters and standards. Sections 3(f), 4(j), 6(k)(1) and (9) of the Pharmacy Act, Act of September 27, 1961, P. L. 1700, as amended, 63 P. S. §§ 390-3(f), 390-4(j), 390-6(k)(1) and 390-6(k)(9), authorize the promulgation of these amendments.	W. Richard Marshman (717) 783-7157

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Podiatry Sexual Misconduct - 49 Pa. Code, Chapter 29.	June 1998, as proposed.	Through the monitoring of its disciplinary process, including consumer complaints and disciplinary actions, the Board believes that enforcement standards are needed to notify licensees of acts which the Board deems unprofessional. The Board has authority to adopt regulations necessary to carry out the act under Section 16(a)(3) of the Podiatry Practice Act, Act of March 2, 1956, P. L. (1955) 1206, 63 P. S. § 42.16(a)(3).	Gina Bittner (717) 783-4858
State Board of Veterinary Medicine Rules of Professional Conduct - 49 Pa. Code § 31.21.	Spring 1998, as final.	Final rulemaking will remove standards imposed on licensees when terminating the veterinarian/client relationship. The Board is authorized to establish standards of professional conduct under Section 5(2) of the Act, 63 P. S. § 485.5(2).	Robert Kline (717) 783-1389
Advertising Emergency Services - 49 Pa. Code § 31.21.	Spring 1998, as proposed.	The regulation will require all veterinarians who advertise emergency services or 24-hour veterinary care, to include in any advertisement information indicating the hours when emergency services are available, and whether a veterinarian will be on call or on the premises. Statutory authority: 63 P. S. § 485.5(2).	
Application Fees - 49 Pa. Code § 31.41.	Spring 1998, as proposed.	Proposed rulemaking will increase application fees for veterinarians and animal health technicians, the temporary permit fee and the continuing education program approval fee. Statutory authority: 63 P. S. § 485.13.	
State Board of Dentistry Fees - 49 Pa. Code § 33.3.	Winter 1998, as final.	The regulations will establish temporary permit and certification fees for expanded function dental assistants (EFDAs) and increase application fees for dentists and dental hygienists. The Dental Law requires the Board to issue temporary permits and certificates for EFDAs and collect a fee for those documents, 63 P. S. §§ 122(d.1) and 130h, and to collect the costs associated with the review of applications.	June Barner (717) 783-7162
Sexual Misconduct - 49 Pa. Code, Chapter 33.	No publication anticipated in next six months.	Reports of sexual misconduct by health care practitioners are on the rise. This regulation will provide licensees with guidance in this area, as authorized under Section 3(o) of the Dental Law, Act of May 1, 1933, P. L. as amended, 63 P. S. § 122(o).	
Advertising - 49 Pa. Code § 33.203(b)(4).	No publication anticipated in next six months.	The regulation will amend outdated provisions, clarify dental specialties and add a provision to the advertising regulations regarding the advertising of dental referral services. Section 4.1(a)(10) of the Dental Law prohibits false, misleading or deceptive advertising. The Board believes that the failure to advise patients that a dentist pays a fee for participation in a dental referral service falls within that prohibition and should be included in Section 33.203(b) of the regulations. The regulation will also update this provision consistent with Act 113 of 1996.	

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Expanded Function Dental Assistants - 49 Pa. Code, Chapter 33.	Summer 1998, as proposed.	The regulations will add EFDAs to the appropriate sections of the dental regulations including general provisions and minimum standards of conduct and practice. In December 1994, the Dental Law was amended to authorize the certification of expanded function dental assistants (EFDAs). Statutory authority: Section 3(o) of the Dental Law, 63 P. S. § 122(o).	
Continuing Professional Education - 49 Pa. Code, Chapter 33.	Winter 1998, as proposed.	This regulation will establish continuing education regulations for dentists, dental hygienists and expanded function dental assistants. The regulations are required under Act 113 of 1996, which amended Section 3(j) of the Dental Law, 63 P. S. § 122(j).	
Lasers - 49 Pa. Code, Chapter 33	No publication anticipated in next six months.	The regulation will codify the existing statement of policy and clarify educational requirements for the use of lasers in a dental office. Statutory authority: Section 3(o) of the Dental Law, 63 P. S. § 122(o).	June Barner (717) 783-7162
State Real Estate Commission General Revisions - 49 Pa. Code, Chapter 35.	February 1998, as proposed.	The Commission plans a comprehensive amendment to Chapter 35 to bring its existing regulations up to date with today's current policies. Statutory authority: 63 P. S. § 455.404.	Debra Sopko (717) 783-3658
State Board of Certified Real Estate Appraisers Definitions - 49 Pa. Code § 36.1.	September 1998, as proposed.	The regulation would define the term "evaluation" to parallel the meaning of the term as it is used by institutions regulated by the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, and the Office of Thrift Supervision. Statutory authority: 63 P. S. § 457.5(2).	Cheryl Lyne (717) 783-3397
Experience Options for Certification 49 Pa. Code § 36.13.	April 1998, as proposed.	The regulation would expand the categories of qualifying experience for certification as an appraiser; require appraisers who supervise appraisal assistants to keep records of assistants' activities and provide verification of their experience to the Board; and mandate that all appraisal reports submitted as qualifying experience by applicants for certification conform to the Uniform Standards of Professional Appraisal Practice (USPAP). The regulation brings more fairness, efficiency and structure to the Board's evaluation of qualifying experience. The regulation complies with standards established for state appraiser boards by the Appraisal Foundation's Appraiser Qualifications Board (AQB), a federal regulatory body. Statutory authority: 63 P. S. § 457.5(2).	

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Inspection of Property 49 Pa. Code § 36.51	April 1998, as proposed	The regulation would clarify that a certified general appraiser, certified residential appraiser or certified broker/appraiser is required, when performing an appraisal, to conduct a complete interior and exterior inspection of the subject property unless an inspection is not physically possible. The regulation is necessary to ensure that every appraisal performed by a certificate-holder of the Board complies with appropriate professional standards. Statutory authority: 63 P. S. § 457.5 (2).	Cheryl Lyne (717) 783-3397
Standards of Professional Conduct - 49 Pa. Code § 36.281.	February 1998, as final.	The regulation would set forth the standards of professional conduct for Certified Pennsylvania Evaluators practicing in the Commonwealth. The regulation is necessitated by Section 7(a)(6) of the Assessors Certification Act, which empowers the Board to discipline certificate holders who violate any standards of professional conduct for real property assessment as adopted by the Board by regulation. Statutory authority: 63 P. S. §§ 458.3 and 458.7(a)(6).	
Broker/Appraiser Fees - 49 Pa. Code § 36.6.	April 1998, as proposed.	The regulation would establish an application fee and initial certification fee for the newly created appraiser certification class of broker/appraiser. The fees will help to defray expenses of the Board associated with regulating broker/appraisers. Statutory authority: 63 P. S. §§ 457.5(6) and 457.9(c).	
Continuing Education - 49 Pa. Code §§ 36.41, 36.42, 36.261 and 36.262.	April 1998, as proposed.	The regulation would raise the biennial continuing education requirements for certified general and certified residential appraisers and Certified Pennsylvania Evaluators from 20 classroom hours to 28 classroom hours; establish a 28-classroom hour continuing education requirement for broker/ appraisers; and mandate that all certificate-holders complete a minimum number of classroom hours on the USPAP and the Board's statutory and regulatory requirements. The regulation is necessary to improve the effectiveness of the Board's continuing education program and to comply with the standards established by the AQB. Statutory authority: 63 P. S. § 457.5(2).	
Pre-certification Education and Experience - 49 Pa. Code §§ 36.11 and 36.12.	September 1998, as final.	The regulation would raise the experience and education requirements for certification as a residential appraiser and general appraiser to comply with standards established by the AQB that take effect January 1, 1998, pursuant to federal rules. Statutory authority: 63 P. S. § 457.5(2).	

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Examiners of Nursing Home Administrators Experience and Education Requirements - 49 Pa. Code § 39.5.	No publication anticipated in next 6 months.	The regulation will amend and clarify education and experience requirements for licensure. Section 6 of the Nursing Home Administrators License Act, 63 P. S. § 1106, specifies the qualifications for admission to examination. The education and experience regulations at Section 39.5 have not been reviewed or clarified since 1991. The amendments will remove outdated and confusing provisions. Statutory authority: Section 4(c) of the Nursing Home Administrators License Act, Act of June 22, 1970, P. L. 378, as amended, 63 P. S. § 1104(c).	Melissa Wilson (717) 783-7155
Temporary Permits - 49 Pa. Code § 39.17.	No publication anticipated in next 6 months.	The regulation will amend and clarify the requirements for temporary permits. Section 14 of the Nursing Home Administrators License Act, 63 P. S. § 1114, authorizes the Board to issue temporary permits. The revisions will update and clarify the existing statement of policy.	
General Revisions - 49 Pa. Code §§ 39.1-39.91.	No publication anticipated in next 6 months.	These regulations will update and delete outdated provisions of current regulations, including definitions, subject matter for examinations, approval of programs of study, and licensure renewal. The Board's regulations have not been reviewed or updated since 1992. These revisions are authorized under Sections 4 and 9 of the Law, 63 P. S. §§ 1104 and 1109.	
Continuing Education - 49 Pa. Code §§ 39.31-39.71.	June 1998, as proposed.	The regulation will amend and clarify the continuing education requirement in Section 9 of the Nursing Home Administrators License Act, 63 P. S. § 1109.	
State Board of Physical Therapy Physical Therapists - 49 Pa. Code §§ 40.11, 40.13, 40.15, 40.17, 40.18 and 40.21-40.24.	July 1998, as proposed.	Regulations correct and revise existing regulations regarding physical therapists. Proposed under Section 3(a) of the Physical Therapy Practice Act, 63 P. S. § 1303(a).	Robert Kline (717) 783-7134
Sexual Misconduct - 49 Pa. Code, Chapter 40.	May 1998, as proposed.	Through the monitoring of its disciplinary process, including consumer complaints and disciplinary actions, the Board believes that enforcement standards are needed to notify licensees of acts which the Board deems unprofessional. The Board has authority to adopt regulations necessary to carry out the act under Sections 3, 5 and 10 of the Act, 63 P. S. § 1303, 1305 and 1310.	
State Board of Psychology Private practice by certified school psychologists - 49 Pa. Code § 41.56.	No publication anticipated in next 6 months.	This regulation governs the conditions under which school psychologists may engage in private practice. The Board plans to define the term "employed" within the context of Chapter 41. Statutory authority: 63 P. S. § 1203.2(2).	Melissa Wilson (717) 783-7155
Definitions - 49 Pa. Code § 41.1.	No publication anticipated in next 6 months.	The regulations would update terms to reflect current accreditation entities. The term "Accredited college or university" should be amended to reflect the new name for the "Council on Postsecondary Accreditation (COPA)", which is the "Commission on Recognition of Postsecondary Accreditation (CORPA)." Statutory authority: 63 P. S. § 1203.2(2).	

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Postdoctoral Experience - 49 Pa. Code § 41.31(c)(1)(ii)(E).	No publication anticipated in next 6 months.	The regulation establishes necessary experience for licensure. The Board plans to clarify its intent that an individual working two jobs need only meet with his/her respective supervisors one hour per week to satisfy the two hours/week requirement of this paragraph. Statutory authority: 63 P. S. § 1203.2(2).	
Licensure of master's degree candidates - 49 Pa. Code § 41.54.	February 1998, as final.	This regulation pertains to licenses issued prior to January 1, 1996. The Board plans to repeal this section, because the Board no longer issues licenses to Master's degree candidates. Statutory authority: 63 P. S. § 1203.2(2).	
Professional records - 49 Pa. Code § 41.57.	No publication anticipated in next 6 months.	This regulation establishes minimum requirements for records which psychologists must maintain. The Board plans to add language to its existing regulation to address a psychologist's responsibility to release information to clients and to authorize psychologists to charge a fee for reasonable costs of copying. Statutory authority: 63 P. S. § 1203.2(2).	
Standards for the employment and supervision of unlicensed persons with graduate training in psychology - 49 Pa. Code § 41.58(9).	No publication anticipated in next 6 months.	The regulations establish minimum levels of supervision of unlicensed persons who provide psychological services under the direction of a licensed psychologist. Statutory authority: 63 P. S. § 1203.2(2).	
Definitions/ "Sexual Intimacies" - 49 Pa. Code § 41.61.	February 1998, as proposed.	The regulation will establish specific prohibitions against sexual intimacies with current client/patients and other individuals encountered by a psychologist in the course of professional practice. The regulation will also establish related standards and procedural matters and bar psychologists who have been disciplined for engaging in prohibited sexual intimacies from participation in the impaired professional program. Statutory authority: 63 P. S. § 1203.2(2).	Melissa Wilson (717) 783-7155
State Board of Social Work Examiners Unprofessional Conduct and Sexual Misconduct - 49 Pa. Code, Chapter 47.	Fall 1998, as proposed.	Through the monitoring of its disciplinary process, including consumer complaints and disciplinary actions, the Board believes that enforcement standards are needed to notify licensees of acts which the Board deems unprofessional. The Board has authority to adopt regulations establishing standards of professional practice and conduct under Section 6(2) of the Social Workers' Practice Act, Act of July 9, 1987, P. L. 220, 63 P. S. § 1906(2).	Clara Flinchum (717) 783-1389
Continuing Education 49 Pa. Code § 47.32	April 1998, as proposed.	The regulation would limit home-study or self-study continuing education programs to no more than 10 of the 30 hours required for biennial renewal of a license. The regulation is necessary to improve the effectiveness of the Board's continuing education in programs that provide for interaction among presenters and attendees. Statutory authority: 63 P. S. § 1918 (a)	

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
STATE EMPLOYEES' RETIREMENT SYSTEM			
Preliminary Provisions 4 Pa. Code, Chapter 241.	July 1998, as proposed.	Various definitions will be added and current definitions will be updated to clarify language and conform to legal precedent.	Larry Brandenburg (717) 237-0352
Membership, Credited Service, etc. 4 Pa. Code, Chapter 243.	July 1998, as proposed.	Changes will be made to Chapter 243 that will clarify optional membership status and seasonal employment. Changes to sections 5 and 6 will be made to make consistent with judicial rulings. Annuity, vesting, refund, and eligibility point criteria will also be evaluated for change.	Larry Brandenburg (717) 237-0352
Contributions 4 Pa. Code, Chapter 245.	July 1998, as proposed.	Unnecessary sections will be proposed for deletion. Sections effecting contributions for the purchase of previous state and non-state service will be clarified to address procedural issues.	Larry Brandenburg (717) 237-0352
Benefits 4 Pa. Code, Chapter 247.	July 1998, as proposed	Provisions will be added to reflect the McKenna and Catania decisions.	Larry Brandenburg (717) 237-0352
Administration, Funds, Accounts, General Provisions 4 Pa. Code, Chapter 249.	July 1998, as proposed	Various changes to administrative role and functions of the Board will be considered.	Larry Brandenburg (717) 237-0352
STATE POLICE			
Firearm Regulations Standards for licensed retail dealers Chapter 31	Summer 1998, as proposed.	The provisions of this chapter set forth regulations for the storage of firearms, rifles, and shotguns by licensed retail dealers in the event a clear and present danger to public safety is found to exist by the Commissioner of the State Police within this Commonwealth during the hours when licensed retail dealers are closed for business. The provisions of this chapter will apply to all licensed retail dealers and their designated employees.	Corporal Albert Picca 717-783-5598
Procedures & Specifications for firearm record forms Chapter 33	Summer 1998, as proposed.	The State Police will promulgate rules and regulations, and in the manner provided by law, the responsibility to administer and enforce these rules and regulations, and the provisions of the Uniform Firearms Act in order to ensure the identity, confidentiality, and security of all records and data pursuant thereto.	
Procedures for the receipt and processing of DNA samples for the state DNA database. Chapter 58	Spring 1998, as final.	This chapter sets forth policy and procedures for the collection, submission, preservation, analysis, and dissemination of information or records relating to DNA samples from individuals convicted of a felony sex or other specified offenses.	Trooper Mark Van Buskirk 717-783-5598
STATE SYSTEM OF HIGHER EDUCATION			
No regulations being developed or considered at this date.			
TRANSPORTATION			
Temporary Registration Cards and Plates Chapter 43	June 1998, as final.	Proposed amendments based on concerns identified by Dealer Industry/Department efforts. Revises sanctioning requirements for Dealers, making sanctions more equitable. Final Promulgation package with the Department's Legal Counsel.	Linley Oberman (717) 787-2780

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Manufacturer, Dealers and Miscellaneous Motor Vehicle Businesses Registration Plates Chapter 53	April 1998, as final.	Amendments are needed based on revisions to related sections of the Vehicle Code and Industry/Department concerns. Final Promulgation package with the Department's Legal Counsel.	Linley Oberman (717) 787-2780
60 - Permanent Registration of Fleet Vehicles	July 1998, as proposed.	Proposed amendments required to modify fee schedules associated with House Bill 67 (Act 3 of 1997).	Tom Zamboni (717) 787-3977
60 - Proportional Registration of Fleet Vehicles	July 1998, as proposed.	Proposed amendments required to modify fee schedules associated with House Bill 67 (Act 3 of 1997).	Tom Zamboni (717) 787-3977
School Buses and School Vehicles Chapter 171	June 1998, as proposed.	Amendments are needed to clarify previous revisions and to address concerns raised by the School Bus Vehicle Industry and related Associations. The Department has prepared draft amendments based on recommendations received by various associations. Proposed Regulatory package final draft to be reviewed by Legal Counsel.	Anne Titler (717) 783-4737
Vehicle Equipment and Inspection Chapter 175	June 1998, as final.	Amendments are required due to changes in PA Vehicle Code and Federal equipment regulations. Final adoption delayed as a result of the prioritization of the Emission regulation amendments.	John Munafo (717) 783-6823
Physical and Mental Criteria, Including Vision Standards Relating to the Licensing of Drivers Chapter 83	December 1998, as proposed.	As a result of a Pa Supreme Court decision (Clayton v.s. Department of Transportation), additional waivers to seizure disorder provisions must be adopted. The Department's Medical Advisory Board is in the process of approving proposed amendments.	Anne Titler (717) 783-4737
Liquid Fuels Tax Chapter 449	June 1998, as proposed.	The Department is working with the Department of Community and Economic Development's Center for Local Government Services on processing revisions that will be incorporated into a shorter revised regulation.	Mitzi Westover (717) 783-5315
School Bus Drivers Chapter 71	December 1998, as proposed.	Creates waivers for school bus drivers, with medical conditions, which pose no significant danger to driving. The Department's Medical Advisory Board is in the process of approving proposed amendments.	Anne Titler (717) 783-4737
Mechanical, Electrical and Electronic Speed-Timing Devices Chapter 105	June 1998, as proposed.	Amendments reflect updates (periodically required) to ensure speed timing devices used by law enforcement officials conform to State and Federal requirements.	John Munafo (717) 783-6823
Work Zone Traffic Control Devices Chapter 203	March 1998, as proposed deletion.	Repeal this chapter since it typically is more stringent than federal standards included in the Federal Highway Administration's Manual on Uniform Traffic Control Devices (MUTCD). Some current provisions not included in the MUTCD would be incorporated into Chapter 211.	Art Breneman (717) 787-3620
Official Traffic Control Devices Chapter 211	March 1998, as proposed.	Repeal the current chapter since it duplicates federal standards included in the Federal Highway Administration's Manual on Uniform Traffic Control Devices (MUTCD). Adopt the MUTCD by reference, and provide some additional criteria unique to the Commonwealth.	Art Breneman (717) 787-3620

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Hold-Down and Tie-down Devices for Junked Vehicles and Vehicle Hulks Chapter 181	March 1998, as proposed.	Repeal—incorporate provisions in Chapter 231	Daniel Smyser (717) 787-7445
Engineering and Traffic Studies Chapter 201	September 1998, as proposed	Revise this chapter to eliminate some portions that duplicate federal standards included in the Federal Highway Administration's <i>Manual on Uniform Traffic Control Devices (MUTCD)</i> .	Art Breneman (717)787-3620
Intrastate Motor Carrier Safety Requirements Chapter 231	March 1998, as proposed	Incorporate new Federal provisions, and provisions from Chapter 181.	Daniel Smyser (717) 787-7445
Hazardous Materials Transportation Chapter 403	January 1998, as proposed.	Incorporate new federal provisions and eliminate registration requirement.	Daniel Smyser (717)787-7445

[Pa.B. Doc. No. 98-225. Filed for public inspection February 6, 1998, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Filing of Final-Form Rulemakings

The Independent Regulatory Review Commission received, on the dates indicated, the following final-form regulations for review. To obtain the date and time of the meeting, interested parties may contact the office of the Commission at (717) 783-5417. To obtain a copy of the regulation, interested parties should contact the agency promulgating the regulation.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
10-148	Department of Health Health Facility Licensure	1/22/98
15-373	Department of Revenue Public Transportation Assistance Fund Taxes and Fees	1/28/98

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 98-226. Filed for public inspection February 6, 1998, 9:00 a.m.]

INSURANCE DEPARTMENT

Alleged Violation of Insurance Laws; Louis Apsokardu; Doc. No. SC98-01-017

The Order to Show Cause was issued on January 26, 1998, by the Deputy Insurance Commissioner of the Commonwealth of Pennsylvania in the above-referenced matter. Violation of the following is alleged: section 604 of the Insurance Department Act of June 11, 1992, P. L. 284, as amended (40 P. S. § 234); 40 P. S. § 279; 31 Pa. Code §§ 37.46 and 37.47.

Respondent shall file a written answer to the Order to Show Cause within 30 days of the date of issue. If

Respondent files a timely answer, a formal administrative hearing shall be held in accordance with the Administrative Agency Law, 2 Pa. C.S. §§ 101, et. seq.; General Rules of Administrative Practice and Procedure, 1 Pa. Code §§ 31.1—35.251; Special Rules of Administrative Practice and Procedure, 31 Pa. Code §§ 56.1—56.3 and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Docket Clerk, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

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 ADA Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 98-227. Filed for public inspection February 6, 1998, 9:00 a.m.]

Alleged Violation of Insurance Laws; Michael P. Lynady; Doc. No. SC98-01-011

The Order to Show Cause was issued on January 26, 1998 by the Deputy Insurance Commissioner of the Commonwealth of Pennsylvania in the above-referenced matter. Violation of the following is alleged: section 604 of the Insurance Department Act of June 11, 1992, P. L. 284, as amended (40 P. S. § 234); 40 P. S. § 279.

Respondent shall file a written answer to the Order to Show Cause within 30 days of the date of issue. If Respondent files a timely answer, a formal administrative hearing shall be held in accordance with the Administrative Agency Law, 2 Pa. C.S. §§ 101, et. seq.; General Rules of Administrative Practice and Procedure, 1 Pa. Code §§ 31.1—35.251; Special Rules of Administrative Practice and Procedure, 31 Pa. Code §§ 56.1—56.3 and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Docket Clerk, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

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 ADA Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 98-228. Filed for public inspection February 6, 1998, 9:00 a.m.]

Pasquale J. Scaramuzza; Doc. No. SC97-12-013

The hearing is scheduled for March 25, 1998 at 10 a.m., in the Administrative Hearing Office, Suite 200, 901 North Seventh Street, Harrisburg, PA 17102.

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 5101—508, 701—704 (relating to the Administrative Agency Law) and 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure).

Pending hearing, parties shall exchange proposed exhibits, the names of witnesses and provide an offer of proof with respect to each witness, and informally attempt to resolve undisputed facts by stipulation.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing, with the Docket Clerk, Pennsylvania Department, Suite 200, 901 North Seventh Street, Harrisburg, PA 17102 on or before March 4, 1998.

A prehearing conference initiated by the Administrative Hearing Office is scheduled for March 11, 1998 at 10 a.m.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary, aid service or other accommodation to participate in the hearing, should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 98-229. Filed for public inspection February 6, 1998, 9:00 a.m.]

Rate Filing; Pennsylvania Compensation Rating Bureau; Workers' Compensation Proposed Revisions

On January 12, 1998, the Insurance Department (Department) received from the Pennsylvania Compensation Rating Bureau proposed revisions to the Pennsylvania Construction Classification Premium Adjustment Program.

The Pennsylvania Compensation Rating Bureau requests that for policies with anniversary rating dates on or after July 1, 1998, the reporting period used to determine the payroll and hours worked for determining the credit be updated to the third quarter of 1997.

The Pennsylvania Compensation Rating Bureau also requests that the minimum hourly wage eligible for premium credit be updated in accordance with the most

recent change in the Statewide Average Weekly Wage (SAWW), bringing the minimum wage eligible for PC-CPAP premium credit to \$16.75 per hour.

Revisions are proposed in the increments in qualifying wages used in constructing the PCCPAP table of premium credits.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Department's offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Nabila Audi, Insurance Department, Office of Rate and Policy Regulation, Bureau of Property and Casualty Insurance, Actuarial Review Division, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 98-230. Filed for public inspection February 6, 1998, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing, as authorized by section 9(a) of the act of June 5, 1968 (P. L. 140, No. 78) (40 P. S. § 1008.9(a)) in connection with their company's termination of the insured's automobile policies.

The hearings will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Carol Sullivan; file no. 97-280-37097; Tico Insurance Company; doc. no. PH98-01-013; February 25, 1998, at 10 a.m.;

Appeal of Tracey S. Scholl; file no. 97-280-37339; Fidelity and Guaranty Insurance Co.; doc. no. PH98-01-015; February 26, 1998, at 10 a.m.;

Appeal of John B. Dunn and Mildred A. Molino; file no. 97-181-08125; Erie Insurance Exchange; doc. no. P98-01-020; March 4, 1998, at 10 a.m.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files, documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The insured must bring any evidence which the insured may want to offer at the hearing. The hearing will be held in accordance with the requirements of sections 9 and 10 of the act (40 P. S. §§ 1008.9 and 1008.10) and 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure).

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 98-231. Filed for public inspection February 6, 1998, 9:00 a.m.]

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their company's termination of the insured's policies.

The hearing will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of David P. and Marie Z. Alan; file no. 97-303-72655; State Farm Fire & Casualty Co.; doc. no. P198-01-014; February 26, 1998, 11 a.m.;

Appeal of James T. and Helen A. Birkhead; file no. 97-280-37022; State Farm Fire & Casualty Co.; doc. no. PH98-01-021; March 5, 1998, 11 a.m.

Both parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files and other necessary evidence. The insured must bring all documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) and the regulations set forth at 31 Pa. Code § 59.7(e) (relating to appeal procedures). Under 31 Pa. Code § 59.7(e)(5), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is given.

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 98-232. Filed for public inspection February 6, 1998, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before March 2, 1998, as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent application or both.

Application of the following for amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for the transportation of household goods as described under each application.

A-00106548, F. 1, Am-B. DEBO Moving & Storage, Inc. (P. O. Box 278, New Brighton, Beaver County, PA 15066), a corporation of the Commonwealth of Pennsylvania—household goods in use, between points in the borough of New Brighton, Beaver County, and within 10 miles by the usually traveled highways of the limits of said borough: *so as to permit* the transportation of household goods in use between points in the county of Beaver, and from points in the said county, to points in Pennsylvania, and vice versa. *Attorney:* John A. Pillar, 1106 Frick Building, Pittsburgh, PA 15219.

A-00107916, F. 1, Am-A. Ace World-Wide Moving & Storage Co. (8 Headley Place, Fallsington, Bucks County, PA 19054), a corporation of the Commonwealth of Pennsylvania—household furniture in use, between points in the city of Philadelphia, Philadelphia County, and from points in the said city to points in the borough of Upper Darby, Delaware County, and vice versa: *so as to permit* the transportation of household goods in use between points in the city and county of Philadelphia, and the counties of Bucks, Delaware, Montgomery and Chester, and from points in said city and counties to points in Pennsylvania, and vice versa. *Attorney:* Louis J. Carter, 7300 City Line Avenue, Philadelphia, PA 19151-2291.

Applications of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under each application.

A-00114596. Superior Transportation Services, Inc., t/d/b/a Superior Limousine Service (P. O. Box 122, Hershey, Dauphin County, PA 17033), a corporation of the Commonwealth of Pennsylvania—(1) persons in limousine service, between points in the county of Dauphin, and from points in said county, to points in Pennsylvania, and return; subject to the following condition: that no right, power or privilege is granted to provide service to or from the Harrisburg International Airport in Lower Swatara Township, Dauphin County; (2) persons in limousine service, between points in the counties of Adams and Perry, and the boroughs of Gratz

and Elizabethville and the townships of East Hanover and West Hanover, Dauphin County, and from said counties, boroughs and townships, to points in Pennsylvania, and return; which is to be a transfer of all of the rights authorized Raymond D. Bensch, t/d/b/a Superior Limousine Service of Harrisburg, under the certificate issued at A-00110383, subject to the same limitations and conditions. *Attorney:* Scott W. Pohlman, 4407 North Front Street, Harrisburg, PA 17110.

Applications of the following for approval of the beginning of the exercise of the right and privilege of operating as common carriers for transportation of persons as described under each application.

A-00114597. Norwest Transportation, Inc. (6221 Magnolia Street, Philadelphia, Philadelphia County, PA 19144), a corporation of the Commonwealth of Pennsylvania—prison guards employed at the Graterford State Correctional Institution from points in the city and county of Philadelphia, to the Graterford State Correctional Institution located in Montgomery, and vice versa. Francis Grimes, 1515 Locust Street, Philadelphia, PA 19102.

A-00114603. HERCO, Inc. (300 Park Boulevard, P.O. Box 860, Hershey, Dauphin County, PA 17033-0860), a corporation of the Commonwealth of Pennsylvania—persons in airport transfer service, who are guests of the Hershey Lodge and Convention Center, from the Hershey Lodge and Convention Center located in Derry Township, Dauphin County, to the Harrisburg International Airport located in Lower Swatara Township, Dauphin County. *Attorney:* John P. Neblett, 100 Pine Street, P.O. Box 1166, Harrisburg, PA 17108-1166.

A-00114604. Time Saver Taxi, Inc. (Beartown Road, P.O. Box 402, Canadensis, Monroe County, PA 18325), a corporation of the Commonwealth of Pennsylvania—persons upon call or demand in Monroe County. *Attorney:* Robert G. Williamson, 190 Washington Street, East Stroudsburg, PA 18301.

A-00114599. Hazle Yellow Cab Company, Inc. (RR 1, Box 203 A, Hazleton, Luzerne County, PA 18201), a corporation of the Commonwealth of Pennsylvania—persons upon call or demand in the city of Hazleton, Luzerne County, and within an airline distance of 10 statute miles of the limits of said city. Temporary authority application filed seeking the right cited above. *Attorney:* James D. Campbell, Jr., 3631 North Front Street, Harrisburg, PA 17110-1533.

A-00114593. Majestic Limousine Service, Inc. t/d/b/a Majestic Taxi (444 North Main Street, Doylestown, Bucks County, PA 18901), a corporation of the Commonwealth of Pennsylvania—persons upon call or demand in the city of Doylestown, Bucks County, and within an airline radius of 5 statute miles of the limits of said city. *Attorney:* Steven A. Cotlar, 23 West Court Street, Doylestown, PA 18901.

Applications of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons by transfer of rights as described under each application.

A-00114580, Folder 2. Kenneth C. Lapinski and Diane M. Lapinski, Tenants by Entireties, t/a Falcon Enterprises (101 Orchard Road, New Wilmington, Mercer County, PA 16142)—persons, in paratransit service,

between points in the county of Lawrence, and from points in the said county, to points in the counties of Beaver, Allegheny, Butler and Mercer, and return; which is to be a transfer of all of the rights authorized under the certificate issued at A-00104231, F. 3 to Frank S. Sfara, Jr., t/a Sfara Sales & Service, subject to the same limitations and conditions. *Attorney:* John A. Pillar, 1106 Frick Building, Pittsburgh, PA 15219.

Applications of the following for approval of the right to begin to operate as a broker for the transportation of persons as described under each application.

A-00114598. AAA Mid-Atlantic Travel Agency, Inc., t/a AAA Travel Services (2040 Market Street, Philadelphia, Philadelphia County, PA 19103), a corporation of the Commonwealth of Pennsylvania—brokerage license, evidencing the Commission's approval of the beginning of the right and privilege to operate as a broker, to arrange for the transportation of persons, between points in Pennsylvania. *Attorney:* Birchard T. Clothier, 2020 Market Street, Philadelphia, PA 19103.

Applications of the following for approval of the amendment to the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods by transfer of rights as described under each application.

A-00086452, Folder 2, Am-F. The Snyder Brothers Moving, Inc., t/a George Transportation Company (729 New Castle Street, Zelienople, Butler County, PA 16063), a corporation of the Commonwealth of Pennsylvania—household goods in use, between points in the borough of McKees Rocks, Allegheny County, and within 25 miles by the usually traveled highways, of the limits of the said borough: *so as to permit* the transportation of household goods in use: (1) between points in the borough of New Bethlehem, Clarion County, and within 10 miles by the usually traveled highways of the limits of said borough; and (2) from points in the borough of New Bethlehem, Clarion County, and within 10 miles by the usually traveled highways of the limits of said borough, to points in Pennsylvania, and vice versa; which is to be a transfer of part of the rights authorized under the certificate issued at A-00109734, F. 1, Am-B, subject to the same limitations and conditions. *Attorney:* John A. Pillar, 1106 Frick Building, Pittsburgh, PA 15219.

Motor Carrier Applications—Property, Excluding Household Goods in Use

The following applications for the authority to transport property, excluding household goods in use, between points in Pennsylvania, have been filed with the Pennsylvania Public Utility Commission. Public comment to these applications may be filed, in writing with the Secretary, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265 on or before February 23, 1997.

A-00114607 H. Scott & Vickie J. Kepner, t/a S & V Trucking
R R 4, Box 82, Muncy, PA 17756-8814

A-00114608 Jeffrey W. Claycomb, t/a Jeff's Water Service
735 Miller Road, Alum Bank, PA 15221

A-00114610 Barbara L. Feather & Susan L. Terner, t/a T & F Transport
8984 Eastview Drive, Allison Park, PA 15101

A-00114611 Lawrence Joseph Kubitzka, t/a Larry J. Kubitzka Trucking
208 B Long Avenue, Belle Vernon, PA 15012

A-00114617 David, Kermit L. & Byrd Wagner, Partners, t/a Charles B. Wagner & Son
P O Box 26, Strausstown, PA 19559

A-00114618 Now Messenger, Inc.
555 South 16th Street, Columbia, PA 17512; James D. Campbell, Jr., 3631 North Front Street, Harrisburg, PA 17110

A-00114619 Nicholas Fenelli Rigging & Trucking, Inc.
64 Hillman Avenue, Trenton, NJ 08638; Dwight L. Koerber, Jr., P O Box 1320, Clearfield, PA 16830

A-00114620 Loren M. Glick & Kevin L. Beiler, Copts., t/a K & L Trucking
16 Mt. Vernon Road, Gap, PA 17527; James K. Weaver, 132 West Main Street, New Holland, PA 17557-1295

A-00114616 Andrew T. Mandel
Route 53 North, Kylertown, PA 16847

A-00114615 Doyle L. Martin
R D 4, Box 153-A, Mifflinburg, PA 17844

A-00114614 Geoffrey L. Arnold, t/a Arnold Trucking
4090 Admire Road, Dover, PA 17315; Anthony J. Foschi, 3425 Simpson Ferry Road, Camp Hill, PA 17011 .

A-00114613 John T. & Katherine A. Rotundo, t/a Rotundo Trucking
RR 4, Box 1282, Honesdale, PA 18431; Wendell R. Kay, 1104 Court Street, Honesdale, PA 18431

A-00114612 Robert Carmel, t/a Robert Carmel Trucking
RR 1, PRL 415, Bushkill, PA 18324

A-00114609 Pittsburgh-Verona-Oakmont Express, A PA LTD Partnership
1443 Maple Avenue, Verona, PA 15147; John A. Pillar, 1106 Frick Building, Pittsburgh, PA 15219

A-00114606 D & D Hauling, Inc.
47 Mill Road, Myerstown, PA 17067; Emily Long Hoffman, P O Box 11475, Harrisburg, PA 17108

A-00114605 Justus Fuel Sales, Inc.
R R 2, Box 193, Layton Road, Olyphant, PA 18447

A-00114602 Transpodigm, Inc.
3503 Crosspoint, San Antonio, TX 78217; John R. Wemhaner, 8214 Windsor, TX 78218

A-00114601 Powell Excavating and Landscaping, Inc.
1100 Naaman's Creek Road, Boothwyn, PA 19061

A-00114600 Joseph Scott Kovatto, t/a Kovatto Trucking
318 Walker Road, Macungie, PA 18062

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 98-233. Filed for public inspection February 6, 1998, 9:00 a.m.]

TURNPIKE COMMISSION

Request for Bids

The Turnpike Commission is requesting sealed bids for Construction of New Salt Storage Shed, Mt. Gretna Maintenance, Milepost 265.56 EB, (Lancaster County).

Mandatory Site Inspection: February 27, 1998 at 10:30 a.m. at Mt. Gretna Maintenance.

Open Date: March 11, 1998 at 11 a.m.

Bids will be received by the Purchasing Manager not later than the time indicated above. Bid proposal Forms and Conditions may be obtained, free of charge, by communicating with the Bid Clerk, Purchasing Department, (717) 939-9551, Ext. 2830.

JAMES F. MALONE, III,
Chairperson

[Pa.B. Doc. No. 98-234. Filed for public inspection February 6, 1998, 9:00 a.m.]

Request for Bids

The Turnpike Commission is requesting sealed bids for Aerial Lift Truck.

Open Date: March 2, 1998 at 11 a.m.

Bids will be received by the Purchasing Manager not later than the time indicated above. Bid proposal Forms and Conditions may be obtained, free of charge, by communicating with the Bid Clerk, Purchasing Department, (717) 939-9551, Ext. 2830.

JAMES F. MALONE, III,
Chairperson

[Pa.B. Doc. No. 98-235. Filed for public inspection February 6, 1998, 9:00 a.m.]

Request for Information; Fiber Optic Resource Sharing Project; Registration Extension Notice

Dauphin County Reference No. 98-034

The Turnpike Commission (Commission) is developing the requirements for a shared resources project. In the envisioned project, the Commission will offer access to the Turnpike right-of-way (ROW) for installation of fiber optic

telecommunications infrastructure; as compensation, the Commission is primarily interested in receiving telecommunications capacity (bandwidth and/or dedicated fiber) along all segments of ROW to support Commission telecommunications requirements, including deployment of advanced traveler information systems (ATIS).

General Requirements and Information

Firms interested in providing the requested information for the above resource sharing project are invited to register by phone with Robert L. Brown, DED of Information Technology at the Pennsylvania Turnpike Commission, Administration Building, located on Eisenhower Boulevard at the Harrisburg-East Interchange near Highspire, PA. (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676). Registration and questions regarding this project or advertisement should be directed to Robert Brown at (717) 986-9722. Once the firm registers, the guidelines for the submittal of the RFI will be mailed to the firm. Firms must be registered to receive updates to questions and be eligible to submit a response to the RFI.

Firms with out-of-State headquarters or corporations not incorporated in Pennsylvania must include with their response a copy of their registration to do business in this Commonwealth as provided by the Department of State.

Registration must be received by 4 p.m., February 20, 1998. The original registration closing date was January 14, 1998 at 4 p.m.

The assignment of the above project will be made to one of the firms responding to this notice, but the Commission reserves the right to reject all submitted responses, to cancel the project under this notice and/or to readvertise the project.

JAMES F. MALONE, III,
Chairperson

[Pa.B. Doc. No. 98-236. Filed for public inspection February 6, 1998, 9:00 a.m.]

Request for Proposals

Sealed proposals will be received by Jeffrey L. Hess, Purchasing Manager, at the Administration Building, Harrisburg-East Interchange near Highspire, PA (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676) and publicly opened and read at the date and time indicated for the following contract:

Contract No. 98-020-RM06—Redecking Bridge B-483A and Bituminous Overlay, ID-3, SRL-E of the Turnpike Ramps E and F of the New Stanton Interchange M.P. 75.58 in Westmoreland Co., PA

Bid Opening Date—March 17, 1998, 11 a.m.

Bid Surety—5%

Plans, Specifications and Contract documents will be available and open for public inspection at the Administration Building. Copies may be purchased upon payment of \$35 per set (Do not add State tax) by check or P. O. Money Order (No Cash) payable to the Pennsylvania Turnpike Commission, Attention: Secretary-Treasurer's Office, P. O. Box 67676, Harrisburg, PA 17106-7676. No refund for any reason will be made for plans, specifications and contract documents.

A Prequalification Certification and Maximum Capacity Rating assigned by the Prequalification Committee of the Department of Transportation is a necessary prerequisite for bidding on this project.

Contact the Purchasing Manager for a listing of other locations where plans and specs can be inspected.

JAMES F. MALONE, III,
Chairperson

[Pa.B. Doc. No. 98-237. Filed for public inspection February 6, 1998, 9:00 a.m.]

Retention of an Aerial Photogrammetric Mapping Firm for an Open End Contract

Reference No. 3-105

The Turnpike Commission (Commission) will retain one aerial photogrammetric mapping firm for an Open End Contract to provide analytical aerial triangulation, digital and conventional map compilation, cross section readout and conventional map drafting services. The work to be performed on each specific project may include any or all of the above phases of work on various projects located throughout the entire length of the Pennsylvania Turnpike System. Mapping control will be provided by the Commission. The contract will be for a maximum cost of \$750,000, or for a period of 3 years, whichever occurs first.

The photogrammetric mapping work must be performed in accordance with the requirements of applicable sections of the "Specifications For Aerial Photography, Field Control Surveys, and Topographic Mapping" contained in Form 442, PA Department of Transportation, Bureau of Design Specifications For Consultant Engineering Agreements and/or the "Surveying And Mapping Manual," Publication 122M, Pennsylvania Department of Transportation, Bureau of Design as directed by the Commission. The services will encompass a wide range of design related mapping efforts with the possibility of several different types of projects being mapped under short completion schedules.

The firm may be required to: provide digital data in AutoCAD, DXF, ARC/INFO and Microstation formats; provide topographic mapping, GIS data, digital orthophoto mapping; provide low altitude photography for high accuracy aerial surveys; and provide DTM and DEM collection.

The firm will provide analytically determined supplemental mapping control points meeting Commission specifications. Map compilation may be in digital format with drafting by automated processes. Translation capability to other CADD systems will be required.

Firms submitting an expanded letter of interest for this work should have prior experience in large scale photogrammetric mapping and low altitude photography for high accuracy aerial surveys for highway design. Firms should have sufficient qualified permanent full-time personnel to complete mapping work assignments with short delivery schedules utilizing current state-of-the-art photogrammetric instruments, equipment and software.

Questions and inquiries concerning this project should be directed to Thomas E. Farcht, Jr. at (717) 939-9551, Ext. 5761.

General Requirements and Information

Firms interested in performing the above services are invited to submit one copy of the expanded letters of interest to Barry L. Troup, P.E., Assistant Chief Engineer, Pennsylvania Turnpike Commission Administration Building located at the intersection of Eisenhower Boulevard and State Route 283, Highspire, PA 17034 (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676).

The expanded letters of interest must include in the heading the project reference number indicated in the advertisement. A Standard Form 254, "Architect-Engineer and Related Services Questionnaire," not more than 1 year old as of the date of this advertisement, and Standard Form 255, "Architect-Engineer and Related Services Questionnaire for Specific Project," must accompany each letter of interest. If the firm has multiple offices, the location of the office performing the work must be identified.

Firms with out-of-State headquarters or corporations not incorporated in Pennsylvania must include with each letter of interest a copy of their registration to do business in this Commonwealth as provided by the Department of State.

The Commission currently limits its participation in the remuneration of principals or consultant employees performing work on projects to \$72,800 per annum or \$35 per hour or their actual audited remuneration, whichever is less. The Commission currently limits its participation in the consultant's indirect payroll costs (overhead) on design projects to 130% or the consultant's actual audited overhead rate, whichever is less.

The following factors may be considered by the Committee during their evaluation of the firms submitting expanded letters of interest:

(A) Specialized experience and technical competence of firm, including the firm's experience with similar type projects and their ability to provide innovative solutions to complex technical problems.

(B) Past record of performance with respect to cost control, work quality and ability to meet schedules. The specific experience of individuals who constitute the firms shall be considered.

(C) Expanded letters of interest should include an indication of the prime consultant's and subconsultant's current workload listing all Pennsylvania Department of Transportation and Pennsylvania Turnpike Commission projects.

(D) Location of consultant's office where the work will be performed.

(E) Listing of subconsultants intended. Any deviation from the subconsultants listed in the letter of interest will require written approval from the Commission, if selected.

(F) Special requirements of the project.

(G) Other factors, if any, specific to the project.

Each firm shall demonstrate in its expanded letter of interest its ability to perform the specific requirements indicated for this project by including a maximum three page report on this subject.

The expanded letters of interest and required forms must be received by 12 p.m., Friday, February 20, 1998. Any letters of interest received after this date and time will be time-stamped and returned.

Based on an evaluation of acceptable expanded letters of interest in response to this advertisement, one firm will be selected for this project. The order of preference will be established for the purpose of negotiating an agreement with the highest ranked firm established by the Technical Review Committee and approved by the Selection Committee. Technical proposals will not be requested for final selection.

The Commission reserves the right to reject all letters of interest submitted, to cancel the solicitation requested under this notice and/or to re-advertise solicitation for these services.

JAMES F. MALONE, III,
Chairperson

[Pa.B. Doc. No. 98-238. Filed for public inspection February 6, 1998, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". A qualified small business concern is an independently owned, operated for profit, business employing 100 or fewer employes and is not a subsidiary or affiliate of a corporation otherwise not qualified.

Such penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter. The small business concern must include on every invoice submitted to the Commonwealth: "(name of vendor) is a qualified small business concern as defined at 4 Pa. Code § 2.32".

For information on the required payment date and annual interest rate, please call the Pennsylvania Department of Commerce, Small Business Action Center, 483 Forum Building, 783-5700.

Reader's Guide

Legal Services & Consultation—26

- ① Service Code Identification Number
- ② Commodity/Supply or Contract Identification No.

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services
 Location: Harrisburg, Pa.
 Duration: 12/1/93-12/30/93
 Contact: Procurement Division
 787-0000

③ Contract Information

④ Department

⑦

⑤ Location

(For Commodities: Contact:)
 Vendor Services Section
 717-787-2199 or 717-787-4705

⑥ Duration

REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, "Frequently Asked Questions About State Contracts," explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**
 Pennsylvania State Treasury
 Room G13 Finance Building
 Harrisburg, PA 17120
 717-787-2990
 1-800-252-4700

BARBARA HAFER,
State Treasurer

Online Subscriptions At <http://www.statecontracts.com> 1-800-334-1429 x340

Commodities

1586157 Communication equipment—1 lot audio-visual equipment.
Department: State System of Higher Education
Location: University of Pittsburgh, Titusville, Crawford County, PA
Duration: FY 97-98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

8055410 Communication equipment—18 each 3174-11R remote 32 port control units.
Department: Transportation
Location: Harrisburg, Dauphin County, PA
Duration: FY 97-98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

PSU 3684-g Computer and related equipment—1 each Picturitel PC field upgrade and limelight add-on.
Department: State System of Higher Education
Location: Penn State University, University Park, Centre County, PA
Duration: FY 97-98
Contact: Steve Blazer, Fax (814) 865-3028

PSU 3686-g Computer and related equipment—1 each Ethernet Token Ring Analysis Package.
Department: State System of Higher Education
Location: Penn State University, University Park, Centre County, PA
Duration: FY 97-98
Contact: Steve Blazer, Fax (814) 865-3028

PSU 3687-g Computer and related equipment—3 each 3 com port, expansion cable and management module.
Department: State System of Higher Education
Location: Penn State University, University Park, Centre County, PA
Duration: FY 97-98
Contact: Steve Blazer, Fax (814) 865-3028

PSU-3685-g Computer and related equipment—11/5/8 port switch/ATM Uplink/Accessories.
Department: State System of Higher Education
Location: Penn State University, University Park, Centre County, PA
Duration: FY 97-98
Contact: Steve Blazer, Fax (814) 865-3028

1629117 Food preparation and serving equipment—1,600 cases trays, polystyrene 5 compartment school trays—500 per case.
Department: Corrections
Location: Graterford, Montgomery County, PA
Duration: FY 97-98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1635117 Lighting fixtures, lamps and clocks—90 each FCT-X-332-120-80/86-EB81-SF1-FNL, Manufacturer Cooper or approved equal fluorescent light fixture, 14 gauge housing, three 32 watt T8 lamps, 120 volt.

Department: Corrections
Location: Cresson, Cambria County, PA
Duration: FY 97-98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1599077 Medical, dental and veterinary equipment and supplies—900 case female condom, Reference Reality Product No. 709, 60 condoms per case; 24 each Trains the Trainer Model, Reference Reality Products No. 800.

Department: Health
Location: Harrisburg, Dauphin County, PA
Duration: FY 97-98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1663127 Photographic equipment—1 each Integrated Photo ID Imaging System.

Department: Labor and Industry
Location: Johnstown, Cambria County, PA
Duration: FY 97-98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

SERVICES

Agricultural Services—02

23-60003029 Provide fish feed used in a Statewide fish culture program during the period April 01, 1998 through June 30, 1998. Fish feed products purchased in bulk and bagged quantities only from vendors who have had their products tested and accepted by the Fish and Boat Commission.

Department: Fish and Boat Commission
Location: Statewide to various fish culture stations as requested
Duration: April 01, 1998—June 30, 1998
Contact: Dennis C. Ricker, (814) 359-5141

Audio/Video—04

RFI 1998-R-1 The Commonwealth of Pennsylvania is releasing a Request For Information (RFI) which requests input from vendors on technologies and other considerations regarding the Integrated Statewide Two-Way Radio and Microwave Communications System. The RFI will lead to procurement for two-way mobile radio equipment, communications shelters, communications towers, microwave equipment and other support services and equipment. Request for Proposal, Invitations to Bid, and the like for the above items and services will be released by June 1998. Participation in the RFI is not required for vendors to respond to Requests for Proposal, Invitation to Bid and the like. An RFI Forum/Conference will be held on February 23, 1998 at 1:30 p.m. at the Commonwealth's Technology Center, Harrisburg State Hospital Grounds, One Technology Park Harrisburg. Prior registration is required due to limited seating capacity and vendors are limited to not more than three representatives. Requests for copies of the RFI and RFI Forum/Conference registration are to be directed to John Obradovich, Project Engineer Coordinator, Radio Project Office, (717) 772-8031, fax (717) 772-8097.

Department: General Services
Location: Radio Project Office, Commonwealth's Technology Center, One Technology Park, Harrisburg, PA
Duration: Indeterminate 1997-98
Contact: John W. Obradovich, (717) 772-8031

Computer Related Services—08

RFP 970813 Warehouse Management System, state-of-the-art, to include all hardware, software, radio frequency devices, and the like.

Department: Liquor Control Board
Location: Blawnox, Philadelphia, Taylor and Harrisburg, PA
Duration: Five years from contract execution
Contact: Nelson A. McCormick II, (717) 787-9851

SU-526.2, SU-526.4 and SU-526.5 Project title: Various Residence Halls Upgrade. Brief description: Work shall be completed at Shippensburg University, Shippensburg Township, Cumberland County, PA and shall be accomplished by three Prime Contractors: electrical, telecommunications and HVAC. The project shall include the furnishing of all labor, superintendence, materials, tools and equipment and performing all work necessary to complete all construction of a new data system to the residence halls to include fiber optic backbone, telephone cabling, CATV system, electrical distribution, surveillance cameras, lighting fixtures, air conditioned main distribution data closets, acoustical tile and emergency generator. Prospective bidders may obtain project plans by contacting Joel Shoemaker, P.E., Project Engineer, H. P. Lenz Company, 1407 Scalp Avenue, Johnstown, PA 15904, (814) 269-9300 or fax (814) 269-9301. Prebid meeting with site visit immediately to follow will be held on February 4, 1998 at 10 a.m. in Cumberland Union Building, Room 219—221. Bids due: February 26, 1998 at 4 p.m. in Old Main 200. Bids open: February 27, 1998 at 2 p.m. in Old Main 203A.

Department: State System of Higher Education
Location: Shippensburg University, Shippensburg Township, Shippensburg, Cumberland County, PA
Duration: 225 days from date of Notice to Proceed
Contact: Deborah K. Martin, Contract Administrator, (717) 532-1121

Construction—09

Inquiry No. 7558 Paving road and parking lot.

Department: Public Welfare
Location: Danville State Hospital, Route 11, P. O. Box 700, Danville, PA 17821-0700
Duration: April 15, 1998—June 30, 1998
Contact: Pamela Bauman, Purchasing Agent, (717) 271-4578

DGS A 226-5 Project title: Repair/Repave Bituminous Paving. Brief description: Repair/repave approximately 5,000 square yards of bituminous paving including miscellaneous drainage items. Miscellaneous construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-6556. Bid date: Wednesday, February 11, 1998 at 2 p.m.

Department: General Services
Location: PA State Police, Troop "J" Headquarters, Lancaster, Lancaster County, PA
Duration: 90 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS 577-26 Project title: Exterior Improvements to Cell Blocks. Brief description: Demolition of exterior brick facade and removal of steel windows. Construction of new brick veneer system and installation of new security windows. General construction. Plans deposit: \$54 per set. Payable to: Joseph B. Callaghan, Inc. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: Joseph B. Callaghan, Inc., 1655 Suburban Station Building, 1617 JFK Boulevard, Philadelphia, PA 19103, (215) 665-0497. Bid date: Wednesday, March 4, 1998 at 1 p.m. A prebid has been scheduled for Tuesday, February 10, 1998 at 9:30 a.m. at the State Correctional Institution, Graterford, PA. Contact: Terry Swartz at (610) 489-4151 72 hours before prebid for clearance onto the site. This will be the only opportunity to visit the site. All contractors who have secured contract documents are invited and urged to attend this prebid conference.

Department: General Services
Location: State Correctional Institution, Graterford, Montgomery County, PA
Duration: 240 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS 1201-3 Phase I Project title: Preliminary Study Planning Property Acquisition and Expansion of Center. Brief description: Work consists of interior and exterior building renovations involving General, HVAC and Electrical Construction at the David L. Lawrence Convention Center. General, HVAC and Electrical Construction. Plans deposit: \$75 per set. Payable to: Mavrovic Architects. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: Mavrovic Architects, 5401 Walnut Street, Pittsburgh, PA 15232, (412) 687-1500. Bid date: Wednesday, March 4, 1998 at 11 a.m. A prebid conference has been scheduled for Tuesday, February 17, 1998 at 10 a.m. at the David L. Lawrence Convention Center, Pittsburgh, PA. Contact: Max Mavrovic at (412) 687-1500. All contractors who have secured contract documents are invited and urged to attend this prebid conference.

Department: General Services
Location: David L. Lawrence Convention Center, Pittsburgh, Allegheny County, PA
Duration: 180 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS 1579-3 Project title: Renovate Kosciusko Hall. Brief description: Renovation work consists of General, HVAC, Plumbing and Electrical Construction to Kosciusko Hall at the State Correctional Institution in Cambridge Springs, PA. Site work includes security fencing, concrete paving and remedial paving work. General, HVAC, Plumbing and Electrical Construction. Plans deposit: \$175 per set. Payable to: Tri-State Design and Development, Inc. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: Tri-State Design and Development, Inc., 9 East Mall Plaza, Carnegie, PA 15106, (412) 276-2219. Bid date: Wednesday, February 25, 1998 at 11 a.m.

Department: General Services
Location: State Correctional Institution, Cambridge Springs, Crawford County, PA
Duration: 320 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

Contract No. FDC-317-206 Work consists of excavating, backfilling and compacting; modular trench drain (115 L. F.); ID 2 wearing course (2,000 tons); BCBC (80 tons); 2A stone (120 tons); and membrane waterproofing. All work is located in Little Buffalo State Park.

Department: Conservation and Natural Resources
Location: Juniata Township, Perry County, PA
Duration: Complete all work by May 26, 1998
Contact: Construction Management Section, (717) 787-5055

IN-753.1 Langham and Wahr Courtyard. Project consists of demolition, removal, clearing and grubbing, removal and salvage, stripping and stockpiling of topsoil, temporary construction fence, earthwork, erosion and sedimentation control, drainage work, concrete work, precast unit pavers, topsoil and finished grading, seeding, maintenance and guarantee. Notice to Contractors may be requested from IUP. Phone: (412) 357-2289, Fax: (412) 357-6480, Internet: <http://www.iup.edu/phyfac>.

Department: State System of Higher Education
Location: Indiana University of Pennsylvania, Indiana, PA 15705-1087
Duration: Six (6) months
Contact: Ronald E. Wolf, Procurement Specialist, (412) 357-4851

SP 336913 Services required to upgrade bridge crossing in Reeds Gap State Park, Mifflin County, including clearing the site, backfilling, removing the existing deck and handrails, removing the existing signage and replacing with new signage and supplying and installing nail-laminated wood deck and wooden guiderails on roadway. Bids will be opened at the Northcentral Engineering Office, Bureau of Facility Design and Construction, R. R. 4 Box 212, Emporium, PA 15834, Cameron County, on February 20, 1998, 2 p.m.

Department: Conservation and Natural Resources
Location: Bureau of Facility Design and Construction, Reeds Gap State Park, 1405 New Lancaster Valley Road, Milroy, PA 17064-9735
Duration: February 20, 1998—June 30, 1998
Contact: Gair C. Terrette, Assistant Regional Engineer, (814) 486-5637

SP 341700 Services required to upgrade and widen the bridge crossing Scotts Run in French Creek State Park, Union Township, Berks County. Work shall include clearing site, driving steel piles, welding pile cap, installing steel beams, removing existing curb and guide rail, providing reinforced concrete slab, bituminous surfacing on the bridge, widening of the road, installation of guide rails on the bridge and roadway and riprap around piles.

Department: Conservation and Natural Resources
Location: Bureau of Facility Design and Construction, French Creek State Park, Union Township, Berks County, PA
Duration: Work shall commence within 30 days of Notice to Proceed
Contact: Cory Gaiski, (717) 783-0760

Engineering Services—14

08430AG2157 Open-end contract to provide supplementary construction staff to perform construction inspection services in Crawford, Erie, Forest, Mercer, Venango and Warren Counties.

Department: Transportation
Location: Engineering District 1-0
Duration: Thirty (30) months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2158 To provide supplementary construction staff of approximately 16 inspectors, under the Department's Inspector-in-Charge for construction inspection and documentation services for six group projects in Fayette, Washington and Westmoreland Counties, Engineering District 12-0.

Department: Transportation
Location: Engineering District 12-0
Duration: Ten (10) months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2159 Open-end contract for various engineering and/or environmental services on various projects located in Berks, Carbon, Lehigh, Monroe, Northampton and Schuylkill Counties, Engineering District 5-0.

Department: Transportation
Location: Engineering District 5-0
Duration: Sixty (60) months
Contact: Consultant Agreement Division, (717) 783-9309

23-6003029 Consulting. Provide surveying services for the monumenting of Fish and Boat Commission dams. The Fish and Boat Commission desires to have monuments set on its dams throughout the State by a Professional Land Surveyor registered in the Commonwealth of Pennsylvania.

Department: Fish and Boat Commission
Location: Dam locations throughout Commonwealth of Pennsylvania
Duration: May through June, 1998
Contact: Kathi Tibbott, Purchasing Agent, (814) 359-5131

RFP 02-98 Professional Architectural and Engineering Design Services—Bloomsburg University will be contracting with three firms for the purpose of providing architectural and engineering design services. Services will be required for miscellaneous construction and renovation projects on the campus. Interested professionals should contact Joe Quinn, Director of Purchasing at (717) 389-4311, no later than February 20, 1998 to obtain a copy of RFP 02-98. The proposal package will be released by the end of February 1998 and will contain all required information including the prebid meeting date and bid response date. The System encourages responses from small firms, minority firms, women owned firms and firms which have not previously worked for the System, and will consider joint ventures which will enable these firms to participate in System professional services contracts. Nondiscrimination and Equal Opportunity are the policies of the Commonwealth and the State System of Higher Education.

Department: State System of Higher Education
Location: Bloomsburg University, Bloomsburg, PA
Duration: Annual (up to 3 years)
Contact: Joseph C. Quinn, (717) 389-4311

Environmental Maintenance Services—15

C05499 Services required to provide overburden drilling and sampling, field permeability tests and monitor well installations, at various project locations throughout the State.

Department: Conservation and Natural Resources
Location: Bureau of Facility Design and Construction; Various locations State-wide
Duration: March 1, 1998 through December 31, 2000
Contact: Cory Gaiski, (717) 783-0760

OSM 14(6944)101.1 Abandoned mine reclamation, St. Michael's Cemetery involves approximately 664,700 c. y. of grading, road construction, utility pole relocation and 92 acres of seeding. One hundred percent (100%) of this project is financed by the Federal Government. Federal funds available for this program total \$20.1 million for Pennsylvania's 1998 AML Grant.

Department: Environmental Protection
Location: Snow Shoe Township, Centre County, PA
Duration: 365 days after Notice to Proceed
Contact: Construction Contracts Unit, (717) 783-7994

Extermination Services—16

002 Pest control—includes extermination and control of all pests, insect and rodent. The contract would be for 36 months. State Correctional Institution Chester is a new State Correctional Institution expected to open in April, 1998.

Department: Corrections
Location: State Correctional Institution Chester, 500 East 4th Street, Chester, PA 19013
Duration: April 1, 1998 to March 31, 2001
Contact: David R. Mulhern, (610) 447-3040

Food—19

7011 Meat and meat products.

Department: Military and Veterans Affairs
Location: Hollidaysburg Veterans Home, Route 220 at Meadows Intersection, P. O. Box 319, Hollidaysburg, PA 16648-0319
Duration: April 1998
Contact: Becky Clapper, Purchasing Agent, (814) 696-5210

7019 Bread, rolls and related products—fresh.

Department: Military and Veterans Affairs
Location: Hollidaysburg Veterans Home, Route 220 at Meadows Intersection, P. O. Box 319, Hollidaysburg, PA 16648-0319
Duration: April, May, and June 1998
Contact: Becky Clapper, Purchasing Agent, (814) 696-5210

1998-3 Contractor shall supply various food items for the staff and inmates at the State Correctional Institution, Cambridge Springs, PA. Meats and miscellaneous frozen and specialty items are bid every 3 months. Produce and eggs are bid monthly.

Department: Corrections
Location: State Correctional Institution Cambridge Springs, 451 Fullerton Avenue, Cambridge Springs, PA 16403
Duration: July 1, 1998 to June 30, 1999
Contact: Quentin Hargenrater Jr., (814) 398-5442

HVAC—22

260222 Parts and labor to service one Voltec Direct Digital HVAC Control System in the Bengs Building at Mayview State Hospital. Includes supervision to assist Mayview State Hospital's maintenance crews in the start-up of both the heating and cooling system in the Beng's Building. Includes one complete system calibration including all pneumatic devices.

Department: Public Welfare
Location: Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017-1599
Duration: July 01, 1998—June 30, 2003
Contact: F. Molisee, Purchasing Agent, (412) 257-6215

401-BL-563 Elwell Hall Residence new power distribution system. The work will include all labor, material and equipment necessary to complete the installation of a new electrical power distribution system which is to be tapped off the existing 120/208V secondary bus within the building unit substation, and shall also include new wiring, conduit, circuit panels, receptacles, disconnect switches, surge protectors, over-current protection devices and removal and reinstallation of existing ceilings as required. Contractor shall perform all patchings, restoration and painting of new and disturbed areas. There will be one prime contractor—electrical. Bid documents can be obtained by submitting a nonrefundable \$75 deposit by February 22, 1998 made payable to Reilly Associates, 222 Wyoming Avenue, West Pittston, PA 18643-2822, (717) 654-2473. Documents will be released in late February, and actual dates of the prebid and bid opening will be obtained in these documents.

Department: State System of Higher Education
Location: Bloomsburg University, Bloomsburg, PA 17815
Duration: Three months
Contact: Joseph C. Quinn, (717) 389-4311

FM 077797-02 Installation of 100 KW generator, 300 AMP transfer switch and all related equipment.

Department: Public Welfare
Location: Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, Lackawanna County, PA 18411-9505
Duration: February 01, 1998 to June 30, 1998
Contact: Stanley Rygelski, Purchasing Agent, (717) 587-7291

FM 077797-03 Installation of 100 KW generator, 300 AMP transfer switch and all related equipment. Site visit required.

Department: Public Welfare
Location: Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, Lackawanna County, PA 18411-9505
Duration: February 01, 1998 to June 30, 1998
Contact: Stanley Rygelski, Purchasing Agent, (717) 587-7291

MI-714 Project title: Stayer Lighting Project. Scope of work: Install four new light poles and luminaries on the north side of Stayer sidewalk. Plans cost: \$15.

Department: State System of Higher Education
Location: Millersville University, Stayer Research and Learning Center, Millersville, Lancaster County, PA 17551-0302
Duration: May 18, 1998—June 18, 1998 (31 days)
Contact: Bernadette J. Wendler, Dilworth Building, (717) 872-3829

SO-152 The State Correctional Institution at Somerset will be bidding a contract for emergency repairs and repair parts needed to maintain the emergency lighting system at the institution. The anticipated contract will be for a 3-year period.

Department: Corrections
Location: State Correctional Institution at Somerset, 1590 Walters Mill Road, Somerset, PA 15510-0001
Duration: July 1, 1998 through June 30, 2001
Contact: Theresa Solarczyk, Purchasing Agent II, (814) 443-8100, Ext. 311

Medical Services—29

Inquiry No. 71 To provide the services of a professional oral surgeon qualified in oral and maxillo-facial surgery. Copies of bid proposal can be obtained by contacting the Purchasing Department of the Allentown State Hospital, fax (610) 740-3429.

Department: Public Welfare
Location: Allentown State Hospital, 1600 Hanover Avenue, Allentown, PA 18103-2498
Duration: July 01, 1998 through June 30, 2002
Contact: T. F. Snyder, Purchasing Agent, (610) 740-3428

97-97 Provide a team to conduct a pre Joint Commission on Accreditation of Healthcare Organizations survey at the State Correctional Institution Waymart Forensic Treatment Center. The center provides in-patient psychiatric evaluation and treatment to inmates committed from the general State inmate population.

Department: Corrections
Location: State Correctional Institution Waymart, P. O. Box 256, Waymart, Canaan Township, Wayne County, PA 18472
Duration: March 1, 1998 to June 30, 1998
Contact: John Ondash, (717) 488-2513

1998-2 Contractor shall provide dental laboratory services to the inmate population at State Correctional Institution Cambridge Springs, PA.

Department: Corrections
Location: State Correctional Institution Cambridge Springs, 451 Fullerton Avenue, Cambridge Springs, PA 16403
Duration: July 1, 1998 to June 30, 2001
Contact: Quentin Hargenrater Jr., (814) 398-5442

DS-98 Vendor to supply services of a dentist to all residents of Southeastern PA Veterans Center.

Department: Military and Veterans Affairs
Location: Southeastern PA Veterans Center, Spring City, Chester County, PA 19475
Duration: July 1, 1998 through June 30, 1999
Contact: Francis Bellan, Purchasing Agent, (610) 948-2492

GCO No. 1 PGC-2565 Administer medical and physical evaluations and swimming test to approximately 25 candidates for the position of game conservation officer trainees. The medical evaluation will include EKG, visual acuity, color perception, hearing and complete chemical and clinical tests. The physical evaluations will include physical characteristics, flexibility, strength, power and swimming tests in accord with job related duties and standards. Provide complete written report on all candidates. Evaluations and tests must be performed during the period April through June 30, 1998, with a verbal report including pass or fail results provided 1 week after completion of the evaluation and a written report 5 days thereafter. All forms and questionnaires used in conjunction with the testing must be in compliance with the Americans with Disabilities Act.

Department: Game Commission
Location: One location in central PA to accommodate candidates throughout this Commonwealth
Duration: March 31, 1998 to June 30, 1998
Contact: Jane Peyton, (717) 787-7836

OS-98 Vendor to be Board Certified Oral Surgeon who will hold clinics as required, seeing all clients of Southeastern PA Veterans Center who are referred for examination, oral diagnosis and treatment of oral medical and surgical problems.

Department: Military and Veterans Affairs
Location: Southeastern PA Veterans Center, Spring City, Chester County, PA 19475
Duration: July 1, 1998 through June 30, 1999
Contact: Francis Bellan, Purchasing Agent, (610) 948-2492

SP-584 Optometry services for approximately 500 residents to include one complete eye examination every 2 years and a purchase of frame and lenses every 2 years. (Service shall be provided onsite at the Hollidaysburg Veterans Home).

Department: Military and Veterans Affairs
Location: Hollidaysburg Veterans Home, Route 220 at Meadows Intersection, P. O. Box 319, Hollidaysburg, PA 16648-0319
Duration: July 1, 1998 through June 30, 1999
Contact: Becky Clapper, Purchasing Agent, (814) 696-5210

Photography Services—32

814178 Provide initial and recurrent training support for the Department of Transportation, Bureau of Design's Photogrammetry and Surveys Division. The training provided will be for a Piper Navajo aircraft.

Department: Transportation/Aviation
Location: Location of contractor's training site
Duration: May 1, 1998 through April 30, 2002
Contact: Scott Cross, (717) 705-1236

Property Maintenance—33

Project No. 9824 Remove existing roof—install a tapered insulation—install a rubber membrane roof system. Install aluminum coping cap over coping stone. Approximately 1,700 square feet.

Department: Military and Veterans Affairs
Location: PAARNG Armory, Roosevelt Avenue, York, York County, PA
Duration: February 15, 1998—September 30, 1998
Contact: Emma Schroff, (717) 861-8518

067197-02 Roof repair: scope of work covers the supplying of all labor, tools, equipment, building materials and appurtenances to remove slate roof and install a new single roof on Building 2.

Department: Public Welfare
Location: Norristown State Hospital, 1001 Sterigere Street, Norristown, Montgomery County, PA 19401
Duration: Ninety (90) days
Contact: Gary Raisner, F.M.M., (610) 313-5465

067197-03 Roof repair: work to include removal of existing stone and roofing materials, including insulation, preparation of deck and application of foam-stone system in accordance with specifications.

Department: Public Welfare
Location: Norristown State Hospital, 1001 Sterigere Street, Norristown, Montgomery County, PA 19401
Duration: Ninety (90) days
Contact: Gary Raisner, F.M.M., (610) 313-5465

AE-5055 Restroom renovations—ADA—Renovations consist of replacing fixtures, floor, partitions, door, ceiling. Fax (717) 783-7971.

Department: Transportation
Location: PennDOT Maintenance Building, District 2-2, Waynesburg, Greene County, PA
Duration: 120 calendar days, proposed bid February 1998
Contact: Tina Chubb, (717) 787-7001

FM 077797-01 Repair and installation of roof on boiler plant including removal of old roof. Install new roof including all preparation work. Site visit required.

Department: Public Welfare
Location: Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, Lackawanna County, PA 18411-9505
Duration: February 01, 1998 to June 30, 1998
Contact: Stanley Rygelski, Purchasing Agent, (717) 587-7291

FM 077797-04 Replacement of entrance doors—removal, repair of entrance and installation of new doors. Site visit required.

Department: Public Welfare
Location: Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, Lackawanna County, PA 18411-9505
Duration: February 01, 1998 to June 30, 1998
Contact: Stanley Rygelski, Purchasing Agent, (717) 587-7291

FM 088297-01 Slate roof—contractor shall provide and/or perform all labor, materials, apparatus, trucking, tools, superintendence and services required to remove all fiberglass shingles and felts, and install slate on various parts of the roof of Building No. 1 at the Center. Work shall also include replacement of deteriorated wood decking and built-in gutters. Slate shall be as furnished by the Center. Contractor must follow and be responsible for the safety requirements as provided by OSHA. Additional specifications and drawings are available by contacting the Center.

Department: Public Welfare
Location: South Mountain Restoration Center, 10058 South Mountain Road, South Mountain, PA 17261
Duration: Ninety (90) days after receiving approved contract
Contact: Cathy J. Tarquino, Purchasing Agent, (717) 749-4030

FM 088297-02 Replace flat roofs—Unit No. 1—Work shall include the removal of existing roofing materials including insulation, preparation of deck and application of a foam roof system. Polyurethane foam roofing system—Furnish and install a seamless sprayed-in-place polyurethane foam roofing system as defined in specifications including all accessory items. Flashing and sheet metal—The work to be accomplished includes, but is not necessarily limited to, the following: a) Installation of interior flashing stop at all scuppers as shown on drawings; and b) reuse all copper cap flashings. Additional specifications and drawings are available by contacting the Center.

Department: Public Welfare
Location: South Mountain Restoration Center, 10058 South Mountain Road, South Mountain, PA 17261
Duration: Ninety (90) days after receiving approved contract
Contact: Cathy J. Tarquino, Purchasing Agent, (717) 749-4030

Project No. KU 98-19 Kutztown University is seeking qualified contractors for interior painting of Bonner Hall. Bid packages are available for a nonrefundable fee of \$10 from: Jeffrey W. Nelson, Contracts Specialist, Kutztown University, Kutztown, PA 19530 or phone (610) 683-4602, fax (610) 683-4674, E-mail: nelson@kutztown.edu between 8 a.m. and 4:30 p.m. Bid packages are available February 9, 1998 through February 18, 1998. A prebid meeting has been scheduled for Wednesday, February 18, 1998 at 10 a.m. Bids will be received March 2, 1998 and opened on March 3, 1998 at 2 p.m.

Department: State System of Higher Education
Location: Kutztown University, Kutztown, PA 19530
Duration: 30 days after notice to proceed
Contact: Jeffrey W. Nelson, C.P.M., Contracts Specialist, (610) 683-4602

Project No. KU 98-20 Kutztown University is seeking qualified contractors for interior painting of Schuylkill Hall. Bid packages are available for a nonrefundable fee of \$10 from: Jeffrey W. Nelson, Contracts Specialist, Kutztown University, Kutztown, PA 19530 or phone (610) 683-4602, fax (610) 683-4674, E-mail: nelson@kutztown.edu between 8 a.m. and 4:30 p.m. Bid packages are available February 9, 1998 through February 18, 1998. A prebid meeting has been scheduled for Wednesday, February 18, 1998 at 10 a.m. Bids will be received March 2, 1998 and opened on March 3, 1998 at 2:30 p.m.

Department: State System of Higher Education
Location: Kutztown University, Kutztown, PA 19530
Duration: 30 days after notice to proceed
Contact: Jeffrey W. Nelson, C.P.M., Contracts Specialist, (610) 683-4602

SMW-97-1 Vendor to stucco the outside walls of one modular home.

Department: Military and Veterans Affairs
Location: Southeastern PA Veterans Center, Spring City, Chester County, PA 19475
Duration: April 15, 1998—June 30, 1998
Contact: Francis Bellan, Purchasing Agent, (610) 948-2492

SP 336922 Services required to replace the deteriorated portions of the soffit, fascia and siding and to paint the entire park manager's residence at Mt. Pisgah State Park, Bradford County. Bids will be opened at the Northcentral Engineering Office, Bureau of Facility Design and Construction, R. R. 4, Box 212, Emporium, PA 15834, Cameron County, on February 20, 1998 at 2 p.m.

Department: Conservation and Natural Resources
Location: Bureau of Facility Design and Construction, Mt. Pisgah State Park, R. R. 3, Box 362, Troy, PA 16947-9448
Duration: February 20, 1998—June 30, 1998
Contact: Gene A. Strick, Regional Engineer, (814) 486-5637

Real Estate Services—35

48A Lease Office Space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania State Police with 12,482 useable square feet of new or existing office space, parking for 90 vehicles, in Dauphin or Cumberland County, PA within 5 mile radius of the Intersection of Progress Avenue and I-81, Dauphin County, PA. Proposals due: March 9, 1998. Solicitation No. 92575.

Department: General Services
Location: Real Estate, 505 North Office Building, Harrisburg, PA 17105
Duration: Indeterminate 1997-98
Contact: John A. Hocker, (717) 787-4394

030-0284 The Department of Transportation, under 71 P. S. 513(e)(7), intends to sell certain land owned by it located at Route 15 southbound in Liberty Township, Tioga County, PA. The parcel consists of 27.59 acres of landlocked land. It has been determined that the land is no longer needed for present or future transportation purposes. Interested public entities are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice to: Joel K. Hart, PA Department of Transportation, P. O. Box 218, Montoursville, PA 17754.

Department: Transportation
Location: Tioga County, District 3-0, PA
Duration: 30 days
Contact: Joel K. Hart, (717) 368-4237

Miscellaneous—39

1998-1 Contractor shall supply Imam leadership services to the inmate population at the State Correctional Institution in Cambridge Springs, PA.

Department: Corrections
Location: State Correctional Institution Cambridge Springs, 451 Fullerton Avenue, Cambridge Springs, PA 16403
Duration: July 1, 1998 to June 30, 2001
Contact: Quentin Hargenrater Jr., (814) 398-5442

EI0198 The Department of Education is issuing a Request for Proposal (RFP) for the provision of early intervention services to eligible young children in the City of Philadelphia in accordance with Act 212. Completed proposals must be received no later than 3 p.m. on March 20, 1998. Proposals must be received by Dr. Richard Price, PA Department of Education, Bureau of Special Education, 333 Market Street, 7th Floor, Harrisburg, PA 17126-0333. Questions regarding this request should be directed to Dr. Price at the same address.

Department: Education
Location: Philadelphia, PA
Duration: Renewal option for four additional 1-year periods
Contact: Dr. Richard Price, (717) 783-6879

PSERS-Strategic The Board of Trustees of the Public School Employees' Retirement System wishes to contract with a consultant for the purpose of providing strategic planning process facilitation. The consultant must have thorough knowledge of and experience with large public pension funds. Preproposal meeting will be held the first week of February; call agency at (717) 720-4607 for date and time of meeting and a copy of Request for Proposal.

Department: Public School Employees' Retirement System
Location: 5 North 5th Street, Harrisburg, PA 17101
Duration: Indeterminate 1997-98
Contact: Rebecca A. Snead, (717) 720-4607

SP 328042 The PA Board of Probation and Parole is soliciting proposals to satisfy a need for training in "Risk Assessment and Supervision of the Violent Offender." This project consists of seven, 2-day training programs. The first program will be held in Pittsburgh on May 20—21, 1998. Programs 2, 3 and 4 will be held in Philadelphia, Harrisburg and Pittsburgh respectively between July 1, 1998 and June 30, 1999, with specific dates to be determined between the vendor and the contractor. Programs 5, 6 and 7 will be held in Philadelphia, Harrisburg and Pittsburgh respectively between July 1, 1999 and June 30, 2000, with specific dates to be determined between the vendor and the contractor.

Department: Board of Probation and Parole
Location: Harrisburg, Philadelphia and Pittsburgh, PA
Duration: May 20, 1998 to June 30, 2000
Contact: Michelle Carl, (717) 787-8879

SP 328043 The PA Board of Probation and Parole is soliciting proposals to satisfy a need for training in "Profiling the Adult Arsonist." This project consists of four, 2-day training programs. The first program will be held in Allentown on June 11—12, 1998. Programs 2, 3 and 4 will be held in Pittsburgh, Philadelphia and Harrisburg respectively between July 1, 1998 and June 30, 1999, with specific dates to be determined between the vendor and the contractor.

Department: Board of Probation and Parole
Location: Allentown, Harrisburg, Philadelphia and Pittsburgh, PA
Duration: June 11, 1998 to June 30, 1999
Contact: Michelle Carl, (717) 787-8879

SP 328044 The PA Board of Probation and Parole is soliciting proposals to satisfy a need for Graduate-Level Instruction in criminal justice related areas as part of an Agency in-service training program.

Department: Board of Probation and Parole
Location: Southeastern, Southwestern and Central Pennsylvania
Duration: April 06, 1998 to June 30, 2000
Contact: Michelle Carl, (717) 787-8879

[Pa.B. Doc. No. 98-239. Filed for public inspection February 6, 1998, 9:00 a.m.]

DESCRIPTION OF LEGEND

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| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,
Secretary

Contract Awards

The following awards have been made by the Department of General Services, Bureau of Purchases:

Requisition or Contract #	Awarded On	To	In the Amount Of
1346117-01	01/20/98	National Computer Systems	30,640.00
1391117-01	01/21/98	Johnnys Restaurant and Hotel Service	13,580.00
1428357-01	01/21/98	Corvallis Microtechnology, Inc.	17,250.00
1453117-01	01/21/98	Hoffman/New Yorker, Inc.	12,222.00
1461237-01	01/21/98	K-B Offset Printing Co.	13,377.00
1464357-01	01/21/98	Atlantic Nuclear Corporation	13,030.00
1470117-01	01/27/98	Todd Devin Food Equipment	10,574.50
1471167-01	01/21/98	Clearview Printing Co.	3,589.00
1480117-01	01/27/98	Fox Rich Textiles, Inc.	15,725.00
1486117-01	01/21/98	Ragold Corporation	10,868.75
1486117-02	01/21/98	Atlantic Textiles Co.	18,750.00
1543057-01	01/21/98	Tri State Envelope Corporation	1,814.00

Requisition or Contract #	Awarded On	To	In the Amount Of
5306-01	02/01/98	Fastening Products of Lancaster, Inc.	42,653.00
8117290-01	01/21/98	Fox Machinery West, Inc.	17,500.00
8177110-01	01/21/98	Artco Equipment Sales, Inc.	25,932.00
8208300-01	01/27/98	Cleveland Brothers Equipment Company, Inc.	15,259.00
8504110-01	01/21/98	Ram Tech	13,020.00
8504160-01	01/21/98	Arbill Industries	16,000.00
8730-01	02/01/98	Lesco, Inc.	13,235.00
8730-01	02/01/98	Seed Corporation of America, Inc.	56,620.00
8730-01	02/01/98	Ernst Conservation Seeds	5,400.00
8970920-01	01/27/98	Highway Equipment and Supply Co.	118,751.40

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 98-240. Filed for public inspection February 6, 1998, 9:00 a.m.]

PROPOSED RULEMAKING

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 102]

Erosion and Sediment Control

The Environmental Quality Board (Board) proposes to amend Chapter 102 (relating to erosion and sediment control). The proposed amendments eliminate obsolete terms, simplify technical requirements for best management practices (BMPs), update and clarify permit requirements, and integrate these regulations with current Federal National Pollutant Discharge Elimination System (NPDES) permit requirements for stormwater discharges associated with construction activities.

This proposal was adopted by the Board at its meeting of October 21, 1997.

A. *Effective Date*

These proposed amendments will go into effect upon publication in the *Pennsylvania Bulletin* as final rulemaking.

B. *Contact Persons*

For further information contact Kenneth F. Murin, Acting Chief, Technical Services Section, Division of Waterways, Wetlands, and Erosion Control, P. O. Box 8775, Rachel Carson State Office Building, Harrisburg, PA 17105-8775, (717) 787-6827, or William J. Gerlach, Assistant Counsel, Bureau of Regulatory Counsel, P. O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Information regarding submitting comments on this proposal appears in Section J of this preamble. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposal is available electronically through the Department of Environmental Protection's (Department) Web site (<http://www.dep.state.pa.us>).

C. *Statutory Authority*

The proposed rulemaking is being made under the authority of sections 5 and 402 of The Clean Streams Law (35 P. S. §§ 691.5 and 691.402); section 5 of the Dam Safety and Encroachments Act (32 P. S. § 693.5); section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20); and section 11 of the Conservation District Law (3 P. S. § 859(2)), which provide the Board the authority to promulgate regulations, and the Department and delegated entities the authority to regulate erosion and sediment from earth disturbance activities to waters of this Commonwealth by requiring that accelerated erosion and its resulting sedimentation be minimized and controlled.

D. *Background and Purpose*

The purpose of this proposal is to revise existing regulations found in Chapter 102 as part of the Regulatory Basics Initiative (RBI) and Executive Order 1996-1 (Regulatory Review and Promulgation). These initiatives are multistep processes to evaluate regulations: considering several factors including whether requirements; are more stringent than Federal regulations unless justified by a compelling and articulable Pennsylvania interest or required by State law; impose economic costs disproportionate

to the environmental benefit; are prescriptive rather than performance-based; inhibit green technology and pollution prevention strategies; are obsolete or redundant; lack clarity; or are written in a way that causes significant noncompliance.

The revisions have been drafted to incorporate brief and specific language which sets forth requirements for erosion and sediment control and the protection of water resources. Under the proposal, persons proposing or conducting earth disturbance activities are required to develop, implement and maintain erosion and sediment control BMPs. BMPs are utilized to provide performance based limitations and restrictions on earth disturbance activities to minimize accelerated erosion and sedimentation. Technical parameters have been kept simple by establishing general requirements, and allowing for the consideration of alternative practices which assure the protection of water quality and the aquatic environment.

Earth disturbance activities are regulated under Chapter 102. The proposed revisions establish a minimal area of disturbance (5,000 square feet) as one of several triggers for the development of a written erosion and sediment control plan. Permit requirements have been revised to more clearly integrate with Federal NPDES stormwater permit requirements for stormwater discharges associated with construction activity. These activities which are 5 acres or more require an NPDES permit. Earth disturbance activities which do not require an NPDES permit, and are 25 acres or more, require an Erosion and Sediment Control Permit. There are several exceptions to this permitting requirement: agricultural plowing and tilling activities continue to be exempt from obtaining permits under this chapter; and earth disturbance activities conducted under Department permits which meet the requirements of Chapter 92 (relating to National Pollutant Discharge Elimination System) and Chapter 102, do not require an Erosion and Sediment Control Permit, or an NPDES Permit for a stormwater discharge associated with a construction activity.

These proposed amendments have been developed with substantial input from the public and the regulated community. Initial drafts of the proposed revisions have been placed on the Department's Web site and presented to and discussed with the Agricultural Advisory Board (AAB), the Water Subcommittee of the Air and Water Quality Technical Advisory Committee (AWQTAC) and other representative groups. Additional comments have been provided by county conservation districts, State and Federal agencies and the regulated community, as part of the RBI public input process. Draft versions of the proposed amendments were presented to the AAB on December 18, 1996, February 26, 1997, April 23, 1997, and June 25, 1997, and to AWQTAC on December 10, 1996, February 20, 1997, and April 17, 1997. Both Committees raised comments and questions on a number of issues.

One issue the Committees raised was how the proposed amendments should identify when a sediment discharge is considered to be pollution. Initial drafts proposed a definition of "sediment pollution" and suggested that this pollution could be prevented through the implementation and maintenance of BMPs. After several meetings and discussions, including a joint ad hoc committee meeting comprised of members from the two Committees, the Department agreed that, although conceptually valid,

attempting to define "sediment pollution" caused more confusion than it resolved, and did not simplify or clarify the regulations. Instead of defining "sediment pollution," the Department is now proposing to clarify the definition of BMPs to read "activities, facilities, measures or procedures used to minimize accelerated erosion and sedimentation to protect, maintain and improve the quality of waters and the aquatic environment within this Commonwealth." Therefore, excess sedimentation of Commonwealth waters will be prevented through the proper development, implementation and maintenance of BMPs. This concept will result in a realistic, attainable and cost effective means of minimizing accelerated erosion and sedimentation while maintaining the Commonwealth's commitment to protect water quality and associated water resources.

In developing these proposed amendments, the Department has reviewed and considered other comments from the AWQTAC regarding permit exemptions for timber harvesting and road maintenance activities, water quality considerations in planning, and the administration of the erosion and sediment control program by local governing bodies. Specifically, the AWQTAC commented that the Department has a lack of regulatory control or knowledge of earth disturbance activities involving timber harvesting and road maintenance, and recommended that the Department should require persons proposing these activities to notify government agencies prior to commencement of the activities, and obtain permits to conduct these activities. The Department disagrees that the existing regulatory requirements do not provide sufficient environmental control for these activities. Persons conducting these activities are obligated under Chapter 102 to prepare and implement an erosion and sediment control plan, and take measures to prevent accelerated erosion. In addition, Chapter 105 (relating to dam safety and waterway management) requires Water Obstruction and Encroachments Permits, which include erosion and sediment control plans, and notification requirements for persons conducting activities which are in, along, across or project into a watercourse, floodway or body of water, or change, expand or diminish the course, current or cross section of these waters. These Chapter 105 provisions address most, if not all, activities and structures involving earth disturbance activities that are located in close proximity to water resources. The Department believes that Chapters 102 and 105 complement each other in assuring the protection of this Commonwealth's water resources from these activities.

In addition, the Department has been working with several groups of stakeholders in addressing the use of BMPs for timber harvesting and road maintenance activities. The Department supports the efforts of the Sustainable Forestry Initiative (SFI), and the Dirt and Gravel Road Task Force (DGRTF), in promoting, educating and training persons conducting these activities to use BMP techniques and standards to minimize accelerated erosion and thereby enhance the quality of this Commonwealth's waters. After considering the AWQTAC's comments, and the nonregulatory approaches of the SFI and DGRTF, the Department is proposing to continue the current regulatory framework that requires timber harvesting and road maintenance activities to complete an Erosion and Sediment Control Plan, and implement BMPs, but does not require them to obtain a permit under Chapter 102 if these activities disturb less than 25 acres. An Erosion and Sediment Control Permit continues to be required for timber harvesting and road maintenance activities that disturb 25 acres or more. The Department concludes that

timber harvesting and road maintenance activities conducted in accordance with appropriate BMPs, and under Chapter 105, if applicable, will receive the environmental review necessary to protect this Commonwealth's water resources.

In another comment, the members of the AWQTAC stated that the purpose of Chapter 102 is to protect water quality and aquatic resources, and recommended that the Department incorporate references to water quality protection in §§ 102.2, 102.4, 102.5 and 102.11. The Department has incorporated references into these sections to address the importance of protecting water quality and aquatic resources.

The AAB commented that the term "conservation plan" identified in existing Chapter 102, and in a draft regulatory package prepared by the Department, should be deleted because the term could cause confusion among the agricultural community, who understand the term to be the "conservation plans" prepared for the Natural Resources Conservation Service (NRCS). NRCS "conservation plans" differ from the meaning ascribed to the term in the Department's existing regulations. The Department has addressed the potential problems and confusion by deleting the term "conservation plan" from the regulations and the draft proposal. Instead of using the term "conservation plan," the proposed amendments address the special nature of agricultural plowing and tilling activities by providing for an agricultural-specific erosion and sediment control plan which includes land use, tillage systems, schedules and cost effective and technically practical conservation measures which minimize accelerated erosion to protect water quality and the aquatic environment.

One of the comments received during the RBI public input process addressed the establishment of a minimum disturbance threshold for earth disturbance activities required to prepare an erosion and sediment control plan. In response to the comment, the Department is proposing a 5,000 square foot threshold as one of several conditions which trigger the need for a written plan. These conditions include projects which have the potential to adversely impact water resources, projects which may discharge to High Quality or Exceptional Value Waters, and projects which require an erosion and sediment control plan as a condition of other Department regulations. The Department's revised plan for activities consisting of less than 5,000 square feet is intended to provide consistency with other State programs and municipal requirements, and reduces planning requirements for small projects which do not pose a significant environmental threat.

In sum, the Department believes that these proposed revisions meet the goals and objectives of the RBI and Executive Order 1996-1 and assure the protection of waters of this Commonwealth from accelerated erosion and sedimentation from earth disturbance activities.

E. Summary of Regulatory Requirements

Several changes are proposed in this regulatory package and are described as follows. The descriptions include a reference to the section or subsection proposed to be changed, the nature of the change and the effect of the change.

• *Section 102.1. Definitions.*

Changes to definitions have been incorporated to eliminate antiquated or redundant definitions and add or revise definitions to improve clarity and understanding.

a. New definitions are proposed for: "agricultural plowing or tilling," "BMP—best management practices," "col-

lector," "designee," "disturbed area," "erosion and sediment control permit," "minimum sediment storage elevation," "minimum storage elevation," "NPDES—National Pollutant Discharge Elimination System," "NPDES Permit for Stormwater Discharges Associated with Construction Activities," "notice of intent," "outlet structure," "project site," "road maintenance activities," "timber harvesting activities" and "waters of this Commonwealth."

b. Revised definitions are proposed for: "accelerated erosion," "diversion," "earth disturbance activity," "erosion," "municipality," "person," "sediment," "sedimentation" and "stabilization."

c. Definitions proposed to be deleted are: "conservation plan," "embankment or fill," "excavation," "interceptor channel," "land developer," "land development" and "subdivision."

• *Sections 102.2 and 102.3. Scope and Purpose.*

These sections are proposed to be revised to reflect the scope and purpose of the erosion and sediment control program and emphasize the program's focus on maintaining and improving water quality and the aquatic environment through the implementation of BMPs which minimize accelerated erosion from earth disturbance activities.

• *Section 102.4. General.*

a. The proposed revisions to subsection (a) incorporate new terms and set forth general requirements for erosion control from earth disturbance activities in this Commonwealth.

b. The proposed revisions to subsection (b) require a written erosion and sediment control plan for projects with one or more of the following characteristics:

- The project would disturb 5,000 square feet or more.
- The project is required to have an erosion and sediment control plan under Department regulations other than Chapter 102.
- The Department determines that the project may adversely impact waters of this Commonwealth.
- The project may discharge to High Quality or Exceptional Value waters.

c. Subsection (c) is proposed to clarify that erosion and sediment control plans shall be available for review and inspection during all stages of the earth disturbance activity at the project site. This section also clarifies the authority for the Department or its designee to request the submission of the plan for review if needed. These requirements were previously located in subsection (a).

d. For agricultural plowing or tilling activities, § 102.4(d) is proposed to specify that the landowner, and any lessee, renter, tenant or other land occupier are jointly and individually responsible for developing, implementing and maintaining the erosion and sediment control plan. This section will eliminate the confusion that has occurred between landowners and tenant farmers in implementing the existing subsection (b).

• *Section 102.5. Erosion and Sediment Pollution Control Plans.*

Subsection (a) is proposed to be revised to clarify that erosion and sediment control plans be in writing. Subsection (b) is proposed to be changed to more accurately reflect the long-standing definition of "erosion and sediment control plan" which requires the minimization of accelerated erosion. This section is also revised to clarify that topographic features, soil information, the character-

istics of the earth disturbance activity (including the current and proposed land use), staging of BMPs and the location and classification of all waters of this Commonwealth which will receive runoff from the project site, shall be considered in the design of the erosion and sediment control plan. In addition, where an earth disturbance activity may discharge to a High Quality or Exceptional Value water, the person proposing the activity shall consider utilizing special measures for the protection of these waters from degradation including: prolonged detention for sediment basins and traps, stream buffers, an accelerated stabilization schedule and other appropriate measures.

Subsection (c)(1) is proposed to be added to specify that erosion and sediment control plans shall provide a detailed description of BMPs and other necessary measures to minimize accelerated erosion, as well as the methods for stabilizing the project. Proposed new subsection (c)(2) is a revised version of a portion of existing subsection (b)(8) and provides that a plan shall include a maintenance program for the BMPs. New subsection (c)(3) is a revised version of a portion of existing subsection (b)(8) which provides that the plan shall include a plan for the recycling or disposal of materials from the project site.

Subsection (d) is proposed to be added to address the special nature of agricultural plowing and tilling operations. This section provides that a plan for these activities shall contain a detailed description of BMPs for these activities based upon land use, tillage systems, schedules and cost-effective and technically practical conservation measures.

Finally, a new subsection (e) is proposed to be added to provide that the Department or its designee may require other information necessary to adequately review a plan.

• *Section 102.11. General Requirements.*

This section is proposed to be amended to clarify the availability of alternative BMPs. The language in subsection (a) providing for the minimization of accelerated erosion is clarified to be consistent with the long-standing definition of "erosion and sediment control plan" and the newly added definition of "BMP." In addition, a new subsection (b) is proposed to be added to specify that persons conducting earth disturbance activities shall protect the existing and designated uses of the receiving waters specified in Chapter 93 (relating to water quality standards) by designing, implementing and maintaining BMPs which ensure the protection of the uses.

• *Section 102.12. BMPs.*

This section is proposed to be revised to clarify the BMPs necessary for erosion and sediment control. The specific criteria in the existing § 102.2 have been moved to § 102.13.

• *Section 102.13. Design Criteria for BMPs.*

This section provides general BMP design criteria contained in existing §§ 102.12 and 102.13. The Department is proposing revised technical requirements and combined specifications for channels and diversions, clarified requirements for sediment basins and outlet structures, added specific design requirements for sediment traps, and has included metric conversions for the design standards.

• *Sections 102.21—102.24. Permanent Stabilization.*

These sections are under the existing heading "Restoration" which is proposed to be revised to read "Permanent Stabilization" to more accurately reflect the nature of

these sections. Section 102.24 (relating to removal of BMPs) is proposed to be revised to include language allowing for flexibility in the design and conversion of BMPs to function in other capacities after earth disturbance activities are completed.

• *Section 102.31. Permit Requirements.*

Revisions are proposed to § 102.31 to clarify permit requirements and to provide consistency with Federal NPDES requirements for stormwater discharges associated with construction activity.

a. Subsection (a) is proposed to be revised to specify that a person who proposes an earth disturbance activity other than agricultural plowing or tilling, timber harvesting activities or road maintenance activities, which involves 5 or more acres, or is on any portion, part or stage of an earth disturbance activity of 5 acres or more, is required to obtain an NPDES individual permit, or coverage under the NPDES General Permit for Stormwater Discharges Associated with Construction Activity (PAG-2). This language integrates the NPDES permitting requirements of Chapter 92 with this chapter, and is consistent with the Federal requirement that stormwater discharges associated with construction activity, as defined in 40 CFR 122.26(b)(14)(x) (relating to storm water discharges applicable to State NPDES programs, see § 123.25), are required to obtain an NPDES permit. Additionally, subsection (a)(4) is removed to eliminate parceling because it is an inefficient approach to regulating earth disturbance activities in the course of larger land development projects and does not provide significant environmental benefit.

b. Existing subsection (b) is proposed to be moved to subsection (e). A new subsection (b) is proposed which continues the existing requirement that a person proposing timber harvesting or road maintenance activities consisting of 25 or more acres shall obtain an Erosion and Sediment Control Permit.

c. Existing subsection (c) is proposed to be moved to subsection (f). A new subsection (c) is proposed to be added which provides that no additional erosion and sediment control or NPDES permits are needed if an earth disturbance activity is subject to a Department permit that includes an erosion and sediment control plan which satisfies the requirements of § 102.5, and otherwise meets the requirements of this chapter and Chapter 92. This provision is intended to avoid duplication in permitting if activities are authorized under a Department permit which satisfies this chapter and Chapter 92.

d. A proposed new subsection (d) continues the permit exemption in existing subsection (a)(1) for agricultural plowing or tilling activities.

• *Section 102.32. Permit Applications and Fees.*

Changes are proposed to this section to clarify permit application and fee requirements. Proposed subsection (a) specifies that persons proposing earth disturbance activities which require Erosion and Sediment Control Permits shall submit an application prior to the commencement of the activity which contains an erosion and sediment control plan meeting the requirements of § 102.5, and an application fee of \$500. The proposed new subsection (b) provides that applications and Notices of Intent (NOIs) for activities requiring an NPDES permit for stormwater discharges associated with construction activity shall be accompanied by an erosion and sediment control plan meeting the requirements of § 102.5, and shall be submitted in accordance with the applicable substantive and procedural requirements of Chapter 92, including any

applicable fees. A proposed new subsection (c) provides that applications and NOIs for earth disturbance activities must be accompanied by a complete Pennsylvania Natural Diversity Inventory (PNDI) search form to determine impacts to Pennsylvania and Federal endangered species and their habitat; if these species or their habitat may be impacted by the proposed activity, the applicant shall ensure that the impact is prevented or eliminated.

• *Sections 102.41—102.43. Responsibilities of Local Governing Bodies.*

These sections are proposed to be revised to clarify the requirements for delegation of the erosion and sediment control program to a county conservation district, or other local governing body. Section 102.41(a) (relating to administration by local governing bodies) is proposed to be amended to provide that designees of the program must have adequate and qualified staff, and shall implement the program specified in the delegation agreement. Section 102.41(c) is proposed to be amended to provide that the Department retains administration of projects which cross political boundaries unless otherwise provided in the delegation agreement. Section 102.42 is proposed to be changed to specify that municipalities and counties who issue building or other permits shall notify the Department or its designee within 5 days of receipt of the application for a permit for an activity involving 5 or more acres of land. Under the existing regulation, these municipalities or counties must notify the Department or its designee immediately. Section 102.43 is proposed to be modified to provide that a municipality or county may not issue a building permit to those proposing to engage in earth disturbance activity until the Department or its designee has issued the Erosion and Sediment Control or Individual NPDES Permit, or approved coverage under the NPDES General Permit for Stormwater Discharges Associated with Construction Activity. These changes ensure comprehensive reporting by municipalities and counties and provide for coordination among State and local government in addressing proposals for earth disturbance activities.

• *Section 102.51. Implementation.*

This section is proposed to be deleted because it is outdated and unnecessary. This section is outdated and unnecessary because it contains transitional requirements which were necessary when the regulations were first developed in 1972 and later revised in 1977, but are no longer applicable.

Integration with Federal Requirements.

These proposed regulatory revisions continue a long-standing and effective program for erosion and sediment control in this Commonwealth. In 1992, under section 402(p) of the Federal Clean Water Act (CWA) (33 U.S.C.A. § 1342(p)), and regulations promulgated by the Environmental Protection Agency (EPA) which are in 40 CFR Part 122 (see 55 FR 47990 (November 16, 1990)), the Department began to implement Federal NPDES requirements for stormwater discharges associated with industrial activities. One category of stormwater discharges associated with industrial activities, stormwater discharges associated with construction activities (see 40 CFR 122.26(b)(14)(x)), was addressed by marrying that program with Chapter 92 and the current Chapter 102. The EPA recognized the Commonwealth's approach as a National model. A major component of this approach involved the development of a General NPDES permit (PAG-2) for many of these activities which was published

at 22 Pa.B. 5063 (October 10, 1992). These regulatory revisions are a more formal integration of these programs.

To the extent that these proposed amendments address stormwater discharges associated with construction activities, they are not more stringent than Federal regulations. There is no Federal counterpart to the Commonwealth's requirement for erosion and sediment control permits for earth disturbance activities which are 25 acres or more, and are not required to be permitted under the NPDES Program as a stormwater discharge associated with construction activity. Additionally, there is no Federal requirement for erosion and sediment control plans to be prepared for earth disturbance activities other than stormwater discharges associated with construction activities. Chapter 102 has been in place since 1972, and has been effective in protecting Commonwealth waters from accelerated erosion from earth disturbance activities.

The Department plans to continue involving interested parties such as county conservation districts, the regulated community and the public, in refining its approach to protecting Commonwealth waters from accelerated erosion from earth disturbance activities.

F. Benefits, Costs and Compliance

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

Benefits

Overall, the citizens of this Commonwealth will benefit from these recommended changes because protection to waters of this Commonwealth will continue to be provided from the effects of accelerated erosion and sedimentation. Special provisions for the protection of endangered species and High Quality and Exceptional Value waters are provided. The regulated community is expected to benefit from these regulatory revisions through the streamlining and clarification of certain permit application and plan review requirements, and clearer and more flexible performance based BMPs and other regulatory provisions. Also, these regulatory revisions are beneficial because they continue to support the delegation of the erosion and sediment control program to local county conservation districts; it has been estimated that the Commonwealth saves \$4.5 million annually in reduced costs of administration through the delegation of this program to the county conservation districts.

Compliance Costs

These regulatory revisions are not expected to result in any significant changes in compliance costs for those persons proposing or conducting earth disturbance activities. Compliance costs will be less for many projects less than 5,000 square feet which are proposed to be exempted from written planning requirements. Additional costs may be incurred in the form of: increased permit application fees for activities requiring erosion and sediment control permits; the consideration and prevention of endangered species impacts; and the consideration of special measures to address earth disturbance activities in High Quality and Exceptional Value waters. The Commonwealth and the regulated community will achieve cost savings through the implementation of streamlined regulatory provisions which provide greater flexibility than the existing regulations, and the elimination of outdated and unnecessary requirements.

Compliance Assistance Plan

The Department assists the regulated community in complying with these proposed amendments through

technical and educational assistance, largely provided in partnership with county conservation districts. These efforts have resulted in local community based initiatives which stimulate awareness and achieve regulatory compliance. Department staff have worked extensively with conservation districts to develop and enhance their professional abilities. The development of compliance strategies through training in negotiation, total quality management, mediation and professional development, has greatly enhanced the Department's ability to protect this Commonwealth's water resources. County conservation district staff provide an efficient and effective local source of assistance as well as an efficient mechanism for the protection of valuable resources. Evaluations of district performance have shown that district staff can provide a quick response to process, review and acknowledge permit applications.

By involving various advisory committees in the development of these proposed amendments, and pursuing initiatives with the regulated community and other stakeholders such as the SFI and the DGRTE, the Department's outreach efforts have allowed stakeholders to work together with regulators to achieve the goal of protecting water quality and the aquatic environment through erosion and sediment control efforts. Involvement of the public and the regulated community in the development of these proposed amendments, and cooperative erosion and control protection efforts, fosters subsequent compliance with standards and practices developed as a result of these efforts, and is an important form of compliance assistance.

The Department assists the regulated community with compliance by its development of standard checklists, worksheets and permit review letters to aid plan preparers in developing sound pollution prevention plans. The Department also assists compliance by assuring that Department and district reviews are timely, effective and consistent. Finally, the regulations incorporate a performance based approach which allows persons conducting earth disturbance broad latitude and flexibility in designing BMPs to achieve compliance. Compliance is assisted by the allowance of a variety of approaches to achieve compliance without specifying exactly how compliance is to be attained.

Paperwork Requirements

No additional paperwork is anticipated to comply with the requirements. A net reduction in paperwork is anticipated through the regulatory exemption of plan development for projects under 5,000 square feet.

G. Pollution Prevention

Pollution prevention approaches to environmental management often provide environmentally sound and longer-term solutions to environmental protection because pollution is prevented at the source. "Pollution prevention" is defined by the EPA as measures taken to avoid or reduce generation of all types of pollution—solid/hazardous waste, wastewater discharges and air emissions—at their points of origin; however, it does not include activities undertaken to treat, control or dispose of pollution once it is created. The Pollution Prevention Act of 1990 (PPA) (42 U.S.C.A. §§ 13101—13109) established a National policy and an environmental management hierarchy that promotes pollution prevention as the preferred means for achieving state environmental protection goals. The hierarchy is as follows:

a. Pollution should be prevented or reduced at the source.

b. Pollution that cannot be prevented should be recycled in an environmentally safe manner whenever feasible.

c. Pollution that cannot be prevented or recycled should be treated in an environmentally safe manner whenever feasible to render it less hazardous, toxic or harmful to the environment.

d. Disposal or other release into the environment should be employed only as a last resort and should be conducted in an environmentally safe manner.

The short and long-term health of this Commonwealth's economy depends on clean air, pure water and the preservation of the natural, scenic, historic and aesthetic values of the environment. To meet the Commonwealth's economic development and environmental protection goals successfully, the Commonwealth needs to adopt programs like pollution prevention that not only protect the environment but also significantly reduce costs and increase the competitiveness of the regulated community. When pollution is prevented up front, it can reduce a company's bottom-line costs and overall environmental liabilities often by getting the company out of the regulatory loop. It also can get the Department out of the business of regulating pollution that may not need to be generated in the first place.

In keeping with Governor Ridge's interest in encouraging pollution prevention solutions to environmental problems, these proposed amendments have incorporated several provisions to meet that goal: First, §§ 102.2 and 102.3 generally provide a pollution prevention approach by requiring that BMPs for earth disturbance activities minimize accelerated erosion and sedimentation to protect, maintain and improve water quality and the aquatic environment, thereby preventing pollution. Second, more specifically, § 102.5(b)(6) requires that persons proposing an earth disturbance activity which may result in a discharge to a High Quality or Exceptional Value water shall consider measures such as prolonged sediment detention, stream buffers, an accelerated stabilization schedule and other appropriate measures to maintain and protect the water from degradation in developing an erosion and sediment control plan. The prevention of degradation is the prevention of pollution. Third, § 102.5(c)(3) is added which requires that erosion and sediment control plans shall contain a plan for the recycling or disposal of materials from the project site. The existing regulation in § 102.5(b)(8) only addresses disposal. Finally, § 102.11(b) provides that earth disturbance activities shall protect designated and existing uses in Chapter 93. Two of the uses in that chapter are High Quality Waters and Exceptional Value Waters, which shall be protected from degradation in accordance with Chapters 93 and 95, and the Federal regulation at 40 CFR 131.32 (relating to Pennsylvania).

H. Sunset Review

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

I. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on January 20, 1998, the Department submitted a copy of the proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the Senate and House Environmental Resources and Energy Committees. In addition to submitting the proposed amendments, the Department was

provided IRRC and the Committees with a copy of a detailed regulatory analysis form prepared by the Department. A copy of this material is available to the public upon request.

If the Committees have objections to any portion of the proposed rulemaking, they will notify the Department within 20 days of the close of the public comment period. If IRRC has objections to any portion of the proposed amendments, it will notify the Department within 10 days of the close of the Committees' comment period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review by the Department, the Governor and the General Assembly before final publication of these amendments.

J. Public Comments

Written Comments—Interested persons are invited to submit comments, suggestions or objections regarding the proposed amendments to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 15th Floor, 400 Market Street, Harrisburg, PA 17101-2301). Comments submitted by facsimile will not be accepted. Comments, suggestions or objections must be received by the Board by April 8, 1998 (within 60 days of publication in the *Pennsylvania Bulletin*). Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by April 8, 1998 (within 60 days following publication in the *Pennsylvania Bulletin*). The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final-form regulations will be considered.

Electronic Comments—Comments may be submitted electronically to the Board at RegComments@A1.dep.state.pa.us and must also be received by the Board by April 8, 1998. A subject heading of the proposal and a return name and address shall be included in each transmission. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

K. Public Hearings

The Board will hold three public hearings for the purpose of accepting comments on the proposal. They will be held at 3 p.m. on the following dates:

March 9, 1998	Berks County Agricultural Center Auditorium 1238 County Welfare Road Leesport, PA
March 11, 1998	Slippery Rock University of Pennsylvania Eisenberg Auditorium Slippery Rock, PA
March 18, 1998	The Atherton Hotel 125 S. Atherton Street State College, PA

Persons wishing to present testimony at a hearing are requested to contact Kate Coleman at the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526, at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony is limited to 10 minutes for each witness. Witnesses are requested to submit three written copies of their oral testimony to the hearing chairperson at the

hearing. Organizations are limited to designating one witness to present testimony on their behalf at each hearing.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Kate Coleman directly at (717) 787-4526 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JAMES M. SEIF,
Chairperson

Fiscal Note: 7-332. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE II. WATER RESOURCES

**CHAPTER 102. EROSION AND SEDIMENT CONTROL
GENERAL PROVISIONS**

§ 102.1. Definitions.

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

Accelerated erosion—The removal of the surface of the land through the combined action of [man's] human activities and the natural processes, at a rate greater than would occur because of the natural process alone.

Agricultural plowing or tilling—Earth disturbance activity for the production of agricultural crops.

BMPs—best management practices—Activities, facilities, measures or procedures used to minimize accelerated erosion and sedimentation to protect, maintain and improve the quality of waters and the aquatic environment within this Commonwealth.

Collector—A facility, including a channel, dike or other conveyance, constructed down slope of an earth disturbance activity for the purpose of collecting runoff from an existing or proposed disturbed area.

[*Conservation plan*—A plan that identifies conservation practices and, at the very least, includes an erosion and sedimentation control plan.

Department—The Department of Environmental Protection of the Commonwealth.]

Designee—A conservation district, or other local governing body, delegated the authority under a delegation agreement executed by the Department to administer and enforce all or a portion of the erosion and sediment control program in this Commonwealth.

Disturbed area—Land subject to an earth disturbance activity.

Diversion [terrace]—A facility, including a channel, terrace or dike constructed up slope of [a project] an earth disturbance activity for the purpose of diverting

[storm water] runoff away from [the unprotected slope] an existing or proposed disturbed area.

[*Earthmoving*] *Earth disturbance activity*—A construction or other human activity which disturbs the surface of the land, including, but not limited to, clearing, grubbing, grading, excavations, embankments, land development, [subdivision development,] agricultural plowing or tilling, timber harvesting activities, road maintenance activities, mineral extraction, and the moving, depositing, stockpiling or storing of soil, rock or earth materials.

[*Embankment or fill*—A deposit of soil, rock or other material placed by man.]

Erosion—The natural process by which the surface of the land is worn away by [the action of] water, wind or chemical action.

Erosion and sediment control permit—A permit required for earth disturbance activities, except activities that require an NPDES permit for stormwater discharges associated with construction activities.

Erosion and [Sedimentation] Sediment Control Plan—A site-specific plan [which is designed] identifying BMPs or other site-specific practices to minimize accelerated erosion and sedimentation.

[*Excavation*—A cavity formed by digging, quarrying, uncovering, displacing or relocating soil or rock.

Interceptor channel—A channel or dike constructed across a slope for the purpose of intercepting storm water, reducing the velocity of flow and diverting it to outlets where it may be disposed.

Land developer—A person who is engaged in land development as the principal rather than an agent or contractor.

Land development—The constructing, installing, placing, planting or building of surface structures, utility lines, shopping centers and malls, golf course, apartment complexes, schools, roads, highways and parking areas or other similar activity.]

Minimum sediment storage elevation—The elevation within a sediment basin allotted for the accumulation of sediment from the contributing project area.

Minimum storage elevation—The elevation within a sediment basin allotted for the storage of runoff and sediment from the contributing drainage area.

* * * * *

NPDES—National Pollutant Discharge Elimination System—The National system for the issuance of permits under section 402 of the Federal Clean Water Act (33 U.S.C.A. § 1342) including a state or interstate program which has been approved in whole or in part by the EPA.

NPDES permit for stormwater discharges associated with construction activities—A permit required for the discharge of stormwater from construction activities, including clearing, grubbing, grading and excavation activities involving 5 acres (2 hectares) or more of earth disturbance, or an earth disturbance on any portion, part, or during any

stage of, a larger common plan of development or sale that involves 5 acres (2 hectares) or more of earth disturbance.

Notice of Intent (NOI)—A request, on a form provided by the Department or its designee, for coverage under a general NPDES permit for stormwater discharges associated with construction activities.

Outlet structure—A structure constructed to safely discharge water from a channel, diversion or other drainage structure to an existing natural or artificial watercourse.

Person—A natural person, partnership, association or corporation or any agency, instrumentality or entity of Federal or State Government, including a municipality.

Project site—The entire area of activity, development or sale including the disturbed area, an area planned to be disturbed and other areas which are not disturbed.

Road maintenance activities—Earth disturbance activities such as repairing unpaved road surfaces, grading, cutting road banks, cleaning or clearing drainage ditches, and other similar activities.

Sediment—Soils or other [surficial] materials transported by surface water as a product of erosion.

Sedimentation—The action or process [by which sediment is deposited on stream bottoms] of forming or depositing sediment in waters of this Commonwealth.

Stabilization—The proper placing, grading [and] compacting, constructing, reinforcing, lining or covering of soil, rock or earth to insure their resistance to erosion, sliding or other movement.

[**Subdivision**—The division or redivision of a lot, tract or parcel of land by a means into two or more lots, tracts, parcels or other division of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership or building or lot development.]

Timber harvesting activities—Earth disturbance activities including the construction of skid trails, logging roads, landing areas, and other similar logging or silvicultural practices.

Waters of this Commonwealth—Rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs and other bodies or channels of conveyance of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of this Commonwealth.

§ 102.2. Scope.

This chapter [imposes requirements on earthmoving activities which create accelerated erosion or a danger of accelerated erosion and which require planning and implementation of effective soil conservation measures] requires persons proposing or conducting earth disturbance activities to plan, implement and maintain BMPs to minimize accelerated erosion and sedimentation to protect, maintain and improve water quality and the aquatic environment.

§ 102.3. Purpose.

This chapter [controls] requires all persons proposing or conducting earth disturbance activities to minimize accelerated erosion and the resulting sedimentation of waters of this Commonwealth, thereby preventing the pollution of these waters from sediment and from fertilizers, pesticides and other polluting substances carried by sediment.

§ 102.4. General.

(a) [Earthmoving activities within this Commonwealth shall be conducted in such a way as to prevent accelerated erosion and the resulting sedimentation. To accomplish this, except as provided in subsection (b), a landowner,] A person [or municipality] engaged in [earthmoving] earth disturbance activities shall develop, implement and maintain erosion and [sedimentation] sediment control [measures] BMPs and other sound conservation and engineering practices which effectively minimize accelerated erosion and sedimentation. [These erosion and sedimentation measures shall be set forth in a plan as set forth in § 102.5 (relating to erosion and sedimentation control plan) and be available at all times at the site of the activity. The Department or its designee may, at its discretion, require this plan to be filed with the Department or its designee.]

(b) A person proposing earth disturbance activities shall develop an erosion and sediment control plan under § 102.5 (relating to erosion and sediment control plan) if one or more of the following applies:

(1) The activity will result in a total earth disturbance of 5,000 square feet (464 square meters) or more.

(2) The activity requires the development of an erosion and sediment control plan under other Department regulations.

(3) The Department determines that the activity may adversely impact waters of this Commonwealth.

(4) The activity may result in a discharge to a water of this Commonwealth classified as high quality or exceptional value in Chapter 93 (relating to water quality standards).

(c) The plan required by subsection (b) shall be available for review and inspection at the project site during all stages of the earth disturbance activity. The Department or its designee may request that the plan be submitted for review and approval.

[(b)] (d) In the case of agricultural plowing [and] or tilling, the landowner, and any lessee, renter, tenant or other land occupier, shall be jointly and individually responsible for developing [and], implementing and maintaining the erosion and [sedimentation] sediment control plan required under § 102.5(d). [The landowner may delegate his obligation to implement the plan or parts thereof, by written agreement, to a tenant or lessee. If an agreement exists, the tenant or lessee shall be responsible for implementing those provisions delegated under the agreement.]

§ 102.5. Erosion and [**sedimentation**] **sediment control plan.**

(a) The erosion and [**sedimentation**] **sediment control plan shall be prepared in writing** by a person trained and experienced in erosion and [**sedimentation**] **sediment control methods and techniques.**

(b) The erosion and [**sedimentation**] **sediment control plan shall be designed to [prevent] minimize accelerated erosion and sedimentation. [and] The plan shall consider all factors which contribute to erosion and sedimentation, including, but not limited to, the following:**

(1) The **existing** topographic features of the project [**area**] **site and the immediate surrounding area.**

(2) The types, depth, slope [**and areal extent**], **locations and limitations** of the soils.

(3) The **characteristics of the earth disturbance activity, including the current and proposed land use and the proposed alteration to the area.**

* * * * *

(5) The staging of [**earthmoving**] **BMP installation and removal, prior to, during and after earth disturbance activities.**

(6) [**Temporary control measures and facilities for use during earth moving.**

(7) **Permanent control measures and facilities for long term protection.**

(8) **A maintenance program for the control facilities including disposal of materials removed from the control facilities or project area.]**

The location of all waters of this Commonwealth which may receive runoff from the project site and their classification under Chapter 93 (relating to water quality standards). Where an earth disturbance activity may result in a discharge to a water of this Commonwealth classified as high quality or exceptional value in Chapter 93, the person proposing the activity shall consider utilizing prolonged detention for sediment basins and sediment traps, stream buffers, an accelerated stabilization schedule and other appropriate measures to maintain and protect the water from degradation.

(c) The written plan, based upon the considerations in subsection (b), shall contain the following:

(1) **Plan drawings and a narrative description of the temporary and permanent BMPs and other necessary measures to minimize accelerated erosion and sedimentation, and the methods for stabilization of the project.**

(2) **A maintenance program which provides for regular inspection, repair and operation of the BMPs.**

(3) **A plan for the recycling or disposal of materials from the project site.**

(d) **For agricultural plowing or tilling activities, the written plan shall contain plan maps, soils maps and a description of BMPs including tillage systems, schedules and cost effective and technically practical conservation measures.**

(e) **The Department or its designee may require other information necessary to adequately review a plan.**

EROSION AND [**SEDIMENTATION**] **SEDIMENT CONTROL [MEASURES AND FACILITIES]; BMPs**

§ 102.11. **General requirements.**

(a) The erosion and [**sedimentation control facilities set forth**] **sediment BMP in §§ 102.12 and 102.13 (relating to [control measures; and control facilities] BMPs; and design criteria for BMPs shall be appropriately incorporated into [earthmoving] all earth disturbance activities unless the designer of the erosion and [sedimentation] sediment control plan shows that alteration of these [measures and facilities] BMPs or inclusion of other [measures and facilities] sound conservation and engineering practices shall [prevent] minimize accelerated erosion and sedimentation.**

(b) **Persons conducting earth disturbance activities shall protect the existing and designated uses of waters in Chapter 93 (relating to water quality standards) by designing, implementing and maintaining BMPs and other sound conservation and engineering practices to ensure protection of these uses.**

§ 102.12. [**Control measures**] **BMPs.**

BMPs include, but are not limited to, the following:

[(a)](1) *Limiting exposed areas.* [**Earthmoving**] **Earth disturbance activities shall be planned and conducted in such a manner as to minimize the [areal] extent and duration of disturbed land.**

[(b)](2) *Surface water diversion.* Surface water shall be diverted [**away from**] **around or through the project [area] site and disturbed areas.**

[(c)](3) *Velocity control.* [**Permanent facilities for the conveyance of water around, through or from the project area shall be designed or contain facilities to limit the velocity of flow in the facilities to less than 1.5 feet per second**] **Temporary and permanent structures shall be designed and constructed to withstand proposed velocities.**

[(d)](4) [*Stabilization*] **Permanent stabilization.** [**Slopes, channels, ditches or a**] **All disturbed [area] areas shall be immediately stabilized [as soon as possible] after the final grade [or final earth moving] has been completed for the project site or any portion of the project site.**

[(e)](5) [*Interim*] **Temporary stabilization.** If it is not possible to permanently stabilize a disturbed area immediately after the final [**earth moving**] **earth disturbance activity has been completed or [where] when the activity ceases for more than 20 days, [interim stabilization measures] temporary vegetation, mulch and other appropriate temporary cover shall be implemented [promptly] immediately.**

[(f)] *Collection of runoff.* **Runoff from a project area shall be collected and diverted to facilities for removal of sediment.**

(g) *Solids separation*] (f) *Sediment retention*. Run-off from a project area may not be discharged into the waters of this Commonwealth without means to prevent sedimentation. **Sediment basins, sediment traps and other appropriate structures or practices shall be installed to collect, manage and trap sediment on the project site.**

§ 102.13. [*Control facilities*] Design criteria for BMPs.

(a) *Diversion [terraces] collectors and channels*. [The following applies to diversion terraces:]

(1) [*Diversion terraces*] Temporary or permanent diversions shall be constructed [up-grade] up slope of a [project] disturbed area prior to initiation of other earth disturbance activities on the project site to convey runoff around the [project] disturbed area. [For temporary diversion, the channel shall have a capacity to convey 1.6 cubic feet per second per acre of land tributary to it. For permanent diversion, the channel shall have a capacity to convey 2.75 cubic feet per second per acre of land tributary to it.]

(2) [*Diversion terraces shall be grassed or lined with erosion resistant material to prevent accelerated erosion within the channel.*

(3) Outlet structures shall be designed to maintain a discharge velocity of less than three feet per second and shall be stabilized before use.]

Diversions shall be installed and stabilized prior to initiation of other earth disturbance activities on the project site.

(3) Collectors shall be constructed down slope of a disturbed area to collect and convey the runoff from the disturbed area to facilities for sediment retention.

(4) Temporary BMPs including diversions, collectors and channels that divert or carry surface water shall be designed to have a minimum capacity to convey 1.6 cubic feet per second per acre (0.1 cubic meters per second per hectare) of tributary drainage, or the peak discharge from a 2-year/24-hour frequency storm.

(5) Permanent BMPs including diversions, collectors and channels that divert or carry surface water shall be designed to have a minimum capacity to convey 2.75 cubic feet per second per acre (0.2 cubic meters per second per hectare) of tributary drainage, or the peak discharge from a 10-year/24-hour frequency storm.

(6) If it is not feasible to divert up slope drainage around a project site, a channel or other conveyance structure may be used to transport water through a project site. The channels or conveyances shall be protected from sedimentation originating on the project site.

(7) Diversions, collectors or channels shall be provided with erosion resistant linings, unless the plan designer demonstrates that velocity for diversions, collectors or channels will be controlled to 2 feet per second (0.6 meters per second) or less.

(b) [*Interceptor channels*. The following applies to interceptor channels:

(1) Interceptor channels may be used within a project area to reduce the velocity of flow and thus prevent accelerated erosion.

(2) Water collected by interceptor channels shall be conveyed to sedimentation basins or to vegetated areas but not directly to streams.

(3) Outlets to vegetated areas shall be designed to maintain an outlet velocity of less than three feet per second.]

Outlet structures for facilities other than sediment basins.

(1) Outlet structures shall be stabilized before use.

(2) Suitable outlet protection shall be provided with an erosion resistant material when a velocity is equal to or greater than 3 feet per second (0.9 meters per second).

[(c) *Channels of conveyance*. Channels used to convey water through a project area shall be designed to have a velocity of less than 1 1/2 feet per second. If this is not possible, the channel shall be grassed or lined with erosion resistant material.

(d) *Sedimentation*] (c) *Sediment basins*. [The following applies to sedimentation basins:]

(1) A [*sedimentation*] sediment basin shall have [a capacity of 7,000] 5,000 cubic feet [for each acre of project area tributary to it and shall be provided with a 24-inch freeboard.] of storage for each acre (495 cubic meters for each hectare) tributary to the basin, plus an additional 2,000 cubic feet of sediment storage capacity for each disturbed acre (142.5 cubic meters for each hectare) tributary to the basin.

(2) The basin shall be [cleaned when the storage capacity of the basin is reduced to 5,000 cubic feet per acre of project area tributary to it] maintained to ensure efficient operation of the basin, including removal of sediment from the basin. Accumulated sediment may not exceed the sediment storage elevation within the basin.

(3) [*Outlet*] Sediment basin outlet structures shall be designed to pass a minimum flow of 2 cubic feet per second [for each acre of project area] per acre (0.14 cubic meters per second per hectare) of contributing drainage area tributary to the basin. Outlet structures shall be stabilized before use.

(i) The entire 2 cubic feet per second per acre (0.14 cubic meters per second per hectare) discharge capacity shall be provided above the minimum storage elevation.

(ii) A minimum of 24 inches (61 centimeters) of freeboard shall be provided above the elevation of the 2 cubic feet per second per acre (0.14 cubic meters per second per hectare) discharge capacity.

(iii) Every sediment basin shall be provided with an emergency spillway.

(4) The discharge from a [*sedimentation*] sediment basin shall be to a [*natural waterway*] water of this Commonwealth or other approved alternative, and shall be designed, operated and maintained without causing accelerated erosion or sedimentation.

(5) [**Sedimentation**] **Sediment** basins shall be structurally sound and protected from unauthorized acts of third parties.

(6) In addition to the requirements of this section, sediment basins requiring permits under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) are required to meet the design, construction, operation and maintenance, and other permit requirements of Chapter 105 (relating to dam safety and waterway management).

(d) *Sediment traps.*

(1) The maximum drainage area to a sediment trap is 5 acres (2 hectares).

(2) Sediment traps shall be designed to have a capacity of 2,000 cubic feet of storage for each acre (140 cubic meters per hectare) tributary to it.

(3) Outlets from sediment traps shall be structurally sound and stabilized before use.

(4) Sediment trap outlet structures shall be designed to pass a minimum flow of 1.5 cubic feet per second per acre (0.1 cubic meters per second per hectare) of contributing drainage area tributary to the trap.

(5) A minimum of 12 inches (30.5 centimeters) of freeboard shall be provided above the elevation of the 1.5 cubic feet per second per acre (0.1 cubic meters per second per hectare) discharge capacity.

(6) The discharge from a sediment trap shall be to a water of this Commonwealth or other approved alternative, and shall be designed, operated and maintained without causing accelerated erosion or sedimentation.

[**RESTORATION**] **PERMANENT STABILIZATION**

§ 102.21. [**Applicability**] (Reserved).

[Sections 102.21—102.24 apply to earthmoving activities which have not been stabilized.]

§ 102.22. [**Stabilization**] **Permanent stabilization.**

[Upon completion of the project,] In accordance with § 102.12(4) (relating to BMPs) all disturbed areas [disturbed by the project] shall be permanently stabilized so that accelerated erosion [shall be prevented.] and sedimentation shall be minimized to protect, maintain and improve water quality and the aquatic environment. For a project site to be considered permanently stabilized, disturbed areas shall be covered with one of the following:

(1) A minimum of 70% perennial vegetative cover of uniform coverage and density.

(2) An acceptable BMP which permanently minimizes accelerated erosion.

§ 102.23. [**Interim control measures**] **Temporary BMPs.**

[An erosion] **Erosion** and [sedimentation] **sediment control [facility] BMPs** required or necessary to protect areas and receiving waters from erosion [during the stabilization period] and sedimentation shall be maintained until the permanent stabilization is completed.

§ 102.24. [**Final measures**] **Removal of BMPs.**

Upon completion of permanent stabilization, [unnecessary or unusable control facilities] temporary BMPs shall be removed, and the areas shall be graded and [the soils shall be] stabilized, unless otherwise authorized by the Department or its designee.

PERMITS [AND PLANS]

§ 102.31. **Permit requirements.**

[(a) A person or municipality who engages in an earthmoving activity within this Commonwealth shall obtain a permit prior to commencement of the activity; except a permit may not be required under the following circumstances:

(1) If the earthmoving activity involves plowing or tilling for agricultural purposes.

(2) If an activity is required to obtain a permit under The Clean Streams Law (35 P. S. §§ 691.1—691.1001), the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.21), the Water Obstruction Act (32 P. S. §§ 681—691) or Chapters 91—95, 97 and 101.

(3) If an earthmoving activity disturbs less than 25 acres.

(4) If an activity involving more than 25 acres is subdivided into parcels of less than 25 acres and earthmoving is undertaken on noncontiguous parcels and the parcels are stabilized before contiguous parcels are disturbed.]

(a) A person who proposes an earth disturbance activity other than agricultural plowing or tilling, timber harvesting activities or road maintenance activities, shall obtain a general or individual NPDES permit for stormwater discharges associated with a construction activity under Chapter 92 (relating to National Pollutant Discharge Elimination System), when the activity involves an earth disturbance consisting of 5 acres (2 hectares) or more, or an earth disturbance on a portion, part, or during any stage of, a larger common plan of development or sale that involves 5 acres (two hectares) or more of earth disturbance.

(b) A person proposing a timber harvesting or road maintenance activity shall obtain an Erosion and Sediment Control Permit under this chapter when the earth disturbance activities consist of 25 acres (10 hectares) or more.

(c) A person proposing an earth disturbance activity approved under another Department permit that contains an erosion and sediment control plan meeting the requirements of § 102.5 (relating to erosion and sediment control plan), and otherwise satisfies all other provisions of this chapter and Chapter 92, is not required to obtain an erosion and sediment control permit or NPDES permit for stormwater discharges associated with a construction activity, under this chapter.

(d) A person proposing or conducting agricultural plowing or tilling activities is not required to obtain an Erosion and Sediment Control Permit, or an NPDES permit for stormwater discharges associated with a construction activity, under this chapter.

[(b)](e) The Department, after publication in the *Pennsylvania Bulletin*, may reduce the acreage limitation **[set forth]** in **[subsection (a)(3) or (4)]** §§ 102.1 and 102.31 (relating to definitions; and permit applications and fees) on the following basis:

* * * * *

[(c)](f) Even though an activity is not required to obtain a permit under the exceptions **[set forth]** in this section, the person **[or municipality]** undertaking the activity shall comply with the other provisions of this chapter.

§ 102.32. **[Application for permit] Permit applications and fees.**

(a) For an activity requiring an erosion and sediment control permit under § 102.31 (relating to permit requirements), the following apply:

[(a) Applications for permits shall be submitted by the] (1) A person **[or municipality undertaking the earthmoving activity. In the case of land development, the application shall be submitted by the land developer rather than the contractor or agent]** who proposes the activity shall apply for a permit prior to the commencement of the activity.

[(b)](2) Applications shall be accompanied by an erosion and **[sedimentation] sediment control plan [and other documents the Department may require]** meeting the requirements of § 102.5 (relating to erosion and sediment control plan).

[(c)](3) Applications shall be accompanied by **[a processing]** an application fee of **[\$200] \$500.**

(b) For an activity requiring an NPDES permit for stormwater discharges associated with a construction activity, the following apply:

(1) Permit applications and notices of intent shall be submitted in accordance with Chapter 92 (relating to National Pollutant Discharge Elimination System).

(2) Applications and notices of intent shall be accompanied by an erosion and sediment control plan meeting the requirements of § 102.5.

(3) Applications and notices of intent shall be accompanied by the fee required under Chapter 92.

(c) Erosion and Sediment Control Permit applications, individual NPDES permit applications for earth disturbance activities, and notices of intent for earth disturbance activities shall be accompanied by a complete Pennsylvania Natural Diversity Inventory (PNDI) search form to determine potential impacts to a Pennsylvania or Federal threatened or endangered species or its habitat. If the Department determines, based upon PNDI data and other sources, that the earth disturbance activity may adversely impact the species or their habitat, the person proposing the earth disturbance activity will prevent or eliminate the impact.

RESPONSIBILITIES OF LOCAL GOVERNING BODIES

§ 102.41. Administration by local governing bodies.

(a) The Department may **[, at its discretion,]** delegate **by written agreement** the administration and

enforcement of this chapter to **[counties and other units of local government provided the county or other unit of local government has and implements an acceptable plan approved by the Department for administering such a program]** conservation districts or other local governing bodies if they have adequate and qualified staff, and are implementing the program identified in the delegation agreement.

(b) **[An acceptable plan shall include adequate and qualified staff for the review of erosion and sediment control plans and for the surveillance and enforcement of the provisions of this chapter.]** An acceptable **[plan]** program shall have the concurrence and approval of the **[Commissioners]** governing body of the county in which the local unit of government or conservation district operates.

(c) The Department will retain program administration over projects which cross the political boundaries of local governing bodies who have been delegated the administration of the provisions of this chapter **unless otherwise specified in the delegation agreement.**

§ 102.42. Notification of application for **[building]** permits.

A **[local governing body]** municipality or county which issues building or other permits shall notify the Department or its designee **[immediately upon]** within 5 days of receipt of an application for a **[building, the]** permit involving an **[earthmoving]** activity **[which affects]** consisting of 5 acres (2 hectares) or more of land.

§ 102.43. Withholding **[building]** permits.

A **[local governing body]** municipality or county may not issue a building or other permit to those **[engaged in earthmoving]** proposing or engaging in earth disturbance activities requiring a Department permit until the Department or its designee has issued the erosion and sediment control or individual NPDES permit **[under]** or approved coverage under the general NPDES permit for stormwater discharges associated with construction activities under §§ 102.31 and 102.32 (relating to permit requirements; and **[application for]** permit application and fees).

IMPLEMENTATION

§ 102.51. **[Effective dates]** (Reserved).

[(a)] This chapter became effective 30 days after its adoption by the EQB except §§ 102.31 and 102.32 (relating to permit requirements; and application for permit), which requires permits prior to the commencement of an activity, became effective on July 1, 1973, and § 102.4 (relating to general), which require preparation of erosion and sedimentation control plans, shall become effective according to the following schedule:

(1) Agricultural activities, plowing and tilling only—July 1, 1977. A person or municipality who has applied to a conservation district for an erosion and sedimentation control plan or a conservation plan before July 1, 1977, shall be considered in compliance with the deadline date.

(2) Existing earthmoving activities—January 1, 1974.

(3) New earthmoving activities started after adoption of this chapter but before July 1, 1973—July 1, 1973.

(4) New earthmoving activities started after July 1, 1973—prior to commencement of the activity.

(b) The Department, if it finds that it is in the best interest of the Commonwealth, may order the

development and implementation of erosion and sedimentation control plans or require permits sooner than the dates set forth in this section.]

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