

NOTICES

DEPARTMENT OF AGRICULTURE

Pennsylvania Agricultural Product Promotion Matching Grant Program; Application Period

Notice is hereby given of the commencement of an application period for grants under the Pennsylvania Agricultural Product Promotion Matching Grant Program (Program) administered by the Department of Agriculture (Department). The statement of policy describing the Program is published at 7 Pa. Code Chapter 105.

In summary, the Program provides matching funds to Pennsylvania nonprofit agricultural product promotion and marketing organizations for projects intended to

increase consumer awareness of Pennsylvania agricultural products and thereby increase sales of these products.

Applications for the Program will be accepted by the Department beginning July 30, 1998, for a 30-day period. Applications will not be accepted if received by the Department after August 28, 1998. Information and a grant application may be obtained from Michael Varner, Bureau of Market Development, Department of Agriculture, 2301 North Cameron Street, Room 311, Harrisburg, PA 17110-9408.

SAMUEL E. HAYES, Jr.,
Secretary

[Pa.B. Doc. No. 98-1061. Filed for public inspection July 2, 1998, 9:00 a.m.]

DEPARTMENT OF BANKING

Actions 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 June 23, 1998.

BANKING INSTITUTIONS

New Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-17-98	Millennium Bank Malvern Chester County	Great Valley Corporate Center 30 Valley Stream Pkwy. Malvern Chester County	Approved

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-19-98	S & T Bank Indiana Indiana County Purchase of Assets/Assumption of Liabilities of One (1) Branch Office of Mellon Bank, N.A., Pittsburgh, Located at: 410 Main Street Clarion Clarion County	Indiana	Filed

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-19-98	Fidelity Savings Bank Pittsburgh Allegheny County	2034 Penn Avenue Pittsburgh Allegheny County	Approved
6-19-98	PeoplesBank, a Codorus Valley Company Glen Rock York County	StoneBridge Commercial Center Hopewell Township York County	Authorization Rescinded

Branch Relocations/Consolidations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-19-98	Lebanon Valley Farmers Bank Lebanon Lebanon County	<i>To:</i> 9th and Cumberland Sts. Lebanon Lebanon County <i>From:</i> 817 Cumberland Street Lebanon Lebanon County	Approved

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-12-98	Fulton Bank Lancaster Lancaster County	2127 New Holland Pk. Lancaster Lancaster County	Effective

SAVINGS ASSOCIATIONS**Branch Applications**

<i>Date</i>	<i>Name of Association</i>	<i>Location</i>	<i>Action</i>
6-19-98	North Penn Savings and Loan Association Scranton Lackawanna County	651 Northern Blvd. Clarks Summit S. Abington Twp. Lackawanna County	Approved

CREDIT UNIONS

No activity.

[Pa.B. Doc. No. 98-1062. Filed for public inspection July 2, 1998, 9:00 a.m.]

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Consolidated Plan; Public Meeting and Regional Housing Advisory Committee Meetings

The Department of Community and Economic Development (Department) is preparing the 1999 Annual Plan that supplements the Commonwealth's Consolidated Plan for Federal fiscal years 1995—1999. These documents must be submitted to and approved by the United States Department of Housing and Urban Development (HUD) in order for the Commonwealth and organizations within the State to receive funding under most HUD housing and community development programs. The Consolidated Plan creates a unified strategy for housing and community development programs as well as the necessary linkages for building successful neighborhoods and communities.

The Commonwealth's 1999 Annual Plan will address how the Commonwealth intends to allocate funds under the following programs: Community Development Block Grant, HOME Investment Partnerships, Emergency Shelter Grant and Housing Opportunities for Persons with AIDS.

An individual or organization may give testimony or comments at the public meeting. Comments will be accepted about topics related to community development, housing, the content of the Commonwealth's Annual Plan, and the process by which the public input is gathered. The Commonwealth encourages public participation in this process.

Anyone who wants to speak must call to schedule a time to give oral testimony at the meeting. The public

meeting will be shortened if no one is scheduled to testify or if there is minimal response. Please call Aldona Kartorie at (717) 720-7409 to schedule oral testimony at the public meeting at least 24 hours prior to the meeting date.

Written Comments

Written testimony, in lieu of oral testimony, may be submitted by 5 p.m., August 5, 1998. Please submit comments to Aldona Kartorie, Office of Community Development and Housing, Department of Community and Economic Development, Room 509, Forum Building, Harrisburg, PA 17120.

Public Meeting

The public meeting will be held as follows:

August 6, 1998
Forum Building
Room 321
Walnut Street and Commonwealth Avenue
Harrisburg, PA 17120
10 a.m. to 12 noon*

* Note: The public meeting may be shortened if there is minimal response.

Regional Housing Advisory Committee Meetings

The Commonwealth has six Regional Housing Advisory Committees across the State comprised of appointed members. Meetings of these committees are open to the public under the Sunshine Act. These committees advise the Department of Community and Economic Development regarding housing and community development needs as well as assist in fair housing planning. These meetings will be held as follows:

<i>July 14, 1998</i> State Office Building 300 Liberty Avenue Room 605A	Pittsburgh, PA 15222 1 p.m. to 3:30 p.m.
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July 20, 1998
 State Office Building
 Penthouse
 Broad and Spring Garden
 Streets
 Philadelphia, PA 19130
 10 a.m. to 12:30 p.m.

July 22, 1998
 City of York Council
 Chambers
 One Marketway West
 3rd Floor
 York, PA 17401
 1 p.m. to 3:30 p.m.

July 15, 1998
 PNC Bank
 Board Room
 901 State Street
 Erie, PA 16534
 10 a.m. to 12:30 p.m.

July 21, 1998
 Economic Development
 Council of Northeastern
 Pennsylvania
 1151 Oak Street
 Pittston, PA 18641
 10 a.m. to 12:30 p.m.

July 24, 1998
 Borough of State College
 Council Chambers
 118 South Fraser Street
 State College, PA 16801
 10 a.m. to 12:30 p.m.

Anyone who has a disability and wishes to attend the public meeting or any of the Advisory Committee meetings and requires an auxiliary aid, service or other accommodation to participate in the proceeding should contact Aldona Kartorie, Room 509 Forum Building, Harrisburg, PA 17120, (717) 720-7409, to discuss how the Department of Community and Economic Development may best accommodate their needs. Text telephone calls can be placed through the Pennsylvania Relay System at (800) 654-5984. Calls will be relayed to the Department's number listed above.

SAMUEL A. MCCULLOUGH,
Secretary

[Pa.B. Doc. No. 98-1063. Filed for public inspection July 2, 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 his right to review or object to this proposed permit action under the waiver provision 40 CFR 123.6E.

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

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

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

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceeding should contact the Secretary to the Board at (717) 787-3483. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984.

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

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

PA 0055891. Industrial waste, **RT Environmental Services, Inc.**, 215 West Church Road, King of Prussia, PA 19406.

This application is for renewal of an NPDES permit to discharge treated process wastewater from wastewater treatment plant in Upper Merion Township, **Montgomery County**. This is an existing discharge to Frog Run.

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

The proposed effluent limits for Outfall 001, based on an average flow of 82,000 gpd are as follows:

<i>Parameter</i>	<i>Annual Average (mg/l)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
BOD ₅		100	200	250
Suspended Solids		100	200	250
Oil and Grease		15		30
pH	within limits of 6.0—9.0 standard units at all times			
Ammonia (as N)		20	40	50
Total Dissolved Solids		1,000	2,000	2,500
Benzene	.001			.012
Carbon Tetrachloride	.005			.06
Chlorobenzene		.02	.04	.05
Chloroform	.10			1.2
Dicbromochloromethane	.10			1.2
Dichlorobromomethane	.10			1.2
Barium		1.0	2.0	2.5
Cadmium		.01	.02	.025
Chromium		.05	.10	0.6
Copper		1.0	2.0	2.5
Lead		.036	.072	.09
Silver		.05	.10	.125
Zinc		1.0	2.0	2.5
1,2 Dichloroethane	.0004			.0048
1,1 Dichloroethene		0.0004	0.0008	0.001
1,3 Dichloropropane		.087	.174	.2175
Ethylbenzene		1.4	2.8	3.5
Methylene Chloride	.005			.06
Tetrachloroethylene	.0007			.0084
Toluene		2.0	4.0	5.0
Trichloroethene	.0003			.036
Vinyl Chloride	0.00057			0.0068
Total Xylenes		.01	.02	
Dissolved Iron		0.3	0.6	.075
Arsenic	.05			0.6
Total Iron		22.7	45.4	56.75
Total Phenols		monitor/report	monitor/report	monitor/report
Acetone		.109	.218	.273
2-Butanone		.210	.420	.525

The EPA waiver is not in effect.

Northeast Region: Environmental Protection Manager, Water Management, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2553.

PA 0029050. Sewerage, Pine Forests Camps, Inc., 151 Washington Lane, Jenkintown, PA 19046.

This proposed action is for renewal of an NPDES permit to discharge treated sewage into Lake Greeley in Lackawaxen Township, **Pike County**.

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

Effluent requirements were determined at the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of .025 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	10	20
Total Suspended Solids	30	60
Phosphorous as "P"	1	2
Dissolved Oxygen	a minimum of 7 mg/l at all times	
Fecal Coliform	200/100 ml as a geometric mean	
pH	6.0—9.0 standard units at all times	
Total Residual Chlorine		
1st month through 24th month	monitor and report	monitor and report
25th month through expiration	1.2	2.8

The EPA waiver is in effect.

PA 0062952. Industrial waste, SIC: 2815, **Laminations, Inc.**, 1350 Von Storch Avenue, Scranton, PA 18509.

This proposed action is for renewal of an NPDES permit to discharge noncontact cooling water into the Lackawanna River in the City of Scranton, **Lackawanna County**.

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

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Danville Borough Water Supply located on the North Branch of the Susquehanna River.

The proposed effluent limits for Outfall 001 based on a design flow of 0.055 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Oil and Grease	15.0	30.0
pH	6.0—9.0 standard units at all times	

The proposed effluent limits for Outfall 002 based on a design flow of 0.025 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Oil and Grease	15.0	30.0
pH	6.0—9.0 standard units at all times	

The EPA waiver is in effect.

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

PA 0020893. SIC: Code 4952, Sewage, **Manheim Borough Authority**, 15 East High Street, Manheim, PA 17545.

This application is for renewal of an NPDES permit for an existing discharge of treated sewage to Chickies Creek, in Manheim Borough, **Lancaster County**.

The receiving stream is classified for warm water fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Columbia Water Company located in Columbia Borough, Lancaster County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 1.14 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40		50
Total Suspended Solids	30	45		60
NH ₃ -N				
(5-1 to 10-31)	4			8
(11-1 to 4-30)	12			24
Total Phosphorus	2			4
Total Residual Chlorine	0.5			1.6
Dissolved Oxygen		minimum of 5.0 at all times		
pH		from 6.0—9.0 inclusive		
Fecal Coliforms				
(5-1 to 9-30)		200/100 ml as a geometric average		
(10-1 to 4-30)		3,200/100 ml as a geometric average		

The EPA waiver is not in effect.

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

PA 0046094. Sewerage, SIC: 4952, **United States Army Corps of Engineers (Baltimore District)**, Tioga-Hammond/Cowanesque Lakes, R. D. 1, Box 65, Tioga, PA 16946.

This proposed action is for renewal of an NPDES permit, for the Ives Run Recreation Area, to discharge treated sewage to Hammond Lake in Tioga Township, **Tioga County**. This is an existing discharge.

The receiving stream is classified for the following uses: warm water fishery, 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 the New York State line located approximately 18 miles downstream.

The proposed effluent limits for Outfall 001, based on a design flow of 0.0625 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
Suspended Solids	30	60
Total Chlorine Residual	1.0	2.3
NH ₃ -N	15	30
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	2,000/100 ml as a geometric average	
pH	6.0—9.0 SU at all times	

Other Conditions: none

The EPA waiver is in effect.

PA 0114111. Sewerage, SIC: 4952, **Department of Army**, Baltimore District, Corps of Engineers, R. D. 1, Box 65, Tioga, PA 16946.

This proposed action is for renewal of an NPDES permit, for the South Shore Recreation Area, to discharge treated sewage wastewater to Cowanesque Lake in Lawrence Township, **Tioga County**. This is an existing discharge.

The receiving stream is classified for the following uses: warm water fishery, 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 assumed to be New York State border located at New York State 45 river miles downstream.

The proposed effluent limits for Outfall 001, based on a design flow of 0.01 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		50
Suspended Solids	30		60
NH ₃ -N	15		30
Total Chlorine Residual	1.0		2.3
Total Phosphorus	2.0		4.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	2,000/100 ml as a geometric average		
pH	6.0—9.0 su at all times		

Other Conditions: none.

The EPA waiver is in effect.

PA 0023531. Sewerage, SIC: 4952, **Borough of Danville**, Municipal Building, 235 Mill Street, Danville, PA 17821.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage to North Branch Susquehanna River in Danville Borough, **Montour County**.

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

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Sunbury located at Sunbury, Montour County, 12 miles downstream.

The proposed effluent limits for Outfall 001, based on a design flow of 3.62 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
Total Suspended Solids	30	45	60
Total Residual Chlorine*	0.48		1.57
*limit effective 3 years from permit effective date, until then monitor and report			
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	2,000/100 ml as a geometric average		
pH	6.0—9.0 at all times		

Other Conditions: none.

The EPA waiver is not in effect.

PA 0209686. Sewerage, SIC: 4952, **Thomas L. Harris, Sr.**, Star Route Box 35C, Curwensville, PA 16833.

This proposed action is for issuance of an NPDES permit for a new discharge of treated sewage wastewater to an unnamed tributary to Little Clearfield Creek in Pike Township, **Clearfield County**.

The receiving stream is classified for the following uses: high quality cold water fishes, 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 PA American Water Company located at Milton.

The proposed effluent limits for Outfall 001, based on a design flow of 0.0004 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	10		20
TSS	20		40
Free Cl ₂ Residual	report		
Fecal Coliforms		200 col/100 ml as a geometric mean	
pH		6.0—9.0 at all times	

The EPA waiver is in effect.

PA 0110230. SIC: 4952, **Lycoming County Recreation Authority**, R. R. 1, Box 183, Montgomery, PA 17752.

This proposed action is for reissuance of an NPDES permit for an existing discharge of treated sewage to unnamed tributary of Black Hole Creek in Clinton Township, **Lycoming 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 existing downstream potable water supply (PWS) considered during the evaluation is Pennsylvania American Water Company located on the Susquehanna River, 25 miles below the discharge.

The proposed effluent limits for Outfall 001, based on a design flow of 0.0015 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
Suspended Solids	30	60
Total Chlorine Residual	1	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 at all times	

Other Conditions: none.

The EPA waiver is in effect.

PA 0113697. SIC: 4952, **David and Teresa Spiwak**, 603 East 4th Street, Bloomsburg, PA 17815.

This proposed action is for reissuance of an NPDES permit for an existing discharge of treated sewage to unnamed tributary of Fishing Creek in Mt. Pleasant Township, **Columbia 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 existing downstream potable water supply (PWS) considered during the evaluation is the Bloomsburg on the Fishing Creek, 2 miles below the discharge.

The proposed effluent limits for Outfall 001, based on a design flow of 0.0025 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
Suspended Solids	30	60
Total Chlorine Residual	2	4.6
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 at all times	

Other Conditions: none.
The EPA waiver is in effect.

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

PA 0024082. Sewage, **Municipal Authority of the Borough of Avonmore**, Box 133, Avonmore, PA 15618.

This application is for renewal of an NPDES permit to discharge treated sewage from the Avonmore Borough Sewage Treatment Plant in Avonmore Borough, **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 on the Allegheny River.

Outfall 001: existing discharge, design flow of 0.19 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25	37.5		60
Suspended Solids	30	45		60
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
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 0042820. Sewage, **Donald J. Dallatore, Jr.**, 1011 South Main Street, Washington, PA 15301.

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

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

Outfall 001: existing discharge, design flow of 0.001 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	12			24
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	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA 0094757. Sewage, **C&G Savings Association**, 1201 12th Street, Altoona, PA 16601.

This application is for renewal of an NPDES permit to discharge treated sewage from the Lake Cresson Manor STP in Allegheny Township, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Clearfield 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 PA American Water Company at Milton.

Outfall 001: existing discharge, design flow of 0.0075 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25			50
Suspended Solids	30			60

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
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			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA 0095621. Sewage, **Ashville Borough Council**, P. O. Box 165, Ashville, PA 16613-0165.

This application is for renewal of an NPDES permit to discharge treated sewage from the Ashville Borough Sewage Treatment Plant in Ashville Borough, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Clearfield 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 Pennsylvania American Water Company-Milton, on the West Branch Susquehanna River.

Outfall 001: existing discharge, design flow of 0.05 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
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	20,000/100 ml as a geometric mean			
Total Residual Chlorine				
1st month—36th month	monitor and report			
37th month—expiration	1.4			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA 0215848. Sewage, **J. G. Foodmart**, James Gnagey, R. D. 1, Box 620-G, Uniontown, PA 15401.

This application is for renewal of an NPDES permit to discharge treated sewage from J. G. Foodmart Sewage Treatment Plant in North Union Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an unnamed tributary of Redstone 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 Newell Municipal Authority located on the Monongahela River at approximate river mile 51.

Outfall 001: existing discharge, design flow of 0.0004 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	10			20
Suspended Solids	10			20
Ammonia Nitrogen (5-1 to 10-31)	3			6
(11-1 to 4-30)	9			18
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine				
1st month—36th month	monitor and report			
37th month—expiration	1.4			
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA 0215929. Sewage, **Keystone Coal Mining Corporation**, P. O. Box 729, Indiana, PA 15701.

This application is for renewal of an NPDES permit to discharge treated sewage from the Mudlick Run Shaft/Portal Sewage Treatment Plant in Washington Township, **Indiana County**.

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

Outfall 001: existing discharge, design flow of .007 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
Ammonia Nitrogen				
(5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	6.0			12.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine				
1st month—36th month	monitor and report			
37th month—expiration	1.4			3.3
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA 0217913. Sewage, **Keystone Coal Mining Corporation**, P. O. Box 729, Indiana, PA 15701.

This application is for renewal of an NPDES permit to discharge treated sewage from Urling Mines 1 and 2, Urling Main Portal in Armstrong Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Armstrong Township, which are classified as a cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Buffalo M. A.

Outfall 002: existing discharge, design flow of .023 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
Ammonia Nitrogen				
(5-1 to 10-31)	13			26
(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)	10,000/100 ml as a geometric mean			
Total Residual Chlorine	2.5			5.8
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 0027120, Amendment No. 1. Sewage. **City of Warren**, 2 Harmar Street, Warren, PA 16365.

This application is for an amendment of an NPDES Permit to discharge treated sewage to the Allegheny River in the City of Warren, **Warren County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is Emlenton Municipal Water Authority on Allegheny River located at Emlenton, approximately 95 miles below point of discharge.

The proposed effluent limits, based on a design flow of 4.25 mgd, are:

Outfall No. 001 (after the chlorine contact tank)

Parameter	Monthly Average (mg/l)	Weekly Average	Instantaneous Maximum (mg/l)
CBOD ₅	25	40	50
TSS	30	45	60
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	100,000/100 ml as a geometric average		
Total Residual Chlorine	.69		2.2
pH	6.0—9.0 at all times		

Outfall No. 002—005

Parameter	Average Monthly (mg/l)	Instantaneous Maximum (mg/l)
Combined Sewer Overflows. Please refer to Special Condition A in Part C of this permit.		
	Outfall	Location
	002	Pine and Sill Street Pump Station
	003	Clark Street Pump Station
	004	Oak and Peach Street
	005	Treatment Plant

The EPA waiver is not in effect.

PA 0210510. Sewage, **Jim Fedor**, 14504 Ridge Road, West Springfield, PA 16443.

This application is for renewal of an NPDES permit to discharge treated sanitary sewage to an unnamed tributary to Turkey Creek in Springfield Township, **Erie County**. This is an existing discharge.

The receiving water is classified for cold water and migratory fishery, aquatic life, water supply and recreation. There are no potable water supplies affected by this discharge.

The proposed effluent limits, based on average design flow of 0.003500 mgd, are:

Outfall 001

Parameter	Effluent Concentration (mg/l)	
	Average Monthly	Instantaneous Maximum
CBOD ₅	25	50
Total Suspended Solids	30	60
NH ₃ -N (5-1 to 10-31)	8	16
(11-1 to 4-30)	24	48
Dissolved Oxygen	minimum of 3.0 mg/l at all times	
Phosphorus as "P" 1.0 daily average		
Total Residual Chlorine	1.4	3.3
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	2,000/100 ml as a geometric average	
pH	6.0—9.0 standard units at all times	

The EPA waiver is in effect.

PA 0023043, Amendment No. 1. Sewage, **Borough of North East**, 58 East Main Street, North East, PA 16428.

This application is for an amendment to an NPDES Permit to discharge treated sewage to the Sixteen Mile Creek in the Borough of North East, **Erie County**. This is an existing discharge.

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

This amendment is for the addition of the Pretreatment Condition to Part C of the existing permit.

The EPA waiver is not in effect.

Proposed NPDES Permit Renewal Actions for Minor Sewage Discharges

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

agement, and total residual chlorine control (TRC). Any major changes to or deviations from the terms of the existing permit will be documented and published with the final Department actions.

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

Persons wishing to comment on the proposed permits are invited to submit a statement to the Field Office indicated as the office responsible, within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding these applications and proposed permit actions. Comments should include the name, address and telephone number of the writer and a

brief statement to inform the Field Office of the basis of the comment and the relevant facts upon which it is based. A public hearing may be held if the Field Office considers the public response significant.

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

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

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

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Requirements</i>
PA 0034631	One Time, Inc. 3400 Birchwood Drive East Stroudsburg, PA 18301	Monroe Pocono Twp.	Cranberry Bog	TRC
PA 0029157	Keystone College P. O. Box 50 La Plume, PA 18440	Wyoming Factoryville Borough	South Branch of Tunkhannock Creek	TRC

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

Applications under the Pennsylvania Clean Streams Law

(Part II Permits)

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

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

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

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

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

WQM Permit No. 0998411. Sewerage. **James Mini**, 1422 Hilton Pike, Hilltown, PA 18927, to construct a small flow sewage treatment plant to serve the Mini Residence located in Hilltown Township, **Bucks County**.

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

A. 2298404. Sewerage, submitted by **Robert H. and Lucille A. Kreiser**, 1429 Elm Road, Elizabethtown, PA 17022 in Conewago Township, **Dauphin County** to construct a small flow sewage treatment system to serve their residence and apartment building was received in the Southcentral Region on June 12, 1998.

A. 2898403. Sewerage, submitted by **Antrim Township Board of Supervisors**, 10655 Antrim Church Road, Greencastle, PA 17225 in Antrim Township, **Franklin County** to expand their existing sewage treatment plant was received in the Southcentral Region on June 16, 1998.

A. 0598201. Industrial waste, submitted by **Waste Systems International, Inc.**, P. O. Box 136, Hopewell, PA 16650 in Broad Top Township, **Bedford County** to construct a wetland treatment system was received in the Southcentral Region on February 24, 1998.

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

A. 1195201, Amendment No. 1. Industrial waste, **Bar Technologies, Inc.**, 1001 Main St., Gate 3, Johnstown,

PA 15909. Application for treatment of wastewater generated from the proposed production of leaded steel at the continuous caster located in the Borough of Franklin, **Cambria County** to serve the Leaded Steel Project, Bar Technologies, Inc.

A. 6398201. Industrial waste. **Green Valley Packing, Inc.**, P. O. Box 202, Claysville, PA 15323. Application for the construction and operation of slaughtering, packing and meat processing facility located in the Township of Buffalo, **Washington County** to serve the Green Valley Packing, Inc.

A. 0298407. Sewerage. **Park Corporation**, P. O. Box 450, Homestead, PA 15120. Application for the construction and operation of Sewer Extensions and Pumping Stations located in the Borough of Homestead, **Allegheny County** to serve the Waterfront—Homestead Section.

A. 0298408. Sewerage. **Park Corporation**, P. O. Box 450, Homestead, PA 15120. Application for the construction and operation of Sewer Extensions and Pumping Stations located in the Borough of Munhall, **Allegheny County** to serve the Waterfront—Munhall Section.

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

WQM Permit No. 2098408. Sewage, **David L. Kralj, SRSTP**, R. R. 2, Box 752, Meadville, PA 16335. This project is for the construction of a Single Residence Sewage Treatment Plant in Hayfield Township, **Crawford County**.

WQM Permit No. 4398414. Sewage, **Bruce Powell, SRSTP**, 429 Greenville Rd., Greenville, PA 16125. This project is for the construction of a Single Residence Sewage Treatment Plant in Sugar Creek Township, **Mercer County**.

WQM Permit No. 2498403. Sewage. **Jones Township Municipal Authority**, P. O. Box 374, Wilcox, PA 15870. This project is for a gravity sewage collection system to serve the Village of Wilcox, areas of Horner Road and Route 321 north towards Kane in Jones Township, **Elk 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 discharge.

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

Persons wishing to comment on the proposed permit are invited to submit a statement to the Regional Office or County Conservation District Office indicated as the responsible office, within 30 days from the date of this public notice. A copy of the written comments should be sent to the County Conservation District Office. Com-

ments reviewed within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Regional Office of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the Regional Office considers the public response significant.

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

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

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

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

Northampton County Conservation District, District Manager; R. R. 4, Greystone Building, Nazareth, PA 18064-9211, (610) 746-1971.

NPDES Permit PAS10U093. Stormwater. **Hercules Cement Co.**, 501 Center St., Stockertown, PA 18083, has applied to discharge stormwater from a construction activity located in Stockertown Borough/Upper Nazareth Township, **Northampton County**, to Bushkill Creek.

NPDES Permit PAS10U094. Stormwater. **Hercules Cement Co.**, 501 Center St., Stockertown, PA 18083, has applied to discharge stormwater from a construction activity located in Stockertown Borough, **Northampton County**, to Bushkill Creek.

NPDES Permit PAS10U095. Stormwater. **Isadore Colonna—Mike Frick Partnership**, 825 Colonna Lane, Nazareth, PA 18064, has applied to discharge stormwater from a construction activity located in Moore Township, **Northampton County**, to Monocacy Creek.

Monroe County Conservation District, District Manager; 8050 Running Valley Road, Stroudsburg, PA 18360, (717) 629-3060.

NPDES Permit PAS10S055-1. Stormwater. **PA American Water Co.**, 20 E. Union St., Wilkes-Barre, PA 18701-1397, has applied to discharge stormwater from a construction activity located in the Borough of Mt. Pocono, **Monroe County**, to Red Run, Forest Hills Run, Tank Creek, Yankee Run.

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

Blair County Conservation District, District Manager, Blair County CD6, 1407 Blair Street, Hollidaysburg, PA 16648, (814) 696-0877.

NPDES Permit PAS-10-0619. Stormwater. **Scotch Valley View Farms/Kenneth F. Burket**, 9 Cedar Heights Drive, Duncansville, PA 16635 has applied to discharge stormwater from a construction activity located in Frankstown Township, **Blair County**, to UNT to New Creek and Canoe Creek Tributary.

Bedford County Conservation District, District Manager, Bedford County CD, 702 W. Pitt Street, Suite 4, Bedford, PA 15009, (814) 623-6706.

NPDES Permit PAS-10-0416. Stormwater. **Dauphin County General Authority**, 1500 South Harrisburg Street, Harrisburg, PA 17113-1216 has applied to discharge stormwater from a construction activity located in Bedford Township, **Bedford County**, to Shobers Run.

PAS-10-H072. Individual NPDES. **Shah Mathias**, P. O. Box 163, Red Lion, PA 17356. To Implement an Erosion and Sedimentation Control Plan for the construction of a residential development called Ginger Field and Brook Meadow on 46.66 acres in Silver Spring Township, **Cumberland County**. The project is located along the west side of Mulberry Drive (T-586) about 200 feet south of PA 114 and T-586 intersection (Mechanicsburg, PA Quadrangle N: 18.2 inches; W: 3.8 inches). Drainage will be to Trindle Spring Run.

PAS-10-I033. Individual NPDES. **R. Stanley Miller**, P. O. Box 336, Dauphin, PA 17018. To Implement an Erosion and Sedimentation Control Plan for the construction of The Cottonwood Residential Subdivision on 212 acres in Middle Paxton Township, **Dauphin County**. The project is located on the north side of Clarks Valley Road (Route 325) at Primrose Lane (Halifax, PA Quadrangle N: 6.0 inches; W: 5.4 inches). Drainage will be to Clark Creek.

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

NPDES Permit PAS10W013R. Stormwater. **McClelland Farms, Inc.**, 3027 South Park Road, Bethel Park, PA 15102 has applied to discharge stormwater from a construction activity located in North Strabane Township, **Washington County** to an unnamed tributary to Little Chartiers Creek.

SAFE DRINKING WATER

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

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

A. 0998503. Public water supply. **Philadelphia Suburban Water Company**, 762 W. Lancaster Avenue, Bryn Mawr, PA 19010-3489. This proposal involves the construction of two additional high-rate filters to replace existing pressure filters at the Neshaminy Falls Water Treatment Plant in Middletown Township, **Bucks County**.

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

A. M. A. The Department has received a construction permit application from **Ulysses Municipal Authority** (P. O. Box 392, Ulysses, PA 16948-0392; Ulysses Township, **Potter County**) for repair of hole in existing cover at Big Spring Reservoir.

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 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 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, please contact the Department Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office listed. TDD users may telephone the Department through the AT&T Relay Service at 1 (800) 654-5984.

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

Southcentral Regional Office: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4705.

Filling Cleaners, Inc., West Hempfield Township, **Lancaster County**. Filling Cleaners, Inc., 3885 Columbia Avenue, Mountville, PA 17554, has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with solvents and 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 *Lancaster New Era* on June 17, 1998.

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 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.

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 below, 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 below, 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, please contact the Department of Environmental Protection Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at 1 (800) 654-5984.

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

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

P. B. & S. Company, Inc., City of McKeesport, **Allegheny County**. P. B. & S. Chemical Company, Inc., P. O. Box 20, 1405 Highway 136W, Henderson, KY 42420 and

W. David Sennimore, Earth Data, Inc., 924 Springdale Drive, Exton, PA 19341 has submitted a Notice of Intent to Remediate soil and groundwater contaminated with solvents. The applicant proposes to remediate the site to meet a site specific standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Daily News* on June 4, 1998.

Johnstown Corporation, City of Johnstown, **Cambridge County**. Johnstown Corporation, Johnstown, PA and Brian I. Fitzpatrick, QST Environmental, 5205 Militia Hill Road, Plymouth Meeting, PA 19462 has submitted a Notice of Intent to Remediate soil and groundwater contaminated with PHCs. The applicant proposes to remediate the site to meet a Special Industrial Area standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Tribune Democrat* on June 2, 1998.

HAZARDOUS WASTE, TREATMENT, STORAGE AND DISPOSAL FACILITIES

Applications submitted under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate a hazardous waste treatment, storage or disposal facility.

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

A. PAD002312791. Sun Co., Inc., (R&M), P. O. Box 426, Marcus Hook, PA 19061. Application received for change of ownership of the Allied Signal Facility located in the **City of Philadelphia**. Application received in the Southeast Regional Office on June 5, 1998.

AIR QUALITY

Notice of Plan Approval and Operating Permit Applications

Nonmajor Sources and Modifications

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

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

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

Persons wishing to file protests or comments on the proposed plan approval and/or operating permits must submit the protest or comment within 30 days from the date of this notice. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Any comments or protests filed with DEP Regional Offices must include a concise

statement of the objections to the issuance of the plan approval or operating permit and relevant facts which serve as the basis for the objections. If DEP schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior to the date of the hearing.

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

Notice of Intent to Revise Operating Permit for Large Municipal Waste Combustors

Under section 111(d)/129 of the Clean Air Act, the United States Environmental Protection Agency (EPA) promulgated Emission Guidelines (EG) to control the emission of combustor gases from existing large municipal waste combustors (MWCs). (See 60 FR 65382, December 19, 1995, and 62 FR 45116, August 25, 1997). The guidelines are codified at 40 CFR Part 60, Subpart Cb (relating to emission guidelines and compliance times for large MWCs that are constructed on or before September 20, 1994). The Subpart Cb requirements apply to any existing large MWC unit that is capable of combusting more than 250 tons per day of municipal solid waste.

The Department of Environmental Protection (Department) intends to submit section 111(d)/129 State Plan for large MWCs to EPA as soon as practicable. In accordance with the Plan, the Department will implement the EG by incorporating the applicable requirements of 40 CFR Part 60, Subpart Cb into Federally Enforceable State Operating Permits (FESOPs). The revised FESOPs will serve as the legally enforceable mechanism to implement the Subpart Cb requirements.

Copies of the proposed permit amendments and other relevant information are available for public inspection and additional information may be obtained by contacting the Department's Southeast Regional Office at (610) 832-6003.

Interested persons may submit written comments, suggestions or objections concerning the proposed permit amendments to the Regional Office at the address below within 30 days of publication of this notice. Written comments submitted to the Department during the 30-day public comment period should include the name, address and telephone number of the person submitting the comments, along with the reference number of the proposed permit. The commentator should also include a concise statement of any objections to the issuance of the revised permit and the relevant facts upon which the objections are based. Any written comments should be sent to: DEP Southeast Regional Office; Air Quality, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, Attn: Thomas McGinley.

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 the hearing at least 30 days prior to the hearing. The hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation where the facility is located.

The following designated MWC facility must comply with the Subpart Cb requirements: 46-340-002: Montenay Montgomery Limited Partnership, Montenay Energy Resources of Montgomery County, Inc. (1155 Conshohocken Road, Conshohocken, PA 19428) in Plymouth Township, Montgomery County.

OPERATING PERMITS

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

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

23-399-025A. BASF Corp. (1830 Columbia Avenue, Folcroft, PA 19032) for the operation of a CI Filter Press and Rotary Cooler in Folcroft Borough, **Delaware County**.

23-313-003C. Esschem, Inc. (4000 Columbia Avenue, Linwood, PA 19061) for the operation of a Methacrylate Based Polymer Process in Marcus Hook Borough, **Delaware County**.

23-315-007. Kimberly-Clark Tissue Co. (Front and Avenue of the States, Chester, PA 19013) for the operation of a No. 18 Paper Machine in City of Chester, **Delaware County**.

PA-09-0009. Webcraft Technologies, Inc. (4371 County Line Road, Chalfont, PA 18914) for the operation of a Web Offset Press in New Britain Township, **Bucks County**.

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

48-309-088. Keystone Cement Corp. (Route 329, P. O. Box A, Bath, PA 18014) for the operation of a cement finishing mill in East Allen Township, **Northampton County**.

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

06-1036. Cryovac, Inc., formerly FORMPAC (P. O. Box 295, Reading, PA 19603-0295) for a polystyrene foam manufacturing facility in Muhlenberg Township, **Berks County**.

06-310-020B. Martin Stone Quarries, Inc. (P. O. Box 297, Bechtelsville, PA 19505) for a nonmetallic mineral crushing and processing facility controlled by wet suppression in Colebrookdale Township, **Berks County**. The facility is subject to 40 CFR 60, Subpart OOO, Standards of Performance for New Stationary Sources.

07-309-013A. BMI-France (P. O. Box 276, Snow Shoe, PA 16874) for the operation of a refractory material processing operation controlled by a fabric collector in Logan Township, **Blair County**.

07-310-024A. Penn Mag, Inc. (R. D. 1, Box 22, Adrian, PA 16210) for the operation of an iron chromite crushing and classifying process controlled by fabric collectors in Greenfield Township, **Blair County**.

22-303-017. Haines & Kibblehouse, Inc. (P. O. Box 196, Skippack, PA 19474) for the installation of a batch asphalt plant controlled by a cyclone and a baghouse in Lower Swatara Township, **Dauphin County**. The facility is subject to 40 CFR 60, Subpart I, Standards of Performance for New Stationary Sources.

29-303-002C. New Enterprise Stone & Lime Co., Inc. (P. O. Box 77, New Enterprise, PA 16664) for the operation of a bituminous concrete batch plant controlled by a cyclone and two fabric collectors in Bethel Township, **Fulton County**.

31-310-004C. New Enterprise Stone & Lime Co., Inc. (P. O. Box 77, New Enterprise, PA 16664) for the

operation of a limestone crushing plant controlled by water sprays and a fabric collector in Cromwell Township, **Huntingdon County**.

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

41-305-004E. Keystone Filler & Manufacturing Co. (214 Railroad Street, Muncy, PA 17756) for the operation of various pieces of carbon product processing equipment and a fabric and cartridge collectors in Muncy Creek Township, **Lycoming County**.

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

OP-11-00355. RNS Services, Inc. (224 North Hunter Run Road, Howard, PA 16841) for the operation of a waste coal screening plant at East Carroll Township, **Cambria County**.

PLAN APPROVALS

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

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

PA-09-0094. Lepko Finishing (111 North Seventh Street, Perkasio, PA 18944) for the construction of a Surface Coating Specialty Job Shop in Perkasio Borough, **Bucks County**.

PA-46-0043. Glasgow, Inc. (Conshohocken Road, Conshohocken, PA 19428) for the modification of a Asphalt Plant and Quarry in Plymouth Township, **Montgomery County**.

PA-15-0021. Glasgow, Inc. (660 Morehall Road, Frazer, PA 19335) for the modification of a Asphalt Plant and Quarry in East Whiteland Township, **Chester County**.

15-302-088GP. Centocor, Inc. (200 Great Valley Parkway, Malvern, PA 19355) for the construction of a Two Natural Gas-Fired Boilers in East Whiteland Township, **Chester County**.

PA-09-0095. Puralube, Inc. (USX Property, Fairless Hills, PA 19030) for two Process Heater Units in Falls Township, **Bucks County**.

PA-09-0040A. Piccari Press, Inc. (315A West Street Road, Warminster, PA 18974) for the construction of a Lithographic Printing Press in Warminster Township, **Bucks County**.

PA-46-0158. Colorcon (415 Moyer Boulevard, West Point, PA 19486) for a NO-TOx Area in Upper Gwynedd Township, **Montgomery County**.

PA-09-0037B. CMS Gilbreth Packaging Systems (3001 State Road, Croydon, PA 19021) to reduce the "Potential to Emit" in Bristol Township, **Bucks County**.

15-302-089GP. Centocor, Inc. (40-84 Great Valley Parkway, Bldg. 4, Malvern, PA 19355) for the installation of a Natural Gas-Fired Boiler in East Whiteland Township, **Chester County**.

PA-15-0067. Herr Foods, Inc. (273 Old Baltimore Pike, Nottingham, PA 19362) for the construction of a Gas Fired Boiler and Fryer in West Nottingham Township, **Chester County**.

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

35-303-011A. Dunmore Materials, Division of Haines & Kibblehouse Inc. (P. O. Box 196, Skippack, PA 19474) for the modification of a batch asphalt plant at Dunham Drive, Dunmore Borough, **Lackawanna County**.

39-318-102. American Atelier Inc. (301 North Front Street, Allentown, PA 18102) for the construction of a paint spray operation in the City of Allentown, **Lehigh County**.

40-399-040. Wyoming Valley Sanitary Authority (P. O. Box 33A, Wilkes-Barre, PA 18703) for the construction of a lime storage silo in Hanover Township, **Luzerne County**.

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

06-5063C. EAFCO, Inc. (201 Spring Street, Boyertown, PA 19512) for blast room controlled by a fabric collector in Boyertown, **Berks County**.

36-303-011A. Martin Limestone, Inc. (P. O. Box 550, Blue Ball, PA 17506) for the installation of a new silo with loadout located at their Kurtz Asphalt Plant in East Cocalico Township, **Lancaster County**.

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

14-318-001A. Spectra Wood (2651 Carolean Industrial Drive, State College, PA 16801) for the modification of a wood furniture finishing operation (increase in allowable volatile organic compound emissions from 6 tons per year to 12 tons per year) in College Township, **Centre County**.

08-318-027. Mill's Pride-Pennsylvania (423 Hopewell Road, Waverly, OH 45690) for the construction of a wood cabinet door manufacturing facility to incorporate lumber kilns, two wood-fired boilers and associated air cleaning devices (multicyclones), woodworking equipment and associated air cleaning devices (fabric collectors), a finishing operation and associated air cleaning device (a regenerative thermal oxidizer) and ancillary operations in Athens Township, **Bradford County**. The boilers are subject to Subpart Dc of the Federal Standards of Performance for New Stationary Sources.

49-313-035L. Merck & Co., Inc. (P. O. Box 600, Danville, PA 17821-0600) for the modification of an existing pharmaceutical process facility to manufacture a new product (MK-826) in Riverside Borough, **Northumberland County**.

18-318-013A. Avis America (P. O. Box 420, Avis, PA 17721) for the modification (increase in allowable volatile organic compound emission rate) of a modular home manufacturing operation previously owned and operated by Pan Avis Realty Company d/b/a Avis America in Pine Creek Township, **Clinton County**.

18-313-019B. Croda, Inc. (P. O. Box 178, Mill Hall, PA 17751) for the construction of a Super Refined Oils process and the modification of, and installation of air cleaning devices on a second Super Refined Oils process in Bald Eagle Township, **Clinton County**. These processes will emit hexane.

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

PA-63-632A. Iron Oxide Co. (Foster Plaza, #7, 661 Andersen Drive, Pittsburgh, PA 15220) for the construction of a waste coal screening plant at Mine #20 in East Carroll Township, **Cambria County**.

PA-65-788F. Sony Electronics, Inc. (1001 Technology Drive, Mt. Pleasant, PA 15666) for the installation of 7" rear projection screen line at Pittsburgh Mfg. Center in Mt. Pleasant Township, **Westmoreland County**.

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

PA-43-170B. Werner Co. (93 Werner Road, Greenville, PA 16125) for minor modification to Conditions 6 and 7, issued May 4, 1998, for the fiberglass pultrusion process in Sugar Grove Township, **Mercer County**.

PA-61-011A. Merisol Antioxidants LLC (Route 8, Rouseville Road, Oil City, PA 16301) for the modification of the Eclipse Heater (20 MMBTU/HR) and the petroleum Heater (22 MMBTU/HR) to burn heptane emissions generated by the North and South BHT dryers in Oil City, **Venango County**.

PLAN APPROVALS/OPERATING PERMITS

Applications received and intent to issue Plan Approvals and Operating Permits or to administratively amend the Operating Permit under the Air Pollution Control Act (35 P. S. §§ 4001—4015).

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

37-264A. Ellwood Quality Steels Co. (700 Moravia Street, New Castle, PA 16101) for the installation of a ladle furnace. Ellwood Quality Steels Co. is a major facility subject to Title V permitting requirements and is located in New Castle, **Lawrence County**. These modifications will increase the potential steel production levels of the facility from 300,000 to 360,000 tons per year. The existing ladle and the new ladle furnace will be controlled by a new baghouse control system which will reduce PM₁₀ emissions to 0.02 lb/ton of steel for a total emission rate not exceeding 3.6 tons per year. NOx emissions are not to exceed 65 lb/MMCF. Operating hours for the facility will be limited to 8,160 hours per year. The Plan Approval will contain conditions requiring that source tests be conducted to show compliance with the emission rates. The Plan Approval and Operating Permit will contain addition recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements. For further details, contact Matt Williams.

Notice of Intent to Approve

Plan Approval Application #11-005B

Notice is hereby given, under 25 Pa. Code § 127.44, that the Pennsylvania Department of Environmental Protection (Department) intends to issue a Plan Approval to Bar Technologies, Inc. to modify the existing caster equipment to produce leaded steel grades on the continuous caster. This will also include the installation of air cleaning equipment (baghouse) specifically for leaded steel production. **Bar Technologies, Inc.** (1001 Main Street—Gate 3, Johnstown, PA 15909) is located at Franklin Borough, **Cambria County**.

The proposal is to manufacture leaded steel instead of carbon steel and may result in the emission of lead and lead compounds of less than 2.37 pounds per hour and 3,000 pounds per year.

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

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

General Conditions

1. This plan approval is for the modification of the continuous billet/bloom caster and for installation of a baghouse and a ventilation system on the caster by Bar Technologies, Inc. at their Johnstown facility in Franklin Borough, Cambria County. This is in accordance with 25 Pa. Code § 127.32.

2. The facility's potential to emit and annual allowable emission rates are established based on a maximum steel-making rate of 1.2 million tons per year in accordance with 25 Pa. Code § 127.12b.

3. The maximum caster production rate for all steels shall not exceed 5,200 tons per day and 1.2 million tons per year in accordance with 25 Pa. Code § 127.12b.

4. The new caster baghouse shall be constructed as stated in the application. The baghouse shall be equipped with Gortex membrane felted polyester bags (or equipment) in accordance with 25 Pa. Code § 127.25 and § 127.1.

5. Particulate Matter < 10 microns (PM-10) emissions from the caster baghouse shall not exceed an outlet grain loading of 0.003 gr/dscf. Lead and lead compound emissions shall not exceed 0.0025 gr/dscf, 2.37 lbs/hr, and 3,000 pounds per year in accordance with 25 Pa. Code § 127.12b and § 127.25.

6. A mechanical or electrical interlock shall be installed to prevent lead from being fed to the caster if the baghouse is not operating in accordance with 25 Pa. Code § 127.12b.

7. The two bay doors nearest the caster torch cutting station shall remain fully closed when leaded steel is being produced in accordance with 25 Pa. Code § 127.12b and § 127.123.1.

8. Visible emissions from the continuous caster baghouse shall not equal or exceed 10% opacity in accordance with 25 Pa. Code § 127.1 and § 127.12b.

9. There shall be no fugitive emissions present from this facility in accordance with 25 Pa. Code § 123.1 and § 127.12b.

10. The owner/operator shall perform stack testing for particulate matter (as PM-10) and for lead and lead compound emissions in accordance with 25 Pa. Code Chapter 139 regulations and the Department's source testing manual. Section 6.1 of the Clean Air Act and 25 Pa. Code § 127.12b.

11. The stack test shall be performed while the continuous billet/bloom caster is operating at the maximum normal casting and lead injection rate. If stack testing is performed while the caster is operating at a lower casting rate or lower lead injection rate, then production shall be limited to the levels at which compliance has been demonstrated. Section 6.1 of the Clean Air Act and 25 Pa. Code § 139.11.

12. Two copies of a pre-test protocol shall be submitted to the Department for review at least 60 days prior to the performance of the stack test in accordance with 25 Pa. Code § 139.2.

13. The Department shall be notified at least 2 weeks prior to the stack test of the date and time of the test so that an observer may be present in accordance with 25 Pa. Code § 139.2.

14. Two copies of the stack test results shall be supplied to the Department for review within 60 days of completion of testing in accordance with 25 Pa. Code § 139.2.

15. The Department may revise the allowable emission rates based on the results of the stack tests in accordance with 25 Pa. Code § 127.1 and § 127.12b.

16. The owner/operator shall install, maintain and operate the caster baghouse and the caster ventilation system in accordance with manufactures specifications and in accordance with good air pollution control practices. This shall be done in accordance with 25 Pa. Code § 127.25.

17. A daily log shall be kept of all material throughput (lead and non-lead steel production). This file shall be maintained for a period of not less than 2 years and shall be made available to the Department upon request in accordance with 25 Pa. Code § 127.12b.

18. A monthly log shall be kept of all lead used in the production of this leaded steel in accordance with 25 Pa. Code § 127.12b and 127.12a.

19. The baghouse and the caster ventilation system must operate at all times when leaded steel is being produced in accordance with 25 Pa. Code § 127.12b and § 127.25.

20. The owner/operator shall maintain spare bags in accordance with the manufactures recommendation to insure adequate maintenance of the air cleaning device in accordance with 25 Pa. Code § 127.25.

21. This Plan Approval authorizes temporary operation of the source covered by this Plan Approval provided the following conditions are met. In accordance with 25 Pa. Code § 127.12b.

a. The Department must receive written notice from the owner/operator of the completion of construction and the operator's intent to commence operation at least 5 working days prior to the completion of construction. The notice should state when construction will be completed and when operator expects to commence operation.

b. Operation is permitted only to facilitate the start-up and shake-down of sources and air cleaning devices, to permit operations pending the issuance of an Operating Permit or to permit the evaluation of the source(s) for compliance with all applicable regulations and requirements.

c. This condition authorizes temporary operation of the source(s) for a period of 180 days from the date of commencement of operation, provided the Department receives notice from the Owner/Operator pursuant to subpart (1), above.

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

e. The notice submitted by the Owner/Operator under subpart (1), above, prior to the expiration of this Plan

Approval, shall modify the plan approval expiration date. The new Plan Approval expiration date shall be 180 days from the date of the written notice.

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

1. Identify the source and location.
2. Establish allowable emission rates.
3. Establish monitoring, recordkeeping, testing and reporting requirements.
4. Insure proper operation and adequate maintenance.
5. Insure compliance with other Department programs' requirements.
6. Establish the bases for the existing facility's actual emissions (baseline) and the modified facility's allowable emissions.

Any person wishing to provide the Department with additional information which they believe should be considered prior to the issuance of the Plan Approval may submit the information to the Department at the address shown below. A 30-day comment period, from the date of publication, will exist for the submission of comments. Each written comment must contain the following: name, address and telephone number of the person submitting the comments; identification of the proposed Plan Approval (specify Plan Approval #11-005B); and concise statements regarding the relevancy of the information or objections to issuance of the Plan Approval.

A public hearing may be held, if the Department in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in this newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to: Joseph Pezze, Regional Air Quality Program Manager, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

For additional information, contact the following at the same address: Francis D. Condrick, Air Pollution Control Engineer II, Air Quality Control.

Any person may oppose the proposed plan approval by filing a written protest with the Regional Air Program Manager, at the address noted above. The protest shall include the following: name, address and telephone number of the person filing the protest; identification of the proposed plan approval issuance being opposed, concise statement of the objections to the plan approval issuance and the relevant facts upon which the objections are based.

REASONABLY AVAILABLE CONTROL TECHNOLOGY

(RACT)

Issuance of Reasonably Available Control Technology (RACT) Plan Approval

The Department of Environmental Protection (Department) will hold hearings at 1:30 p.m. in the Island Conference Room, Department of Environmental Protection Office, 400 Waterfront Drive, Pittsburgh, PA on July 30, 1998 to receive comments on the proposed approval of

a Reasonably Available Control Technology (RACT) Plan and Emission Reduction Credits (ERC's) for:

GPU Generation Corp., Seward Station, Indiana County, Permit Number 32-000-040

Boiler 12, 14 and 15, Miscellaneous Sources

NOx—Penelec proposes the installation of Low NOx Burners in boiler 12 with an emission rate of 0.82 lb/mmbtu and 808.11 tons per year, and boiler 14 with an emission rate of 0.50 lb/mmbtu and 985.50 tons per year. For boiler 15, Penelec proposed Low NOx burners with overfire air (LNCFS level II) as meeting presumptive RACT. The expected emission rate of this unit is 0.51 lb/mmbtu, and 3,254.65 tons per year.

VOX—The economic evaluation illustrates that the cost of mitigation for installing VOC reduction systems is several orders of magnitude above what could be considered reasonable. Proposed RACT is operation in accordance with the manufacturer's specifications and recommendations.

In accordance with 25 Pa. Code § 129.91(e), the Department plans to approve and modify Penelec's proposal to include LNCFS level III on boiler 15 as meeting the presumptive NOx RACT emission limitations. The preliminary facility emission rates are projected to be 51.30 tons VOX and 5,059.43 tons NOx annually.

GPU Generation Corp., Homer City, Indiana County, Permit Number 32-000-055

Pennsylvania Electric proposes to meet the presumptive nitrogen oxides RACT limitation of 25 Pa. Code § 129.93 by installing low NOx burners with separated overfire air on its boilers number one through three. These modifications would reduce NOx emissions by approximately 45%.

GPU Generation Corp., Conemaugh Station, Indiana County, Permit Number 32-000-059

Units 1 & 2. Auxiliary Boilers A & B. Diesel generators A-D.

NOx—Penelec proposed Low NOx Burners with separated overfire air (LNCFS Level II) as meeting the presumptive RACT emission limitation of 25 Pa. Code § 129.93(b)(1) for the main units 1 and 2. This installation should yield an emission rate of 0.45 lb/mmbtu based on a 30-day rolling average. For the auxiliary units, Penelec presented the economic and technical evaluation of an array of technologies based on a 10% capacity factor. The result: cost of mitigation is unreasonably high. Penelec intends to comply with the Presumptive emission limitations of Chapter 129.

VOC—The economic evaluation illustrates that the cost of mitigation for installing VOC reduction systems on the main and auxiliary boilers is several orders of magnitude above what could be considered reasonable.

Proposed RACT is operation in accordance with the manufacturer specifications and recommendations.

In accordance with 25 Pa. Code § 120.91(3), the Department plans to modify Penelec's proposal to include LNCFS level III as meeting the presumptive NOx RACT emission limitations. The preliminary facility emission rates are projected to be 225 tons VOX and 41,780 tons NOx annually.

Specialty Tires of America Inc., Indiana, Indiana County, Permit Number 32-000-065

The hearing is for the Department to take testimony concerning the Reasonably Available Control Technology (RACT) plan for the Specialty Tires of America, Inc. (STA).

STA satisfied the RACT requirements by achieving Volatile Organic Compounds (VOCs) reductions of 46% on a per tire basis as a result of substitution of solvent base paints with water base paints for green tire painting operations, installation of high volume, low pressure (HVLP) guns for application of VOC-base paints, elimination of VOC-base cleansing agents, and other process changes and improved work practices.

Fisher Scientific Company International, Indiana, Indiana County, Permit Number 32-000-100

Fisher Scientific Company wishes to accept operational limitations on the amount of gallons of coatings to be used at the facility. The facility also has discontinued using a volatile organic compound (VOC) solution in the vapor degreasing operation and substitute it with a non-VOC aqueous solution. These limitations will restrict the emissions of VOCs to a level below the major source threshold value to meet the requirements under 25 Pa. Code, § 129. This will enable Fisher Scientific Company to receive synthetic minor permit.

CNG Transmission Corporation, Rochester Mills, Indiana County, Permit Number 32-000-129

The proposed approval is for the application of presumptive RACT to all sources at the Rochester Mills Station. This will consist of four degree retard relative to standard timing on all for Ingersoll Rand SVG-8AS engines, and the operation and maintenance of all sources at this station according to manufacturer's specifications.

GPU Generation Corp., Homer City, Indiana County, Permit Number 32-000-132

Pennsylvania Electric proposes to meet the oxides of nitrogen (NOx) RACT regulation of 25 Pa. Code § 129 by continuing to operate the thermal dryers at the facility in accordance with manufacturer specifications. There is not expected to be any resulting reductions in NOx emissions.

Columbia Gas Transmission Corporation, Homer City, Indiana County, Permit Number 32-000-146

This RACT proposed plan approval is for Columbia Gas's proposal to limit Homer City Station's potential to emit to a level below the major NOx emitting facility threshold. Annually, the Clark MA-6 engine will be limited to 227,000 bhp-hrs, the Waukesha L7042GU engines will be limited to 1,089,000 bhp-hrs, and the Ajax DPC-540 will be limited to 4,730,000 bhp-hrs.

Columbia Gas Transmission Corporation, Kent Station, Indiana County, Permit Number 32-000-147

This RACT proposed Operating Permit is for Columbia Gas's proposal to limit Kent Station's potential to emit to a level below the major NOx emitting facility threshold. Annually, the Clark HMA-10 will be limited to 497,000 bhp-hrs, and the Ajax DPC-540 will be limited to 4,730,000 bhp-hrs.

T. W. Phillips Gas & Oil Co., Kinter Compressor Station, Indiana County, Permit Number 32-000-157

T. W. Phillips Kinter Compression Station has six engines all under 500 horse-power. Under the Presumptive RACT regulations 129.93(c)(3), these sources are required to permanently retard the ignition four degrees from the standard full load Ignition timing retard delays ignition of combustion to later in the power cycle, which increases the volume of combustion chamber and reduces the residence time of the combustion products. This increased volume and reduced residence time offers the potential to reduce NOx formation.

4CNG Transmission Corporation, Cherry Tree Station, Indiana County, Permit Number 32-000-303

The proposed approval for the Cherry Tree Station is for the installation of Low NOx conversion kits on the two Ajax DPC-600 engines by May 31, 1995 and the application of presumptive RACT to the Lakota 2885-01A dehydrator. NOx emissions from the Ajax engines are expected to be reduced by 30% to 21.3 pounds per hour, and will be verified by periodic stack testing.

Persons wishing to present testimony at the hearings should contact Community Relations Coordinator, Rita Zettelmayer at (412) 442-4183 by July 6, 1998. Oral testimony will be limited to a maximum of 10 minutes and two written copies of the testimony should be provided. Each organization is requested to designate one witness to present testimony on its behalf.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to do so, should contact Rita Zettelmayer or the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Those unable to attend the hearings, but wishing to comment, should provide written comments to the DEP Regional Air Quality Program Manager, Joseph Pezze, DEP, 400 Waterfront Drive, Pittsburgh, PA 15222. Comments should be submitted within 30 days of the date of this publication notice.

All pertinent documents are available for review from 8 a.m. to 4 p.m. at the DEP Regional Office in Pittsburgh. Appointments for scheduling a review may be made by calling (412) 442-4000.

Issuance of Reasonably Available Control Technology (RACT) Plan Approval

The Department of Environmental Protection (Department) will hold hearings at 9:30 a.m. in the Island Conference Room, Department of Environmental Protection Office, 400 Waterfront Drive, Pittsburgh, PA on July 30, 1998 to receive comments on the proposed approval of a Reasonably Available Control Technology (RACT) Plan and Emission Reduction Credits (ERC's) for:

West Penn Power Company, Armstrong Station, Washington Township, Armstrong County

West Penn's RACT analysis evaluates an array of available control options and proposes the installation of Low NOx burners. This option projects an emission rate of 0.5 lb/mmbtu for both units. Armstrong Station is not designated as a major volatile organic compound (VOC) emitting facility.

The Department plans to modify West Penn Power's proposal to include that a presumptive NOx emission rate of 0.45 lb/mmbtu must be met with any other technology other than Low NOx burners with separate overfire air.

The Department will establish final RACT limits at a later date based on measured data collected after the installation of the RACT technology.

Pennsylvania Electric Company, Keystone Station, Washington Township, Armstrong County

Units 1 and 2, Auxiliary Boilers A and B, Diesel generators 3-6 NOx—Penelec proposes Low NOx Burners with separated overfire air (LNCFS Level II) as meeting the presumptive RACT emissions limitation of 25 Pa. Code § 129.93(b)(1) for the main units 1 and 2. This installation should yield an emission rate of 0.45 lb/mmbtu based on a 30 day rolling average.

For the auxiliary units, Penelec presented the economic and technical evaluation of an array of technologies based on a 10% capacity factor. The result; cost of mitigation is unreasonably high.

Penelec intends to comply with the presumptive NOx RACT emission limitation of 25 Pa. Code § 129.93(c)(5) of an annual capacity factor of less than 5% for the diesel generators 3, 4, 5 and 6.

Other provisions of the presumptive RACT of Chapter 129 will be applied to the miscellaneous sources of: three small oil-fired furnaces with a total heat input of less than 0.5 mmbtu/hr. a 217 hp fire fighting pump, and an emergency standby generator.

VOC—The economic evaluation illustrates that the cost of mitigation for installing VOC reduction systems on the main and auxiliary boilers is several orders of magnitude above what could be considered reasonable.

Proposed RACT is operation is accordance with the manufacturer's specifications and recommendations.

In accordance with 25 Pa. Code § 129.91(e), the Department plans to modify Penelec's proposal to include LNCFS level III as meeting the presumptive NOx RACT emissions limitations. The preliminary facility emission rates are projected to be 120 tons VOC and 41,453 tons NOx annually.

Apollo Gas Company, Shoemaker Station, Bethel Township, Armstrong County

Apollo Natural Gas will modify the two existing natural gas compressor engines at the Shoemaker Station. This modification includes the installation of Original Equipment Manufacture (OEM) retrofit controls on the natural gas compressor engines. Apollo Natural Gas will install a high energy ignition system with upgrades on the turbo-charger and associated cooling system to both engines. This will enable Apollo Natural Gas to restrict the emissions of Oxides of Nitrogen (NOx) and Volatile Organic Compounds (VOCs) to a level below the major threshold.

Vista Metals Inc., Kittanning, Armstrong County

The proposed RACT for Vista Metals Inc. includes the installation of a Ross dryer equipped with a condenser, along with the replacement of six existing Hobart dryers and an after condenser. The approved RACT establishes a potential VOC emission rate of 35 tons per year. A final RACT approval will be submitted to the Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan.

Persons wishing to present testimony at the hearings should contact Community Relations Coordinator, Rita Zettelmayer at (412) 442-4183 by July 6, 1998. Oral testimony will be limited to a maximum of 10 minutes and two written copies of the testimony should be provided. Each organization is requested to designate one witness to present testimony on its behalf.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to do so, should contact Rita Zettelmayer or the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Those unable to attend the hearings, but wishing to comment, should provide written comments to the DEP Regional Air Quality Program Manager, Joseph Pezze,

DEP, 400 Waterfront Drive, Pittsburgh, PA 15222. Comments should be submitted within 30 days of the date of this publication notice.

All pertinent documents are available for review from 8 a.m. to 4 p.m. at the DEP Regional Office in Pittsburgh. Appointments for scheduling a review may be made by calling (412) 442-4000.

Issuance of Reasonably Available Control Technology (RACT) Plan Approval

The Department of Environmental Protection (Department) will hold hearings at 11:30 a.m. in the Island Conference Room, DEP Office, 400 Waterfront Drive, Pittsburgh, PA on July 30, 1998, to receive comments on the proposed approval of a Reasonably Available Control Technology (RACT) Plan and Emission Reduction Credits (ERC's) for:

**Duquesne Light Company, Elrama Station, Union Township, Washington County
Permit No. 63-000-014**

Duquesne Light proposes to meet the presumptive oxides of nitrogen (NOx) RACT limitation of 25 Pa. Code § 129.93 through the installation of low NOx burners with separated overfire air on boilers one through four. These modifications have reduced NOx emissions by approximately 35%. The Department has reviewed the plan and made a preliminary determination to approve this plan.

**West Penn Power, Mitchell Station, Courtney Township, Washington County
Permit No. 63-000-016**

West Penn intends to meet the presumptive NOx RACT limitation of 25 Pa. Code § 129.93 through the installation of low NOx burners and separated overfire air on boilers #1, #2, #3 and #33. These modifications have reduced NOx emissions by approximately 35%.

Lukens Steel Company, Washington Steel Facility, Washington County, Permit No. 63-000-023

Washington Steel's facility in Washington, PA intends to meet the NOx RACT requirements of 25 Pa. Code Chapter 129 through operating with the manufacturer's specifications for all sources of combustion.

For the pickle lines, Washington Steel proposes to use the packed tower acid fume scrubber that currently controls the emissions.

Wheeling-Pittsburgh Steel Corporation, Allenport, Washington County, Permit No. 63-000-066

The plan approval is for the construction and operation of two combination natural gas/oil fired tube boilers rated at 60.5 MMBtu/hr retrofitted with Low-NOx Burners/Flue Gas Recirculation and the application of presumptive RACT to 104 ancillary sources.

Pennsylvania Department of Welfare's Western Center, Canonsburg, Washington County

Pennsylvania Department of Welfare proposes to limit Western Center's potential to emit to a level below the major NOx emitting facility threshold through a permit condition.

Corning Consumer Products, Charleroi, Washington County, Permit No. 63-000-110

The proposed approval is for the conversion of Tank 11 to full gas/oxygen firing on all ports, and the increase of electric boost on this source to 30%. Because the Tank 11 installation is found to exceed RACT economic guideline,

Corning has requested, and will be granted 500 tons NOx ERC's. NOx emissions from this source will be reduced by 66%.

RACT for the other sources at this facility will be the continued operation of Tank 6 with full gas/oxygen on all ports, and the operation and maintenance of all other sources in accordance with manufacturer's recommendations, and accepted air pollution control practices.

Columbia Gas Transmission Corporation, Donegal Township, Washington County

This RACT proposal for the Hartson Compressor Station would approve the implementation of an hours operation limitation on three Cooper Bessemer GV-10 engines and presumptive RACT on seven ancillary sources.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to do so, should contact Rita Zettelmayer or the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Those unable to attend the hearings, but wishing to comment, should provide written comments to the DEP Regional Air Quality Program Manager, Joseph Pezze, DEP, 400 Waterfront Drive, Pittsburgh, PA 15222. Comments should be submitted within 30 days of the date of this publication notice.

All pertinent documents are available for review from 8 a.m. to 4 p.m. at the DEP Regional Office in Pittsburgh. Appointments for scheduling a review may be made by calling (412) 442-4000.

Issuance of Reasonably Available Control Technology (RACT) Plan Approval

The Department of Environmental Protection (Department) will hold hearings at 2 p.m. in the Island Conference Room, Department of Environmental Protection Office, 400 Waterfront Drive, Pittsburgh, PA on July 7, 1998, to receive comments on the proposed approval of a Reasonably Available Control Technology (RACT) Plan and Emission Reduction Credits (ERC's) for:

Latrobe Steel Company, Latrobe, Westmoreland County, Permit Number 65-000-016

Latrobe Steel Company (LSC) complied with RACT requirements of sources with rated gross heat inputs less than 20 mmbtu/hr by implementing presumptive RACT technology which is the installation, maintenance and operation of the sources in accordance with manufacturer's specifications. For sources larger than 20 mmbtu/hr, LSC will perform an annual tune-up on each source to ensure that it is operating at the lowest possible emission rate. LSC also agreed to accept an operating limit of 6,000 hours per year for the Salem Walking Beam Furnace.

**Freedom Forge Corporation, Standard Steel Division, Westmoreland County
Permit Number 65-000-028**

The RACT Operating Permit approves Standard Steel's proposal to limit its potential to emit to a level below the major NOx emitting facility threshold.

Elliott Turbomachine Company, Jeannette, Westmoreland County, Permit Number 65-000-051

This RACT Operating Permit approves the Elliott Company's proposal to limit its potential to emit to a level below the major NOx emitting facility threshold. A final

RACT approval will be submitted to the Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan.

Allegheny Ludlum, Vandergrift, Westmoreland County, Permit Number 65-000-137

The RACT permit is for the continued operation with the manufacturer specifications of the No. 1 and No. 2 boilers at the Allegheny Ludlum Vandergrift Plant.

Chestnut Ridge Foam Inc., Latrobe, Westmoreland County, Permit Number 65-000-181

Chestnut Ridge Foam Inc. will take a limitation on its operating hours from 8,760 to 4,160 hours. This will enable the facility to reduce its potential of Volatile Organic Compounds (VOCs) emissions by 50%. Chestnut Ridge is also pursuing the use of nonsolvent adhesives on the glue and lamination lines. Currently, trial runs of the nonsolvent adhesives are taking place and implementation could begin in September.

Gen. Corp. Plastic Film Division, Jeannette, Westmoreland County, Permit Number 65-000-207

The proposed approval of the Operating Permit #65-000-207 for Gen. Corp. Inc. Plastic Film Division establishes a permanent restriction on oxides of nitrogen (NOx) emissions from the boilers to a level below the major source threshold "synthetic minor" by limiting steam productions. RACT established VOC limits for uncontrolled sources. A final RACT approval will be submitted to the EPA as a revision to Pennsylvania's State Implementation Plan.

BP Oil Company, Greensburg Terminal, Westmoreland County, Permit Number 65-000-378

The RACT Permit is for a synthetic minor determination at the BP Oil Company's Greensburg Terminal. BP will continue to operate this facility in a manner consistent with good air pollution control practices.

General Carbide Corporation, Greensburg, Westmoreland County, Permit Number 65-000-622

General Carbide Corporation processes metal carbide powders into a variety of parts used in the tooling industry. The mixture of metal carbide powders is produced through batch operations. The powdered materials are mixed with heptane, which is a volatile organic compound (VOC), to create a slurry with the blended powder. The slurry is then filtered in the drying room before the heptane is volatilized by steam heat in the drying units. General Carbide Corporation meets RACT, according to the Department, by utilizing its dryers and condensers to recapture an estimated 93% of the heptane involved with this process. General Carbide will not be required by the Department to add any additional emission controls to this process.

CNG Transmission Corporation, J. B. Tonkin Station, Westmoreland County Permit Number 65-000-634

The existing natural gas compressor engine at CNGT's J. B. Tonkin Station was equipped with the original equipment manufacturer's (OEM) controls at the time of engine installation. Oxides of Nitrogen (NOx) emissions from the engine are currently at the post RACT level.

CNG Transmission Corporation, Oakford Station, Salem Township, Westmoreland County Permit Number 65-000-837

The proposed revisions to the RACT Operating Permit issued to Consolidated Natural Gas Transmission (CNG)

for its Oakford Station in Salem Township, Westmoreland County increase allowable CO emission for 12 engines.

Texas Eastern Gas Transmission Corporation, Delmont Station, Sale Township, Westmoreland County, Permit Number 65-000-839

The proposed RACT approval for the Delmont Compressor Station would approve the operation of the Non-Selective Catalytic Reduction (NSCR) on six Ingersoll Rand KVG 410 engines, screw-in pre-combustors (SIPC) on four Ingersoll Rand KVS 412, and the implementation of presumptive RACT on eight ancillary sources.

CNG Transmission Corporation, South Oakford Station, Hempfield Township, Westmoreland County, Permit Number 65-000-840

CNG will modify its two existing natural gas compressor engines at the South Oakford Station by installing a high energy plasma ignition system along with modifications to the turbochargers.

CNGT Transmission Corporation, Jeannette Station, Penn Township, Westmoreland County Permit Number 65-000-852

CNGT will modify the six existing natural gas compressor engines at the Jeannette Station by retarding the ignition timing on the engines in order to comply with RACT regulations. The ignition timing will also be retarded on two other natural gas engines which are used to drive auxiliary electric power generators. The station will be permanently shut down no later than December 31, 1996.

Fansteel Hydro Carbide, Unity Township, Westmoreland County, Permit Number 65-000-860

Fansteel Hydro Carbide has complied with the RACT Regulations by installing a Hobart Mixer which is designed to keep the temperature of the ingredients being mixed below the point of evaporation of heptane, a volatile organic compound (VOC). A chiller unit will also be installed to sufficiently lower the temperature of the noncontact cooling water to prevent the tungsten carbide mixture within the mixers to reach the evaporation point of heptane. The installation of the Hobart Mixer and Chiller enabled Fansteel to reduce its VOC emissions by over 50% and below the major threshold for VOCs.

A final RACT approval will be submitted to the Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan.

Persons wishing to present testimony at the hearings should contact Community Relations Coordinator Rita Zettelmayer at (412) 442-4183 by July 6, 1998. Oral testimony will be limited to a maximum of 10 minutes and two written copies of the testimony should be provided. Each organization is requested to designate one witness to present testimony on its behalf.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to do so, should contact Rita Zettelmayer or the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Those unable to attend the hearings, but wishing to comment, should provide written comments to the DEP Regional Air Quality Program Manager, Joseph Pezze, DEP, 400 Waterfront Drive, Pittsburgh, PA 15222. Comments should be submitted within 30 days of the date of this publication notice.

All pertinent documents are available for review from 8 a.m. to 4 p.m. at the DEP Regional Office in Pittsburgh. Appointments for scheduling a review may be made by calling (412) 442-4000.

Issuance of Reasonably Available Control Technology (RACT) Plan Approval

The Department of Environmental Protection (Department) will hold hearings at 10 a.m. in the Island Conference Room, Department of Environmental Protection Office, 400 Waterfront Drive, Pittsburgh, PA on July 30, 1998, to receive comments on the proposed approval of a Reasonably Available Control Technology (RACT) Plan and Emission Reduction Credits (ERC's) for:

Johnstown Corporation, Johnstown, Cambria County, Permit Number 11-000-034

The Johnstown Corporation intends to meet the RACT regulation for NOx and VOC's set forth in 25 Pa. Code § 129 through two actions. The potential for NOx emissions will be reduced to less than 100 tons per year by accepting production limitations. RACT for VOC will be met by continuing to operate the facility in accordance with manufacturer specifications. There is not expected to be any resulting reductions in actual VOC or NOx emissions.

The final RACT approval will be submitted to the United States Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan.

Texas Eastern Transmission Corporation, Lilly Station, Cresson Township, Cambria County, Permit Number 11-000-258

The proposed RACT approval for the Lilly Compressor Station would approve the implementation of presumptive RACT on six ancillary sources.

The final RACT approval will be submitted to the United States Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan.

Cambria CoGen Company, Cambria County, Permit Number 11-000-332

In accordance with 25 Pa. Code § 129.91, DEP plans to approve the RACT proposal for the Cambria CoGen Company which produces steam and electricity from the use of waste coal refuse. The proposal approval for the CFb boilers is the limitation of NOx not to exceed .301 lbs/mmBtu on a 30 days rolling average basis and 1472 tons/year on an annual basis. Other minor sources in the facility are covered by the presumptive RACT limitation.

The Peoples Natural Gas Company, Rager Mountain Station, Jackson Township, Cambria County, Permit Number 11-000-356

The hearing is for the Department to take testimony concerning three RACT plans by the Peoples Natural Gas Company to reduce omissions of oxides of NOx from various air contamination sources at three compressor stations to meet the requirements under 25 Pa. Code §§ 129.91—129.95. The final RACT approval will be submitted to the United States Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan.

Persons wishing to present testimony at the hearings should contact Community Relations Coordinator Rita Zettelmayer at (412) 442-4183 by July 6, 1998. Oral testimony will be limited to a maximum of 10 minutes and two written copies of the testimony should be provided. Each organization is requested to designate one witness to present testimony on its behalf.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to do so, should contact Rita Zettelmayer or the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Those unable to attend the hearings, but wishing to comment, should provide written comments to the DEP Regional Air Quality Program Manager, Joseph Pezze, DEP, 400 Waterfront Drive, Pittsburgh, PA 15222. Comments should be submitted within 30 days of the date of this publication notice.

All pertinent documents are available for review from 8 a.m. to 4 p.m. at the DEP Regional Office in Pittsburgh. Appointments for scheduling a review may be made by calling (412) 442-4000.

Issuance of Reasonably Available Control Technology (RACT) Plan Approval

The Department of Environmental Protection (Department) will hold hearings at 2:30 p.m. in the Allegheny Conference Room, Department of Environmental Protection Office, 400 Waterfront Drive, Pittsburgh, PA on July 30, 1998 to receive comments on the proposed approval of a Reasonably Available Control Technology (RACT) Plan and Emission Reduction Credits (ERC's) for:

J & L Specialty Steel Midland Works, Midland, Beaver County

J & L Specialty Steel intends to meet the RACT regulation of 25 Pa. Code § 129 by conducting an annual tune-up on the appropriate combustion units at the facility. Those combustion units that do not receive a tune-up will continue to operate within the manufacturer's specifications. Other sources at this facility subject to RACT will operate in accordance with good engineering practices. There is not expected to be any resulting reductions in actual emissions.

LTV Steel Company, Aliquippa, Beaver County

The proposed RACT permit for the Aliquippa Works involves the installation of low oxides of nitrogen (Low-NOx) burners on two of three package boilers while retaining the conventional burner on the third boiler, but limiting the annual fuel usage on that unit to 200 MMCF and potential annual NOx emissions to 14 tons per year. The other small combustion sources would also be limited to annual NOx emissions.

Koppel Steel, Koppel, Beaver County

For the Rotary Hearth furnace, Koppel proposes to employ the use of the low excess air at 10% to minimize NOx formation. For the electric arc furnace and ladle refining station, Koppel proposed to operation and maintenance in accordance with good air pollution control practice. All other sources at the facility will take the presumptive RACT provisions as described in the Department's regulations.

Whemco Midland Foundry, Midland, Beaver County

Whemco Midland Foundry will take a limitation on its annual natural gas usage. The proposed limit is 983,000 Mcf/Yr. of natural gas for the entire facility. The natural gas usage will be monitored and recorded monthly. If this facility would reach this limit, it would equal 75 tons of NOx emissions. This will enable Whemco to accept the Federally enforceable condition to limit its NOx emissions to below 100 tons per year of NOx and thus become a synthetic minor.

**Anchor Hocking Speciality Glass Company,
Monaca, Beaver County**

The RACT Operating Permit is for the operation of Lox-NOx burners, underreport firing, and low, excess air on a melter tank, the application of presumptive RACT on the annealing and decorating lehrs, the application of presumptive RACT on the quench lehrs, and the removal of niter addition from the glass-making processes by Anchor Hocking.

Armstrong World Industries, Beaver Falls, Beaver County

The proposed approval of the RACT operating permit #04-000-108 for Armstrong World Industries, Inc. established a permanent restriction of the VOC emissions from each VOC source located at the facility.

Columbia Gas Transmission Corporation, Ellwood City, Beaver County

This RACT proposed Operating Permit is for Columbia Gas's proposal to limit Ellwood City Station's potential to emit to a level below the major NOx emitting facility threshold. Each of the two Clark RA-5 engines will be limited to 1,314,000 bhp-hrs annually.

AES Beaver Valley Cogeneration, Monaca, Beaver County

AES Beaver Valley Cogeneration intends to meet the oxides of nitrogen (NOx) RACT regulations set forth in 25 Pa. Code § 129 through the installation of Low NOx burners.

J & L Structural Inc., Aliquippa, Beaver County

J & L Structural, Inc. intends to meet the oxides of nitrogen (NOx) RACT regulations set forth by 25 Pa. Code § 129 by continuing to operate the mill reheat furnace at the facility in accordance with manufacturers specifications. There is not expected to be resulting reductions in NOx emissions.

**Emess Lighting Inc., A Division of Cycle II Corp.,
Ellwood City, Beaver County**

The RACT plan calls for Alsy Lighting Inc. to accept operational limitations which restrict the emissions of volatile organic compounds (VOCs) to 40 tons per year to meet the requirements under 25 Pa. Code § 129. The Cycle II facility is located at 1110 Mecklem Lane, Ellwood City, PA.

The final RACT approval will be submitted to the United States Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan.

**Sun Company Inc. (R&M) Beaver Terminal,
Vanport, Beaver County**

The proposed approval of the RACT operating permit #04-000-489 for Sun Company, Inc. (R&M) establishes a permanent restriction on VOC emissions from each VOC source located at the facility. As a result of these permanent restrictions on the VOC emissions, Sun Company is not considered a major VOC emitting facility as defined by 25 Pa. Code § 121.1 The sources shall be considered as a "synthetic minor."

**Consolidated Natural Gas Corporation (CNG)
Beaver Station, North Sewickley Township, Beaver County**

The proposed RACT permit for the Beaver Station is for the application of presumptive RACT to all sources at this station, constructed in 1992 and 1993 and met Best Available Control Technology requirements at that time.

The final RACT approval will be submitted to the United States Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan.

Tuscarora Inc., New Brighton, Beaver County

Tuscarora Inc. intends to make a "process modification" by using reduced Volatile Organic Compound (VOC) bead technology in the expandable polystyrene molding process as meeting the RACT requirements of section 129. This reduction in VOC content represents a decrease of about 35% of actual emissions. This manufacturing process (EPS), consists of a series of steps during which the bead shaped resin is expanded, aged, and fused into desired shapes. Tuscarora manufactures various foam plastic product, including structural components, custom molded parts and foam package handling materials. A final RACT approval will be submitted to the Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan.

Columbia Gas Transmission Corporation, Blackhawk, Beaver County

This RACT proposed Operating Permit is for Columbia Gas's proposal to limit Blackhawk Station's potential to emit to a level below the major NOx emitting facility threshold. The Ingersoll-Rand 8TVR will be limited to 4,309,000 bhp-hrs annually.

Persons wishing to present testimony at the hearings should contact Community Relations Coordinator Rita Zettelmayer at (412) 442-4183 by July 6, 1998. Oral testimony will be limited to a maximum of 10 minutes and two written copies of the testimony should be provided. Each organization is requested to designate one witness to present testimony on its behalf.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to do so, should contact Rita Zettelmayer or the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Those unable to attend the hearings, but wishing to comment, should provide written comments to the DEP Regional Air Quality Program Manager Joseph Pezze, DEP, 400 Waterfront Drive, Pittsburgh, PA 15222. Comments should be submitted within 30 days of the date of this publication notice.

All pertinent documents are available for review from 8 a.m. to 4 p.m. at the DEP Regional Office in Pittsburgh. Appointments for scheduling a review may be made by calling (412) 442-4000.

Issuance of Reasonably Available Control Technology (RACT) Plan Approval

The Department of Environmental Protection (Department) will hold hearings at 10:30 a.m. in the Island Conference Room, Department of Environmental Protection Office, 400 Waterfront Drive, Pittsburgh, PA on July 30, 1998, to receive comments on the proposed approval of a Reasonably Available Control Technology (RACT) Plan and Emission Reduction Credits (ERC's) for:

**Consolidated Natural Gas Corporation (CNG),
North Summit Station, North Union Township,
Fayette County, Permit No. 26-000-405**

The proposed RACT permit for the North Summit Station is for the application of presumptive RACT to all sources at this station, constructed in 1991.

CNG's North Summit Station intends to fulfill all of the applicable requirements specified in 25 Pa. Code Chapter 139; RACT File No. 26-0405, and the Departments Source Testing Manual.

Texas Eastern Transmission Corporation, Uniontown Station, North Union Township, Fayette County, Permit No. 26-000-413

The proposal approval covers the operation of Non-Selective Catalytic Reduction (NSCR) on four Ingersoll Rand engines, Dry Low-NOx Combustors (DLNC) on two solar Mars turbines, and the application of presumptive RACT on the ancillary sources as part of Texas Eastern's RACT plan for its Uniontown compressor station.

Persons wishing to present testimony at the hearings should contact Community Relations Coordinator Rita Zettelmayer at (412) 442-4183 by July 6, 1998. Oral testimony will be limited to a maximum of 10 minutes and two written copies of the testimony should be provided. Each organization is requested to designate one witness to present testimony on its behalf.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to do so, should contact Rita Zettelmayer or the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Those unable to attend the hearings, but wishing to comment, should provide written comments to the DEP Regional Air Quality Program Manager, Joseph Pezze, DEP, 400 Waterfront Drive, Pittsburgh, PA 15222. Comments should be submitted within 30 days of the date of this publication notice.

All pertinent documents are available for review from 8 a.m. to 4 p.m. at the DEP Regional Office in Pittsburgh. Appointments for scheduling a review may be made by calling (412) 442-4000.

Issuance of Reasonably Available Control Technology (RACT) Plan Approval

The Department of Environmental Protection (Department) will hold hearings at 11 a.m. in the Allegheny Conference Room, Department of Environmental Protection Office, 400 Waterfront Drive, Pittsburgh, PA on July 30, 1998, to receive comments on the proposed approval of a Reasonably Available Control Technology (RACT) Plan and Emission Reduction Credits (ERC's) for:

Somerset State Hospital, Somerset, Somerset County

The proposed RACT permit of the Somerset State Hospital is for the application of RACT synthetic minor consideration for the three Riley Boilers limiting their consumption of coal. The other sources associated with the Hospital (two residential gas-fired furnaces and six emergency generators) will take presumptive RACT for maintenance and operation in accordance with the manufacturer's specifications. A final RACT approval will be submitted to the Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan.

Persons wishing to present testimony at the hearings should contact Community Relations Coordinator Rita Zettelmayer at (412) 442-4183 by July 6, 1998. Oral testimony will be limited to a maximum of 10 minutes and two written copies of the testimony should be provided. Each organization is requested to designate one witness to present testimony on its behalf.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to do so, should contact Rita Zettelmayer or the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Those unable to attend the hearings, but wishing to comment, should provide written comments to the DEP Regional Air Quality Program Manager, Joseph Pezze, DEP, 400 Waterfront Drive, Pittsburgh, PA 15222. Comments should be submitted within 30 days of the date of this publication notice.

All pertinent documents are available for review from 8 a.m. to 4 p.m. at the DEP Regional Office in Pittsburgh. Appointments for scheduling a review may be made by calling (412) 442-4000.

Issuance of Reasonably Available Control Technology (RACT) Plan Approval

The Department of Environmental Protection (Department) will hold hearings at 1 p.m. in the Island Conference Room, Department of Environmental Protection Office, 400 Waterfront Drive, Pittsburgh, PA on July 30, 1998, to receive comments on the proposed approval of a Reasonably Available Control Technology (RACT) Plan and Emission Reduction Credits (ERC's) for:

Texas Eastern Gas Transmission Corporation, Holbrook Station, Rich Hill, Greene County, Permit No. 30-000-077

The plan approval is for the installation and operation of screw-in precombustion chambers on four Ingersoll Rand KVS412 engines, ignition retard on eight Cooper Bessemer GMV10S engines, the operation of Low-NOx burners on one Solar Mars turbine, and the implementation of presumptive RACT on seven ancillary sources at the Holbrook Station.

Consolidated Natural Gas Corporation, Crayne Station, Franklin Township, Greene County, Permit No. 30-000-089

The plan approval is for the application of presumptive RACT to the Solar Taurus turbine (6500 hp), which was installed in 1992, met BAT requirements at that time and will be retrofitted with an OEM low oxides of nitrogen (NOx) combustor kit at the first overhaul. All other sources at the station will take presumptive RACT of maintenance and operation with accordance with manufacturer's specifications.

Carnegie Natural Gas Company, Waynesburg Station, Greene County, Permit No. 30-000-106

The plan approval is for the modification of the two existing natural gas compressor engines at the Waynesburg Station. This modification includes the installation of Original Equipment Manufacturer (OEM) controls on the natural gas compressor engines. Carnegie gas will install a high energy ignition system with upgrades on the turbocharger and associated cooling system to both engines.

This will enable Carnegie Natural Gas to restrict the emissions of oxides of NOx and VOC's to a level below the major threshold.

Equitrans Inc., Rogersville Station, Center Township, Greene County, Permit No. 30-000-109

The RACT plan approves the implementation of presumptive RACT on seven ancillary sources as part of the RACT plan for the Rogersville Station.

Equitrans Inc., Pratt Station, Waynesburg, Greene County, Permit No. 30-000-110

The RACT plan approves the implementation of presumptive RACT on five Cooper Bessemer GMV-8 engines and presumptive RACT on 12 ancillary sources as part of the RACT plan for the Pratt Station.

Persons wishing to present testimony at the hearings should contact Community Relations Coordinator Rita Zettelmayer at (412) 442-4183 by July 6, 1998. Oral testimony will be limited to a maximum of 10 minutes and two written copies of the testimony should be provided. Each organization is requested to designate one witness to present testimony on its behalf.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to do so, should contact Rita Zettelmayer or the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Those unable to attend the hearings, but wishing to comment, should provide written comments to the DEP Regional Air Quality Program Manager, Joseph Pezze, DEP, 400 Waterfront Drive, Pittsburgh, PA 15222. Comments should be submitted within 30 days of the date of this publication notice.

All pertinent documents are available for review from 8 a.m. to 4 p.m. at the DEP Regional Office in Pittsburgh. Appointments for scheduling a review may be made by calling (412) 442-4000.

MINING

APPLICATIONS TO CONDUCT COAL AND NONCOAL ACTIVITIES

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

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

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

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

56880107. Permit Renewal, **Scurlfield Coal, Inc.** (228 Main Street, Berlin, PA 15530), commencement, operation and restoration of bituminous strip mine, valid for reclamation only in Paint Township, **Somerset County**, affecting 52.9 acres, receiving stream Seese Run. Application received June 12, 1998.

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

03880110R. **McKay Coal Co., Inc.** (R. D. 2, Box 35C, Templeton, PA 16259-9211). Renewal application received for continued operation and reclamation of a bituminous surface mine located in Mahoning Township, **Armstrong County**. Receiving streams: unnamed tributaries to Cathcart Run, Cathcart Run, unnamed tributaries to Little Mudlick Creek and Little Mudlick Creek. Renewal application received May 29, 1998.

65980102. **V. P. Smith Company, Inc.** (P. O. Box 242, Ligonier, PA 15658). Application received for commencement, operation and reclamation of a bituminous surface mine located in Fairfield Township, **Westmoreland County**, proposed to affect 72.8 acres. Receiving streams: Unnamed tributaries of Hannas Run to Hannas Run to Mill Creek to the Loyalhanna River. Application received May 29, 1998.

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

30841317. **Consol Pennsylvania Coal Co.,** (Waynesburg Operation, P. O. Box 174, Graysville, PA 15337), to revise the permit for the Enlow Fork Mine in Richhill Township, **Greene County** to install the B-14 Vent Boreholes, no additional discharges. Application received June 8, 1998.

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

54830206R3. Meadowbrook Coal Co., Inc. (6690 State Route 209, Lykens, PA 17048), renewal of an existing coal refuse reprocessing operation in Tremont Township, **Schuylkill County** affecting 11.1 acres, receiving stream—Stump Run. Application received June 15, 1998.

54830107C2. Selkirk Mining Company (200 East Norwegian Street, Pottsville, PA 17901) correction to include information for temporary stream crossing in Branch and Reilly Townships, **Schuylkill County**, affecting 3.0 acres, receiving stream—West Branch of Schuylkill River. Application received June 10, 1998.

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

Applications Received Noncoal:

43820309. Roger Hoffman (22 McMillan Road, Mercer, PA 16137) Renewal of an existing sand and gravel operation in Findley Township, **Mercer County** affecting 9.6 acres. Receiving streams: an unnamed tributary to Cool Spring Creek. Application received June 11, 1998.

3074SM13. Allegheny Mineral Corporation (P. O. Box 1022, Kittanning, PA 16201) Renewal of an existing limestone operation in Slippery Rock Township, **Butler County** affecting 848.9 acres. Receiving streams: An unnamed tributary to Slippery Rock Creek and unnamed tributaries to Wolf Creek to Slippery Rock Creek to the Beaver River. Application received June 17, 1998.

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

01740601A1C3. Valley Quarries, Inc. (P. O. Box J, Chambersburg, PA 17201), renewal of NPDES Permit No. PA0594407 in Mt. Joy Township, **Adams County**, receiving stream—Rock Creek. Application received June 15, 1998.

8275SM1C. Prospect Aggregates, Inc. (c/o Binkley & Ober, Inc., P. O. Box 7, East Petersburg, PA 17520), correction to an existing quarry operation in West Hempfield Township, **Lancaster County** affecting 34.7 acres, receiving stream—Chickies Creek. Application received June 15, 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 any comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted above the application.

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

Application 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 requests for certification under section 401 of the Federal Water Pollution Control Act.

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

E09-768. Encroachment. Bensalem Twp., 2400 Byberry Rd., Bensalem, PA 19020. To place and maintain fill in the 100-year floodway of the Neshaminy Creek for the installation of portable toilets at Armstrong Park located on Bensalem Boulevard near its intersection with Gibson Road (Beverly, PA-NJ Quadrangle N: 21.55 inches; W: 4.25 inches) in Bensalem Township, **Bucks County**.

E09-773. Encroachment. Preit-Rubin, The Bellevue, 200 S. Broad Street, Philadelphia, PA 19102 and **Warrington Twp.,** 852 Easton Rd., Warrington, PA 18976. To construct and maintain the proposed Town Road bridge structure over the Little Neshaminy Creek (WWF, MF). The proposed work will extend existing Titus Road to provide a connection between Easton Road (SR 611) and Street Road (SR 132), and also alleviate traffic congestion associated with access to the proposed Warrington Retail Center. The proposed prestressed concrete beam bridge will have a 120-foot long single span, reinforced concrete abutments and have minimum underclearance of approximately 9 feet. This project also includes placement of fill material in 0.54 acre of adjacent wetlands associated with the proposed road construction. The site is located at a point approximately 2,000 feet southeast of the intersection of Easton Road (SR 611) and Street Road (SR 132) (Ambler, PA Quadrangle N: 18.0 inches; W: 1.8 inches) in Warrington Township, **Bucks County**. Applicant proposes to provide on site wetland replacement.

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

E06-514. Encroachment. John Henry, M. D., 1025 Hunter Road, Mohnton, PA 19540. To construct and maintain an excavated point impacting 0.46 acre adjacent to Wyomissing Creek at a point downstream of Hunter Road (Reading, PA Quadrangle N: 2.5 inches; W: 16.7 inches) in Cumru Township, **Berks County**.

E21-281. Encroachment. PA Department of Transportation, Engineering District 8-0, John Rautzahn, 2140 Herr Street, Harrisburg, PA 17103. To remove the existing structure and to construct and maintain a prestressed spread box beam bridge with a centerline span of 25.46 feet on an 80 degree skew with a minimum underclearance of 4.45 feet across an unnamed tributary to Yellow Breeches Creek on SR 2017, Section 003, Segment 0040, Offset 0000, Station 64+66 (Lisburn Road) located about 1.4 miles northwest of Lisburn Village (Lemoyne, PA Quadrangle N: 10.65 inches; W: 7.7 inches) in Lower Allen Township, **Cumberland County**.

E28-256. Encroachment. Greenridge Farms, Inc., Nick Miller, 11144 Old Forge Road, Waynesboro, PA 17268. To extend the length of existing twin 42-inch

diameter reinforced concrete pipe (RCP) culverts by 40 feet in the channel of an unnamed tributary to East Branch Antietam Creek (locally called Bailey Run) in order to widen the roadway width of Pineridge Drive for a development called Woodcrest Development, Section F-1 located about 0.9 mile southwest of Glen Forney Village (Waynesboro, PA Quadrangle N: 1.7 inches; W: 1.4 inches) in Washington Township, **Franklin County**.

E22-385. Encroachment. **Derry Woods Residential Development**, Lee Moyer, 851 Bullfrog Valley Road, Hummelstown, PA 17036. To remove an existing structure and construct and maintain a 16-foot 4-inch by 5-foot 11-inch aluminum box culvert and impact 0.20 acre of wetlands in and along a tributary to Swatara Creek at a point along Bullfrog Valley Road (Hershey, PA Quadrangle N: 1.0 inch; W: 8.5 inches) in Derry Township, **Dauphin County**.

E31-144. Encroachment. **PA Department of Transportation**, Engineering District 9-0, 1620 N. Juniata Street, Hollidaysburg, PA 16648. To remove an existing structure and to construct and maintain a spread box beam bridge having (2) clear spans of 35.36 feet and an underclearance of about 12 feet across Great Trough Creek located on SR 3019, Section 001, Segment 0200 about 1.2 miles south of the Village of Cassville (Cassville, PA Quadrangle N: 5.3 inches; W: 6.6 inches) in Cass Township, **Huntingdon County**.

E36-653. Encroachment. **PA Department of Transportation**, Engineering District 8-0, John Rautzahn, 2140 Herr Street, Harrisburg, PA 17103. To remove the existing structure, construct and maintain a precast reinforced concrete box culvert having an 18.0 foot normal span and a vertical underclearance of 4.0 feet on a 75 degree skew over Coopers Run on SR 2014, Segment 0030, Offset 0000 (Maple Shade Road) (Kirkwood, PA Quadrangle N: 20.8 inches; W: 7.95 inches) in Colerain Township, **Lancaster County**.

E38-118. Encroachment. **Pine Meadows Golf Course**, Larry Raybold, P. O. Box 66, Manheim, PA 17545. To construct and maintain three golf cart/pedestrian bridges across wetlands and a tributary to the Little Swatara Creek for access to golf greens No. 3, 15 and 16. Utility lines are authorized to be attached to structures to cross the watercourses and wetlands. Fill is authorized to be placed in a de minimis area of wetlands less than or equal to 0.04 acre for construction of paved cart paths and the bridge ramps. To place fill within the floodway of the Little Swatara Creek to raise the elevation of Green No. 13 to elevation 412 and stabilize the slide slopes with rock. This permit also authorized the enlargement by excavation to deepen five existing ponds on tributaries to the Little Swatara Creek and provide additional storage capacity for golf course irrigation. Permittee is authorized to perform pond maintenance and remove accumulated sediment as necessary to maintain capacity. The proposed nine hole golf course expansion of the Pine Meadows Golf Course is located on the west side of SR 343 and south of Greble Road (Fredericksburg, PA Quadrangle N: 6.5 inches; W: 7.0 inches) in Bethel Township, **Lebanon County**.

E38-119. Encroachment. **Wayne Herr**, R 1, Box 6870, Grantville, PA 17028. To excavate a 120-foot by 200-foot impoundment area for construction of a private non-jurisdictional dam across a tributary to the Swatara Creek and to abandon and fill in an existing upstream pond. This permit also authorizes the relocation and stabilization of about 100 feet of the watercourse from the existing impoundment area for the purpose of protecting

a private residence from bank erosion. The permit authorizes the construction and maintenance of 60 feet of an 18-inch pipe culvert and the removal of the existing dam drain pipe from under the driveway for the Herr residence located (Grantville, PA Quadrangle N: 7.2 inches; W: 0.5 inch) in East Hanover Township, **Lebanon County**.

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

E19-177. Encroachment. **Columbia County Commissioners**, P. O. Box 380, Bloomsburg, PA 17815. To repair, operate and maintain a single span covered bridge that carries T-422 across Catawissa Creek. The repair work shall consist of 1) constructing reinforced concrete backwalls and bearing seats at the existing abutments 2) underpinning the abutments with riprap and 3) replacing the existing timber stringers and floorbeams which shall not alter the clear normal span of 95 feet, the average underclearance 17 feet or the curb to curb width of 13.5 feet. The project is located along the eastern right-of-way of SR 0487 at the intersection of T-403 and T-422 (Catawissa, PA Quadrangle N: 14.0 inches; W: 10.1 inches) in Catawissa Township, **Columbia County**. Estimated stream disturbance is 155 feet of waterway. Temporary impact will be 155 feet of stream which shall be restored to original geometry, contours and elevations.

E53-313. Encroachment. **Kenneth P. Ayers**, R. R. 1, Box 256A, Austin, PA 16720. To construct, operate and maintain a storage building the floodway of an unnamed tributary to Prouty Run for the storage of commercial equipment. The work shall consist of constructing a commercial building that measures 2,400 square feet and is located along the eastern right-of-way of SR 3003 west of the intersection of Long Toe Road and Wild Boy Road (Ayers Hills, PA Quadrangle N: 5.00 inches; W: 8.25 inches) in Summit Township, **Potter County**. This permit also authorizes the installation of 80 linear feet of riprap channel protection for the restoration of the unnamed tributary to Prouty Run. Project will not impact the stream or wetlands; stream classification is High Quality Cold Water Fishery.

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

E02-1226. Encroachment. **Lincoln Property Company**, 35 Highland Road, Bethel Park, PA 15102. This application originally published April 25, 1998 to construct and maintain a 362.0 foot long x 94.0 foot wide boat docking facility. This is resubmitted to construct and maintain a boat docking facility having a total length of approximately 679.2 feet and a total width of approximately 109.0 feet (as measured from the low water mark) in the channel of and along the right bank of the Allegheny River (WWF) for the purpose of providing docking spaces for tenants of the Lincoln at North Shore Apartments. The project is located just upstream from the Ninth Street Bridge, (Pittsburgh East, PA Quadrangle N: 13.4 inches; W: 16.5 inches) in the City of Pittsburgh, **Allegheny County**.

E02-1236. Encroachment. **County of Allegheny**, Department of Public Works, 501 County Office Building, 542 Forbes Avenue, Pittsburgh, PA 15219-2951. To rehabilitate and maintain the existing Montour Run Bridge No. 20 bridge having a span of 17.0 feet with an underclearance of 11.15 feet across Montour Run (TSF) located on Enlow Road, just north of the intersection of Enlow Road, McNees Lane, Cliff Mine Road, Grace Street

and West Allegheny Road (Oakdale, PA Quadrangle N: 14.6 inches; W: 15.2 inches) in Findlay and North Fayette Townships, **Allegheny County**.

E02-1237. Encroachment. **Peoples Natural Gas Company**, 1201 Pitt Street, Pittsburgh, PA 15221. To rehabilitate and maintain the existing 20 inch diameter gas pipeline TP-7800 and the existing 4 inch diameter gas pipeline (M-3647) in the channel of an unnamed tributary to Sawmill Run (WWF) located approximately 300 feet northwest from the intersection of Beaver Road (S. R. 130) and Leax Lane on the south side of Leax Lane (Braddock, PA Quadrangle N: 9.4 inches; W: 1.8 inches) in Wilkins Township, **Allegheny County**.

E56-282. Encroachment. **Stonycreek Valley Development Corporation**, 305 Stonycreek Street, Boswell, PA 15531. To construct and maintain three ford crossings below normal pool level in the backwater areas of Lake Stonycreek (CWF) for the purpose of sediment retention and removal. The project is located approximately 0.5 mile west of the intersection of S. R. 160, T-535 and T-567 (Central City, PA Quadrangle N: 1.7 inches; W: 16.1 inches) in Stonycreek Township, **Somerset County**.

E63-456. Encroachment. **Pennsylvania Trolley Museum**, 1 Museum Road, Washington, PA 15301-6133. To place and maintain fill in the floodway along the right bank side of Chartiers Creek (WWF) for the purpose of constructing a new visitors complex for the Pa. Trolley Museum. The project is located on the west side of Country Club Road, approximately 800 feet south of its intersection with LR 62189 (Washington East, PA Quadrangle N: 15.5 inches; W: 16.5 inches) in Chartiers Township, **Washington County**.

E63-457. Encroachment. **PA Department of Transportation**, Engineering District 12-0, P. O. Box 459, Uniontown, PA 15401. To repair the invert of a 15.0 foot x 13.0 foot oblong corrugated metal pipe using cement concrete paving for a distance of 313.4 feet in an unnamed tributary to Chartiers Creek (WWF). To conduct channel cleaning and install R-4 rock for bank protection for a distance of 48.0 feet upstream from the pipe and install R-6 rock for bank protection for a distance of 64.0 feet downstream from the pipe. The project is located along Interstate 79 at the Meadowlands Interchange (Washington East, PA Quadrangle N: 17.9 inches; W: 12.4 inches) in North Strabane and South Strabane Townships, **Washington County**.

E65-698. Encroachment. **Clarence B. Smail, Jr.**, P. O. Box 1200, Route 30 East, Greensburg, PA 15601. To extend and maintain the existing 13 foot by 8 foot metal plate arch pipe under S. R. 30 for a length of 250 feet in the channel of Slate Creek (WWF); to construct and maintain a 360 foot long, 5 foot diameter R. C. pipe stream enclosure in the channel of an unnamed tributary to Slate Creek; and to place and maintain fill in 0.01 acre of de minimis wetlands (PEM) for the purpose of building a new car sales area. The project is located just north of S. R. 30, approximately 0.5 mile east of Eastgate Shopping Plaza (Latrobe, PA Quadrangle N: 9.20 inches; W: 15.7 inches) in Hempfield Township, **Westmoreland County**.

E03-374. Encroachment. **Armstrong School District**, 410 Main Street, Ford City, PA 16226-1698. To construct and maintain a single span bridge having a normal span of 62.0 feet and an underclearance of 9.0 feet across Cowanshannock Creek (WWF) for the purpose of providing access to the proposed secondary school complex. Also proposed are four outfall structures along Cowanshan-

nock Creek including a 24-inch pipe, a 36-inch pipe and two 30-inch pipes. The project is located approximately 200 feet south of the intersection of S. R. 85 and S. R. 839 (Rural Valley, PA Quadrangle N: 8.3 inches; W: 2.3 inches) in Cowanshannock Township, **Armstrong County**.

E56-283. Encroachment. **Somerset Housing Development, LTD**, Housing Alliance of Indiana County, Inc., 104 Philadelphia Street, Indiana, PA 15701. To place and maintain fill in 0.2 acre of wetlands (PEM) for the purpose of constructing apartments for lower income elderly households along an unnamed tributary to East Branch of Coxes Creek (TSF). The applicant proposes to make a payment to the Pennsylvania Wetland Replacement Project in lieu of constructing replacement wetlands. The project is located at the intersection of Brierwood Drive and Princeton Avenue (Murdock, PA Quadrangle N: 21.5 inches; W: 12.8 inches) in Somerset Borough, **Somerset County**.

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

E16-103. Encroachment. **Vernon F. Waltman**, R. D. 2, P. O. Box 168A, Clarion, PA 16214. To construct, modify and maintain the following structures and/or activities associated with Waltman's Mule Camp along the Clarion River and within the impoundment area of Piney Dam located south of McCleary Road approximately 2 miles East of S. R. 1005 near Clarion (Strattanville, PA Quadrangle N: 18.85 inches; W: 12.0 inches) located in Highland Township, **Clarion County**.

1. Modify and maintain an approximately 250-foot-long, 48-inch-diameter CM pipe stream enclosure in a tributary to the Clarion River having an improved inlet with concrete headwall and endwall, outlet protection and paved overflow channel. This structure is to provide expanded parking area for existing camps and access for a marina.

2. Maintain approximately 920 cubic yards of fill placed along a 269-foot-reach of the Clarion River within the impoundment area of Piney Dam to provide expanded parking and access for existing camps and a marina.

3. Construct and maintain dock facilities for 100 boats along the right side of the Clarion River within the impoundment area of Piney Dam.

E61-214. Encroachment. **PA Department of Transportation**, Engineering District 1-0, 1140 Liberty Street, Franklin, PA 16323. To remove the existing single pratt truss bridge locally known as the Jersey Bridge (Drake Well Bridge) and to construct and maintain a multi-steel plate girder bridge with a single clear span of 133 feet, a minimum underclearance of 11 feet, and on a 90 degree skew across Oil Creek (CWF, trout stocked). The project is located on S. R. 1011 across Oil Creek approximately 1,000 feet north of the Drake Well Museum located in Cherrytree Township, **Venango County**.

DAM SAFETY

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 Waterways Engineering, 400 Market Street, 6th Floor, P. O. Box 8554, Harrisburg, PA 17105-8554, (717) 787-8568.

D06-501. Dam. **Pennsylvania Department of Transportation** (Engineering District 5-0, 1713 Lehigh Street, Allentown, PA 18103). To construct, operate and maintain a stormwater detention dam across a tributary to Lauers Run (Reading, PA Quadrangle N: 12.9 inches; E: 2.15 inches) in the Borough of Wyomissing, **Berks County**. This dam will be located behind the development along Lincoln Court and will control stormwater from the proposed relocation/reconstruction of U. S. 222 and construction of the Warren Street Extension.

ENVIRONMENTAL ASSESSMENT

Requests for Environmental Assessment approval under section 105.15 of 25 Pa. Code 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.

EA15-023C0. Environmental Assessment. **Cedarville United Methodist Church** (1092 Laurelwood Road, Pottstown, PA 19465). To modify and maintain an existing driveway culvert into a nonjurisdictional dam across a tributary to the Schuylkill River (HQ-TSF) for stormwater management at the Cedarville United Methodist Church located approximately 600 feet south of the intersection of S. R. 724 and Laurelwood Road (Pottstown, PA Quadrangle N: 19.35 inches; W: 6.00 inches) in North Coventry Township, **Chester County**.

EA15-024C0. Environmental Assessment. **Krapf Homes, Inc.** (451 Marshall Road, Glenmoore, PA 19343). To modify and maintain an existing non-jurisdictional dam located in the watershed of a tributary to East Branch Brandywine Creek (HQ-TSF, MF) impacting a de minimis area of wetlands (PEM) equal to 0.05 acre for stormwater management at the proposed Marshall Pond subdivision located approximately 1,700 feet northwest of the intersection of Marshall Road and Highspire Road (Wagontown, PA Quadrangle N: 12.7 inches; W: 1.5 inches) in Wallace Township, **Chester County**.

EA36-011C0. Environmental Assessment. **East Petersburg Borough Authority** (6040 Main Street, East Petersburg, PA 17520). To breach and remove a jurisdictional dam across Little Conestoga Creek (TSF) for the purpose of restoring the stream to a free flowing condition. The dam is located approximately 100 feet upstream of the S. R. 722 bridge crossing Little Conestoga Creek (Lancaster, PA Quadrangle N: 19.55 inches; W: 12.35 inches) in East Petersburg Borough, **Lancaster County**.

EA59-009C0. Environmental Assessment. **Mike and Harold Dunaway** (122 Heaps Road, Street, MD 21154). To construct and maintain a nonjurisdictional dam in the watershed of a tributary to Crance Brook (CWF) impacting approximately 0.18 acre of wetlands (PEM) for the purpose of recreation and wildlife enhancement located approximately 3,600 feet north of the intersection of Reservoir Hill Road (T-338) and T-635 (Potter Brook, PA-NY Quadrangle N: 4.1 inches; W: 7.8 inches) in Westfield Township, **Tioga County**.

D63-017EA. Environmental Assessment. **Beth Energy Mines, Inc.** (P. O. Box 29, Ebensburg, PA 15931). To remove a partially breached dam across Patterson Run (TSF) for the purpose of restoring the stream to a free flowing condition. The dam is part of the facilities associated with the closed Marianna Mine No. 58 and is located approximately 4,000 feet upstream of the confluence of Tenmile Creek and Patterson Run (Ellsworth, PA

Quadrangle N: 0.85 inch; W: 17.05 inches) in West Bethlehem Township, **Washington County**.

ACTIONS

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

[National Pollution Discharge Elimination System Program (NPDES)]

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

(Part I Permits)

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

Any 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, Market Street 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).

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

WQM Permit No. 0998405. Sewerage. **Borough of Quakertown**, 15—35 North Second Street, P. O. Box 727, Quakertown, PA 18951, applicant request approval to construct an additional 2.0 million gallon flow equalization tank at the WWTP located in Richland Township, **Bucks County**.

WQM Permit No. 4698411. Sewerage. **Horsham Township Sewer Authority**, 617 B Horsham Road, P. O. Box 1565, Horsham, PA 19044, construction and operation of gravity sewer collection system pump station and forcemain to serve proposed Fairway Estates developments located in Horsham Township, **Montgomery County**.

NPDES Permit No. PA 0021512. Sewage. **Borough of Royersford**, P. O. Box 188, Royersford, PA 19468. Is authorized to discharge from a facility located in Upper Providence Township, **Montgomery County** into Schuylkill River.

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

NPDES No. PA0027171-A1. Sewerage. **Bloomsburg Municipal Authority**, Municipal Bldg., Bloomsburg, PA 17815. Permit amendment to discharge treated sewage from facility located at Town of Bloomsburg, **Columbia County**.

NPDES No. PA0112305. Sewerage. **Wyalusing Municipal Authority**, P. O. Box 61, Wyalusing, PA 18853. Renewal to discharge treated sewerage from facility located at Wyalusing Borough, **Bradford County**.

NPDES No. PA01116335. Industrial waste. **Spring Township Municipal Authority**, P. O. Box 133, Beaver Springs, PA 17812. Renewal granted to discharge treated waste from facility located at Beaver Township, **Snyder County**.

WQM Permit 1496413-A1, Amendment. Sewerage. **Krislund Camp and Conference Center**, P. O. Box 331, State College, PA 16804. Permit amendment by the Department for discharge of treated sewerage from facility located at Miles Township, **Centre County**.

WQM Permit 5389401-A2, Amendment. Sewerage. **Sizerville State Park**, R. R. 4, Box 212, Emporium, PA 15834. Permit amendment by the Department for discharge of treated sewerage from facility located at Portage Township, **Potter County**.

WQM Permit 1798404. Sewerage. **Robert and Sandra Fye**, P. O. Box 47, Drifting, PA 16834. Permission granted to construct a single residence treatment facility located at Cooper Township, **Clearfield County**.

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

NPDES Permit No. PA0000906. Industrial waste. **Westinghouse Electric Corporation**, Box 158, Madison Road, Madison, PA 15663 is authorized to discharge from a facility located at Waltz Mill Facility, Madison Borough, **Westmoreland County** to Calleys Run (Outfalls 001, 010, 011, 013—028) (colloquial name), Unnamed Tributary of Calleys Run (Outfalls 005 and 012) (colloquial name), and Unnamed Tributary of Sewickley Creek (Outfalls 002, 003, 006—009, and 029—037).

NPDES Permit No. PA0042161. Sewage. **Eugene P. Jordan**, 3678 Green Garden Road, Aliquippa, PA 15001 is authorized to discharge from a facility located at Greenhaven Gardens Sewage Treatment Plant, Raccoon Township, **Beaver County** to Drainage Swale Tributary of Raccoon Creek.

NPDES Permit No. PA0204960. Sewage. **Briselli, Incorporated**, Cecil-Hendersonville Road, P. O. Box 35A, Hendersonville, PA 15339 is authorized to discharge from a facility located at Big Jim's Roadhouse STP, Cecil Township, **Washington County** to Unnamed Tributary to McPherson Creek.

Permit No. 6377209, Amendment No. 1. Industrial waste, **Allegheny Power/West Penn Power Co.**, 800 Cabin Hill Dr., Greensburg, PA 15601-1689. Construction of Steam Electric Power Generating Plant located in the Township of Union, **Washington County** to serve the Mitchell Power Station.

Permit No. 6598201. Industrial waste, **Westinghouse Electric Company**, Interstate 70, Exit 25A, Madison, PA 15663-0158. Construction of Westinghouse Waltz Mill Remediation Project located in the Township of Sewickley, **Westmoreland County** to serve the Mobile Remediation Treatment System.

Permit No. 2672406-T2, Amendment No. 1. Sewerage, **Lance L. Safran**, 5800 Steele Road, Murrysville, PA 15668. Construction of a Sewage Treatment Plant located in the Township of Salt Lick, **Fayette County** to serve the Pleasant View Mobile Home Park.

Permit No. 5698401. Sewerage, **Penn Coal, Inc.**, 214 College Park Plaza, Johnstown, PA 15904. Construction of a Sewage Treatment Plant located in the Township of Jenner, **Somerset County** to serve the Sarah Mine.

Permit No. 6397407. Sewerage, **East Bethlehem Township Municipal Authority**, P. O. Box 136, Fredericktown, PA 15333. Construction of a Treatment plant, pump stations, and sewers located in the Township of East Bethlehem, **Washington County** to serve the Fredericktown and Vestaburg areas.

Northwest Regional Office: Regional Oil and Gas Program Manager, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6860.

NPDES Permit No. PA0102903. Industrial waste. **Allegheny Environmental Corporation**, P. O. Box 149, Franklin, PA 16323, is authorized to discharge from a treatment facility located in Sandycreek Township, **Venango County**, to the Allegheny River.

NPDES Permit No. PA0102997. Industrial waste. **Advanced Heat Treating Inc.**, Trout Run Road, St. Marys, PA 15857 is authorized to discharge from a facility located in the City of St. Marys, **Elk County** to an unnamed tributary to Elk Creek.

NPDES Permit No. PA0005860. Industrial waste. **Farmers Dairy Foods, Inc.**, R. R. 1, Box 111B, New Wilmington, PA 16142 is authorized to discharge from a facility located in Wilmington Township, **Lawrence County** to the Shenango River and an unnamed tributary to Buchanan Run.

NPDES Permit No. PA0210897. Sewage. **Human Services Center**, 130 West North Street, New Castle, PA 16101 is authorized to discharge from a facility located in Pulaski Township, **Lawrence County** to an unnamed tributary to the Shenango River.

NPDES Permit No. PA0040878. Sewage. **Gentile Enterprises, Inc.**, 270 Sharon Road, Greenville, PA 16125 is authorized to discharge from a facility located in West Salem Township, **Mercer County** to an unnamed tributary to the Shenango River.

NPDES Permit No. PA0103811. Industrial waste. **Northwest Sanitary Landfill**, 1436 West Sunbury Road, West Sunbury, PA 16061 is authorized to discharge from a facility located in Cherry and Clay Townships, **Butler County** to Findlay Run and unnamed tributaries to the South Branch of Slippery Rock Creek.

WQM Permit No. 4398409. Sewage. **Glen Lake Estates**, 6315 Forbes Avenue, Pittsburgh, PA 15217. This project is to install and operate a new extended aeration package STP with intermittent sand filtration in Pine Township, **Mercer County**.

WQM Permit No. 2489202. Industrial waste. **Superior Greentree Landfill, Inc.**, 635 Toby Road, Kersey, PA 15846. This project is for the construction of a treatment facility in Fox Township, **Elk County**.

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 arrangement made for copying at the contact office noted.

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

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

General Permit Type—PAG 2

*Facility Location
County and
Municipality*

Permit No.

*Applicant Name
and Address*

*Receiving Stream
or Body of Water*

*Contact Office and
Telephone No.*

Lower Heidelberg Township Berks County	PAR-10-C197	Calvary Bible Fellowship Church Pastor Robert A. Sloan 31 Green Valley Road Sinking Spring, PA 19608	Little Cacoosing Crk.	Berks County CD P. O. Box 520 1238 County Welfare Rd. Leesport, PA 19533 (610) 372-4657
South Heidelberg Twp. Berks Co.	PAR-10-C212	Galen Court Estates Richard A. Reinhold 225 North Ridge Rd. Reinholds, PA 17569	Cocalico Crk.	Berks County CD P. O. Box 520 1238 County Welfare Rd. Leesport, PA 19533 (610) 372-4657
East Cocalico Twp. Lancaster Co.	PAR-10-O-320	David Witmer 187 East Church St. Stevens, PA 17578	UNT Muddy Crk.	Lancaster County CD 1383 Arcadia Road, Room 6 Lancaster, PA 17601 (717) 299-5361
Salisbury Twp. Lancaster Co.	PAR-10-O-321	Marcin L. Stoltzfus 756 Pequea Ave. Gap, PA 17527	UNT Pequea Crk.	Lancaster County CD 1383 Arcadia Road, Room 6 Lancaster, PA 17601 (717) 299-5361
Franklin Twp. York Co.	PAR-10-Y307	Hickory Meadows/Harry Fox, Jr. 241 Old York Rd. Dillsburg, PA 17019	UNT to Bermudian Crk.	York County CD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430

NOTICES

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<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Hellam Township York Co.	PAR-10-Y311	Wrights Crossing Kinsley Equities II LP 2700 Water St. York, PA 17403-9036	UNT to Susquehanna River	York County CD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
East Manchester Twp. York Co.	PAR-10-Y036-R1	Asbury Point LTD/ Richard Schreiber c/o Bennett Williams 135 North George St., 4th Floor York, PA 17401	Codorus Crk. Susquehanna River	York County CD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Red Lion Borough York Twp. York Co.	PAR-10-Y316	Red Lion Junior High School Red Lion School District 696 Delta Rd. Red Lion, PA 17356-9185	Barshinger Crk.	York County CD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Patton Twp. Centre Co.	PAR10F066	Haugh Park Township of Patton 100 Patton Place State College, PA 16803	Unt. Spring Crk.	Centre County Cons. Dist. 414 Holmes Ave. Suite 4 Bellefonte, PA 16823
White Deer Twp. Union Co.	PAR106825	Conway Central Express Zartman Construction Inc. 405 N. 4th St. Sunbury, PA 17801	Susquehanna River	Union County Cons. Dist. 60 Bull Run Crossing Lewisburg, PA 17837
Lackawanna County Archbald Borough	PAR10N063	Vincent Bonaddio PEI Power Corp. One PEI Center Wilkes-Barre, PA 18711-0601	Laurel Run Crk.	Lackawanna CD (717) 281-9495
Luzerne County Avoca Borough and Duryea Borough	PAR10R049-R	DER File No. DGS 184-23 Flood Control Project on Mill Creek	Mill Creek Lackawanna River	Luzerne County (717) 674-7991
Luzerne Co. Wright Township	PAR10R149	K. T. Holdings Warehouse Phase 2 to 5 K. T. Holdings, Inc. 58 Pittston Ave. Pittston, PA 18640	Watering Plan Big Wapwallopen Crk.	Luzerne County (717) 674-7991
Monroe County Smithfield Township	PAR10S022	Milford Commons Milford Commons, Ltd. 1520 Royal Palm Square Blvd. Ft. Myers, FL 33919	Sambo Creek	Monroe County (717) 629-3060
Luzerne County Wilkes-Barre Township	PAR10R150	Luzerne County S. R. 0081 Sec. 393 Inter. No. 46 PENNDOT Dist. 4-0 O'Neill Highway Dunmore, PA 18512	Coal Brook	Luzerne County (717) 674-7991
Elk County Horton/Ridgway Township	PAR102515	National Fuel Gas Supply 1100 State Street Erie, PA 16501	Tributary to Clarion River and S. Branch Island Run	Elk Conservation District Elk County Courthouse P. O. Box 448 Ridgway, PA 15853 (814) 776-5373
Erie County Washington Township	PAR10K109	YMCA of Greater Erie 31 West 10th Street Erie, PA 16501	UNT to Edinboro Lake	Erie Conservation District 12723 Route 19 P. O. Box 801 Waterford, PA 16441 (814) 796-4203

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>
Zelienople Borough Butler County	PAR208333	Besco Manufacturing Company, Inc. P. O. Box 68 Zelienople, PA 16063-0068	Connoquenessing Crk.	DEP Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335-3481 (814) 332-6942
Washington Township Clarion County	PAR228304	Georgia-Pacific Corp. 133 Peachtree St., N. E. P. O. Box 105605 Atlanta, GA 30348-5605	East Sandy Crk.	DEP Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335-3481 (814) 332-6942
City of Butler Butler County	PAR808320	Trinity Industries, Inc. 601 Hansen Ave. Butler, PA 16001-5696	Connoquenessing Crk.	DEP Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG 4

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Hempfield Township Mercer County	PAG048518	Susan I. Booth and James E. Leskovac 170 Saint Glory Rd. Greenville, PA 16125	Unnamed Tributary to the Shenango River	DEP Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG 5

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Lycoming County Jersey Shore Borough	PAG0054804	Charles Bower Uni-Mart Inc. #04044 477 E. Beaver Ave. State College, PA 16801	Nichols Run	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664
Beaver County Independence Township	PAG056120	CNG Transmission Corporation P. O. Box 405 Delmont, PA 15626	Unnamed Tributary to Raccoon Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

General Permit Type—PAG 8

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water (If Applicable)</i>	<i>Contact Office and Telephone No.</i>
Susquehanna County Borough of Susquehanna Depot	GP08-2204	Tri-Boro Municipal Authority 216 E. Main Street Susquehanna, PA 18847-1641	N/A	Northeast Regional Water Management Program 2 Public Square Wilkes-Barre, PA (717) 826-2511

**SEWAGE FACILITIES ACT
PLAN APPROVAL**

The Department of Environment Protection has taken actions on municipal requests for Act 537 Plan Approval.

Any person aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514), and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Market Street 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 are also available in Braille or on audio tape 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 Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20).

Southeast Regional Office, Sewage Planning Specialist Supervisor, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

The Plan Approval is granted for a revision to the **Official Sewage Facilities Plan of Lower Merion Township, Montgomery County** to provide for the installation of a low pressure gravity sewer along Panorama Road to eliminate 2 onlot sewage disposal system malfunctions and to provide public sewerage service to the remaining 13 residences. The 6,000 gpd flows will be conveyed by the Gulf Creek pump station to the City of Philadelphia Southeast Wastewater Treatment Plant.

The Plan Approval is granted for a revision to the **Official Sewage Facilities Plan of Schwenksville Borough, Montgomery County** to provide for the re-rating of the Schwenksville Borough Authority's Wastewater Treatment Plant from .206 MGD to .300 MGD (annual average). This will be accomplished by:

1. Replacing each of the three existing raw sewage pumps with new 440 gpm capacity pumps.

2. Minor piping modifications to divert chlorinated effluent flow from the aeration tank directly to the WWTP outfall.

This planning approval does not relieve the project sponsor of the responsibility to secure a Department permit for the construction and operation of the proposed facility.

Regional Office: Water Management Program Manager, Southcentral Region, 909 Elmerton Ave., Harrisburg, PA 17110-0082.

Union Township, Lebanon County, RR1, Box 1940, Jonestown, PA 17038; **Swatara Township, Lebanon County**, One Supervisors Drive, Jonestown, PA 17038-0916; **Bethel Township, Lebanon County**, 150 South Pine Grove St., Fredericksburg, PA 17026.

This multi-municipal plan, which proposed public sewer service for Monroe Valley located in the northern part of all three Townships, was disapproved because of a failure to address the 13 plan deficiencies identified in our letter dated January 30, 1995. As discussed in our January 29,

1998, failure to respond within specified time frames would result in plan disapproval. The original deficiencies are listed below.

1. The alternate selection is incomplete. Your plan submission identifies a need and indicates that it is technically feasible to provide public sewerage to the Village of Lickdale, Monroe Valley Development and Camp Strause service areas, however, the plan fails to select an alternative that provides for completion of this project. (VIII-A).

2. The alternative selection is incomplete. On page III-5, the plan advises Union, Swatara and Bethel Townships to enact a well drillers ordinance to supplement their onlot management programs. However, the recommendation is ignored in the selected alternatives section. (VIII-A)

3. The alternative selection is incomplete. The plan recommends adoption of an OLDS Management Ordinance but yet no provision is found to either select or reject this alternative. No milestones appear on the implementation schedule for development or adoption. A model ordinance supplied in the plan appears to be a blank copy of an old sample OLDS Ordinance from the Department that does not match the appropriate description beginning on page III-13. (VIII-A)

4. Municipal responses to letters received during the public comment period have not been included. Please include municipal responses to letters received from Glace Associates dated June 28, 1994 concerning wastewater treatment plant needs in the industrial park area, the Lebanon County Planning Department dated June 24, 1994, Derck and Edson Associates dated June 24, 1994 concerning a land developer. (Item 6)

5. The alternatives analysis is incomplete. The plan makes no discussion or provisions for the potential use of SFTF (small flow treatment facilities). Please address. (V-A 10, 13a)

6. The alternative analysis is incomplete. Your plan does not detail or provide cost estimates for each of the alternatives identified on page III-12 of your plan. (VI-D)

7. The implementation schedule does not include milestones for adoption of any of the ordinances proposed in your plan. Please provide an implementation schedule that includes appropriate milestones to implement all ordinances, within 1 year of plan approval. (Item 8)

8. The institutional evaluation is incomplete. In addition to the municipal adoptions from Bethel, Swatara and Union Townships, a letter of approval or an adoption from the Northern Lebanon County Authority is required. Please provide proposed inter-municipal agreements. Both existing North Lebanon County Authority and the Monroe Valley Joint Committee should be consulted to complete this section. (VII-A, B, C, D)

9. Plan consistency with all required programs has not been established. Consistency has not been established with the State Water Plan, Wetlands Protection, and Pennsylvania Historic and Museum Commission (PHMC). PHMC actually indicated further action was required, yet no follow up action was taken. (VI-A 6, 9, 11)

10. The proposed funding sources have changed dramatically since our initial preplanning conference. Your plan now identifies the potential use of State and/or Federal funding vice private/authority funding. For State and Federal funding, all Title II requirements must be satisfied. These requirements are identified on pages I-13

thru I-16 of the Plan Completeness Checklist and were omitted from your plan. These pages are attached to this letter for your convenience.

11. In order to prepare an accurate project priority rating for State or Federal funding, please complete, map and submit the Needs Analysis Chart for OLDS malfunctions and well study results for the entire project area using the data found on page II-4 identifying 307 existing units in the project area and the information found on pages II-15 thru II-21.

12. Page II-1 incorrectly indicates the COWAMP plan is not available. A copy of the applicable COWAMP plan is available at our regional office in Harrisburg. Please contact Mary DiSanto at (717) 540-5018 to arrange an appointment for your COWAMP review. (I, VI)

13. The amount of water sample testing may be insufficient. The sample rate requirement is 15% of the wells in the planning area. The samples that were taken appear to be grouped in clusters. Please review the sample locations to determine if any project areas do not have a representative sample. Fill any data gaps discovered or clearly demonstrate that sampling is representative of the entire planning area. (III-B)

Derry Township, Mifflin County, 15 West Mill Street, P. O. Box M, Yeagertown, PA 17099.

The approved plan provided for construction of five public sewer projects to serve Maitland, North Maitland, South Hills, Jacks Creek, and Vira areas of the Township. Various collection system types will be used. Scheduling is dependent upon obtaining necessary funding. An onlot disposal system (OLDS) management program will be implemented in the entire Township. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

Plan Revision Approval Granted June 10, 1998 under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20).

Regional Office: Water Management Program Manager, Southcentral Region, One Ararat Boulevard, Harrisburg, PA 17110.

Shy Beaver RV Park, 76 Campsites, Hopewell Township, **Huntingdon County**.

The approved plan revision provided for approval of a revision to the Official Plan of Hopewell Township, Huntingdon County. Project involves construction of a small flow treatment facility to serve 14 additional proposed campground sites, for combined maximum flows of 1,400 gallons per day. The campground is located 1/2 mile east on State Route 3002 beginning at the junction with State Route 26. Treated effluent is to be discharged into an unnamed tributary of Shy Beaver Creek.

Any required NPDES Permits or Water Management Permits must be obtained in the name of owner.

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

Allegheny Township, Westmoreland County, 136 Community Building Road, Leechburg, PA 15656.

The plan recommends the replacement of the Chartiers Run Sewage Treatment Plant with a pump station and conveyance of sewage flows along Melwood Road to the

existing Kiski Valley Water Pollution Control Authority's Pine Run Interceptor at Route 56 via pump stations, force mains and gravity sewers. It also recommends sewerage the Markle area within 10 years via the construction of gravity collector sewers and a pump station near Northmoreland Park and conveyance of sewage flows through the force main to the Melwood Road Interceptor via Airshaft Road.

The Township and the Municipal Authority propose to use Pennsylvania State revolving funds administered by the Pennsylvania Infrastructure Investment Authority (PENNVEST) for the construction of the sewerage facilities. The Department's review of the Sewage Facilities Update Revisions has not identified any direct significant environmental impacts due to the proposed project, however indirect impacts may occur due to the accessibility of prime agricultural land to the new sewer system.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995, Preamble 3

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

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

For further information concerning the final report, please contact the Environmental Cleanup Program in the Department of Environmental Protection Regional Office under which the notice of receipt of a final report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following final reports.

Southcentral Regional Office, Environmental Cleanup Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4705.

Shultz Enterprises Property—Lot 3, Hanover Borough, **York County**. NePo Associates, Inc., 127 Willowbrook Lane, West Chester, PA 19382 has submitted a Final Report concerning remediation of site soils and groundwater contaminated with BTEX, PHCs and PAHs. The report is intended to document remediation of the site to meet the Statewide health standard.

Northcentral Regional Office, Environmental Cleanup Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (717) 321-6525.

Berwick Industries, Inc. Fulton Plant, Borough of Berwick, **Columbia County**. Henry Doherty and

Berwick Industries, Inc. have submitted a Final Report addressing soil contaminated with toluene and groundwater contaminated with solvents. The report is intended to document remediation of the site to meet the Statewide health standard for soils and the site-specific standard for groundwater.

**SOLID AND HAZARDOUS WASTE
OPERATE WASTE PROCESSING OR DISPOSAL
AREA OR SITE**

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

Southwest Regional Office, Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

Permit ID No. 301310. Tri-State Petroleum Recovery, Inc. Residual Waste Transfer Station, 12 Creek Road, McKees Rocks, PA 15136. Operation of a residual waste transfer station in Kennedy Township, **Allegheny County**. Permit issued in the Regional Office on June 16, 1998.

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

Permit No. 100585. Waste Management Disposal Services, Inc. (Northwest Sanitary Landfill), 1436 West Sunbury Road, West Sunbury, PA 16061. Major Permit Modification to expand the landfill laterally by 3.64 acres. Northwest Sanitary Landfill is located in Clay Township, **Butler County**. Permit modification issued in the Regional office on June 5, 1998.

**AIR QUALITY
OPERATING PERMITS**

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

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

48-310-034GP. Keystone Cement Corp. (Route 329, P. O. Box A, Bath, PA 18014) for the construction and operation of portable stone processing equipment in East Allen Township, **Northampton County**.

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

GP3-05-03007. New Enterprise Stone & Lime Co., Inc. (P. O. Box 77, New Enterprise, PA 16648) issued for Portable Nonmetallic Mineral Processing Plant in Snake Spring Township, **Bedford County**.

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

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

46-399-106. Naval Air Station Joint Reserve Base (Naval Air Station, Route 611, Willow Grove, PA 19090) issued for the operation of a Plastic Media Blast Booth in Horsham Township, **Montgomery County**.

OP-23-0016. PQ Corporation (1201 West Front Street, Chester, PA 19013) issued 6/16/98 for the operation of a Facility VOCs/NOx RACT in City of Chester, **Delaware County**.

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

65-00792. Advanced Metallurgy, Inc. (1003 Corporate Drive, Corporate Park, Export, PA 15632) issued April 28, 1998, for the operation of belt and brush sanders at Plant #5 in Murrysville, **Westmoreland County**.

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

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

46-313-093A. SmithKline Beecham Research Co. (1250 South Collegeville Road, Collegeville, PA 19426) issued June 16, 1998, for Chemical Development Facility in Upper Providence Township, **Montgomery 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.

35-322-001B. Keystone Sanitary Landfill, Inc. (P. O. Box 249, Dunham Drive, Dunmore, PA 18512) issued June 8, 1998, for the modification of the landfill gas collection system in Throop Borough, **Lackawanna County**.

54-313-079A. Air Products & Chemical Co. (P. O. Box 351, Tamaqua, PA 18252) issued June 5, 1998, for the modification of a spent cylinder evacuation system in Rush Township, **Schuylkill County**.

35-302-102. PEI Power Corp. (One PEI Center, Wilkes Barre, PA 18711) issued May 22, 1998 for the modification of a boiler in Archbald Borough, **Lackawanna County**.

35-318-080. Scranton Army Ammunition Plant (156 Cedar Avenue, Scranton, PA 18505) issued May 18, 1998, for the modification of a zinc coating operation in Scranton, **Lackawanna County**.

40-303-002B. American Asphalt and Paving Co. (500 Chase Road, Shavertown, PA 18708) issued May 26, 1998, for the modification of a batch asphalt plant in Jackson Township, **Luzerne County**.

48-309-005A. Essroc Cement Corp. (3251 Bath Pike, Nazareth, PA 18604) issued May 19, 1998, for the reactivation of Kiln #4 in Nazareth Borough, **Northampton County**.

48-310-032. Essroc Cement Corp. (3251 Bath Pike, Nazareth, PA 18604) issued May 29, 1998, for the modification of a quarry conveying system in Nazareth Borough, **Northampton County**.

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

06-3015A. Construction Fasteners, Inc. (P. O. Box 6326, Wyomissing, PA 19610) issued June 15, 1998, for installation of two scrubbers to control an E-coating line in Exeter Township, **Berks County**.

06-319-077C. General Battery Corp. (P. O. Box 13995, Reading, PA 19612-3995) issued June 12, 1998, for the construction of an additional strip casting machine and two lead pots. The strip casting machine will not be exhausted but the two lead pots will be controlled by a wet scrubber at their SLI Plant in Laureldale/Muhlenberg Township, **Berks County**. This source is subject to 40 CFR 60, Subpart KK, Standards of Performance for New Stationary Sources.

07-308-001F. Fry Metals, Inc. (4100 Sixth Avenue, Altoona, PA 16602) issued June 11, 1998, for construction of the soft metal melting area controlled by a fabric filter in City of Altoona, **Blair County**.

36-317-019B. Warner-Lambert Co. (400 West Lincoln Ave., Lititz, PA 17543) issued June 11, 1998, for the installation of the two dry ingredient mixing hoppers controlled by a fabric collector in Lititz Borough, **Lancaster County**.

67-310-009B. Milestone Materials Inc. (P. O. Box 231, Easton, PA 18040-0231) issued June 11, 1998, for modification of the stone crushing and screening operation controlled by wet suppression at their York Quarry in 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-37-011B. Dairy Farmers of America, Inc., Farmers Cheese (Route 18 and 208, New Wilmington, PA 16101) issued June 23, 1998, for the installation of a spray dryer in Wilmington Township, **Lawrence County**.

PA-25-974A. Hi Tech Plating Co. (1015 West 18th Street, Erie, PA 16502) issued June 25, 1998, for the installation of a chrome plating operation in Erie, **Erie County**.

PA-10-282A. Butler County Humane Society (1002 Evans City Road, Renfrew, PA 16053) issued June 23, 1998, for the installation of an incinerator in Renfrew, **Butler County**.

PA-42-184E. Keystone Powdered Metal Co. (8 Hanley Drive, Lewis Run, PA 16738) issued June 23, 1998, for the construction of a tempering furnace in Lewis Run, **McKean County**.

PA-42-184F. Keystone Powered Metal Co. (8 Hanley Drive, Lewis Run, PA 16738) issued June 23, 1998, for the construction of a heat treat furnace in Lewis Run, **McKean County**.

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

PA-23-0003. Bayway Refinery Co. (Post Road & Smith Street, Trainer, Pa 19061) issued June 16, 1998, for the operation of a Facility RACT for NOx and VOC in Marcus Hook Borough, **Delaware County**.

23-313-044. Rhone-Poulenc Surfactants Specialties (Blue Ball Avenue & 2nd Street, Marcus Hook, PA 19061) issued June 16, 1998, for the operation of an Surfactants Manufacturing in Marcus Hook Borough, **Delaware County**.

23-312-205. Sun Company, Inc. (R&M) (Delaware Ave. & Green Street, Marcus Hook, PA 19061) issued June 16, 1998, for the operation of an Organic Chemical Production in Marcus Hook Borough, **Delaware County**.

46-322-009. Waste Management Disposal Serv. of PA (1425 Sell Road, Pottstown, PA 19464) issued June 16, 1998, for the operation of a Landfill Gas Combustion in West Pottsgrove Township, **Montgomery County**.

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

01-329-001A. Department of the Army, Commander, USAG Fort Ritchie (1500 Porter St., Fort Detrick, MD 21701) issued June 1, 1998, to authorize temporary operation of six #2 fired diesel engine-generator sets covered by this Plan Approval until September 28, 1998, at Site R, in Liberty Township, **Adams County**.

21-302-113. Masland Industries (P. O. Box 40, Carlisle, PA 17013) issued June 13, 1998, to authorize temporary operation of the Natural Gas No. 5 Boiler and Low NOx Burner for No. 4 Boiler covered by this Plan Approval until October 10, 1998, in Carlisle Borough, **Cumberland County**. This source is subject to 40 CFR 60, Subpart Dc, Standards of Performance for New Stationary Sources.

22-301-058. Pennsylvania Department of Agriculture (2301 North Cameron Street, Harrisburg, PA 17110) issued June 1, 1998, to authorize temporary operation of the Animal Health Laboratory Multi-Chambered Incinerator controlled by a Venture-Wet Scrubber and a Mist Eliminator covered by this Plan Approval until September 28, 1998, in Susquehanna Township, **Dauphin County**.

36-308-005D. Colonial Metals Co. (Second & Linden Streets, P. O. Box 311, Columbia, PA 17512-0311) issued June 15, 1998, to authorize temporary operation of an electric furnace #9 controlled by an existing fugitive system covered by this Plan Approval until October 12, 1998, in Columbia Borough, **Lancaster County**. This source is subject to 40 CFR 60, Subpart M, Standards of Performance for New Stationary Sources.

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

63-307-027. American Iron Oxide Co. (Foster Plaza, #7, 661 Andersen Drive, Pittsburgh, PA 15220) issued June 8, 1998, for the operation of iron oxide production at Allenport Plant in Allenport Borough, **Washington County**.

**REASONABLY AVAILABLE CONTROL
TECHNOLOGY
(RACT)**

Administrative Amendment of Operating Permits issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations for an Operating Permit to comply with 25 Pa. Code § 127.450 for Reasonably Available Control Technology.

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

OP-46-0025. Lonza, Inc. (900 River Road, Conshohocken, PA 19428) issued June 16, 1998, for Facility VOC/NOx RACT in Upper Merion Township, **Montgomery County**.

MINING

APPROVALS TO CONDUCT COAL AND NONCOAL ACTIVITIES

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 water quality certification. Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Quality Control Act (35 P.S. §§ 4401—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

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

Coal Applications Issued:

56880107. Permit Renewal. Scurfield Coal, Inc. (228 Main Street, Berlin, PA 15530), commencement, operation and restoration of bituminous strip mine, valid for reclamation only in Paint Township, **Somerset County**, affecting 52.9 acres, receiving stream Seese Run, application received June 12, 1998, permit issued June 12, 1998.

32980103. Alverda Enterprises, Inc. (P. O. Box 87, Alverda, PA 15710), commencement, operation and restoration of a bituminous strip mine in Pine Township, **Indiana County**, affecting 15.2 acres, receiving stream unnamed tributary to Yellow Creek and Yellow Creek, application received March 9, 1998, permit issued June 17, 1998.

56920115. Permit Renewal. Svonavec, Inc. (140 West Union Street, Somerset, PA 15501), commencement, operation and restoration of a bituminous strip-auger mine in Milford Township, **Somerset County**, affecting 68.6 acres, receiving stream unnamed tributaries to South Glade Creek and South Glade Creek, application received May 1, 1998, permit issued June 17, 1998.

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

26930102R. Pennsylvania Coal Co., Inc. (105 26th Street, Suite 200, Pittsburgh, PA 15232). Renewal issued for continued reclamation only of a bituminous surface mine located in Upper Tyrone Township, **Fayette County**, affecting 90 acres. Receiving streams: unnamed tributary to Jacobs Creek to the Youghiogheny River. Application received March 18, 1998. Renewal issued June 4, 1998.

02980101. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Permit issued for commencement, operation, and reclamation of a bituminous surface mine located in Findlay and North Fayette Townships, **Allegheny County**, affecting 16.1 acres. Receiving streams: Potato Garden Run and unnamed tributary to Little Raccoon Run. Application received January 8, 1998. Permit issued June 9, 1998.

03970106. GLR Mining, Inc. (P. O. Box 105, Clymer, PA 15728). Permit issued for commencement, operation, and reclamation of a bituminous surface/auger mine located in Valley Township, **Armstrong County**, affecting 30 acres. Receiving streams: unnamed tributary to Cowanshannock Creek. Application received June 27, 1997. Permit issued June 11, 1998.

65960103. M. B. Energy, Inc. (P. O. Box 1319, Indiana, PA 15701). Revision issued to add 14.8 acres as an insignificant boundary correction and upgrade 0.4 acre, and add a special condition to the permit, at a bituminous surface mining site located in Derry Township, **Westmoreland County**, now affecting 162.1 acres. Receiving streams: unnamed tributary to Miller Run, Miller Run to Loyalhanna Creek, Loyalhanna Creek to Conemaugh River. Application received April 20, 1998. Revision issued June 18, 1998.

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

33930109. Cookport Coal Company, Inc. (425 Market Street, Kittanning, PA 16201) Renewal of an existing bituminous strip operation in Oliver and Perry Townships, **Jefferson County** affecting 16.8 acres. Receiving streams: Big Run and Unnamed tributary to McCracken Run. This renewal is issued for reclamation only. Application received April 8, 1998. Permit issued June 9, 1998.

37870102. Ambrosia Coal & Construction Co. (R. D. 1, Edinburg, PA 16116) Renewal of an existing bituminous strip and clay removal operation in North Beaver Township, **Lawrence County** affecting 46.0 acres. This renewal is issued for reclamation only. Receiving streams: Unnamed tributary to the Beaver River, Unnamed tributary to Edwards Run. Application received March 12, 1998. Permit issued June 9, 1998.

33930103. Leonard Yenzi (P. O. Box 62, Anita, PA 15711) Renewal of an existing bituminous strip operation in Knox Township, **Jefferson County** affecting 54.0 acres. This renewal is issued for reclamation only. Receiving streams: Unnamed tributaries of Camp Run and Unnamed tributaries of Fuller Run. Application received April 24, 1998. Permit issued June 10, 1998.

61970102. Rusnak Coal Company (R. D. 1, Box 44, Grove City, PA 16127) commencement, operation and restoration of a bituminous strip and auger operation in Irwin Township, **Venango County** affecting 54.5 acres. Receiving streams: Unnamed tributary to Scrubgrass Creek. Application received December 4, 1997. Permit issued June 12, 1998.

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

63831301. Victor Dosse Contracting, Inc. (420 Venetia Rd., Venetia, PA 15367), to transfer the permit for the Westland No. 2 Mine in Mt. Pleasant Township, **Washington County**, from Consolidation Coal Co., no additional discharges. Permit issued June 16, 1998.

63831302. Eighty Four Mining Co. (P. O. Box 729, Indiana, PA 15701), to revise the permit for the Mine No. 84 in South Strabane Township, **Washington County**, revision to install McKahan ventilation shaft and associated surface facilities, unnamed tributary to Little Chartiers Creek. Permit issued June 16, 1998.

30841313. Consolidation Coal Co. (P. O. Box 100, Osage, WV 26543), to renew the permit for the Dilworth

Mine in Cumberland Township, **Greene County**, no additional discharges. Permit issued June 18, 1998.

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

54850202C4. B-D Mining Co. (P. O. Box 423, Gilberton, PA 17934), correction to an existing coal refuse reprocessing operation to include the use of biosolids in Mahanoy Township, Gilberton and Shenandoah Boroughs, **Schuylkill County**, affecting 1,590.0 acres, receiving stream—none. Correction issued June 15, 1998.

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

16810330. Glen-Gery Corporation (P. O. Box 7001, Wyomissing, PA 19610) Renewal of NPDES PA0603724, Limestone Township, **Clarion County**. Receiving streams: Pine Creek. Application received April 14, 1998. Permit issued June 9, 1998.

16860310. Glen-Gery Corporation (P. O. Box 7001, Wyomissing, PA 19610) Renewal of NPDES PA0107395, Limestone & Monroe Townships, **Clarion County**. Receiving streams: Piney Creek and Little Piney Creek. Application received April 14, 1998. Permit issued June 9, 1998.

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

45880301C5. Selig Construction Co., Inc. (P. O. Box 185, Pocono Lake, PA 18347), renewal of NPDES Permit PA0594113 in Tobyhanna Township, **Monroe County**, receiving stream—unnamed creek to Lehigh River. Renewal issued June 19, 1998.

General Small Noncoal Authorizations Granted

64980802. Joseph G. Bunnell (267 Tryon Street, Honesdale, PA 18431), commencement, operation and restoration of a small quarry operation in Texas Township, **Wayne County** affecting 1.0 acre, receiving stream—none. Authorization granted June 18, 1998.

ABANDONED MINE RECLAMATION

Office of Mineral Resources Management, as required by Act 181 approved October 12, 1984.

Bureau of Abandoned Mine Reclamation, P. O. Box 8476, Harrisburg, PA 17105-8476

Bond Forfeiture Contract Awarded: BF 419-101.1. Beccaria Township, **Clearfield County**. AMLR Project, Greenbriar Associates, Beccaria Township, Clearfield County. *Contractor:* Earthmovers Unlimited, Inc., *Amount:* \$86,886.80. *Date of Award:* March 31, 1998.

Bond Forfeiture Contract Awarded: BF 400-101.1. Porter Township, **Clarion County**, AMLR Project, Earnest C. Dean Contractor, Porter Township, Clarion County. *Contractor:* Neiswonger Construction, *Amount:* \$118,656.50. *Date of Award:* April 13, 1998.

Bond Forfeiture Contract Awarded: BF 407-101.1. Shade Township, **Somerset County**, AMLR Project, Brothers Valley Company, Shade Township, Somerset County. *Contractor:* E & A Contracting, Inc. *Amount:* \$85,293.00. *Date of Award:* April 13, 1998.

Bond Forfeiture Contract Awarded: BF 410-101.1. Export Borough, **Westmoreland County**, AMLR Project,

CAC Energy, Inc., Export Borough, Westmoreland County. *Contractor:* Maud Mining Company. *Amount:* \$318,304.00. *Date of Award:* April 13, 1998.

Bond Forfeiture Contract Awarded: BF 398-101.1. Fairfield Township, **Westmoreland County**, AMLR Project, Laurel Coal Co., Fairfield Township, Westmoreland County. *Contractor:* D. T. Construction, Inc., *Amount:* \$168,906.00. *Date of Award:* April 15, 1998.

Bond Forfeiture Contract Awarded: BF 380-101.1. Stewart Township, **Fayette County**, AMLR Project, West Penn Coal & Construction Co., Stewart Township, Fayette County. *Contractor:* Maud Mining Company. *Amount:* \$269,173.00. *Date of Award:* April 15, 1998.

Bond Forfeiture Contract Awarded: BF 396-101.1. Conemaugh Township, **Indiana County**. AMLR Project, Thomas A. Fello Coal Company, Conemaugh Township, Indiana County. *Contractor:* Morgans Excavating. *Amount:* \$109,924.00. *Date of Award:* April 17, 1998.

Bond Forfeiture Contract Awarded: BF 373-101.1. Taylor Borough, **Lackawanna County**, AMLR Project, Dupont Anthracite Inc., Taylor Borough, Lackawanna County. *Contractor:* DeLisa Excavating. *Amount:* \$137,570.00. *Date of Award:* April 17, 1998.

Bond Forfeiture Contract Awarded: BF 374-102.1. Kittanning and Manor Townships, **Armstrong County**, AMLR Project, Bowers Coal, Inc., Kittanning & Manor Twps. Armstrong County. *Contractor:* Traister Construction, Inc. *Amount:* \$241,010.00. *Date of Award:* April 24, 1998.

Bond Forfeiture Contract Awarded: BF 389-102.1. East Franklin Township, **Armstrong County**, AMLR Project, Darmac Coal, Inc., East Franklin Township, Armstrong County. *Contractor:* J & J Snyder, Inc. *Amount:* \$31,762.50. *Date of Award:* June 5, 1998.

ACTIONS TAKEN UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT

ENCROACHMENTS

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

Persons aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law) to the Environmental Hearing Board, 400 Market Street, Floor 2, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, 1 (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of the written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

Actions on applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and sections 5 and 402 of The Clean Streams Law (35 P. S. §§ 691.5 and 691.402) and notice of final action for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)). (Note: Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description.)

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

E15-562. Encroachment Permit. **Tattersall Development Company**, P. O. Box 217, Chester Springs, PA 19425. To perform the following activities associated with the construction of the Tattersall Residential Golf Community Development:

1. Install and maintain a 30-inch RCP culvert along and adjacent to an unnamed tributary to Broad Run (EV) and place fill in 0.14 acre of associated wetlands for the proposed Tattersall Way roadway, which also includes the installation of stormwater, sanitary and water utility lines;

2. Install and maintain an 8-inch PVC sanitary sewer line and an 8-inch DIP water main across Broad Run;

3. Install and maintain 8-inch PVC sanitary sewer lines and 8-inch DIP water mains across three unnamed tributaries to Broad Run and associated wetlands.

This project is located approximately 1,600 feet northwest of the intersection of Broad Run Road and Strasburg Road (SR 162) (Unionville, PA Quadrangle N: 14.3 inches; W: 11.6 inches) in West Bradford Township, **Chester County**. This approval also constitutes an Environmental Assessment approval for a nonscope dam and the modification of the outlet works. The permittee agrees to create 0.28 acre of replacement wetlands at this site.

E15-569. Encroachment Permit. **Caln Township**, 253 Municipality Drive, P. O. Box 149, Thorndale, PA 19372. To realign 65 linear feet of Valley Run Creek stream channel (TSF MF) and provide bank stabilization. Also to place fill in the presently eroded portion of this stream channel. This site is located approximately 1,000 feet east of the intersection of Bailey Road and G. O. Carlson Boulevard (Coatesville, PA Quadrangle N: 22.0-inches; W: 1.25-inches) in Caln Township, **Chester County**.

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

E01-191. Encroachment. **Latimore Township**, David Myers, P. O. Box 218, York Springs, PA 17372. To remove a 30-foot long by 10-foot wide gravel bar and place 50 feet of riprap on the south bank and to realign 50 linear feet of an unnamed tributary to Latimore Creek located west of Bonner's Hill Road bridge just south of Mountain Road (Dillsburg, PA Quadrangle N: 5.8 inches; W: 14.5 inches) in Latimore Township, **Adams County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E21-274. Encroachment. **Deluxe Development Corporation**, Donald Meske/Jerry Simpson, P. O. Box 323, 499 W. 3rd Street, Berwick, PA 18603. To fill in a total of 0.12 acre of wetland in order to construct roadways of a proposed housing development called Westwood Hills located on the north side of Valley Street about 0.6 mile

east of its intersection with Salt Road (Harrisburg West, PA Quadrangle: 10.0 inches; W: 9.5 inches) in East Pennsboro Township, **Cumberland County**. The applicant is required to provide 0.12 acre of replacement wetlands. This permit also includes 401 Water Quality Certification.

E22-375. Encroachment. **Triple Crown Corporation**, Mark DiSanto, 5351 Jaycee Avenue, Harrisburg, PA 17112. To construct and maintain a 7-foot, 7-inch by 11-foot, 10-inch pipe arch culvert in the channel of a tributary to Paxton Creek at a point 550 feet upstream of Route 81 (Harrisburg, PA Quadrangle N: 11.0 inches; W: 11.1 inches) in Lower Paxton Township, **Dauphin County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E22-380. Encroachment. **Joseph Rovak**, Rovak Drive, Middletown, PA 17057. To construct and maintain a bridge having a span of 22 feet and an underclearance of 5.6 feet across the channel of Laurel Run for agricultural activities at a point approximately 1,170 feet upstream of Route 283 (Steelton, PA Quadrangle N: 19.3 inches; W: 6.0 inches) in Lower Swatara Township, **Dauphin County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E28-253. Encroachment. **Metal Township Municipal Authority**, Wilmer Lehman, P. O. Box 226, Willow Hill, PA 17271. To construct and maintain an embankment of a proposed waste water lagoon at the authority's treatment plant located along the right bank's 100-year floodplain of the West Branch Conococheague Creek about 250 feet upstream of the SR 4004 Bridge (Fannettsburg Road) (Fannettsburg, PA Quadrangle N: 11.22 inches; W: 9.4 inches) in Metal Township, **Franklin County**. This permit was issued under Chapter 106 Flood Plain Management.

E36-646. Encroachment. **PA Department of Transportation**, Engineering District 8-0, John Rautzahn, 2140 Herr Street, Harrisburg, PA 17103. To remove the existing inadequate and deteriorated bridge, construct and maintain a bridge having a clear span of 70 feet on a 60 degree skew, with an underclearance of 7 feet-3 inches across Little Muddy Run on SR 0897, Section 005, Segment 0420, Offset 2820. The structure will be a prestressed concrete adjacent box beam with a concrete deck and reinforced concrete abutments and wingwalls (Terre Hill, PA Quadrangle N: 18.75 inches; W: 9.25 inches) in East Cocalico and Brecknock Townships, **Lancaster County**. The placement of rock riprap for stabilization along the streamside face of the bridge abutments and wingwalls will impact a de minimis area of wetlands less than or equal to 0.01 acre. This permit also includes 401 Water Quality Certification.

E36-648. Encroachment. **Spring Glen Fresh Foods, Inc.**, Steve Piechockie, 314 Spring Glen Drive, Ephrata, PA 17522. To impact 0.11 acre of wetlands by placing fill for a proposed building expansion and to excavate in and relocate about 90 feet of a tributary to the Conestoga Creek for construction of a stormwater basin. The Spring Glen Fresh Foods facility is located along the south side of Spring Glen Drive (T-668) (Ephrata, PA Quadrangle N: 9.1 inches; W: 2.1 inches) in Ephrata Township, **Lancaster County**. The permittee is required to provide 0.11 acre of replacement wetlands. Issuance of this permit constitutes approval of the Environmental Assessment for

a non-jurisdictional stormwater detention dam at the project site. This permit also includes 401 Water Quality Certification.

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

E03-368. Encroachment. **PA Department of Transportation**, Route 286 South, Box 429, Indiana, PA 15701. To remove the existing structure and to construct and maintain a single span bridge having a normal span of 106.0 feet and an underclearance of 18.0 feet across Buffalo Creek for the purpose of improving transportation safety and roadway alignment. This permit also authorizes the construction and maintenance of two rock lined outfall channels along Buffalo Creek. The project is located on S. R. 3015, Section 150, approximately 3,500 feet south of the Village of West Winfield (Worthington, PA Quadrangle N: 6.2 inches; W: 8.8 inches) in North Buffalo Township, **Armstrong County**.

E63-446. Encroachment. **City of Washington**, 55 West Maiden Street, Washington, PA 15301. To replace the existing deteriorated stream enclosure of a tributary to Catfish Creek (WWF) with a new one consisting of the following: 328 feet of 78 inch diameter culvert, 1,040 feet of 117 inch by 79 inch arch culvert, 118 feet of 128 inch by 82 inch elliptical concrete culvert, 148 feet of dual 10 feet span and 4 feet underclearance box culvert and 394 feet of dual 12 feet span and 4 feet underclearance box culvert. This project also consists of 115 feet of gravel bar removal and stream bank stabilization in Catfish Creek (WWF) at the outlet of the proposed enclosure. The project starts near the intersection of Hall Avenue and North Franklin Street and ends at Catfish Creek approximately 600 feet downstream of the West Chestnut Street over crossing (project starts Washington East, PA Quadrangle N: 9.3 inches; W: 17.2 inches, project ends, Washington West, PA Quadrangle N: 8.6 inches; W: 0.7 inch) in the City of Washington, **Washington County**. This permit was issued under section 105.13(e) "small projects." This permit also includes 401 Water Quality Certification.

E63-447. Encroachment. **Pechin Leasing, Inc.—Clyde Marina**, P. O. Box 340, 1 Pechin Road, Dunbar, PA 15431. To construct and maintain a 1,960.0 foot long x 181.0 foot wide marina in the channel of and along the left bank of the Monongahela River (WWF) to provide more spaces for boats. The project is located at River Mile 64.4 approximately 1,100 feet northeast of the intersection of School Street and S.R. 88 (Carmichaels, PA Quadrangle N: 22.0 inches; W: 16.85 inches) in East Bethlehem Township, **Washington County**.

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

E10-277. Water Obstruction and Encroachment Permit. **Butler County Commissioners**, P. O. Box 1028, Butler, PA 16003-1208. To remove the existing culvert and to install and maintain a 12-foot-wide by 5-foot, 10-inch-high multi plate low profile arch culvert in a tributary to Buffalo Creek on T-603 (Hilderbrand Road) approximately 1,600 feet southwest of T-830 (Rattigan Road) (Chicora, PA Quadrangle N: 5.1 inches; W: 13.8 inches) located in Donegal Township, **Butler County**.

E42-257. Water Obstruction and Encroachment Permit. **Bradford Township Supervisors**, 136 Hemlock Street, Bradford, PA 16704. To replace the deck and to maintain the existing bridge having two 40-foot spans and a 7-foot underclearance across West Branch Tunungwant Creek on T-499 (Clark's Lane) approximately 1,000 feet east of T-332 (Langmade Lane) (Bradford, PA-NY Quadrangle N: 11.5 inches; W: 7.2 inches) located in Bradford Township, **McKean County**.

ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL ASSESSMENT APPROVALS AND ACTIONS ON 401 CERTIFICATION

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

EA67-011C0. Environmental Assessment. **GCW Properties, Inc.** (96 South George Street, York, PA 17403). To construct and maintain a nonjurisdictional dam across a tributary to Indian Run (WWF) impacting a de minimis area of wetlands (PEM) equal to 0.02 acre for the purpose of stormwater management at the proposed Grandview Heights subdivision located approximately 1,500 feet southwest of the intersection of Grandview Road and Beck Mill Road (Hanover, PA Quadrangle N: 3.2 inches; W: 15.9 inches) in Penn Township, **York County**.

STORAGE TANKS

SITE SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site Specific Installation Permit under the authority of the Storage Tank and Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101—6021.1102) and 25 Pa. Code Chapter 245, Subchapter C has been issued by the Bureau of Watershed Conservation, Director, P. O. Box 8555, Harrisburg, PA 17105-8555, (717) 787-5267.

<i>SSIP Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Tank Type and Capacity</i>
98-10-001	Penreco 138 Petrolia St. Karns City, PA 16041	Butler Co. Karns City Borough	AST storing Kerosene Bender Treated 255,776 gallons

SPECIAL NOTICES

Certified Emission Reduction Credits in Pennsylvania's ERC Registry

Emission reduction credits (ERCs) are surplus, permanent, quantified and Federally enforceable emission reductions used to offset emission increases of oxides of nitrogen (NO_x), volatile organic compounds (VOCs) and the following criteria pollutants: carbon monoxide (CO), lead (Pb), oxides of sulfur (SO_x), particulate matter (PM), PM-10 and PM-10 precursors.

The Pennsylvania Department of Environmental Protection (PADEP) maintains an ERC registry in accordance with the requirements of 25 Pa. Code § 127.209. This computerized ERC registry system provides for the tracking of the creation,

transfer and use of ERCs. Prior to registration of the credits, ERC Registry Applications are reviewed and approved by the Department to confirm that the ERCs meet the requirements of 25 Pa. Code §§ 127.206—127.208. Registration of the credits in the ERC registry system constitutes certification that the ERCs satisfy applicable requirements and that the credits are available for use. The following registered, and certified ERCs in the ERC Registry are currently available for use as follows:

- (1) To satisfy new source review (NSR) emission offset ratio requirements;
- (2) To “net-out” of NSR at ERC-generating facilities;
- (3) To sell or trade the ERCs for use as emission offsets at new or modified facilities.

The certified ERCs shown below, expressed in tons per year (tpy), satisfy the applicable ERC requirements contained in 25 Pa. Code §§ 127.206—127.208. ERCs created from the curtailment or shutdown of a source or facility expire for use as offsets 10 years after the emission reduction occurs. ERCs generated by the overcontrol of emissions by an existing facility do not expire for use as offsets. However, credits in the registry which are not used in a plan approval will be discounted if new air quality requirements are adopted by the Department of United States Environmental Protection Agency (EPA).

For additional information concerning this listing of certified ERCs, contact Virendra Trivedi, Bureau of Air Quality, Division of Permits, Department of Environmental Protection, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4325.

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
American National Can Company County: Lehigh, PA Nonattainment status: Moderate Contact: R. M. Rivetna Telephone: (312) 399-3392	VOCs	166.7	11/06/2002	Trading
National Fuel Gas Supply Corp. Knox Compressor Station County: Jefferson, PA Nonattainment status: Moderate Contact: Gary A. Young Telephone: (814) 871-8657	NOx	145.7	06/30/2002	Internal Use
National Fuel Gas Supply Corp. Roystone Compressor Station County: Warren, PA Nonattainment status: Moderate Contact: Gary A. Young Telephone: (814) 871-8657	NOx	103.3	12/28/2002	Internal Use
U. S. Naval Hospital County: Philadelphia Nonattainment Status: Severe Contact: Mark Donato Telephone: (215) 897-1809	NOx	30.5	3/31/2005	Trading
United States Steel Group County: Bucks Nonattainment Status: Severe Contact: Roy J. Weiskircher Telephone: (412) 433-5914	NOx VOC	1301.7 18.1	8/01/2001	Trading
Lord Corporation Source: Two coal fired boilers County: Erie Ozone nonattainment status: Moderate Contact: Matthew Comi Telephone: (814) 868-0924	NOx	30.5	12/20/2004	Trading
Julian B. Slevin, Inc. Recipient/Holder: Ronald W. Lockhart Sandra S. Lockhart Source Location: Lansdowne County: Delaware Ozone nonattainment status: Severe Contact: Pamela H. Woldow Telephone: (215) 979-1836	VOCs	85.22	12/20/2005	Trading

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
Graphic Controls Corporation Recipient/Holder: RIDC Southwestern Pennsylvania Growth Fund Ozone nonattainment status: Moderate Contact: F. Brooks Robinson Telephone: (412) 471-3939	VOCs	104.0	5/15/2002	Trading
Package Service Co. Inc. Ozone nonattainment status: Moderate Contact: Harry F. Klodowski Telephone: (412) 281-7997	VOCs	39.6	3/31/2002	Trading
R. R. Donnelley & Sons Co. County: Lancaster Ozone nonattainment status: Moderate Contact: David A. York Telephone: (717) 293-2056	VOCs	147		Internal Use
Kurz Hastings Inc. County: Philadelphia Nonattainment Status: Severe Contact: Robert Wallace Telephone: (215) 632-2300	VOCs	388.0		Trading
Pennsylvania Electric Company (Penelec) Source Location: Williamsburg Station County: Blair Ozone nonattainment status: Moderate Contact: Tim McKenzie Telephone: (814) 533-8670	NOx VOCs	452 3.0	1/18/2001	Trading
Pennsylvania Electric Company (Penelec) Recipient: Carpenter Technology Corp. Ozone nonattainment status: Moderate Contact: Sean McGowan Telephone: (610) 208-3018	NOx	15.36	1/18/2001	Internal Use
Caparo Steel Company Source Location: Farrell County: Mercer Ozone nonattainment status: Moderate Contact: Anthony W. Kurley, Jr. Telephone: (412) 983-1919	NOx VOCs	354.6 206.8	11/30/2002	Trading
Sharon Steel Corp. Source Location: Farrell County: Mercer Ozone nonattainment status: Moderate Contact: Robert Trbovich Telephone: (412) 983-6161	NOx VOCs	96.3 10.7	11/30/2002	Trading
Pennsylvania Power Company (PA Power) Source Location: New Castle Plant County: Lawrence Ozone nonattainment status: Moderate Contact: Donald R. Schneider Telephone: (412) 652-5531	NOx	214	4/02/2003	Trading
Pennsylvania Power Company (PA Power) Recipient: General Electric Company Ozone nonattainment status: Moderate Contact: Scott Gowdy Telephone: (814) 875-2427	NOx	14	4/02/2003	Internal Use

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
DMi Furniture Inc. Recipient: Wood Mode Inc. Ozone nonattainment status: Moderate	VOCs	85.2	12/01/2005	
Ford New Holland, Inc. Source Location: Mountville County: Lancaster Ozone nonattainment status: Moderate Contact: William E. Knight Telephone: (717) 355-4903	NOx VOCs	4 78	1/22/2003	Trading
Mercersburg Tanning Company Source Location: Mercersburg County: Franklin Ozone nonattainment status: Moderate Contact: David W. Warne Telephone: (717) 765-0746	VOCs	20	10/1/2004	Trading
I.H.F.P., Inc. Source Location: Milton Borough County: Northumberland Ozone nonattainment status: Moderate Contact: Michael West Telephone: (717) 742-6639	NOx VOCs	24.45 12.88	4/1/2006	Trading
3M Minnesota Mining & Manufacturing Source Name: 1E Coater Source Name: 2E Coater Source Name: 3E Coater Source Name: 4E Coater Source Name: 5E Coater Source Name: 3W Coater Source Name: 4W Coater Plant Location: Bristol, Bucks Ozone nonattainment status: Severe Contact: Belinda Wirth Telephone: (612) 778-6014	VOCs VOCs VOCs VOCs VOCs VOCs VOCs	0.10 0.25 44.80 0.10 17.90 303.65 275.10	5/02/2001 5/06/2001 4/18/2001 4/16/2001 4/26/2001 10/18/2001 5/13/2001	Trading
Leggett & Platt, Inc. Source Location: Harris Hub-Columbia County: Lancaster Ozone nonattainment status: Moderate Contact: Bob Anderson Telephone: (417) 358-8131	VOCs	30	10/01/2004	Trading
Scranton-Altoona Terminal Corporation Source Location: Pittston Township County: Luzerne Ozone nonattainment status: Moderate Contact Person: John M. Arnold Telephone: (717) 939-0466	VOCs	18.36	1/1/2003	Trading
Ball Metal Food Container Corporation Plant Name: Heekin Can Inc. County: Allegheny Ozone nonattainment status: Moderate Contact: John Munsch Telephone: (303) 460-5601	VOCs NOx	64.5 5.4	04/10/2006	Trading

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
Metallized Paper Corporation of America Recipient/Holder: PNC Bank, National Association, assignee (by private lien foreclosure) from Metallized Paper Corp. Source Location: McKeesport County: Allegheny Ozone nonattainment status: Moderate Contact: Martin Mueller Telephone: (412) 762-5263	VOCs	41.7	06/30/2006	Trading
PPG Industries, Inc. Source Location: Springdale Complex County: Allegheny Ozone nonattainment status: Moderate Contact: Lori Burgess Telephone: (412) 274-3884	VOCs	171.82		Trading
York International Corporation Sources: Trichloroethylene Vapor Degreaser (151) Trichloroethylene Vapor Degreaser (152) Source Location: Spring Garden Township County: York Ozone nonattainment status: Moderate Contact: Garen Macdonald Telephone: (717) 771-7346	VOCs VOCs	12.2 2.7	06/01/2006 10/01/2005	Trading
Pennzoil Products Company Source Location: Rouseville County: Venango Ozone nonattainment status: Moderate Contact: Lee E. Wilson Telephone: (814) 678-4649	NOx	31.6	04/15/2002	Trading
Mace Security International, Inc. Recipient: Dart Container Corporation Ozone nonattainment status: Moderate	VOCs	22	10/3/2005	
REXAM DSI Source Location: Muhlenberg Township County: Berks Ozone nonattainment status: Moderate Contact: LeRoy H. Hinkle Telephone: (610) 916-4248	VOCs	158.8 tpy with seasonal restrictions or 33.61 tpy without seasonal restrictions	Varies from 2/24/2005 through 4/23/2006	Trading
Avery Dennison Corporation Fasson Roll North America Source Location: Quakertown County: Bucks Ozone nonattainment status: Severe Contact: Roy R. Getz Telephone: (215) 538-6271	NO _x VOCs	9.42 273	11/22/2005	Trading
United States Steel Source Location: Edgar Thomson Works County: Allegheny Ozone nonattainment status: Moderate Contact: Harry F. Klodowski Telephone: (412) 281-7997	NOx VOCs SOx PM	136.6 83.9 46.4 64.7	11/02/2002	Trading

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
Baldwin Hardware Corporation Source Location: Reading County: Berks Ozone nonattainment status: Moderate Contact: D. David Hancock, Jr. Telephone: (215) 777-7811	VOCs	18	7/28/2005	Trading
Magee Rieter Automotive Systems Source Location: Bloomsburg County: Columbia Ozone nonattainment status: Moderate Contact: Tim Bergerstock Telephone: (717) 784-4100	NOx VOCs CO PM-10	0.39 0.02 0.08 0.01	4/17/2006	Internal Use
Graphic Controls Corporation County: Allegheny Ozone nonattainment status: Moderate Contact: Harry F. Klodowski Telephone: (412) 281-7997	NOx	5.0	5/15/2002	Trading
White Consolidated Industries Quaker Maid Plant (Division of Schrock Cabinets) Source Location: Ontelaunee Township, Berks Ozone nonattainment status: Moderate Contact: Douglas McWilliams Telephone: (216) 479-8500	VOCs	95.5	7/1/2006	Trading

Summary of ERC Transaction

The following ERC transactions are approved by the Bureau of Air Quality, Department of Environmental Protection, Commonwealth of Pennsylvania. The ERC transaction requirements are specified in 25 Pa. Code § 127.208.

1. ERC GENERATING FACILITY INFORMATION

ERC Generating Facility Name: Mace Security International, Inc.
Location of Source: Federal Laboratories, State Route 3003, Saltsburg, Indiana, PA
Certified ERCs (tpy): 22 tons per year of VOCs
Amount of ERCs traded to Purchaser/Recipient: 22 tons per year of VOCs
Date of ERCs Transfer: May 29, 1998
ERCs available for future use: 0

PURCHASER/RECIPIENT OF ERCs

Purchaser/Recipient of ERCs: Dart Container Corporation
Location of Source: 60 East Main Street, Leola, PA
Plan Approval Number:
NOx credits used: 0
VOCs credits used: 0
NOx credits available for future use: 0
VOC credits available for future use: 22 tons per year of VOCs

2. ERC GENERATING FACILITY INFORMATION

ERC Generating Facility Name: Kem Plastic Playing Cards Inc.
Location of Source: 2 Beck Place, Poughkeepsie, NY
Certified ERCs (tpy): 30 tons per year of VOCs
Amount of ERCs traded to Purchaser/Recipient: 30 tons per year of VOCs
Date of ERCs Transfer: June 2, 1998
ERCs available for future use: 0

PURCHASER/RECIPIENT OF ERCs

Purchaser/Recipient of ERCs: Dart Container Corporation
Location of Source: 60 East Main Street, Leola, PA
Plan Approval Number:
NOx credits used: 0
VOCs credits used: 0
NOx credits available for future use: 0
VOC credits available for future use: 30 tons per year of VOC

3. ERC GENERATING FACILITY INFORMATION

ERC Generating Facility Name: Prestolite Electric Inc.
Location of Source: 400 Main Street, Arcade, NY
Certified ERCs (tpy): 43.5 tons per year of VOCs
Amount of ERCs traded to Purchaser/Recipient: 43.5 tons per year of VOCs
Date of ERCs Transfer: June 2, 1998
ERCs available for future use: 0

Purchaser/Recipient of ERCs: Dart Container Corporation
Location of Source: 60 East Main Street, Leola, PA
Plan Approval Number:
NOx credits used: 0
VOCs credits used: 0
NOx credits available for future use: 0
VOC credits available for future use: 43.5 tons per year of VOC

Availability of Grants for the Remediation of Waste Tire Piles in Pennsylvania Under the Waste Tire Recycling Act (Act 190 of 1996)

The Department of Environmental Protection (Department) hereby announces the availability of grants under the Waste Tire Recycling Act (Act 190) for fiscal year 98/99 for the remediation of waste tire piles in Pennsylvania.

nia. Act 190 provides a grant program, tax credits and enforcement provisions to reduce the stockpiles of waste tires. The Waste Tire Pile Remediation Grant Program is funded through the Used Tire Pile Remediation Restricted Account, which may receive up to \$1 million annually from the Recycling Fund established by Act 101, the Municipal Waste Planning, Recycling and Waste Reduction Act. Grants totaling \$1 million may be awarded annually from this account.

To be considered for a grant, an applicant: 1) must propose to remediate a waste tire pile that is on the Department's list of priority waste tire piles (copies of this list are available from the Division of Municipal and Residual Waste, (717) 787-7381; or may be obtained electronically by means of the Department's Internet site on the world wide web at: <http://www.dep.state.pa.us> under the Municipal and Residual Waste page; 2) must not have contributed, in any manner, to the creation of a noncompliant waste tire pile; and 3) must have an identifiable end-use for the waste tires to be remediated.

Grant funds are intended to be used for activities directly related to the remediation of priority waste tire sites (such as employe wages, operation of equipment, transportation, processing costs, and the like). Grants may not be used for the purchase of equipment and grant recipients shall use funds only for those activities approved by the Department.

All applicants must complete and submit an official two-part application for each proposed tire pile remediation. The Waste Tire Remediation Grant Part A and B Applications include all the materials and instructions necessary for applying for a grant. Copies of these documents are available by contacting the Division of Municipal and Residual Waste at (717) 787-7381 or may be obtained electronically from the Department Internet site on the world wide web at: <http://www.dep.state.pa.us>. Part A and Part B applications must be completed and submitted by 4 p.m. on August 14, 1998 to: Department of Environmental Protection, Division of Municipal and Residual Waste, 14th Floor-Rachel Carson State Office Building, 400 Market Street, P. O. Box 8472, Harrisburg, PA 17105-8472. Applications which are incomplete or arrive after the deadline will not be considered.

At a minimum, all applications must contain: (1) a description of the applicant's experience in waste tire remediation; (2) markets or end-uses for the remediated tires; (3) a schedule for the remediation of tires at the site; (4) proposed cost of the waste tire pile remediation; and (5) any additional information the Department deems necessary. Please follow the instructions in the Part A and B Grant Applications to assure you are submitting all of the necessary information in the correct format.

Persons who have any questions about this grant program should contact the Division of Municipal and Residual Waste (717) 787-7381.

Availability of Grants for the Remediation of Waste Tire Piles in Pennsylvania Under the Waste Tire Remediation Grant Program for Municipalities for Fiscal Year 98/99

The Department of Environmental Protection (Department) hereby announces the availability of grants

through the Waste Tire Recycling Act of 1996 (Act 190) for Fiscal Year 98/99 for the remediation of waste tire piles in Pennsylvania. The Waste Tire Remediation Grant Program for Municipalities for Fiscal Year 98/99 provides a grant program which is funded through the general fund. The grants are limited to only those municipalities having a waste tire pile containing 5,000 or more waste tires.

Only municipalities are eligible to participate and receive funding. In order to be considered for a grant, a municipality must propose to remediate a waste tire pile on the Department's list of priority waste tire piles or piles containing 5,000 or greater waste tires (copies of the list of priority waste tire piles is available from the Division of Municipal and Residual Waste, (717) 787-7381, or may be obtained electronically by means of the Department's Internet site on the world wide web at: <http://www.dep.state.pa.us> under the Municipal and Residual Waste page.) Also to be considered for a grant, an applicant must not have contributed, in any manner, to the creation of a noncompliant waste tire pile and must have an identifiable end-use for the remediated waste tires to be remediated.

Grant funds are intended to be used for activities directly related to the remediation of waste tire piles (such as employe wages, operation of equipment, transportation, processing costs, and the like). Grants may not be used for the purchase of equipment and grant recipients shall use funds only for those activities approved by the Department.

All applicants must complete and submit an official two-part application for each proposed tire pile remediation. The Waste Tire Remediation Grant Part A and B Applications include all the materials and instructions necessary for applying for a grant. Copies of these documents are available by contacting the Division of Municipal and Residual Waste at (717) 787-7381 or may be obtained electronically from the Department's Internet site on the world wide web at: <http://www.dep.state.pa.us>. Part A and B applications must be completed and submitted by 4 p.m. on September 18, 1998 to: Department of Environmental Protection, Division of Municipal and Residual Waste, 14th Floor-Rachel Carson State Office Building, 400 Market Street, P. O. Box 8472, Harrisburg, PA 17105-8472. Applications which are incomplete or arrive after the deadline will not be considered.

At a minimum, all applications must contain: (1) a description of the applicant's or their contractors experience in waste tire remediation; (2) markets or end-uses for the remediated tires; (3) a schedule for the remediation of tires at the site; (4) proposed cost of the waste tire pile remediation; and (5) any additional information the Department deems necessary. Please follow the instructions in the Part A and B Grant Applications to assure you are submitting all of the necessary information in the correct format.

Persons who have any questions about this grant program should contact the Division of Municipal and Residual Waste (717) 787-7381.

[Pa.B. Doc. No. 98-1064. Filed for public inspection July 2, 1998, 9:00 a.m.]

Availability of Final General Plan Approval and General Operating Permit for Sheetfed Offset Lithographic Printing Press; BAQ-GPA/GP-7

The Department of Environmental Protection (Department) finalized the General Plan Approval and General Operating Permit No. BAQ-GPA/GP-7 for sheetfed offset lithographic printing press(es). Notice regarding the availability of the draft general permit was published in the *Pennsylvania Bulletin* on April 4, 1998 (28 Pa.B. 1678).

The Sheetfed Press General Permit was drafted in consultation with the Graphic Arts Association and the Graphic Arts Technical Foundation. The Graphic Arts Technical Foundation has prepared guidance for the industry to determine if plants are subject to the permitting requirements, as well as, recordkeeping and reporting forms for showing compliance with the Sheetfed Press General Permit requirements. This guidance has been made a part of the application package.

A 45-day comment period was provided but no comments were received. Due to internal discussions of Department personnel minor clarifying changes have been made to the second paragraph in Condition 2 of the Sheetfed Press General Permit.

The general permit is now available for use by qualifying applicants. Copies are now available of the final general permit BAQ-GPA/GP-7 and an application form. These documents may be obtained by contacting:

Kimberly Maneval
Bureau of Air Quality
Rachel Carson State Office Building
P. O. Box 8468
Harrisburg, PA 17105-8468
(717) 787-4325

The documents have also been placed on the Department's World Wide Web site on the Internet which can be accessed at <http://www.dep.state.pa.us>, select Bureau of Air Quality, then Division of Permits.

JAMES M. SEIF,
Chairperson

[Pa.B. Doc. No. 98-1065. Filed for public inspection July 2, 1998, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are on DEP's World Wide Web site (<http://www.dep.state.pa.us>) at the Public Participation Center. The "January 1998 Inventory" heading is the Governor's List of Non-regulatory Documents. The "Search the Inventory of Technical Guidance Documents" heading is a database of the Inventory. The "Final Documents" heading is the link to a menu of the various DEP bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to DEP's draft technical guidance documents.

DEP will continue to revise its documents, as necessary, throughout 1998.

Ordering Paper Copies of DEP Technical Guidance

Persons can order a bound paper copy of the latest Inventory or an unbound paper copy of any of the final documents listed on the Inventory by calling DEP at (717) 783-8727.

In addition, bound copies of some of DEP's documents are available as DEP publications. Persons should check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

Here is the current list of recent changes. Persons who have any questions or comments about a particular document should call the contact person whose name and phone number is listed with each document. Persons who have questions or comments in general should call Jonathan Brightbill at (717) 783-8727.

Notice of Intent to Develop Technical Guidance

Title: Use of Environmental Management System Requirements in Consent Order and Agreements Description: Guidance ensures the appropriate and consistent use of environmental management system requirements as a systemic means of increasing the environmental performance of companies. Anticipated Effective Date: August 31, 1998 Anticipated Draft Development Date: July 24, 1998 Contact: Kurt Klapkowski at (717) 787-7060

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 98-1066. Filed for public inspection July 2, 1998, 9:00 a.m.]

Radiation Protection Advisory Committee Meeting Cancellation

The July 9, 1998, meeting of the Department of Environmental Protection's Radiation Protection Advisory Committee has been canceled.

Questions should be addressed to Stuart Levin at (717) 787-3720 or e-mail at levin.stuart@a1.dep.state.pa.us.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 98-1067. Filed for public inspection July 2, 1998, 9:00 a.m.]

DEPARTMENT OF HEALTH

Laboratories Approved to Determine Urine Controlled Substance Content under the Clinical Laboratory Act, the Vehicle Code, the Fish and Boat Code and the Game and Wildlife Code

The following laboratories are licensed by the Department of Health under the Clinical Laboratory Act (35 P. S. §§ 2151—2165) and/or the Federal Clinical Laboratory Improvement Act of 1967 (42 U.S.C.A. § 263a) and are currently approved by the Department under 28 Pa. Code § 5.50 (relating to approval to provide special analytical services) to perform analyses of urine for the determination of controlled substances or their biotransformation products. This approval is based on demonstrated proficiency in tests conducted by the Bureau of Laboratories of the Pennsylvania Department of Health. These laboratories are also approved and designated for purposes of the Vehicle Code, 75 Pa.C.S. §§ 1547 and 3755 (relating to chemical testing to determine amount of alcohol or controlled substance; reports by emergency room personnel), the Fish and Boat Code, 30 Pa.C.S. § 5125 (relating to chemical testing to determine amount of alcohol or controlled substance) and the Game and Wildlife Code, 34 Pa.C.S. § 2502 (relating to

hunting or furtaking under the influence of alcohol or controlled substance), as qualified to perform the types of services which will reflect the presence of controlled substances or their biotransformation products in urine.

Depending upon their capability and performance in proficiency surveys, laboratories are approved to perform screening and/or confirmatory urine drug analyses. Laboratories approved to perform screening tests only are designated on the approval list by an "S" after the laboratory's name. Laboratories approved to perform confirmatory testing only are designated by a "C" following the laboratory's name. Those approved to perform both screening and confirmatory analyses are designated by the letters "SC." Screening analyses provide a presumptive indication that a controlled substance is present. Confirmatory testing is used to substantiate screening results.

Persons seeking forensic urine drug analysis services from any of the listed laboratories should determine that the laboratory employs techniques and procedures acceptable for the purpose. They should also determine that the director of the facility is agreeable to performing analyses for that purpose. Persons seeking the analyses are responsible for specifying the extent to which the presence of a controlled substance is to be verified. That specification should be predicated upon the purpose for which the analysis is being sought.

The list of approved laboratories will be revised semiannually and published in the *Pennsylvania Bulletin*. Questions regarding this list should be directed to M. Jeffery Shoemaker, Ph.D., Director, Division of Chemistry and Toxicology, Department of Health, Bureau of Laboratories, P. O. Box 500, Exton, PA 19341-0500, (610) 363-8500. Persons with a disability, may submit questions to Dr. Shoemaker in alternative formats, such as audio tape, braille or using TDD: (717) 783-6514. Persons with a disability who require an alternative format of this document (for example, large print, audio tape, braille), should contact Dr. Shoemaker so that he may make the necessary arrangements.

Abington Memorial Hospital-S
1200 Old York Road
Abington, PA 19001
215-576-2350

ACT Lab Services, Inc.-SC
270 Commerce Drive
Fort Washington, PA 19034
215-283-6370

Albert Einstein Medical Center North-SC
5500 Old York Road
Philadelphia, PA 19141
215-456-6100

Allegheny County Division of Labs., Toxicology Section-S
10 County Office Building
Pittsburgh, PA 15219
412-355-6873

Allegheny General Hospital Dept. Lab. Med.-S
320 East North Avenue
Pittsburgh, PA 15212
412-359-3521

Allegheny University Hospital-Parkview-S
1331 East Wyoming Avenue
Philadelphia, PA 19124
215-537-7430

Allegheny University STAT-TOX-SC
Broad and Vine Streets, 6th Floor MS 431
Philadelphia, PA 19102
215-762-7828

Allegheny University Hospital-East Falls-S
3300 Henry Avenue
Philadelphia, PA 19129
215-842-6615

Allegheny University Hospital-Center City-S
Broad and Vine Streets, MS 113
Philadelphia, PA 19102
215-448-7154

Allegheny University Hospital-Graduate-S
1 Graduate Plaza-Pepper Pavilion, 4th Floor
Philadelphia, PA 19146
215-893-2240

Allegheny University Hospitals-Bucks County Division-S
225 Newtown Road
Warminster, PA 18974
215-441-6700

Altoona Hospital-S
620 Howard Avenue
Altoona, PA 16601
814-946-2340

American Medical Laboratories-SC
14225 Newbrook Drive
Chantilly, VA 20153
703-802-6900

Analytic Biochemistries, Inc.-SC
1680-D Loretta Avenue
Feasterville, PA 19053
215-322-9210

Associated Clinical Laboratories-SC
1526 Peach Street
Erie, PA 16501
814-453-6621

Associated Regional & Univ. Path.-SC
500 Chipeta Way
Salt Lake City, UT 84108
800-242-2787

Ayer Clinical Lab-Penn Hospital-S
Eighth and Spruce Streets
Philadelphia, PA 19107
215-829-3541

Bendiner & Schlesinger, Inc.-SC
47 Third Avenue
New York, N.Y. 10003
212-254-2300

Bon Secours-Holy Family Reg. Health-S
2500 Seventh Avenue
Altoona, PA 16602
814-949-4495

Braddock Medical Center-S
412 Holland Avenue
Braddock, PA 15104
412-636-5000

Bradford Hospital-S
116-156 Interstate Parkway
Bradford, PA 16701
814-834-8282

Brandywine Hospital and Trauma Center-S
Route 30 Bypass
Coatesville, PA 19320
610-383-8000

Brownsville General Hospital-S
125 Simpson Road
Brownsville, PA 15417
412-785-7200

Canonsburg General Hospital-S
R.D. 1, Box 147, Route 519
Canonsburg, PA 15317
412-745-6100

Carlisle Hospital-S
245 Parker Street
Carlisle, PA 17013
717-249-1212

Cedar Crest Emergicenter-S
1101 South Cedar Crest Blvd.
Allentown, PA 18103
610-433-4260

Centre Community Hospital-S
1800 East Park Avenue
State College, PA 16803
814-234-6117

Chambersburg Hospital-S
112 North Seventh Street
Chambersburg, PA 17201
717-267-7152

Charles Cole Memorial Hospital-S
RD 1, Box 205
Coudersport, PA 16915
814-274-9300

Chester County Hospital-S
701 East Marshall Street
West Chester, PA 19380
610-431-5182

Chestnut Hill Hospital-S
8835 Germantown Avenue
Philadelphia, PA 19118
215-248-8630

Children's Hospital of Philadelphia-S
One Children's Center, 34th & Civic Center Blvd.
Philadelphia, PA 19104
215-590-1000

Clarendon Laboratory-SC
1125 Flatbush Avenue
Brooklyn, NY 11226
718-856-4700

Clarion Hospital-S
1 Hospital Drive
Clarion, PA 16214
814-226-9500

Clinical Science Laboratory, Inc.-S
51 Francis Avenue
Mansfield, MA 02048
508-339-6106

Clintox Laboratories-SC
601 Gay Street
Phoenixville, PA 19460
610-933-6550

Community General Osteopathic Hospital-S
4300 Londonderry Road, P. O. Box 3000
Harrisburg, PA 17109
717-657-7214

Community Hospital of Lancaster-S
1100 East Orange Street
Lancaster, PA 17604
717-397-3711

Community Medical Center-S
1822 Mulberry Street
Scranton, PA 18510
717-969-8000

Conemaugh Valley Memorial Hospital-S
1086 Franklin Street
Johnstown, PA 15905
814-534-9000

Crozer-Chester Medical Center-S
1 Medical Center Blvd.
Upland, PA 19013
610-447-2000

Delaware County Memorial Hospital-S
501 North Lansdowne Avenue
Drexel Hill, PA 19026
610-284-8100

Delaware Valley Medical Center-S
200 Oxford Valley Road
Langhorne, PA 19047
215-949-5275

Department of Pathology & Lab Med-HUP-SC
3400 Spruce Street
Philadelphia, PA 19104
215-662-3435

Divine Providence Hospital-S
1100 Grampian Blvd.
Williamsport, PA 17701
717-326-8167

Doylestown Hospital-S
595 West State Street
Doylestown, PA 18901
215-345-2250

DrugScan, Inc.-SC
1119 Mearns Road, P. O. Box 2969
Warminster, PA 18974
215-674-9310

DrugScan, Inc.-Limerick Division-S
Sanatoga & Evergreen Roads
Sanatoga, PA 19464
610-327-1200

DrugScan, Inc.-Peach Bottom Division-S
1848 Lay Road (Atom Road)
Delta, PA 17314
717-456-3026

Easton Hospital-S
250 South 21st Street
Easton, PA 18042
610-250-4140

Elk County Regional Medical Center-S
94 Hospital Street
Ridgway, PA 15853
814-776-6111

Episcopal Hospital-S
100 East Lehigh Avenue
Philadelphia, PA 19125
215-427-7333

Evangelical Community Hospital-S
1 Hospital Drive
Lewisburg, PA 17837
717-522-2510

Fitness for Duty Center-S
 Pennsylvania Power and Light Company
 P. O. Box 467
 Berwick, PA 18603
 717-542-3336

Forbes Regional Health Center-S
 2570 Haymaker Road
 Monroeville, PA 15146
 412-858-2560

Frankford Hospital-Frankford Division-S
 Frankford Avenue and Wakeling Street
 Philadelphia, PA 19124
 215-831-2068

Frankford Hospital-Torresdale Division-S
 Knights and Red Lion Roads
 Philadelphia, PA 19114
 215-612-4000

Frick Hospital and Community Health Center-S
 508 S. Church Street
 Mount Pleasant, PA 15666
 412-547-1500

Friends Hospital-S
 4641 Roosevelt Blvd.
 Philadelphia, PA 19124
 215-831-4771

Garcia Laboratory-S
 2195 Spring Arbor Road
 Jackson, MI 49203
 517-787-9600

Geisinger Medical Center-SC
 North Academy Road
 Danville, PA 17822
 717-271-6338

Germantown Hospital & Medical Center-S
 One Penn Blvd.
 Philadelphia, PA 19144
 215-951-8800

GHS-City Avenue Hospital-S
 4150 City Avenue, Dept. of Pathology
 Philadelphia, PA 19131
 215-871-1000

Gnaden Huetten Memorial Hospital-S
 11th and Hamilton Streets
 Lehigh, PA 18235
 610-377-1300

Good Samaritan Hospital-S
 4th and Walnut Streets, P. O. Box 1281
 Lebanon, PA 17042
 717-270-7500

Good Samaritan Regional Medical Center-S
 700 East Norwegian Street
 Pottsville, PA 17901
 717-622-3400

GPU Nuclear Corp., TMI Med. Dept.-S
 P. O. Box 480
 Middletown, PA 17057
 717-948-8189

Guthrie Clinic Path Lab-S
 Guthrie Square
 Sayre, PA 18840
 717-888-5858

Harrisburg Hospital-S
 South Front Street
 Harrisburg, PA 17101
 717-782-3131

Hazleton General Hospital-S
 East Broad Street
 Hazleton, PA 18201
 717-454-2441

Health Network Laboratories-SC
 2024 Lehigh Street
 Allentown, PA 18103
 610-402-8150

Health Quest Medical Laboratories, Inc.-S
 1503 Sunset Drive, Suite 4
 Pottstown, PA 19464
 610-327-2520

Holy Redeemer Hospital-S
 1648 Huntingdon Pike
 Meadowbrook, PA 19046
 215-947-3000

Holy Spirit Hospital-SC
 503 North 21st Street
 Camp Hill, PA 17011
 717-763-2206

Horizon Hospital System-Greenville Campus-S
 110 North Main Street
 Greenville, PA 16125
 412-588-2100

Horizon Hospital System-Shenango Campus-S
 2200 Memorial Drive
 Farrell, PA 16121
 412-981-3500

Indiana Hospital Dept. Lab. Med.-S
 P. O. Box 788
 Indiana, PA 15701
 412-357-7166

Jeanes Hospital-S
 7600 Central Avenue
 Philadelphia, PA 19111
 215-728-2347

Jersey Shore Hospital-S
 1020 Thompson Street
 Jersey Shore, PA 17740
 717-398-0100

John F. Kennedy Memorial Hospital-S
 Cheltenham and Langdon Streets
 Philadelphia, PA 19124
 215-831-7203

Kensington Hospital-S
 136 West Diamond Street
 Philadelphia, PA 19122
 215-426-8100

Lab Corp Occupational Testing Services-SC
 4022 Willow Lake Blvd.
 Memphis, TN 38118
 901-795-1515

Lab Corp Occupational Testing Services-SC
 1904 Alexander Drive
 Research Triangle Park, NC 27709
 919-549-8263

Lab Corp of America Holdings-SC
 1447 York Court
 Burlington, NC 27215
 800-334-5161

Lab Corp of America Holdings-SC
 69 First Avenue - P. O. Box 500
 Raritan, NJ 08869
 201-526-2400

LabOne, Inc.-SC
8915 Lenexa Drive
Overland Park, KS 66214
913-888-1770

Lancaster General Hospital-Susquehanna Division-S
306 North Seventh Street
Columbia, PA 17512
717-684-2841

Lancaster General Hospital-S
555 North Duke Street- P. O. Box 3555
Lancaster, PA 17603
717-299-5511

Latrobe Area Hospital-S
West Second Avenue
Latrobe, PA 15650
412-537-1550

Lee Hospital-S
320 Main Street
Johnstown, PA 15901
814-533-0130

Lewistown Hospital-S
Highland Avenue
Lewistown, PA 17044
717-248-5411

Lock Haven Hospital-S
24 Cree Drive
Lock Haven, PA 17745
717-893-5000

Magee Women's Hospital-S
Forbes Avenue and Halket Street
Pittsburgh, PA 15213
412-647-4651

Main Line Clinical Laboratories-Bryn Mawr CP-S
130 Bryn Mawr Avenue
Bryn Mawr, PA 19010
610-526-3554

Main Line Clinical Laboratories-Lankenau CP-S
100 East Lancaster Avenue
Wynnewood, PA 19096
610-645-2615

Main Line Clinical Laboratories-Paoli Memorial CP-S
255 West Lancaster Avenue
Paoli, PA 19301
610-648-1000

Meadville Medical Center-Liberty Street-S
751 Liberty Street
Meadville, PA 16335
814-336-3121

Medlab Clinical Testing, Inc.-SC
212 Cherry Lane
New Castle, DE 19720
800-633-5221

MedTox Laboratories, Inc.-SC
402 West County Road D
New Brighton, MN 55112
612-636-7466

Mercy Health Lab-Mercy Fitzgerald Hospital-S
Lansdowne Avenue and Bailey Road
Darby, PA 19023
610-237-4175

Mercy Health Lab-Mercy Hospital/Phila.-S
5301 Cedar Avenue
Philadelphia, PA 19143
215-748-9170

Mercy Hospital-S
25 Church Street
Wilkes-Barre PA 18765
717-826-3100

Mercy Hospital Laboratory-S
Pride and Locust Streets
Pittsburgh, PA 15219
412-232-7831

Methodist Hospital Div./TJUH, Inc.-S
2301 South Broad Street
Philadelphia, PA 19148
215-952-9059

Miner's Hospital of N. Cambria-S
2205 Crawford Avenue
Spangler, PA 15775
814-948-7171

Monongahela Valley Hospital, Inc.-S
Country Club Road - Route 88
Monongahela, PA 15063
412-258-2000

Montgomery Hospital-S
Powell and Fornance Streets
Norristown, PA 19401
610-270-2173

Nason Hospital-S
Nason Drive
Roaring Spring, PA 16673
814-224-6215

National Medical Services, Inc.-SC
3701 Welsh Road
Willow Grove, PA 19090
215-657-4900

Nazareth Hospital-S
2601 Holme Avenue
Philadelphia, PA 19152
215-335-6245

North Penn Hospital-S
100 Med Campus Drive
Lansdale, PA 19446
215-368-2100

Northwest Medical Center-Oil City Campus-S
174 E. Bissell Avenue
Oil City, PA 16301
814-677-1711

Omega Medical Laboratories, Inc.-SC
2001 State Hill Road, Suite 100
Wyomissing, PA 19610
610-378-1900

Parkway Clinical Laboratory-S
3494-A Progress Drive P. O. Box 467
Bensalem PA 19020
215-245-5112

Penn State Geisinger WVMC-S
1000 E. Mountain Drive
Wilkes-Barre, PA 18711
717-826-7830

Penna. Dept. of Health, Bureau of Labs.-SC
P. O. Box 500
Exton, PA 19341-0500
610-363-8500

Pharmchem Laboratories, Inc.-SC
1505-A O'Brien Drive
Menlo Park, CA 94025
415-328-6200

Phoenixville Hospital-S
140 Nutt Road
Phoenixville, PA 19460
610-933-9281

Pittsburgh Criminalistics-SC
1320 5th Avenue
Pittsburgh, PA 15219
412-391-6118

Pocono Medical Center Lab.-S
206 East Brown Street
East Stroudsburg, PA 18301
717-476-3544

Polyclinic Hospital-S
2601 North Third Avenue
Harrisburg, PA 17110
717-782-4141

Pottstown Memorial Medical Center-S
1600 East High Street
Pottstown, PA 19464
610-327-7111

Pottsville Hospital and Warne Clinic-S
420 South Jackson Street
Pottsville, PA 17901
717-621-5262

Presbyterian Medical Center of Phila.-S
3400 Spruce Street - Dept. of Pathology
Philadelphia, PA 19104
215-662-3435

Princeton Biomedical Laboratories, Inc.-S
2000-B Hartel Complex
Levittown, PA 19057
215-943-0700

Psychomedics Corporation-SC
5832 Uplander Way
Culver City, CA 90230
800-522-7424

Quest Diagnostics-SC
7470-A Mission Valley Road
San Diego, CA 92108-4406
800-446-4728

Quest Diagnostics, Inc.-SC
One Malcolm Avenue
Teterboro, NJ 07608
201-288-0900

Quest Diagnostics, Inc.-S
1901 Sulphur Spring Road
Baltimore, MD 21227
301-247-9100

Quest Diagnostics, Inc.-SC
4444 Giddings Road
Auburn Hills, MI 48326
800-444-0106

Quest Diagnostics of PA, Inc.-S
900 Business Center Drive
Horsham, PA 19044
215-957-9300

Quest Diagnostics of PA, Inc.-SC
875 Greentree Road, 4 Parkway Center
Pittsburgh, PA 15220
412-920-7600

Quintiles Laboratories, Ltd.-SC
5500 Highlands Parkway, Suite 600
Smyrna, GA 30082
770-434-8492

Reading Hospital & Medical Center-S
6th and Spruce Streets
Reading, PA 19603
610-378-6080

Redwood Toxicology Laboratory-SC
3573 Westwind Boulevard
Santa Rosa, CA 95403
707-577-7958

Roxborough Memorial Hospital-S
5800 Ridge Avenue
Philadelphia, PA 19128
215-483-9900

Sacred Heart Hospital-S
Fourth and Chew Streets
Allentown, PA 18102
610-776-4727

Saint Clair Memorial Hospital-S
1000 Bower Hill Road
Pittsburgh, PA 15243
412-561-4900

Saint Francis Hospital of New Castle-S
1000 South Mercer Street
New Castle, PA 16101
412-658-3511

Saint Joseph Hospital-S
250 College Avenue, P. O. Box 3509
Lancaster, PA 17604
717-291-8022

Saint Mary Medical Center-S
Langhorne and Newtown Roads
Langhorne, PA 19047
215-750-2162

Scientific Testing Labs, Inc.-SC
463 Southlake Boulevard
Richmond, VA 23236
800-977-9130

Serenity Hall, Inc.-S
414 West Fifth Street
Erie, PA 16057
814-459-4775

Shadyside Hospital-S
5230 Centre Avenue
Pittsburgh, PA 15232
412-622-2315

Sharon Regional Health System-S
740 East State Street
Sharon, PA 16146
412-983-3911

Sierra Analytical Laboratories-SC
625 East Drinker Street
Dunmore, PA 18512
717-341-2224

Skippack Medical Laboratory-S
3887 Skippack Pike
Skippack, PA 19474
610-584-1669

SmithKline Beecham Clinical Laboratories, Inc.-SC
400 Egypt Road
Norristown, PA 19403
610-631-4200

SmithKline Bio-Science Laboratories-SC
7600 Tyrone Avenue
Van Nuys, CA 91405
818-376-6259

- Somerset Hospital-S
225 South Center Avenue
Somerset, PA 15501
814-443-2626
- South Hills Health System - Jefferson-S
575 Coal Valley Road
Pittsburgh PA 15236
412-469-5723
- Southern Chester County Medical Center-S
1015 West Baltimore Pike
West Grove, PA 19390
610-869-1080
- Specialty Laboratories-S
2211 Michigan Avenue
Santa Monica, CA 90404
310-828-6543
- St. Francis Central Hospital-S
1200 Centre Avenue
Pittsburgh, PA 15219
412-562-3060
- St. Francis Medical Center-S
400-45th Street
Pittsburgh, PA 15201
412-622-4838
- St. Joseph Quality Medical Laboratory-SC
215 North 12th Street, Box 316
Reading, PA 19603
610-378-2200
- St. Joseph's Hospital-Div. NPHS-S
16th Street and Girard Avenue
Philadelphia, PA 19130
215-787-9000
- St. Margaret's Memorial Hospital-S
815 Freeport Road
Pittsburgh, PA 15215
412-784-4000
- St. Mary's Regional Medical Center-S
763 Johnsonburg Road
St. Mary's, PA 15857
814-834-8519
- Suburban General Hospital-S
100 South Jackson Avenue
Bellevue, PA 15202
412-734-6000
- Suburban General Hospital-S
2701 DeKalb Pike
Norristown, PA 19404
610-278-2075
- Taylor Hospital, Div. of CCMC-S
175 E. Chester Pike
Ridley Park, PA 19078
610-595-6450
- TechNow-S
2710 Township Line Road
Havertown, PA 19083
610-449-5039
- Temple Lower Bucks Hospital-S
501 Bath Road
Bristol, PA 19007
215-785-9200
- Temple University Hospital-S
3401 North Broad Street
Philadelphia, PA 19140
215-221-3453
- The Medical Center-Beaver, PA, Inc.-S
1000 Dutch Ridge Road
Beaver, PA 15009
412-728-7000
- Thomas Jefferson University Hospital-S
125 South 11th Street-204 Pavilion
Philadelphia, PA 19107
215-955-6374
- Titusville Area Hospital-S
406 West Oak Street
Titusville, PA 16354
814-827-1851
- Toxi-Con-SC
120 Monahan Avenue-Suite 101
Dunmore, PA 18512
717-963-0722
- University of Pittsburgh Medical Center/Beaver Valley-S
2500 Hospital Drive-Pathology Department
Aliquippa, PA 15001
412-857-1238
- University Hospital-Milton S. Hershey Medical Center-S
500 University Avenue
Hershey, PA 17033
717-531-8353
- University of Pittsburgh Medical Center-CLSI-SC
Room 5929 Main Tower/CLSI
200 Lothrop Street
Pittsburgh, PA 15213
412-647-7813
- Valley Forge Medical Center and Hospital-S
1033 W. Germantown Pike
Norristown, PA 19403
610-539-8500
- Waynesboro Hospital-S
East Main Street
Waynesboro, PA 17268
717-765-3403
- The Western Pennsylvania Hospital-S
4800 Friendship Avenue
Pittsburgh, PA 15224
412-578-5779
- Western Reserve Care System-SC
North Side Medical Center-500 Gypsy Lane
Youngstown, OH 44504
216-740-3794
- Westmoreland Hospital-S
532 W. Pittsburgh Street
Greensburg, PA 15601
412-832-4365
- Wilkes-Barre General Hospital-SC
Corner North River and Auburn Streets
Wilkes-Barre, PA 18764
717-829-8111
- Williamsport Hospital and Medical Center-S
777 Rural Avenue
Williamsport, PA 17701
717-321-2300

6York Hospital-S
1001 South George Street
York, PA 17405
717-771-2696

DANIEL F. HOFFMANN,
Secretary

[Pa.B. Doc. No. 98-1068. Filed for public inspection July 2, 1998, 9:00 a.m.]

Laboratories Approved to Perform Blood Lead and/or Erythrocyte Protoporphyrin Determinations under the Clinical Laboratory Act

The following laboratories are licensed in accordance with the Clinical Laboratory Act (35 P. S. §§ 2151—2165) and/or the Federal Clinical Laboratory Improvement Act of 1967 (42 U.S.C.A. § 263a), and are currently approved under 28 Pa. Code § 5.50 (relating to approval to provide special analytical services) to perform analyses of blood for lead or erythrocyte protoporphyrin content. This approval is based on demonstrated proficiency in periodic evaluations conducted by the Bureau of Laboratories of the Department of Health.

Lead poisoning is a reportable noncommunicable disease. Approved laboratories which offer blood lead or erythrocyte protoporphyrin testing services are required to inform the Department of actual or possible incidents of this condition in accordance with 28 Pa. Code § 27.4 (relating to reportable noncommunicable diseases and conditions). In addition, the Department requests laboratories to submit reports on children under 6 years of age and pregnant women, on whom laboratory tests confirm venous blood lead concentrations of 15 micrograms per deciliter or higher. The Department's collection and review of these latter reports would be consistent with the most recent revision of the guideline titled, *Preventing Lead Poisoning in Young Children*, which was published in 1991 by the United States Department of Health and Human Services, Public Health Service, Centers for Disease Control and Prevention, and is available from them.

All reports must be sent to the Department of Health, Division of Environmental Health, P. O. Box 90, Harrisburg, PA 17108. Report forms are available on request from the Division of Environmental Health.

Erythrocyte protoporphyrin determinations may be performed as an adjunct determination to substantiate blood lead levels of 25 micrograms per deciliter or higher. Since erythrocyte protoporphyrin concentrations may not increase as a result of low level exposures to lead, direct blood lead analysis is the only reliable method for identifying individuals with blood lead concentrations below 25 micrograms per deciliter.

Persons seeking blood lead or erythrocyte protoporphyrin analyses should determine that the laboratory employs techniques and procedures acceptable for the purpose for which the analyses are sought. Laboratories offering blood lead analysis only are designated with the letter "L" following the name of the laboratory. Those offering erythrocyte protoporphyrin analysis only are designated with the letter "P." Laboratories offering both services are designated with the letters "LP."

Blood lead analyses performed for occupational safety and health purposes must be conducted by a laboratory which also meets the requirements of the Occupational

Safety and Health Administration of the United States Department of Labor as specified in 29 CFR 1910.1025(j)(2)(iii).

The list of approved laboratories will be reviewed semiannually and if there are any changes to the list, a notice to that effect will be published in the *Pennsylvania Bulletin* at that time.

The Department's blood lead proficiency testing program is approved by the United States Department of Health and Human Services (HHS) in accordance with the requirements contained in the Clinical Laboratory Improvement Amendments of 1988 (42 CFR 493.901 and 493.937) which are administered by the Health Care Financing Administration (HCFA). Participation in these programs may therefore be used to demonstrate acceptable performance for approval purposes under both Federal and Commonwealth statutes.

Questions regarding this list should be directed to Dr. M. Jeffery Shoemaker, Director, Division of Chemistry and Toxicology, Department of Health, Bureau of Laboratories, P. O. Box 500, Exton, PA 19341-0500, (610) 363-8500. Persons with a disability, may also submit questions to Dr. Shoemaker in alternative formats, such as by audio tape, braille or using TDD: (717) 783-6514. Persons with a disability who require an alternative format of this document (for example, large print, audio tape, braille), should contact Dr. Shoemaker so that he may make the necessary arrangements.

Allegheny County Coroners Office-L
3441 Forbes Avenue Oakland
Pittsburgh, PA 15213
412-578-8072

Allegheny General Hospital-L
320 East North Avenue
Pittsburgh, PA 15212
412-359-3521

American Medical Laboratories, Inc.-LP
14225 Newbrook Drive
Chantilly, VA 20153
703-802-6900

Angeline Kirby Memorial Health Center-L
71 North Franklin Street
Wilkes-Barre, PA 18701
717-823-5450

Associated Regional & University Pathologists-LP
500 Chipeta Way
Salt Lake City, UT 84108
800-242-2787

Aurora Consolidated Labs-LP
8901 West Lincoln Avenue
West Allis, WI 53227
414-328-7945

Children's Hospital of Philadelphia-P
One Children's Center, 34th and Civic
Philadelphia, PA 19104
215-590-1000

Clarendon Laboratory-L
1125 Flatbush Avenue
Brooklyn, NY 11226
718-856-4700

East Penn Manufacturing Company, Inc.-LP
Deka Road
Lyons Station, PA 19536
610-682-6361

Edison Medical Laboratories, Inc.-LP
1692 Oak Tree Road, Suite 12
Edison, NJ 08820
908-906-7800

Ellwood City General Hospital-LP
724 Pershing Street
Ellwood City, PA 16117
412-752-0081

Exide Corp. Indus. Hygiene Lab.-L
6313 Rising Sun Avenue
Philadelphia, PA 19111
215-342-1414

Geisinger Medical Center-L
North Academy Road
Danville, PA 17822
717-271-6338

Health Network Laboratories-LP
2024 Lehigh Street
Allentown, PA 18103
610-402-8150

Helena Laboratories-P
P. O. Box 752
Beaumont, TX 77704
409-842-3714

LabCorp of America Holdings-LP
6370 Wilcox Road
Dublin, OH 43016
800-282-7300

LabCorp of America Holdings-LP
1447 York Court
Burlington, NC 27215
800-334-5161

LabCorp of America Holdings-LP
69 First Avenue, P. O. Box 500
Raritan, NJ 08869
201-526-2400

Laboratory Corp of America-LP
13900 Park Center Road
Herndon, VA 22071
703-742-3100

LabOne, Inc.-LP
8915 Lenexa Drive
Overland Park, KS 66214
913-888-1770

Lancaster General Hospital-L
555 North Duke Street, P. O. Box 3555
Lancaster, PA 17603
717-299-5511

LeadTech Corporation-L
1 Marine Plaza
N. Bergen, NJ 07047
201-868-7707

Liberty Testing Lab-L
25 Chapel Street
Brooklyn, NY 11201
(718) 647-7080

Main Line Clinical Laboratory-L
Lankenau Hospital
100 East Lancaster Avenue
Wynnewood, PA 19096
610-645-2615

Mayo Clinic-LP
200 First Street, S.W., Hilton 530
Rochester, MN 55905
507-284-8626

Medlab Clinical Testing, Inc.-L
212 Cherry Lane
New Castle, DE 19720
800-633-5221

Mercy Health Lab-Mercy Fitzgerald Hospital-L
Lansdowne Avenue and Bailey Road
Darby, PA 19023
610-237-4175

Mercy Hosptial Lab-L
Pride and Locust Streets
Pittsburgh, PA 15219
412-232-7831

National Medical Services-LP
3701 Welsh Road
Willow Grove, PA 19090
215-657-4900

Omega Medical Laboratories, Inc.-L
2001 State Hill Road, Suite 100
Wyomissing, PA 19610
610-378-1900

Pacific Toxicology Laboratories-LP
1545 Pontius Avenue
Los Angeles, CA 90025
310-479-4911

Pennsylvania Department of Health-LP
Bureau of Laboratories
P. O. Box 500
Exton, PA 19341-0500
610-363-8500

Public Health Laboratory City of Philadelphia-L
500 South Broad Street
Philadelphia, PA 19146
215-685-6811

Quest Diagnostics Incorporated-LP
One Malcolm Avenue
Teterboro, NJ 07608
201-288-0900

Quest Diagnostics of PA, Inc.-LP
875 Greentree Road
Four Parkway Center
Pittsburgh, PA 15220-3610
412-920-7600

Quest Diagnostics of Pa., Inc.-LP
900 Business Center Drive
Horsham, PA 19044
215-957-9300

Quest Diagnostics, Inc.-LP
33608 Ortega Highway
San Juan Capistrano, CA 92690
714-728-4000

Reading Hospital and Medical Center-L
6th and Spruce Streets
Reading, PA 19603
610-378-6080

SmithKline Beecham Clinical Laboratories-LP
400 Egypt Road
Norristown, PA 19403
610-631-4200

SmithKline Bioscience Laboratories-LP
7600 Tyrone Avenue
Van Nuys, CA 91405
818-376-6259

Specialty Laboratories-L
2211 Michigan Avenue
Santa Monica, CA 90404
310-828-6543

St. Joseph Quality Medical Laboratory-L
215 North 12th Street, Box 316
Reading, PA 19603
610-378-2200

Tamarac-LP
7000 South Broadway, Suite 2C
Littleton, CO 80122
303-794-1083

Toxi-Con Laboratories-LP
120 Monahan Avenue, Suite 101
Dunmore, PA 18512
717-963-0722

University of Pittsburgh Medical Center-LP
Room 5929 CLSI MT
200 Lothrop Street
Pittsburgh, PA 15213-2582
412-647-7813

DANIEL F. HOFFMANN,
Secretary

[Pa.B. Doc. No. 98-1069. Filed for public inspection July 2, 1998, 9:00 a.m.]

DEPARTMENT OF REVENUE

Notice of Taxable and Exempt Property

[Correction]

An error occurred in the notice which appeared at 28 Pa.B. 2730, 2733 (June 13, 1998). The term "gardening supplies" was inadvertently printed as NT. Gardening supplies are taxable. Therefore, item (6), Flowers, Seeds, Fertilizers, etc., should read as follows, with ellipses referring to the remaining portions of the list:

* * * * *

(6) Flowers, Seeds, Fertilizers, etc.

The tax is imposed upon the sale of property which is purchased by persons not engaged in the business of farming.

T—Fertilizer, sprays, insecticides

T—Gardening supplies

T—Seeds and bulbs

T—Vegetable plants, flowers and trees

NT—Vegetable seeds, vegetables plants and fruit trees purchased with food stamps

* * * * *

[Pa.B. Doc. No. 98-932. Filed for public inspection June 12, 1998, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Finding

Montgomery County

Pursuant to the provisions of 71 P. S. Section 2002(b), the Secretary of Transportation makes the following written finding:

The Department of Transportation plans to replace the existing McLeans Station Road Bridge over Macoby Creek in Marlborough Township, Montgomery County. The project consists of replacing a two span pony truss with a two span steel arch structure on the existing alignment shifted slightly to the south. The existing Pratt pony truss is eligible for listing on the National Register of Historic Places. The effect of this project on the McLeans Station Road Bridge will be mitigated by the following measures to minimize harm to the resources.

1. A bridge recordation report will be prepared as required by Section 110(b) of the National Historic Preservation Act so that there will be a permanent record of its existence.

2. Every effort will be made to find a location where the existing trusses could be preserved and adaptively reused. Montgomery County will store the truss members upon their removal. If the County has no use for the trusses, they will be made available to the Pennsylvania Department of Conservation and Natural Resources for use in state parks.

I have considered the environmental, economic, social, and other effects of the proposed project as enumerated in Section 2002 of the Administrative Code, and have concluded that there is no feasible and prudent alternative to the project as designed, and all reasonable steps have been taken to minimize such effect.

No adverse environmental effect is likely to result from the replacement of this bridge.

BRADLEY L. MALLORY
Secretary

[Pa.B. Doc. No. 98-1070. Filed for public inspection July 2, 1998, 9:00 a.m.]

Retention of Engineering Firms

Bucks County

Project Reference No. 08430AG2208

The Department of Transportation will retain an engineering firm to perform environmental studies, preliminary engineering, final design, and construction consultation for S.R. 2025, Section 001, Bristol Road in Bensalem Township, Bucks County. This project involves roadway widening to accommodate a center left turn lane, new signalized and interconnected intersections, and drainage improvements. The limit of work is from Segment 0020 Offset 1586 to Segment 0070 Offset 0859. The estimated project construction cost is \$2.25 million.

The selected firm will be required to provide the following engineering and design services: surveys; roadway design; pavement design; preparation of cross sections; soils and geological investigations; erosion and

sedimentation control design; right-of-way investigation and plan; structure design; environmental documentation; hydrologic and hydraulic analysis; preparation of traffic control, pavement marking, and signing plans; utility coordination and design; coordination with PennDEP, municipal officials, and the public; preparation of final plans, specifications, and estimates; shop drawing review; and consultation during construction.

Firms that are currently serving, or are being considered for selection, as the municipal engineer in the municipalities listed in the project description will not be considered for this assignment. Also, firms that are under contract, or are being considered, to provide engineering services to a land developer for a site located along the project will likewise not be considered for this assignment. Firms should state in the letter of interest that they are not serving in either capacity as a municipal engineer or as a representative of a site developer. Any questions concerning this requirement should be directed to Mr. Timothy R. O'Brien, P.E., at the telephone number listed below.

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen (15%) percent of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information section after the advertised project(s).

We encourage small firms to submit a letter of interest for this assignment.

Letters of interest will be evaluated at the Engineering District 6-0 office with emphasis on the following factors:

- a. Specialized experience and technical competence of the firm including the firm's experience with similar type projects and their ability to provide innovative solutions to complex technical problems.
- b. Experience of employees to be associated with this project. Particularly important are the key people assigned to the project including their experience and past record of performance with similar projects.
- c. Overall current workload of the firm.
- d. Past performance record.

The District will announce the firms that have been shortlisted at an open public meeting scheduled for August 7, 1998 at 10:00 A.M. at Engineering District 6-0's Large Conference Room.

The District's copy of the Letter of Interest and required forms (see general requirements and information section) shall be sent to: Mr. Andrew Warren, District Administrator, District 6-0, 200 Radnor-Chester Road, St. Davids, PA 19087.

Any technical questions concerning the requirements for this project should be directed to: Mr. Timothy R. O'Brien, P.E., District 6-0, at (610) 964-6526, or Mr. Lawrence J. Link, P.E., District 6-0, at (610) 964-6536.

Any questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

**Centre County
Project Reference No. 08430AG2209**

The Department of Transportation will retain an engineering firm to provide preliminary engineering and the preparation of an environmental assessment for S.R. 0080, Section B18 (Bellefonte Interchange) in the Marion, Spring, and Boggs Townships of Centre County.

The preliminary engineering will consist of field surveys and the development and analysis of a maximum of three (3) interchange limited schemes in addition to the No Build Alternative. Each will be developed taking into consideration general environmental impacts. Roadways to be included in the development and evaluation of each alternative will be Interstate 80, Proposed Interstate 99, S.R. 0026, S.R. 1005, S.R. 1008, and Musser Lane (T-425). Movements between Interstate 80 and Proposed Interstate 99 shall be high-speed movements.

The project's Environmental Scope of Work will include all cultural resources work required for the Determination of Eligibility Report and an MOA, if required; Phase II Archaeological investigations and report if required; Impact Analysis for various alignments; underground storage tank investigations to determine the presence or extent of contamination prior to acquisition; Aquatic Resources; Wetland Jurisdictional Determination and Report Preparation; Farm Lands Report; Hazardous and/or Residual Waste Investigations; Section 4(f) if required; Threatened and/or Endangered Species Habitat; Groundwater Recharge; Air Quality Analysis; Noise Studies; Point of Access Study; Necessary Permits; and Public Meetings and Hearings.

The preliminary engineering and environmental studies will be used to aid in the evaluation of a maximum of three (3) alternatives in addition to the No Build Alternative and will provide the basis for the determination of the preferred alternative and the preparation of an Environmental Assessment/Section 4(f) Evaluation. Public Meetings, Section 4(f) document if required and the appropriate NEPA documentation for an Environmental Assessment will be prepared. The Department will provide base mapping, preliminary historic structures survey/ determination of eligibility report, environmental inventory, Phase I Archaeological, wetland identification, initial site assessment report.

The letters of interest, at a minimum, will indicate the following: How the selected firm will accomplish the tasks outlined or provide the services as detailed; and the names and resumes of individuals and firms intended to be utilized to fulfil the services. The Department will establish an order of ranking of a minimum of three firms. The following factors, listed in order of importance, will be considered by the Consultant Selection Committee 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. Specialized experience and technical competence of firm in environmental studies.
- c. Specialized experience and technical competence of firm for preliminary design projects.
- d. Specialized experience and technical competence of firm in the design of high speed interchanges.
- e. Specialized experience, previous experience, technical competence of individuals who constitute the firm.
- f. The understanding of this assignment.
- g. Current workload and capacity of firm to perform work.
- h. Past record of performance with respect to cost control, work quality, and ability to meet schedules.

The shortlisting for this project will be done at the District. All firms submitting letters of interest will be notified by the District of the shortlisting date.

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen (15%) percent of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information section after the advertised project(s).

The District's copy of the Letter of Interest and required forms (see general requirements and information section) shall be sent to: Mr. George M. Khoury, P.E., District Engineer, District 2-0, 1924-30 Daisy Street, P. O. Box 342, Clearfield, PA 16830.

Any technical questions concerning the requirements for this project should be directed to: Mr. Vasco A. Ordonez, P.E., District 2-0, at (814) 765-0439.

Any questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

**Statewide
Project Reference No. 08430AG2210**

The Department of Transportation will retain two (2) engineering firms for two (2) separate Open-End Contracts to perform underwater bridge safety inspections throughout the Commonwealth. These Contracts will be for a period of sixty (60) months from the date of execution with projects assigned on an as needed basis. The maximum amount of these Open-End Contracts will be \$1.0 million each.

The selected firms will be required to provide all necessary professional and non-professional services, work, material, and equipment necessary to: perform underwater bridge inspections; collect, analyze, and organize data; assess impacts; provide remediation recommendations; and prepare engineering reports. Mostly hard hat diving is anticipated.

The engineering reports and other written and graphic materials to be prepared may include, but are not limited to the assessment of the following: structural components, substructure foundation condition, rock and subsurface conditions, turbulence, aggradation and degradation of the channel bed of banks, past repairs, debris, historical records and recommended remediation work. The inspections must meet applicable State and Federal regulations relating to diving.

Firms responding to this solicitation shall provide the following additional information in their Letter of Interest:

- a. Indicate the lead person or sub-consultant on each of the expert service elements and indicate the qualifications and experience of the lead person or sub-consultant specifically related to each expert service area.
- b. Indicate how the firm will provide "on demand" response for urgent problems.
- c. Indicate internal procedures for cost containment and quality assurances.

The Department will establish an order of ranking of a minimum of five (5) firms for the purpose of negotiating 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. Specialized technical expertise and experience of the individuals committed to this project.

- b. Capabilities of the proposed team to address the underwater inspection, diving, engineering evaluations and recommendations, and related aspects identified in the advertisement.

- c. Prior technical successes and timeliness in performing work with the Department.

- d. Available staffing and "on demand" response capabilities in the event of emergencies.

- e. Location, current workload, cost containment and quality assurance program.

The engineering services studies identified above are the general work activities that can be expected under these contracts.

The District's copy of the Letter of Interest and required forms (see general requirements and information section) shall be sent to: Mr. R. Scott Christie, Chief Bridge Engineer, 7th Floor Forum Place, 555 Walnut Street, Harrisburg, PA 17101-1900.

Any technical questions concerning the requirements for this project should be directed to: Mr. Suresh Dadhanian, P.E., at (717) 787-3590.

Any questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

**Centre County
Project Reference No. 08430AG2211**

The Department of Transportation will retain an engineering firm to provide supplementary construction inspection staff of approximately seventeen (17) inspectors, under the Department's Inspector-in-Charge, for construction inspection and documentation services for S.R. 0026, Section C03, Centre County, Route 26 Relocation, the construction of a four lane limited access highway on new alignment approximately 4.1 miles in length with thirteen (13) bridges.

The Department will establish an order of ranking of a minimum of three (3) firms for the purpose of negotiating an Engineering Agreement based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- a. Ability to package and present the letter of interest in accordance with the "General Requirements and Information" section.

- b. Review 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.

- c. Past Performance.

- d. Understanding of Department's requirements, policies, and specifications.

- e. Number of available inspectors in each payroll classification.

- f. Number of NICET certified inspectors in each payroll classification.

The qualifications and experience required of the firm's inspectors will be established by the Department, and the qualifications of the firm's proposed employees will be reviewed and approved by the Department.

It is anticipated that the supplementary construction inspection staff for this assignment will consist of the following number of inspectors who meet the requirements for the following inspection classifications:

<i>Classification</i>	<i>No. of Inspectors</i>
Transportation Construction Manager 1 (TCM-1) (NICET Highway Construction Level 4 or equivalent)	2 (2)
Transportation Construction Ins. Super. (TCIS) (NICET Highway Construction Level 3 or equivalent)	2 (2)
Transportation Construction Inspector—Materials (TCI-Materials) (NICET Highway Materials Level 2 or equivalent)	1 (1)
Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent)	10 (6) *
Technical Assistant (TA) (NICET Highway Construction Level 1 or equivalent)	2 (0)

* One TCI must be CDS certified, and another one must be bituminous field certified.

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

<i>Payroll Classification</i>	<i>Maximum Straight Time Reimbursement Per Hour Of Inspection</i>
(TCI-Materials)	\$35.51
(TCI)	\$34.43
(TA)	\$23.67

The maximum reimbursement per hour of inspection includes all costs for providing construction inspection services at the project site during the normal work week.

Maximum reimbursement per hour of inspection for subsequent calendar years, if applicable, will be established at the scope of work meeting.

The firm selected may be required to attend a pre-construction conference with the Department and the construction contractor for this project. Under the supervision and direction of the Department, the selected firm will be required to keep records and document the construction work; prepare current and final estimates for payment to the construction contractor; assist the Department in obtaining compliance with the labor standards, safety and accident prevention, and equal opportunity provisions of the contract item; and perform other duties as may be required. Firms applying must have qualified personnel capable of climbing structures during painting, rehabilitation, or construction.

The firm selected will be required to supply the following equipment at no direct cost to the Department:

- 1 Nuclear Densometer Gauge/License
* (at point of need when needed)
- 5 Cellular Phones

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen percent (15%) of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information Section after the advertised project(s).

Letters of interest for this project must include a letter, signed by the individuals you propose for all TCM-1 and TCIS positions, giving their approval to use their name in your letter of interest for this specific project.

The maximum number of resumes to be included in the letter of interest shall be as follows:

<i>Classification</i>	<i>No. of Resumes</i>
TCM-1	3
TCIS	3
TCI-M	2
TCI	12

No resumes are required for the TA Classification.

The second copy of the letter of interest and required forms, (see general requirements and information section shall be sent to: Mr. George M. Khoury, P.E., District Engineer, District 2-0, 1924-30 Daisy Street, P. O. Box 342, Clearfield, PA 16830.

Any technical questions concerning the requirements for this project should be directed to: Mr. Vasco A. Ordonez, P.E., District 2-0, at (814) 765-0439.

Any questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

**Blair and Centre Counties
Project Reference No. 08430AG2212**

The Department of Transportation will retain an engineering firm to provide an Environmental Monitor for

both the final design and construction phase of S.R. 0220 in Blair and Centre Counties. S.R. 0220 is an eighteen (18) mile, 4 lane limited access highway on new location from Bald Eagle in Blair County to the Mount Nittany Expressway in Centre County. Also included is a Natural Resource Compensation Plan which includes the creation/restoration, enhancement, and preservation of wetlands; forest preservation/enhancement; and a Terrestrial Habitat Management Plan.

The final design activities will consist of the monitoring of the baseline data on wetlands, ground water and streams as developed by the preliminary engineering team using the same frequency and protocol or as required by EP and the Section 401 Water Quality Certification. Additional ground water, well monitoring with automatic recorders, permanent flumes with automatic monitoring devices, stream cross-sections for gaging, water quality testing sites and sampling may be required.

During the construction phase, the Environmental Monitor will review construction activities to ensure compliance to the ROD, Mitigation Plan, permit requirements and final design consideration; monitor access road and other off site construction areas; delineate environmental features as required; review off site locations for approval (borrow, waste, staging, etc); review shop drawing, work orders, and plan changes for environmental compliance; monitor existing wetlands during and after construction; continue monitoring ground water activities established during final design; monitor newly created wetlands; monitor stream improvements; monitor all commitments of the Natural Resources Compensation Plan; monitor water supplies selected during final design; monitor water quality as required by DEP; continue the use of the Mitigation/Compensation tracking matrix; provide monthly reports to PennDOT, FHWA, COE, DEP, and EPA; and attend SAGM's, CAC, Executive Committee, and Township Meetings.

The Environmental Monitor will be required to provide a field office in the project area which will be shared with the resource agencies; compatible hardware and software to download, analyze, and report on shallow wells and flow measuring devices for ground water, and select small stream flow; and provide batteries and maintain all existing auto recording devices.

The Environmental Monitor will participate in conducting training sessions for the construction contractor's supervisory staff; attend meetings as required; produce a quarterly newsletter; and provide an experienced person for the Centre County Conservation District.

The Environmental Monitor will work closely with the Construction Manager, Project Manager, and Department's Construction Staff. The Environmental Monitor will be independent to this staff and report directly to the District Environmental Manager.

It is anticipated that as many as eight (8) full time staff will be required for S.R. 0220 and three (3) full time staff will be required for the Compensation/Mitigation Plan. One additional full time staff will be required to work directly for the Centre County Conservation District. Additional staff will be needed for monitoring activities, analysis of data, reports, and other activities as required. The letter of interest must identify the overall project manager, a minimum of twelve (12) field personnel that can be assigned to the project as well as the additional staff that will be assigned on an as needed basis.

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. Experience of staff as Environmental Monitors.
- c. Experience in ground water and surface water monitoring.
- d. Experience in wetland creation, enhancement and restoration.
- e. Experience in stream rehabilitation, including experience in fluvial geomorphology.
- f. Experience in stormwater water management.
- g. Experience in erosion and sedimentation control.
- h. Experience in highway construction on new location.
- i. Experience in hydrology and hydrogeology.
- j. Experience with ACM.
- k. Experience in preparation of 404 Permits, NPDES Permits, 105 Permit, and erosion and sedimentation plans.

The District's copy of the Letter of Interest and required forms (see general requirements and information section) shall be sent to: Mr. George M. Khoury, P.E., District Engineer, District 2-0, 1924-30 Daisy Street, Clearfield, PA 16830.

Any technical questions concerning the requirements for this project should be directed to: Mr. James Bathurst, P.E., District 2-0, at (814) 765-0437.

Any questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

**Blair and Centre Counties
Project Reference No. 08430AG2213**

The Department of Transportation will retain an engineering firm to prepare right of way and construction plans for the Natural Resource Compensation/Mitigation for S.R. 0220, Section E10 in Blair and Centre Counties. The mitigation involves the creation, restoration, enhancement or preservation of 160 acres of wetland; the improvement to 18,170 feet of streams; and the enhancement/preservation of 597 acres of terrestrial habitat. All work will be within the context of a watershed approach.

The required services include site evaluation; core boring; ground water monitoring; conceptual plans; planting details; site hydraulic and hydrological studies; resource agency meetings; archaeological studies; hazardous waste surveys; intent to enter notice; field surveys; preparation of right of way and construction plans in accordance with current design manual and policies; plan, specifications and estimate; and necessary permit applications.

The wetland component of the Mitigation/Compensation plan involves creation/enhancement by providing biotic and abiotic functions similar to those of the natural wetlands in the valley. Creation will be accomplished by using excavation and dike design with constricted, fixed elevation outlet structures, and infiltration trenches. Enhancement of existing wetlands will include the creation of vernal pools, revegetation, supplement plantings and the installation of habitat structures. Preservation will be

accomplished by property easements or agreements. The stream compensation component consists of total stream improvements, in-stream improvement and stream-side improvements. In-stream improvements include bank stabilization, stream channel restoration and aquatic habitat structures. Stream-side improvements include streambank fencing and riparian vegetative plantings. Total stream improvements include both the in-stream and stream-side improvements. The terrestrial habitat component consists of forest preservation/enhancement, woodcock habitat preservation/enhancement, wildlife enhancement on remnant parcels and buffer areas, wildlife corridors, shrub land/mixed shrub land creation/enhancement, and preservation/enhancement to State Game Land Number 278, and the development of a Habitat Management Plan for the matted spike rush on State Game Land Number 278.

The creation of the Mitigation/Compensation Plan will require meetings with the Environmental Resource Agencies, an Executive Committee, the Centre Regional Metropolitan Planning Organization, a Citizen Advisory Committee, Townships, and Planners. Meetings will be held with Permitting Agencies on the Corps Section 404 Permit, DEP 105 Permit, and DEP 401 Water Quality Certification. During final design additional mitigation may be required due to changes in final design. These changes may require addendums or modification to the issued permits.

The Department's selection factors in order of importance are:

- a. Ability to package and present the letters of interest in accordance with the "General Requirements and Information" section.
- b. Past experience in wetland creation/enhancement and preservation; stream improvements; creation/enhancement of terrestrial habitat; hydraulic and hydrological studies of wetlands; fluvial geomorphology; conceptual wetland plans; ACM presentations, wetland permit applications and approvals.
- c. Preparation of right-of-way plans.
- d. Preparation of construction plans.
- e. PS&E packages.
- f. Current Workload.
- g. Quality of past wetland creation/enhancement, stream improvements and habitat enhancement (supply contact name, firm, address and phone number).
- h. Surveying equipment.
- i. CADD capabilities.
- j. Dedicated staffing to project.
- k. Experience of staffing.

Any firms that are part of the current final design management contract for U.S. Route 220 are ineligible for this assignment.

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen (15%) percent of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information section after the advertised project(s).

The District's copy of the Letter of Interest and required forms (see general requirements and information

section) shall be sent to: Mr. George M. Khoury, P.E., District Engineer, District 2-0, 1924-30 Daisy Street, Clearfield, PA 16830.

Any technical questions concerning the requirements for this project should be directed to: Mr. James R. Bathurst, P.E., District 2-0 at (814) 765-0437.

Any questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

**Engineering Districts 2-0 and 8-0
Project Reference No. 08430AG2214**

The Department of Transportation will retain a firm for a Regional Open-End Contract to provide supplemental Right-of-Way Acquisition and Appraisal Services for Engineering District 2-0, that is Cameron, Centre, Clearfield, Clinton, Elk, Juniata, McKean, Mifflin, and Potter Counties and Engineering District 8-0, that is Adams, Cumberland, Dauphin, Franklin, Lancaster, Lebanon, Perry and York Counties. The acquisition and appraisal services will encompass all activities required to obtain right-of-way for the Department's highway and bridge program. The Contract will be for a period of sixty (60) months with a maximum cost of \$1.0 million dollars.

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. Experience in acquiring right-of-way for highway projects.
- c. Experience in evaluating entitlements for all types of relocation assistance payments to residential and business relocatees.
- d. Experience in conducting Pre-acquisition Survey and preparing Pre-acquisition Reports.
- e. Experience in preparation of forms and documents for Declaration of Taking and Petition for Writ of Possession.
- f. Experience in performing appraisals in accordance with Department policy and procedures.
- g. Experience in machinery and equipment appraisals.

The firm may be required to perform any or all of the following services: appraisal planning; problem identification; appraisals; obtain services of fee appraisers; conduct bid opening for fee appraisers; conduct pre-acquisition surveys; prepare pre-acquisition report; negotiate with property owners; recommend administrative settlements; prepare documents and form for Declaration of Takings; prepare forms and documents for estimated just compensation; provide title services; provide relocation assistance and payment services; prepare replacement housing and rent supplemental offers; assist relocatees in obtaining moving estimates; perform property management services; and other services such as data entry and clerical duties.

The District's copy of the Letter of Interest and required forms (see general requirements and information section) shall be sent to: Mr. George M. Khoury, P.E., District Engineer, District 2-0, 1924-30 Daisy Street, P. O. Box 342, Clearfield, PA 16830.

The Contract will be administered by Mr. James R. Bathurst, P.E., Design Services Engineer, Engineering District 2-0.

Any technical questions concerning the requirements for this project should be directed to: Mr. Michael Hnat, District 2-0 at (814) 765-0444.

Any questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

**Centre and Blair Counties
Project Reference No. 08430AG2215**

The Department of Transportation will retain an engineering firm to prepare final design plans for S.R. 0220, Section C10 in Snyder, Taylor, and Worth Townships in Blair and Centre Counties beginning at the Village of Bald Eagle and ending one mile southwest of Port Matilda. The project includes the design of nine (9) miles of S.R. 0220 consisting of a four lane divided, limited access highway with one interchange (diamond type). This project includes the design of thirteen (13) single or multi-span structures.

The project includes the preparation of one right-of-way plan with an anticipated submission being four (4) months from the notice to proceed. Four (4) construction plans are anticipated with an assumed ten (10) month submission schedule. Electronic files will be provided from all previous completed preliminary plans. This project will have an accelerated schedule.

The required services will include field surveys, Step 9 submissions, traffic control plans, hydraulic reports, 105 submissions, TS&L studies, foundation studies, final bridge design, final geotechnical studies, bidding of core borings, incident management, signing and sign lighting plans, E&S plans, contour grading and drainage plan, roadside development plans, right-of-way plans and final construction plans, specifications and estimates.

The Department will establish an order of ranking of a minimum of three (3) firms. The following factors, listed in order of importance, will be considered by the Consultant Selection Committee 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. How the required work tasks will be accomplished and how the required services will be provided.
- c. Specialized experience and technical competence of firm.
- d. Specialized experience, previous experience, technical competence of individuals who constitute the firm.
- e. Special requirements of this final design assignment.
- f. Current workload and capacity of firm to perform work.
- g. Past record of performance with respect to cost control, work quality, and ability to meet schedules.

The shortlisting for this project(s) will be done at Engineering District 2-0. All firms submitting letters of interest will be notified by the District of the shortlisting date.

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen (15%) percent of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information section after the advertised project(s).

The District's copy of the Letter of Interest and required forms (see general requirements and information section) shall be sent to: Mr. George Khoury, P.E., District Engineer, District 2-0, 1924-30 Daisy Street, P. O. Box 342, Clearfield, PA 16830.

Any technical questions concerning the requirements for this project should be directed to: Mr. Vasco A. Ordonez, P.E., District 2-0, at (814) 765-0439.

Any questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

**Fayette, Greene, Washington,
and Westmoreland Counties
Project Reference No. 08430AG2216**

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 12-0, that is Fayette, Greene, Washington and Westmoreland 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. Specialized experience and technical competence of firm.
- c. Past record of performance with respect to cost control, work quality, ability to meet schedules, and previous experience on Open-End Contracts. The specific experience of individuals employed by the firm shall be considered.
- d. Location of Consultant in respect to the District.
- e. Available staffing for this assignment and the ability to meet the Department's needs.
- f. Projected Workload for the next two (2) calendar years.

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; 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. Michael H. Dufalla, P.E. District Engineer, District 12-0, P. O. Box 459, Uniontown, PA 15401.

Any technical questions concerning the requirements for this project should be directed to: Mr. William Oshnack, District 12-0, at (724) 439-7321.

Any 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.

**Fayette, Greene, Washington,
and Westmoreland Counties
Project Reference No. 08430AG2217**

The Department of Transportation will retain two (2) engineering firms for two (2) Open-End Contracts for various engineering and/or environmental services on various projects located in Engineering District 12-0, that is Fayette, Greene, Washington and Westmoreland Counties. Each Contract will be for a sixty (60) month period

with projects assigned on an as-needed basis. The maximum amount of each Open-End Contract will be \$500,000.00 thousand dollars.

The Department will establish an order of ranking of a minimum of five (5) firms for the purpose of negotiating the two (2) separate Open-End Contracts 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. Specialized experience and technical competence of firm.
- c. Past record of performance with respect to cost control, work quality, ability to meet schedules, and previous experience on Open-End Contracts. The specific experience of individuals employed by the firm shall be considered.
- d. Location of Consultant in respect to the District.
- e. Available staffing for this assignment and the ability to meet the Department's needs.
- f. Projected Workload for the next two (2) calendar years.

The work and services required under these Contracts 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 these Contracts 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; and prepare construction plans, specifications, and estimates.

The areas of environmental study required under these Contracts 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 these Open-End Contracts. A more specific and project-related Scope of Work will be outlined for each individual Work Order developed under these Open-End Contracts.

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, Uniontown, PA 15401.

Any technical questions concerning the requirements for this project should be directed to: Mr. William Oshnack, District 12-0, at (724) 439-7321.

Any 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 are required information for each Project Reference Number for which the applicant wishes to be considered.

The first copy of the Letter of Interest and required information must be submitted to: Mr. Charles W. Alwein, P.E., Chief, Consultant Selection Committee, 7th Floor, Forum Place, 555 Walnut Street, P. O. Box 3060, Harrisburg, Pennsylvania 17105-3060. Note: The Zip Code for express Mailing is 17101-1900.

The Letter of Interest and required information must be received within twenty (20) calendar days of this Notice. The Deadline for receipt of a Letter of Interest at the above address is 4:30 P.M. prevailing time of the twentieth day.

The second copy of the letter of interest and required information must be submitted to the appropriate District Engineer/Administrator or the Bureau Director as indicated in the individual advertisement. This copy must be postmarked or delivered on or before the deadline indicated above.

If an individual, firm, or corporation not authorized to engage in the practice of engineering desires to submit a Letter of Interest, said individual, firm, or corporation may do so as part of a Joint Venture with an individual, firm, or corporate which is permitted under the state law to engage in the practice of engineering.

If a Joint Venture responds to a project advertisement, the Department of Transportation will not accept separate Letters of Interest from the Joint Venture constitu-

ents. 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 Organizational Chart (one page, one side, maximum size 11" x 17")

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 specify only the number of subconsultant personnel and Column B must specify only the number of prime consultant personnel to be assigned to work on this project reference number. Do not include the total personnel for either the subconsultant or prime consultant under Item 4 unless the total personnel are necessary to provide the required work and services.

The prime and each subconsultant may include no more than one page each for Items 10 and 11.

If a Disadvantaged Business Enterprise (DBE) goal is specified for the project, the DBE must be currently certified by the Department of Transportation, and the name of the DBE and the work to be performed must be indicated in Item No. 6. If a Woman Business Enterprise (WBE) firm is substituted for the DBE, the WBE firm must also be presently certified by the Department of Transportation and indicated in Item 6.

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 (For Construction Inspections Services, 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 Accountant must be indicated. New firms should indicate how long the firm has been in existence and when an audited overhead rate would be available.

9. Additional Information

Additional information, not to exceed ten (10) one sided 8 1/2" x 11" pages or five (5) double sided 8 1/2" x 11" pages may be included at the discretion of the submitting firm.

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. 98-1071. Filed for public inspection July 2, 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 fifth 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			
Older Adult Daily Living Centers PA Code Title VI Chapter 11	June 1998, as proposed.	This regulation is in the process of revision to conform to the requirements of Acts 169-96 and 13-97 and has received final review by stakeholders. Review is occurring as a result of these Acts and of Executive Order 1996-1.	Robert Hussar 717-783-6207
Protective Services For Older Adults PA Code Title VI Chapter 15	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 received initial review by stakeholders in May, 1998, and is being amended to incorporate stakeholder comments.	Robert Hussar 717-783-6207
Domiciliary Care Services for Adults PA Code Title VI Chapter 21	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
Fair Hearings and Appeals PA Code Title VI Chapter 3	August 1998, as proposed.	This regulation has been 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	September 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	December 1998, as proposed.	County Assessors have primary enforcement authority under the "Clean and Green" Act (72 P. S. Section 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. A statutory amendment may be forthcoming, and would affect the promulgation date of the regulations.	Raymond Pickering (717) 783-3167
Consolidation/Update of Retail Food Store Regulations	December 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. Section 20.1—20.18) is the statutory basis for this regulation.	Charles Radle (717) 772-3234
Food Employee Certification 7 Pa. Code Chapter 83	August 1998, as final.	This regulation is required by the Food Employee Certification Act (3 Pa.C.S. §§ 6501—6510), and will establish standards for training of certain food industry personnel.	Martha Melton (717) 782-8354
Maple Products	December 1998, as proposed.	This regulation is required by the Maple Products Act (3 Pa.C.S. Section 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

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
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
Bureau of Market Development Standards for Grading Veal Calves	September 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
Land application of soil and groundwater contaminated with agricultural chemicals	June 1999, 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	September 1998, as proposed.	This regulation is needed to replace an existing statement of policy published in the March 16, 1996 <i>Pa. Bulletin</i> . 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

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Certification of Virus-Tested Geraniums	September 1999, 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
Swimming Pool Certification	October 1998, as final-proposed omitted.	This regulation will address the EPA's recent reclassification of chlorine as an "anti-microbial" rather than a pesticide. Since the substance is no longer considered a pesticide the Department will no longer regulate persons who apply it.	John Tacelosky (717) 787-4843
Dog Law	November 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
Weights, Measures and 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. The proposed regulation is currently under review at the Office of General Counsel.	Charles Bruckner (717) 787-6772
BANKING			
Secondary Mortgage Loan Act regulations.	Winter 1998, as proposed.	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 has evaluated 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>
Amendments to the Leeway Investments regulations for Pennsylvania state-chartered banking institutions.	Winter 1998, as proposed.	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 has evaluated 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
“Other investments” regulations for Pennsylvania state-chartered banking institutions.	Winter 1998, as proposed.	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 has evaluated 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
BUDGET			
No regulations being developed or considered at this date.			
COMMUNITY & ECONOMIC DEVELOPMENT			
Certified Provider	Fall 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)	Fall 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
Commercial Motion Picture Sales; Tax Exemption Certificate 12 Pa. Code Chapter 33	Fall 1998, as final.	The regulation will prescribe a Pennsylvania Exemption Certificate (FORM REV-1220) as the form to be used by producers of commercial motion pictures, who are qualified to take advantage of the PA Sales and Use Tax exclusion provided by Section 204(54) of the Tax Reform Code of 1971.	Jill B. Busch (717) 783-8452
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	March 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	April 1999, 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.	Victoria S. Freimuth (717) 975-4860
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	June 1998, as final.	The regulations will be amended to enable members of the news media to communicate and visit with inmates under the same visitation policies which govern inmate communications with other members of the public	Michael Lukins (717) 975-4862
EDUCATION			
Pupil Personnel Services Pupil Attendance Students 22 Pa. Code, Chapters 7, 11, 12	September 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 nonregulatory 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

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Special Education Services and Programs 22 Pa. Code, Chapter 14	November 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	November 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, Program Approval 22 Pa. Code, Chapters 31, 36, 40, 42	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 are necessary to clarify the intent of the chapters, modify the time frame during which new institutions must achieve accreditation, update provisions for library and learning resources, and amend regulations to accommodate for-profit baccalaureate and higher 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
Branch Campuses for State-supported Institutions 22 Pa. Code, Chapters 34	August 1998, as proposed.	These regulations are necessary to establish procedures for the approval of branch campuses. 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
Academic Standards and Assessment 22 Pa. Code, Chapter 4	July 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

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Gifted Education 22 Pa. Code, Chapter 16	July 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
Certification of Professional Personnel 22 Pa. Code, Chapter 49	August 1998, as final.	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 354	November 1998, as proposed.	These standards will provide general requirements for programs which prepare professional educators in 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
College and University Security 22 Pa. Code, Chapter 33	August 1998, as proposed.	These regulations govern the responsibility of institutions of higher education for the provisions of college and university security information and the collection and reporting of crime statistics. Revisions are necessary to incorporate provisions for the establishment of and access to daily campus crime logs. These regulations are promulgated under authority of the College and University Security Information Act (P. L. 443, No. 73)(24 P. S. § 2502-1 to 2502-5).	Peter Garland (717) 787-3787
Program Standards and Eligibility Criteria for the Higher Education Opportunity Act 22 Pa. Code, Chapter 44	September 1998, as final.	These regulations establish program requirements and eligibility criteria for Act 101 programs in colleges and universities. Revisions are necessary to update eligibility criteria to reflect current income levels. These regulations are promulgated under authority of (P. L. 423, No. 101 § 3 and 4)(24 P. S. § 2510-303, § 2510-304).	Peter Garland (717) 787-3787
Community Colleges 22 Pa. Code, Chapter 35	September 1998, as proposed.	These regulations govern the establishment and operation of community colleges and technical institutes. Revisions to reflect current practice are made in the formula calculating Full-Time Equivalent (FTE) Enrollments for reimbursement purposes.	Peter Garland (717) 787-3787
EMERGENCY MANAGEMENT AGENCY			
Radiation Emergency Response Fund 4 Pa. Code Chapter 116	September, 1998, as proposed.	Needed to simplify grant program.	Mark Goodwin (717) 651-2010

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Radiation Transportation Emergency Response Fund 4 Pa. Code Chapter 117	September, 1998, as proposed.	Needed to simplify grant program.	Mark Goodwin (717) 651-2010
ENVIRONMENTAL HEARING BOARD			
25 PA Code §§ 1021	Proposed will be in final form by the summer of 1998.	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	December 1998, as final to the EQB.	This proposal has been developed to streamline and improve the existing program and to address EPA disapproval issues. EPA promulgated regulations for Pennsylvania in December 1996. The EQB received over 1,700 comments on its proposed rulemaking which was published March 22, 1997. The Department has considered and responded to comments and published an Advance Notice of Final Rulemaking (ANFR) in July 1998. The Water Resources Advisory Committee (WRAC) was briefed on the ANFR and will review the final rulemaking.	Carol Young, 717-787-4686
Stream Redesignations French Creek, et al. (Part B) Clean Streams Law	March 1999, as final to the EQB.	This package contains recommendations for Browns Run (Warren County) and Trout Run (York County) which were evaluated as a result of petitions submitted to the EQB. Initially proposed in January 1997, there was considerable controversy surrounding the proposed redesignations. As a result of public comments, the streams will be restudied by the EQB and considered in March 1999. Also included in this package are recommendations for the lower segment of Cove Creek (T-433 Bridge to Mouth) (Bedford County) and Grimes Run (Clearfield County). These streams were removed from the original Part A package for further consideration at the request of the EQB. The EQB will reconsider them in March 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	Date undetermined.	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 DEP to issue general water quality management permits. The Water Resources Advisory Committee (WRAC) approved this proposal in February 1997. The proposal was discussed with the Agricultural Advisory Board (AAB) in October 1997. Several sections of this rulemaking pertain to animal manure (manure storage and land application). DEP is in the midst of discussions with stakeholders and EPA regarding manure issues related to Concentrated Animal Feeding Operations (CAFOs). A draft strategy will be announced in the near future. DEP doesn't plan to finalize this rulemaking until the CAFO strategy is finalized.	Milt Lauch, 717-787-8184
Chapter 94—Municipal Wasteload Management Clean Streams Law	June 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 approved the draft final rulemaking in May 1998.	Milt Lauch, 717-787-8184
Chapters 92, 93, 95, 96 & 97 Water Quality Amendments Clean Streams Law	June 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	December 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	Date undetermined.	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	January 1999, as final to the EQB.	These amendments to Chapter 109 incorporate a permit by rule for bottled water systems meeting specified criteria to streamline the permitting process. DEP formed a working group of stakeholders and other interested parties to assist in identifying and selecting implementation options. The amendments 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 will review the draft final 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 Solid Waste Advisory Committee (SWAC) will review the draft final amendments.	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	June 1998, as proposed to the EQB.	This proposal changes the environmental assessment requirements to evaluate known and potential environmental harms vs. social and economic benefits; includes revisions to ICW permit by rule and general permit requirements; includes standards for nuisance minimization and 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 facility design and operating standards for composting facilities to be more performance based; revises leachate sampling requirements to delete parameters from quarterly sampling if groundwater protection will not be compromised; and 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 approved by SWAC.	Bill Pounds, 717-787-7564
Residual Waste Revisions Solid Waste Management Act	June 1998, as proposed to the EQB.	This 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 performance standards for odor, noise and other nuisance control; revises isolation distances; modifies the environmental assessment requirements; revises 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; revises leachate sampling requirements to delete parameters from quarterly sampling if groundwater protection will not be compromised; allows for leachate holding tanks and trucking for some processing facilities in lieu of connection to sewer systems or building treatment plants; and modifies the attenuating soil requirements at landfills to allow for equivalency modeling based upon site specific conditions. The draft proposal was approved by SWAC.	Bill Pounds, 717-787-7564
Waste Oil Amendments Solid Waste Management Act	August 1998, as proposed to the EQB.	This proposal consolidates the requirements for the management of used oil into one chapter. The SWAC approved the draft amendments.	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>
Aerospace Manufacturing and Rework—VOC Emission Limitations Air Pollution Control Act	October 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 proposal is based on the provisions of an EPA draft Control Techniques Guidance (CTG) which specifies minimum performance levels. 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) will review the draft final amendments.	Terry Black, 717-787-4310
New Motor Vehicle Emissions Control Program Air Pollution Control Act	August 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 AQTAC approved the draft final amendments.	Arleen Shulman, 717-787-4310
Control of VOCs from Gasoline Dispensing Facilities (Stage II) Air Pollution Control Act	December 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 strategies resulted in regulatory amendments regarding Stage II, which 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	June 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 and hydrogen sulfide in Chapters 131 and 139 because they are not required under the Clean Air Act. The AQTAC approved the draft final amendments.	Terry Black, 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>
Malodors—RBI #3 Air Pollution Control Act	November 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 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 Emission Reduction Credits (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
Gasoline Volatility Requirements—Low RVP Air Pollution Control Act	July 1998, as proposed to the EQB.	The Commonwealth is required to implement control strategies to demonstrate that the Pittsburgh-Beaver Valley Area will achieve the national ambient air quality standards (NAAQS) for ozone. The Department proposes to delete the term “federal reformulated gasoline or RFG” and eliminate RFG from the term “compliant fuel.” The proposed regulation will limit the volatility of gasoline sold in the Pittsburgh-Beaver Valley Area each year between May 1 and September 15. The proposal requires the sale of 7.8 Reid vapor pressure (RVP) gasoline. In addition, the Department proposes to clarify the records retention requirements in Section 126.302(c) that records to be kept on site. The AQTAC approved a draft of the proposal.	Terry Black 717-787-4310
Surface Coating Processes Air Pollution Control Act	August 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 approved the draft regulations.	Terry Black, 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>
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 establish maximum VOC content levels for automobile refinish materials used in the Commonwealth. The proposed regulation also establishes permitting requirements, pollution prevention and work practice standards. DEP is developing public information materials to inform the regulated industry of the proposed requirements. DEP will publish the proposal in August 1998 and conduct statewide public information meetings and hearings during the public comment period. The AQTAC approved the draft proposed regulations.	Terry Black, 717-787-4310
Degreasing Operations Air Pollution Control Act	November 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. A stakeholder group consisting of degreaser manufacturers and operators, solvent suppliers and environmental groups met several times over an eight-month period to develop a draft regulation. The AQTAC will review the draft proposed rulemaking.	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
Radiological Health (Chapters 216, 218, 221, 223, 227, 228) Radiation Protection Act	July 1998, as final to the EQB.	The Department is amending its radiological health regulations which were last revised in 1983. The amendments address technological advances such as new diagnosis and treatment methods and particle accelerators which have changed in design and function. The amendments 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 Radiation Protection Advisory Committee (RPAC) approved the final regulations in April 1998.	Stuart Levin, 717-787-3720

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Radiological Health (Chapters 215, 217, 219, 220, 224, 225, 226, 230 and 232) Radiation Protection Act	October 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 in developing these regulations.	Stuart Levin, 717-787-3720
Chapter 86, Subchapters A and D—General Provisions and Areas Unsuited for Mining Surface Mining Conservation and Reclamation Act, Clean Streams Law, Coal Refuse Disposal Control Act	October 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 will be reviewed by the Mining and Reclamation Advisory Board (MRAB) in July.	David Hogeman, 717-787-4761
GENERAL SERVICES			
Surplus State Property 4 Pa. Code, Chapter 41	Fall 1998, as proposed.	With the enactment of the Commonwealth Procurement Code (Act 57 of 1998) this Chapter must be substantially amended. Further, there is a need for review and revision of these regulations to implement improvements in the transfer and disposition of state surplus property.	Barbara L. Shelton (717) 787-5295
Instructions to Bidders 4 Pa. Code, Chapter 61	Summer 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	Summer 1998, as proposed.	See comment for Chapter 61.	Merle H. Ryan (717) 787-7095
State Art Commission 4 Pa. Code, Chapter 65	Summer 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	Fall 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	Summer 1998, as proposed.	Executive Order 1996-8 transferred the contract compliance responsibilities to the Department of General Services	John R. McCarty (717) 783-8720
Methods of Awarding Contracts 4 Pa. Code, Chapter 69	Fall 1998, as proposed.	With the enactment of the Commonwealth Procurement Code (Act 57) it is necessary to conform this Chapter with the changes in the law and to address other procurement areas affected by Act 57.	Barbara L. Shelton (717) 787-5295
Commonwealth Parking Facilities 4 Pa. Code, Chapter 71	Winter 1998, as proposed.	Amendments are required because parking locations have been changed.	Ronald L. Coy (717) 783-5028

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Commonwealth Automotive Fleet 4 Pa. Code, Chapter 73	Winter 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 F. Ankabrandt (717) 783-1982
Processing Subscriptions and Sales of Pennsylvania Code and Related Publications 4 Pa. Code, Chapter 81	Winter 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 4 Pa. Code, Chapter 86	Fall 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	Fall 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.	August 1998, as proposed.	Amendments to regulations to enhance the operation of the Emergency Medical Services 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.	November 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. The Advisory Health Board met in April to review the draft regulations.	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.	No publication anticipated in the next six months.	The amendments to existing regulations to make them consistent with current local health administration practices. Currently under review by the Bureau of Community Health.	Suzanne Craig 717-783-2500
Drug and Alcohol Confidentiality 4 Pa. Code § 255.1 et seq. and § 257.1 et seq.	November 1998, as proposed.	These regulations are being updated 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

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Amendments to the List of Drugs Which Optometrists May Use in the Course of Their Practice 28 Pa. Code Ch. 6	August 1998, as final.	These amendments are intended to facilitate the expanded practice of optometry pursuant to an amendment to the definition of "practice of optometry" in the Optometric Practice and Licensure Act, 63 P. S. § 244.1 et seq. That act was amended on October 30, 1996, 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. The 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.	No publication anticipated in the next six months.	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 Department has met with consumer groups to obtain stakeholder input.	Nan Lipton 717-783-2500
Dental Laboratories 28 Pa. Code § 25.301 et seq.	September 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
Long Term Care Nursing Facilities 28 Pa. Code § 201.1 et seq.	November 1998, as final.	These regulations are needed to update current regulations regulating long term nursing care facilities, and will incorporate many of the federal long term care certification regulations.	Laurie McGowan 717-783-2500
Head Injury Program	September 1998, as proposed.	These regulations will facilitate the implementation of this program under the Emergency Medical Services Act, 35 P. S. § 6934(e).	Lawrence Otter 717-783-2500
Health Facility Licensure—Ambulatory Surgical Facilities 28 Pa. Code § 551.1 et seq.	October 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.	October 1998, as final.	Amendment and update of regulations for long term care facilities. Review occurred due to sunset of Certificate of Need.	Laurie McGowan 717-783-2500
Health Facility Licensure—General & Special Hospitals & Health Planning 28 Pa. Code § 301.1 et seq. 28 Pa. Code § 401.1 et seq.	August 1998, as final-omitted.	Chapters on health planning (federal program and certificate of need) will be repealed, as statutory authority for both regulations has terminated.	James T. Steele, Jr. 717-783-2500
Health Facility Licensure—General Administrative Chapter & General and Special Hospitals 28 Pa. Code § 101.1 et seq.	No publication anticipated in the next six months.	Amendment to update the licensure regulations for general and special hospitals.	James T. Steele, Jr. 717-783-2500
HOUSING FINANCE AGENCY			
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>
INFRASTRUCTURE INVESTMENT AUTHORITY			
Pennsylvania Infrastructure Investment Authority Financial Assistance, (relating generally to Letters of No Prejudice). 25 Pa Code Chapter 963.17(b)	Fall 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. 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
INSPECTOR GENERAL			
No regulations being developed or considered at this date.			
INSURANCE			
Uniform Classification of Expenses, 31 Pa. Code, Chapters 1, 5, 7 and 9	July 1998, as final.	Repeal pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Definitions and Logistics, 31 Pa. Code, Chapter 2 (NEW)	August 1998, as proposed.	Common definitions used by the Department will allow elimination of repetitive terms throughout the Insurance Department's regulations.	Peter J. Salvatore, 717-787-4429
Allocation of Joint Expenses, 31 Pa. Code, Chapter 3, §§ 3.1-3.6	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, §§ 11.1-11.7	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, §§ 12.1-12.7	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, §§ 21.1-21.103	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, §§ 23.1- 23.96	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, §§ 25.1- 25.23	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
Advances to Mutual, Stock and Life Companies (NEW)	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

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Assigned Risk Plan, 31 Pa. Code, Chapter 33, § 33.29	July 1998, as proposed.	Repeal current regulation and replace regulation with new chapter (31 Pa.Code, Chapter 67a) to be consistent with Pennsylvania Assigned Risk Plan	Peter J. Salvatore, 717-787-4429
Surplus Lines, Chapter 35, §§ 35.1- 35.22	July 1998, as proposed.	Repeal current regulations, 31 Pa. Code, Chapters 35 (and Chapter 123) and replace with one updated regulation relating to surplus lines insurance consistent with 1992 statutory amendments.	Peter J. Salvatore, 717-787-4429
Producer Licensing, 31 Pa. Code, Chapter 37, §§ 37.1-37.84	September 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, §§ 38.1-38.5	September 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
Producer Licensing, 31 Pa. Code, Chapter 39, §§ 39.1-39.22	September 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, § 41.1	August 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, §§ 43.1-43.2	December 1998, as proposed.	Repeal pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Special Rules of Administrative, Practice and Procedure, 31 Pa. Code, Chapter 56, §§ 56.1-56.3	July 1998, as final omitted.	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, § 57.1	July 1998, as final omitted.	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, §§ 58.1-58.3	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, §§ 59.1-59.13	July 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, §§ 61.1-61.14	August 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, §§ 62.1-62.4	September 1998, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Uninsured Motorist Coverage, 31 Pa. Code, Chapter 63, §§ 63.1-63.3	August 1999, as proposed.	Amend pursuant to Executive Order 1996-1 and pending filing before the Department.	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>
Private Passenger Automobile Policy Forms, 31 Pa. Code, Chapter 64, §§ 64.1-64.14	August 1998, as proposed.	Repeal pursuant to Executive order 1996-1.	Peter J. Salvatore, 717-787-4429
Collision Loss Settlements, 31 Pa. Code, Chapter 65, §§ 65.11-14	March 1999, 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	August 1998, 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
Motor Vehicle Financial Responsibility Law - Evidence of Financial Responsibility, 31 Pa. Code, Chapter 67, §§ 67.21-28	August 1998, as final.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Pennsylvania Assigned Risk Consumer Protections, Chapter 67a, (NEW)	July 1998, as proposed.	Amend pursuant to Executive Order 1996-1. This will replace 31 Pa. Code § 33.29.	Peter J. Salvatore, 717-787-4429
Motor Vehicle Financial Responsibility Law Consumer Protections Statement of Policy, 31 Pa. Code, Chapter 68, §§ 68.101- 68.402	June 1999, as proposed.	Repeal pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Life Insurance Illustrations (New)	November 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	October 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	September 1998, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Mortality Tables Used in Determining Nonforfeiture Standards, 31 Pa. Code, Chapter 84, §§ 84.1-6	August 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.1-84a.8	October 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.1-84b.11	December 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, §§ 85.1-85.40	March 1999, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Premium & Retirement Deposit Fund, 31 Pa. Code, Chapter 86, §§ 86.1-86.12	December 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, §§ 87.1-87.42	December 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, §§ 88.1-88.195	December 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, §§ 89.1-89.11 and § 89.17	September 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, 89.18-89.62 and 89.101	December 1998, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Medicare Supplement, 31 Pa. Code, Chapter 89, §§ 89.770-89.789	November 1998, as proposed.	Amend regulation to add Medicare Select provisions.	Peter J. Salvatore, 717-787-4429
Separate Accounts for Principle and Interest Guarantees, 31 Pa. Code, Chapter 90a, §§ 90a.1-90a.31	March 1999, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Various Individual Death/Life/Annuity Benefits, 31 Pa. Code, Chapters 90c-90h, §§ 90c.1- 90h.11	December 1998, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Uniform Bylaws for Mutual Fire Companies, 31 Pa. Code, Chapter 103, § 103.1 and Exhibit A	July 1998, as final.	Repeal pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Cash Advances to Insurance Companies 31 Pa. Code, Chapter 105, §§ 105.1-105.2	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, §§ 112.1-112.12	August 1998, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Consent to Rate Filings, 31 Pa. Code, Chapter 113, §§ 113.1-113.9	December 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>
Public Adjusters, 31 Pa. Code, Chapter 115, §§ 115.1—115.8	August 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—116.9	October 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—117.8	July 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—118.6	October 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, §§ 121.1—121.4	July 1998, as proposed.	Repeal pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Surplus Lines, 31 Pa. Code, Chapter 123, §§ 123.1—123.63	July 1998, as proposed.	Repeal current regulations, 31 Pa. Code, Chapters 123 (and Chapter 35) and replace with one updated regulation relating to surplus lines insurance consistent with 1992 statutory amendments.	Peter J. Salvatore, 717-787-4429
Surplus Lines, 31 Pa. Code, Chapter 124, (NEW)	July 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, §§ 125.1—125.9	July 1998, as proposed.	Amend pursuant to Executive Order 1196-1.	Peter J. Salvatore, 717-787-4429
Preparation of Filing of Property and Casualty Forms for Approval, 31 Pa. Code, Chapter 133, §§ 133.1—133.12	March 1999, 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, §§ 135.1—135.2	July 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, §§ 139.1—139.3	December 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, §§ 146.1—146.10	August 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>
Securities Held Under Custodial Agreements, 31 Pa. Code, Chapter 148, §§ 148.1—148.4	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, §§ 151.1—151.14	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, §§ 152.1—152.25	December 1998, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Health Maintenance Organizations, 31 Pa. Code, Chapters 301—303, §§ 301.1—303.3	October 1998, as proposed.	Amend pursuant to Executive order 1996-1.	Peter J. Salvatore, 717-787-4429
Underground Storage Tank Indemnification Fund - Fee Regulation, 25 Pa. Code, Chapter 971, §§ 971.1— 971.4	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
Underground Storage Tank Indemnification Fund—Fee Collections Regulation, Chapter 973, §§ 973.1—973.12	October 1998, as final.	Amend the existing 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
Underground Storage Tank Indemnification Fund—Claims Regulation, 25 Pa. Code, Chapter 977, (NEW)	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
LABOR AND INDUSTRY			
Workers' Compensation Bureau; 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.	Thomas J. Kuzma (717) 783-4467
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	August 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	July 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

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Workers' Compensation Assessment Regulations	July 1998, as proposed.	These regulations are required to define new assessments on employers as specified in Act 57 of 1997.	Thomas J. Kuzma (717) 783-4467
Underground Storage Facilities	January 1999, 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.	October 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 L. 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
MEDICAL PROFESSIONAL LIABILITY CATASTROPHE LOSS FUND			
Payment and Collection of Fund Surcharge 31 PA.Code §§ 242.1 et. seq.	January 1999, as proposed.	This regulation 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 1999, 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.	Eclemus Wright, Jr. 717-861-8503
PARDONS			
No regulations being developed or considered at this date.			
PENNSYLVANIA MUNICIPAL RETIREMENT SYSTEM			
16 Pa. Code Chapters 81, 83, 85, 87 and 91	No publication anticipated in next six months	These regulations are in the process of review as a result of Executive Order 1996-1.	James B. Allen (717) 787-2065

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
PROBATION AND PAROLE			
Definitions 37 PA. Code, Chapter 61.1	September 1998, as proposed.	Definitions amended pursuant to Executive Order 1996-1 and to conform to statutory changes.	Vicki Wilken 717-787-6208
Confidentiality of records 37 Pa. Code, Chapter 61.2	September 1998, as proposed.	Amend pursuant to Executive Order 1996-1.	Vicki Wilken 717-787-6208
37 Pa. Code Chapter 63.1, 63.2 and 63.3	September 1998, as proposed.	Amend pursuant to Executive Order 1996-1 and to update terms to conform to statutory changes..	Vicki Wilken 717-787-6208
General conditions of parole 37 PA. Code, Chapter 63.4	September 1998, as proposed.	Amend pursuant to Executive Order 1996-1 and to conform to statutory changes.	Vicki Wilken 717-787-6208
Special conditions of parole 37 Pa. Code, Chapter 63.5	September 1998, as proposed.	Amend pursuant to Executive Order 1996-1 and to conform to statutory changes.	Vicki Wilken 717-787-6208
General conditions of special probation or parole 37 Pa. Code, Chapter 65.4	September 1998, as proposed.	These regulations are being reviewed pursuant to Executive Order 1996-1.	Vicki Wilken 717-787-6208
37 Pa. Code Chapter 65.5, 65.6, 65.7, 67.1, 67.2 and 67.3	September 1998, as proposed.	Amend pursuant to Executive Order 1996-1 and to update terms to conform to statutory changes.	Vicki Wilken 717-787-6208
General 37 Pa. Code, Chapter 69.1	September 1998, as proposed.	Amend pursuant to Executive Order 1996-1.	Vicki Wilken 717-787-6208
37 Pa. Code Chapter 69.2 and 69.3	September 1998, as proposed.	Repeal pursuant to Executive Order 1996-1.	Vicki Wilken 717-787-6208
37 Pa. Code Chapter 71.1, 71.2, 71.3, 71.4, 71.5, 73.1, 75.1, 75.2 and 75.3	September 1998, as proposed.	Amend pursuant to Executive Order 1996-1 and to update terms to conform to statutory changes.	Vicki Wilken 717-787-6208
Presumptive ranges for technical parole violators. 37 Pa. Code, Chapter 75.4	September 1998, as proposed.	Amend pursuant to Executive Order 1996-1 and to conform to statutory changes.	Vicki Wilken 717-787-6208
PUBLIC SCHOOL EMPLOYEES' RETIREMENT SYSTEM			
Change in Benefit Payment Plan 22 Pa. Code § 213.45	June 1998, as final.	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

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
PUBLIC WELFARE			
Subsidized child day care	September 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
Child Protective Services Law	November 1998, as final	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	January 1999, as final	This regulation consolidates eight chapters of existing chapters, or portions of chapters, into one chapter of health and safety protections. 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 the regulations is 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	September 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	December 1998, as final	This regulation incorporates federal requirements that applicants for and recipients of benefits administered by the Department of Public Welfare be 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

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Continuation of Medical Assistance throughout pregnancy.	June 1999, 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
Lump sum payments	March 1999, as final	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	November 1998, as final	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

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
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
General Assistance Restructure—Act 1994-49	August 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	August 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	August 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	June 1999, 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	July 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	October 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	September 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	August 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; 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	April 1999, 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	June 1999, as proposed	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 1999, 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	November 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 1999, 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
Clozapine support services	December 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

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Medical Assistance case management services	May 1999, 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	December 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	December 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	December 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 1999, 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	December 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
\$150 deductible for General Assistance recipients	December 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
Minimum Data Set	December 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

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
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 (IDEA) 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
MH Wraparound	July 1999, as final omitted	This final regulation codifies requirements necessary to receive reimbursement for medically necessary outpatient wraparound mental health services for individuals under 21 years of age with a diagnosis of mental illness or emotional disturbance. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209
Family Planning	December 1998, as final omitted	This final regulation removes family planning clinics from the list of providers limited under the General Assistance Basic Health Care Package to 18 practitioner's office and clinic visits per year. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209
Physician Assistant/Midwife	December 1998, as final omitted	This final regulation codifies revised supervision requirements for physician assistants and midwives. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209
Discontinuance of the Mandatory Second Opinion Program	December 1998, as final omitted	This final regulation removes the mandatory second opinion program requirement for certain surgical procedures. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209
D&A Clinics	December 1998, as final omitted	This final regulation revises the enrollment policy for outpatient drug and alcohol clinics. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209
Capital Component Payment for Replacement Beds	September 1998, as final	This regulation takes the policy as set forth in the Statement of Policy and promulgates it into the regulations. This regulation will be reviewed by the MAAC.	Tom Vracarich (717) 783-2209
Intergovernmental Transfer	September 1998, as final omitted	This regulation will allow the funds from the Intergovernmental Transfer to be disbursed according to the signed agreement. This regulation will be reviewed by the MAAC.	Tom Vracarich (717) 783-2209
REVENUE			
Books, Publications and Advertising Materials 61 Pa. Code § 31.29	December 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	September 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

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Compensation; Allowable Deductions From Gross Compensation and Deferred Compensation Arrangements 61 Pa. Code §§ 101.6, 101.6a and 101.6b	September 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	September 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
Commercial Motion Pictures 61 Pa. Code § 32.38	December 1998, as final.	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	September 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	September 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	December 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</i> and <i>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

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Disclaimers of Nonprobate Taxable Assets 61 Pa. Code § 93.81	September 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
File-by-phone (TeleFile) System and Federal and State Electronic Tax Filing Program 61 Pa. Code §§ 117.19—117.21	August 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
Gain or Loss From Sale of Principal Residence 61 Pa. Code § 103.13	November 1998, as final.	Regulation implements provisions of Act 45-1998.	Douglas A. Berguson 717-787-1382
Local Tax 61 Pa. Code §§ 60.16, and 95.1—95.303	September 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
Payments for Employee Welfare Benefit Plans and Cafeteria Plans 61 Pa. Code §§ 101.1, 101.6 and 101.7	December 1998, as final.	The amendments to §§ 101.1, 101.6, and 101.7 are being added to explain how employee welfare benefit programs and other wage and salary supplemental programs are taxed and to implement amendments to section 301(d) of the Tax Reform Code of 1971 (72 P. S. § 7306(d)) under Act 7-1997.	Douglas A. Berguson 717-787-1382
Public Transportation Assistance Fund Taxes and Fees 61 Pa. Code §§ 9.4 and 47.19	June 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	July 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	September 1998, as final.	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	December 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	December 1998, as final.	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	August 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	September 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			
Licensing Regulation 64 Pa. Code § 302-404	July 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	Proposed Rulemaking November 1998	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
Accounting Regulations 64 Pa. Code § 202.092	Spring 1999, as final.	Commission proposes to amend regulation to include updated accounting terminology related to securities offerings.	G. Philip Rutledge (717) 783-5130
"Delegation and substitution" 64 Pa. Code § 606.041	Spring 1999, as final.	Commission proposes minor changes in internal delegation of authority to Commission staff.	G. Philip Rutledge (717) 783-5130
"Destruction of documents and records" 64 Pa. Code § 610.010	Spring 1999, as final.	Commission proposes to revise documents and records destruction schedule to conform with current Management Directives.	G. Philip Rutledge (717) 783-5130
STATE			
Corporations Bureau	October 1998, as proposed.	The Corporations Bureau will delete 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. Changes in administration render such references obsolete. 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 are subject to public comment requirements of Section 201 of the Commonwealth Documents Law.	Michael Frick, (717) 787-1057
Bureau of Commissions, Elections and Legislation	October 1998, as proposed. October 1998, as proposed.	The Department proposes comprehensive revisions to regulations at 4 Pa. Code to eliminate obsolete provisions, reflect recent statutory changes and reflect changes to campaign finance reporting as a result of the computerization initiative. 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.) The Department proposes to eliminate outdated references to campaign finance reporting forms. The amendments will be proposed pursuant to the Campaign Expense Reporting Law (25 P. S. § 3241 et seq.)	Richard Filling, (717) 787-5280

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Athletic Commission 58 Pa. Code, Chapter 21	October 1998, as proposed.	Comprehensive revisions to 58 Pa. Code will reflect statutory changes to the Pennsylvania Athletic Code and 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— 13 Pa. Code Ch. 201—209	September 1998, as proposed.	Proposed comprehensive revisions will 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 Approved Course of Study 49 Pa. Code § 1.11	No publication anticipated in next six 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.	Linda Dinger (717) 783-3397
Sponsorship of Apprentices 49 Pa. Code § 1.31.	No publication anticipated in next six 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	September 1998 as final.	Proposed rulemaking will increase biennial renewal fees for auctioneers and apprentices. Legal authority for the regulation is found at 63 P. S. §§ 734.32, 734.33.	
State Board of Barber Examiners—General Revisions, 49 Pa. Code, Chapter 3.	January 1999, as proposed.	The Board proposes to revise and update its entire chapter and repeal 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.	October 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 six 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).	

<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 Cosmetology Disinfection, Equipment and Supplies; 49 Pa. Code §§ 7.71, 7.71a, 7.71b, 7.105, 7.113a and 7.114.	September 1998, as proposed.	These regulations reflect improved industry standards for disinfecting and sterilizing 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.	No publication anticipated in next six months.	These regulations will revise and update current rules and repeal outdated provisions. Statutory authority: 63 P. S. § 517.	
Safe use of Chemicals 49 Pa. Code, § 7.96.	September 1998, as proposed.	The Board will update and broaden standards relating to specific treatments to require licensees to follow manufacturers' instructions and FDA restrictions when using chemicals on clients. Statutory authority: 63 P. S. § 517.	
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 renew approval biennially and authorize the Board to conduct audits of approved programs. The regulations 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.	September 1998, as proposed.	The Board will codify rules for the written disclosure that licensees 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 complies with 1997 amendments to the C.P.A. Law. Statutory authority: 63 P. S. § 9.12(p).	
General Revisions 49 Pa. Code, Ch. 11.	September 1998, as proposed.	The regulations would revise or repeal existing requirements in compliance with comprehensive amendments to the C.P.A. Law effective February 3, 1997. Statutory authority: 63 P. S. § 9.3(10)—(12).	
Peer Review 49 Pa. Code, §§ 11.81-11.88	December 1998, as proposed.	Regulations will set forth requirements for public accounting firms which must undergo peer review, standards for the conduct of peer reviews, and confidentiality provisions. The regulation implements 1997 amendments to the C.P.A. Law. Statutory authority: 63 P. S. § 9.8i.	
State Board of Funeral Directors Pre-need Requirements 49 Pa. Code Chapter 13	Fall 1998, as proposed.	The Board will update current regulations in order 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

<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 Landscape Architects Continuing Education 49 Pa. Code § 15.71-15.83.	July 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.	July 1998, as final.	Amendments are required to raise fees for the C.L.A.R.B. 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).	
General Revisions; Seals 49 Pa. Code § 15.1 et seq.	January 1999, as proposed	The Board proposes to update its chapter in compliance with Executive Order 1996-1 and will propose updated standards relating to licensees' seals to reflect new technology. Statutory authority: 63 P. S. § 904(9) and § 909.	
State Board of Medicine Sexual Misconduct 49 Pa. Code, Chapter 16.	September 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
Certified Registered Nurse Practitioners (CRNPs) 49 Pa. Code § 18.21.	October 1998, as proposed.	The Board will collaborate with the State Board of Nursing for joint promulgation of 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 educational programs for Certified Registered Nurse Practitioners (CRNP) 49 Pa. Code § 18.41.	No publication anticipated in next six months.	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).	
General Delegation 49 Pa. Code, Ch. 16.	No publication anticipated in next six months	This regulation would establish standards for the delegation of medical services to qualified personnel. Statutory authority: Section 17(b) of the Medical Practice Act, 63 P. S. § 422.17(b).	

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State Board of Vehicle Manufacturers, Dealers and Salespersons General Provisions, Licensure, Facility requirements 49 Pa. Code §§ 19.1—19.23.	No publication anticipated in next six months.	The Board will revise its regulations to repeal outdated provisions and take into account industry-wide changes in business practices. The amendments are needed to conform to 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
State Board of Nursing Requirements for approval of educational programs for Certified Registered Nurse Practitioners (CRNP) 49 Pa. Code § 21.271.	No publication anticipated in next six months.	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.	November 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 repeal unnecessary language pertaining to 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 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.	October 1998, as proposed.	These regulations will update or repeal 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.	October 1998, as proposed.	These regulations will update or repeal 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.	

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CRNP prescriptive privileges 49 Pa. Code §§ 21.151—21.351.	October 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.	
Sexual Misconduct 49 Pa. Code §§ 21.18 and 21.148.	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 2.1(k) of the Professional Nursing Law, 63 P. S. § 212.1(k).	
State Board of Optometry Sexual Misconduct 49 Pa. Code, Chapter 23.	October 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).	
State Board of Osteopathic Medicine Sexual Misconduct 49 Pa. Code, Chapter 25.	October 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

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State Board of Pharmacy Examination Fees 49 Pa. Code, §§ 27.21, 27.24, and 27.91.	September 1998, as final.	The amendments implement the new national computer adaptive licensure examination concerning jurisprudence, the Multistate Pharmacy Jurisprudence Examination (MPJE), and establish applicable fees. The amendments are authorized under Sections 3(b) and 6(k)(2) and (9) of the Pharmacy Act, 63 P. S. §§ 390-3(b); 390-6(k)(2) and (9).	W. Richard Marshman (717) 783-7157
Internship Requirements 49 Pa. Code, § 27.26.	No publication is anticipated in next six months.	The Board proposes to expand avenues for internship training to provide flexibility for students and pharmacy applicants seeking practical experience prerequisite to licensure. Statutory authority: 63 P. S. §§ 390-3(c), (e) and (f), and 390-6(k)(9).	
State Board of Podiatry Sexual Misconduct 49 Pa. Code, Chapter 29.	October 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 Professional Conduct 49 Pa. Code § 31.21.	September 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.	September 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.	November 1998, as final.	Proposed rulemaking published 5/16/98 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.	

<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 Dentistry—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).	June Barner (717) 783-7162
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.	
Expanded Function Dental Assistants 49 Pa. Code, Chapter 33.	No publication anticipated in next six months.	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.	September 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).	
State Real Estate Commission General Revisions 49 Pa. Code, Chapter 35.	October 1998, as proposed.	The Commission plans a comprehensive amendment to Chapter 35 to bring its existing regulations up to date with current policies. Statutory authority: 63 P. S. § 455.404.	Debra Sopko (717) 783-3658
Educational Standards 49 Pa. Code, Chapter 35.	No publication anticipated in next six months.	The Commission plans to update and amend current rules pertaining to the approval of schools and school directors, curriculum, etc. and revise continuing education requirements. Statutory authority: 63 P. S. § 455.404.	

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State Board of Certified Real Estate Appraisers—Experience Options for Certification 49 Pa. Code § 36.13.	September 1998, as proposed.	The regulation would revise qualifying experience for certification as an appraiser; impose supervisory and record keeping duties on appraisers who supervise appraisal assistants; and require appraisal reports submitted as qualifying experience by applicants to conform to the Uniform Standards of Professional Appraisal Practice (USPAP). The regulation brings more fairness, efficiency and structure to the evaluation of qualifying experience and complies with standards established for state appraiser boards by the Appraiser Qualifications Board (AQB), a federal regulatory body. Statutory authority: 63 P. S. § 457.5(2).	Cheryl Lyne (717) 783-3397
Inspection of Property 49 Pa. Code § 36.51	December 1998, as proposed.	The regulation would require all certificate holders to conduct a complete interior and exterior inspection of the subject property when performing an appraisal unless an inspection is not physically possible, in conformity with professional standards. Statutory authority: 63 P. S. § 457.5 (2).	
Broker/Appraiser Fees 49 Pa. Code § 36.6.	October 1998, as final.	The regulation would establish an application fee and initial certification fee for the newly created 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.	September 1998, as proposed.	The regulation would raise biennial continuing education requirements and establish continuing education requirements for new broker/ appraisers; and require all certificate-holders to complete minimum hours on the USPAP and the Board's statutory and regulatory requirements, in compliance with AQB rules. 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 six months.	The regulation will amend and clarify education and experience requirements for licensure. 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 six months.	The regulation will update and clarify Board requirements for temporary permits. Section 14 of the Nursing Home Administrators License Act, 63 P. S. § 1114, authorizes the Board to issue temporary permits.	
General Revisions 49 Pa. Code §§ 39.1—39.91.	No publication anticipated in next six months.	These regulations will update and repeal outdated provisions of current regulations, including definitions, subject matter for examinations, approved programs of study, and licensure renewal. 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.	October 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.	January 1999, 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.	October 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 Postdoctoral Experience 49 Pa. Code § 41.31(c)(1)(ii)(E).	No publication anticipated in next six 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).	Melissa Wilson (717) 783-7155
Professional records 49 Pa. Code § 41.57.	No publication anticipated in next six 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).	February 1998, as final.	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).	

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Definitions/ "Sexual Intimacies" 49 Pa. Code § 41.61.	September 1998, as final.	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).	
State Board of Occupational Therapy Education and Licensure Oral Orders 49 Pa. Code, § 42.25.	September 1998, as proposed.	The regulation will authorize occupational therapists to accept oral orders from physicians for occupational therapy services under specific conditions. Statutory authority: 63 P. S. § 1505(b)	Clara Flinchum (717) 783-1389
State Board of Social Work Examiners Unprofessional Conduct and Sexual Misconduct 49 Pa. Code, Chapter 47.	September 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).	
Continuing Education 49 Pa. Code § 47.32	September 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)	
STATE EMPLOYEES' RETIREMENT SYSTEM			
Creditable Service 4 Pa. Code Chapters 241—249	July 1998, as proposed.	Regulation will be changed to eliminate outdated and redundant language and definitions will be amended to conform more closely to the Retirement Code.	Larry Brandenburg, Assistant Counsel 717-237-0352
STATE POLICE			
Firearm Regulations Standards for licensed retail dealers Chapter 31	August 1998, as final.	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	August 1998, as final.	The State Police have promulgated rules and regulations, that provide for the administration of the provisions of the Uniform Firearms Act for the implementation of the Pennsylvania Instant Check System in order to ensure the identity, confidentiality, and security of all records and data pursuant collected.	

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Procedures for the receipt and processing of DNA samples for the state DNA database. Chapter 58	July 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.	Chris Tomsey 724-832-3299
Regulatory amendments to clarify various aspects of the Municipal Police Officers' Education and Training Commission regulations, Chapter 203	June, 1998, as proposed to be published in the PA Bulletin.	The provisions of this chapter set forth regulations for the administration of the training program for municipal police by the Municipal Police Officers' Education and Training Commission. The proposed amendments will correct various aspects of existing regulations and suspend the vision standard until disposition of pending litigation.	Major Richard Mooney 717-533-5987
STATE SYSTEM OF HIGHER EDUCATION			
No regulations being developed or considered at this date.			
TRANSPORTATION			
Temporary Registration Cards and Plates Chapter 43	August 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
Manufacturer, Dealers and Miscellaneous Motor Vehicle Businesses Registration Plates Chapter 53	April 2000, as final.	Amendments are needed based on revisions to related sections of the Vehicle Code and Industry/Department concerns. Proposed package with the Department's Legal Counsel.	Linley Oberman (717) 787-2780
60—Permanent Registration of Fleet Vehicles	September 1999, 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	September 1999, 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	December 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.	Mike Kistler (717) 783-4534
Vehicle Equipment and Inspection Chapter 175	August 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 Munafò (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 (<i>Clayton v.s. Department of Transportation</i>), additional waivers to seizure disorder provisions must be adopted. The Department's Medical Advisory Board is in the process of approving proposed amendments.	Mike Kistler (717) 783-4534
Liquid Fuels Tax Chapter 449	January 1999, as proposed.	Regulatory review committee has been formed. Drafts of that result have been discussed with legal counsel.	Mitzi Westover (717) 783-5315

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
School Bus Drivers Chapter 71	December 1998, as proposed.	Creates waivers for school bus drivers, with medical conditions, who pose no significant danger to driving. The Department's Medical Advisory Board is in the process of approving proposed amendments.	Mike Kistler (717) 783-4534
Mechanical, Electrical and Electronic Speed-Timing Devices Chapter 105	July 1998, as proposed.	Amendments reflect updates (periodically required) to ensure speed timing devices used by law enforcement officials conform to State and Federal requirements.	Barb Tommasini (717) 783-6823
Work Zone Traffic Control Devices Chapter 203	December 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	December 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
Hold-Down and Tie-Down Devices for Junked Vehicles and Vehicle Hulks Chapter 181	December 1998, as proposed.	Repeal - incorporate provisions in Chapter 231	Daniel Smyser (717) 787-7445
Engineering and Traffic Studies Chapter 201	December 1998, as proposed rulemaking.	Revise this chapter to eliminate some portions that duplicate federal standards included in the Federal Highway Administration's Manual on Uniform Traffic Control Devices (MUTCD).	Art Breneman (717) 787-3620
Intrastate Motor Carrier Safety Requirements Chapter 231	December 1998, as proposed.	Incorporate new Federal provisions, and provisions from Chapter 181.	Daniel Smyser (717) 787-7445
Hazardous Materials Transportation Chapter 403	December 1998, as proposed.	Incorporate new Federal provisions and eliminate registration requirement.	Daniel Smyser (717) 787-7445
Consultant Highway Design Errors Chapter 455	July 1999, as proposed deletion.	Since there is no legal need for this chapter, the Department proposes to delete Chapter 455 and propose a Department policy to address consultant design errors.	Charles Allwein (717) 783-9309

[Pa.B. Doc. No. 98-1072. Filed for public inspection July 2, 1998, 9:00 a.m.]

HEALTH CARE COST CONTAINMENT COUNCIL

Meetings Scheduled

The Health Care Cost Containment Council has scheduled the following meetings for July: Wednesday, July 8, 1998, Education Committee at 9 a.m.; Data Systems Committee at 10:30 a.m. and the Mandated Benefits Review Committee at 1 p.m. The committee meetings will be held in the Council's conference room at 225 Market Street, Suite 400, Harrisburg, PA 17101. The Council meeting will be held on Thursday, July 9, 1998, at 10 a.m.

at the Pennsylvania Medical Society, 777 East Park Drive, Harrisburg, PA 17105. The public is invited to attend. Persons who need accommodation due to a disability and want to attend a meeting should contact Cherie Kauffman, Health Care Cost Containment Council, 225 Market Street, Suite 400 Harrisburg, PA 17101, or call (717) 232-6787, at least 24 hours in advance so that arrangements can be made.

MARC P. VOLAVKA,
Executive Director

[Pa.B. Doc. No. 98-1073. Filed for public inspection July 2, 1998, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Filing of Final-Form Rulemaking

The Independent Regulatory Review Commission received, on the dates indicated, the following final-form regulation 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>
19-2	Department of Correction Administration	6/22/98

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 98-1074. Filed for public inspection July 2, 1998, 9:00 a.m.]

INSURANCE DEPARTMENT

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 Katy L. Gambler; file no. 98-193-03000; Donegal Mutual Insurance Company; doc. no. P98-06-028; July 22, 1998, at 10 a.m.;

Appeal of Lawrence Pikovsky; file no. 98-303-70899; Liberty Mutual Fire Insurance Company; doc. no. PI98-06-025; July 22, 1998, at 1 p.m.;

Appeal of John C. Allsop, Sr.; file no. 98-121-03601; Erie Insurance Company; doc. no. P98-06-027; August 3, 1998, at 10 a.m.;

Appeal of Diane Moyer; file no. 98-181-03592; Nationwide Mutual Insurance Company; doc. no. P98-06-026; August 5, 1998, at 10 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 procedure). Under 31 Pa. Code § 59.7(e)(5), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is given.

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 98-1075. Filed for public inspection July 2, 1998, 9:00 a.m.]

PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY

Application Cut-Off Dates; Board Meeting Dates

The Fiscal Year 1998-99 application cut-off dates and regular meetings of the Pennsylvania Infrastructure Investment Authority (PENNVEST) Board of Directors have been scheduled. All meetings of the PENNVEST Board of Directors will begin at 10 a.m. on the stated meeting dates at the Governor's Residence, 2035 North Front Street, Harrisburg, PA 17102.

<i>Application Cut-Off Dates</i>	<i>Board Meetings Dates</i>
September 9, 1998	July 15, 1998
January 20, 1999	November 18, 1998
	March 24, 1999

PAUL K. MARCHETTI,
Executive Director

[Pa.B. Doc. No. 98-1076. Filed for public inspection July 2, 1998, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Interim Guidelines for Standardizing Local Exchange Company Responses to Customer Contacts Alleging Unauthorized Changes to the Customer's Telecommunications Service Provider and Unauthorized Charges Added to the Customer's Bill; Doc. No. M-00981063

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

Public Meeting held
June 4, 1998

Tentative Order

By the Commission:

Over the last year, hundreds of residential customers have filed informal telecommunications industry-related complaints with the Commission regarding certain practices identified as "cramming" and "slamming." As a result of this situation, the Commission is proposing to adopt interim guidelines pending the promulgation of formal regulations to standardize local exchange company responses to customer contacts alleging unauthorized changes in telecommunications service providers and unauthorized billing charges.

Cramming

As recently as September, 1997, Pennsylvania telecommunications customers began filing informal complaints with the Commission's Bureau of Consumer Services (BCS) regarding non-usage related charges on a telephone bill. These complaints involve the appearance of unclear, invalid or possibly fraudulent billing charges. Customers allege that their telephone bills do not clearly state what service was provided and, in many cases, that they are being billed for services they did not order. This practice has come to be known as "cramming."

Local exchange companies (LECs) serve as billing agents for many facilities-based interexchange carriers or interexchange resellers (IXCs) and information service providers. Invalid charges can occur when an IXC or an information service provider sends inaccurate billing data through to the LEC. The LEC then bills the customers for the calls or services, whether the error is intentional or unintentional. Unclear charges can also occur when an IXC or an information services provider legitimately imposes a charge, but either insufficiently or improperly describes the service for which the customer is being billed.

Examples of the "cramming" complaints include the following:

1. charges for calls that were not made by the customer or that were placed to toll-free numbers;
2. charges for telecommunication products or services that are explained only in general terms, such as "paging," "voicemail," "calling plan," or "calling card;"
3. charges for club memberships such as psychic clubs, personal clubs or travel clubs;
4. charges identified only as "monthly fee" that appear on a recurring basis.

Many cramming scams occur through use of an 800 number while others are initiated by contests or sweepstakes.

In the majority of the cramming complaints investigated by BCS, there is a third party involved. The IXC or information services provider uses a billing clearinghouse or a billing aggregator that has a billing contract with the local exchange company. These billing layers add to the complexity of the situation for the customer and for those investigating cramming complaints since the aggregator will also have to be contacted to question the charge.

Furthermore, the problem that may occur with investigating informal complaints is that the customer cannot even identify what the charge is, let alone whether it originated within the state. Many customers will still complain to BCS after the charge is removed or credited. The essence of these informal complaints is that the charges appeared on the bill in the first place, which may involve a Section 1501 violation of the Public Utility Code.¹

Section 1501 of the Public Utility Code requires a public utility operating within the Commonwealth to provide reasonable and adequate service. Clearly, a utility providing facilities-based or reseller interexchange services cannot be providing reasonable and adequate service if it is not issuing accurate bills or is fraudulently billing customers. While the goal of guidelines proposed in the order is to implement an interim procedure which, *inter alia*, provides some immediate relief for the customer, designates responsibility and reduces informal complaints, any allegation which involves a Section 1501 violation may still be pursued by the customer or the BCS.² However, the Commission is proposing that LECs, as well as BCS, should respond to these types of complaints as set forth in proposed Interim Guidelines following as Appendix A.

Essentially, the Interim Guidelines propose that the LEC respond to a cramming complaint by 1) recouping the charge, 2) instructing the billing clearinghouse, IXC or the information service provider to prevent further billing of that charge or type of charge to this customer's account, 3) informing the customer that the billing entity may attempt to use other methods to collect the charges, including a collections agency, and 4) informing the customer of the right to pursue a complaint against the provider of the service or charges by contacting the Pennsylvania Office of Attorney General (OAG), the Federal Communications Commission (FCC) or the Federal Trade Commission (FTC), depending upon the type of service or charges under dispute.

At the Federal level, the FCC and the FTC are working jointly to address the problem. According to general consumer information provided by the FCC, if a company will not remove incorrect charges from a consumer's telephone bill, the consumer can file a complaint with the proper regulatory agency. The FCC describes the following jurisdictional separation of complaints:

State Regulatory Commission: calls placed to a location within the state or telephone services provided within the state.

Federal Trade Commission: charges on the telephone bill for non-telephone services (for example "content" services like psychic hotlines).

FCC: charges on the telephone bill for interstate or international calls or services.

We recommend that LECs voluntarily implement, as Interim Guidelines, the procedures set forth in Appendix A when responding to customer contacts alleging cramming. These procedures focus on that portion of the consumer's complaint over which the Commission clearly has jurisdiction—the billing and collection that the LEC provides on a contractual basis for the IXCs.³ The procedures are intended to reduce the need for customers to seek Commission intervention to resolve cramming complaints.⁴ The responsibility for resolving the complaint is placed on the party (IXC, information service provider or billing clearinghouse) responsible for the charge, as well as on the LEC that inadvertently aided the cramming by placing the charges on the customer's

² BCS is the bureau established by statute to investigate consumer complaints against public utilities. 66 Pa.C.S. § 308(d). The Commission has delegated its authority to initiate proceedings against public utilities which are prosecutory in nature to BCS and other bureaus with enforcement responsibility. *Delegation of Prosecutory Authority to Bureaus with Enforcement Responsibilities*, M-00940593 (order entered September 2, 1994).

³ 52 Pa. Code, Chapter 64. Standards and Billing Practices for Residential Telephone Service.

⁴ As just explained in this order, the customer can still pursue the complaint process against the IXC or the information service provider based on unreasonable and inadequate service. 66 Pa.C.S. § 1501.

¹ 66 Pa.C.S. § 1501.

bill. The procedures benefit the customer by requiring the LEC to immediately remove the unauthorized charges from the customer's bill, and by requiring the billing clearinghouse, IXC or information service provider to take steps to prevent further billing of that charge or type of charge on the customer's account. The procedures also require notice to the customer about contacting the FCC and FTC. In cases where the charge is not a telephone charge and the complainant alleges the charge is fraudulent, the LEC would also instruct the complainant about how to contact the OAG. Finally, by paying attention to the number of complaints involving a particular billing clearinghouse, IXC or information service provider with whom they have a billing contract, the LECs can make modifications to their billing contracts, perhaps in some cases even canceling the contract.

This document is being issued as a tentative order, and the Commission is interested in receiving comments on the extent of our jurisdiction over complaints which involve cramming of telephone related charges or service and non-telephone related charges or service. We are also interested in comments that address the Commission's authority to order LECs to recouse the charges to the information service provider and what effect billing contracts may or may not have on this authority. Another issue we are particularly interested in is our authority to order LECs to "flag" an account at the request of a customer so that no future billing or charges can be placed on the account. We are specifically interested in determining whether the commenting parties perceive "flagging" an account for telephone related services as anticompetitive in violation of the Telecommunications Act of 1996 (TA-96). Finally, we seek comments on the type of complaints that should be referred to the OAG, FCC and FTC.

Slamming

The Commission has likewise experienced a substantial increase in the number of informal complaints regarding unauthorized changes of a customer's IXC, a practice commonly known as "slamming." The FCC established safeguards to prevent slamming when equal access was implemented in 1985.⁵ As the number of IXCs increased, the FCC responded by implementing procedures to verify PIC⁶-change orders generated by telemarketing agreements.⁷ Based on even more consumer complaints regarding slamming, the FCC established additional safeguards to deter misleading letters of agency (LOAs) evidencing that a particular carrier has been selected by the customer.⁸ Moreover, a Further Notice of Proposed Rulemaking at CC Docket No. 94-129 sought comments on modifying the FCC's rules to implement Section 258(a) and (b) of TA-96, which statutorily prohibited any "telecommunications carrier" from changing a subscriber's exchange service or toll service except in accordance with the verification procedures, and set forth the liability for charges for violating the verification procedures, respectively. The FCC intends to assess whether existing safeguards are adequate in the new competitive market.⁹

Whereas a Federal statute and regulations exist which are intended to prevent slamming, similar legislation does not exist in Pennsylvania. However, there are bills

pending in both the House and Senate; House Bill No. 1572 would establish Pennsylvania's verification procedures for changing a long-distance carrier or LEC,¹⁰ whereas Senate Bill No. 1091 directs compliance with the FCC's verification procedures, sets the liability for the carrier responsible for the slam, and creates reporting requirements.

Just as the FCC has experienced an increase in slamming with the advent of competition in the telecommunications industry, the Commission has also had to address this situation in the toll markets. In Pennsylvania, the Commission's BCS has procedures for handling informal complaints alleging slamming. Essentially, the BCS focuses on dealing with the customer's local exchange company—the company that makes the switch and usually is responsible for rendering the bill. The primary actions that BCS requests from the local exchange company in cases where a customer files an informal complaint alleging an unauthorized switch of his or her IXC are as follows:

1. reconnect the customer to the long-distance company chosen by the customer before the slamming occurred;
2. offer to "flag" the customer's account by placing a "Don't Touch" indicator on the account alerting LEC employees that verbal authorization is needed from the customer of record or the customer's designee before any changes to the account can occur;
3. adjust all charges for switching long-distance companies.

The BCS also attempts to resolve billing issues relating to any unauthorized toll charges. In cases where the BCS investigator is unable to reach the company that did the slamming, or if that company refuses to rerate the disputed calls, the investigator contacts the customer's LEC and requests that the LEC recouse the charges back to the unauthorized company. The BCS has encountered instances with certain LECs refusing to recouse toll charges on the grounds that their contracts with the IXC prohibit recouse. Given our lack of jurisdiction over a carrier's failure to comply with FCC verification procedures and our belief that the party responsible for the complaint should resolve the complaint, not the LEC, we find that guidelines similar to those proposed for cramming should be recommended to handle slamming complaints. Therefore, the Commission also proposes the slamming guidelines set forth in Appendix A and recommends that LECs voluntarily implement these procedures as Interim Guidelines in response to slamming complaints.

Again, these procedures focus on the Commission's jurisdiction over the customer's complaint—the billing and collection that the LEC provides on a contractual basis for the IXCs. These procedures are also intended to reduce the need for customers to seek Commission intervention to resolve a slamming complaint. By having the LEC place the responsibility for resolving the complaint on the IXC, the party responsible for the problem will have to expend time and effort to resolve the matter, as opposed to the LEC and the BCS. Moreover, the procedures benefit the customer by the immediate removal of charges from the customer's bill, and by offering to "flag" the account to prevent a recurrence of slamming. Although the charges are removed from the LEC bill, they are not necessarily eliminated. These procedures also

⁵ *Allocation Order*, 101 FCC 2d 911 (1985), recon. denied, 102 FCC 2d 503 (1985).

⁶ Presubscribed Interexchange Carrier.

⁷ Policies and Rules Concerning Changing Long Distance Carriers, CC Docket No. 91-64, Report and Order, 7 FCC Rcd 1038 (1992) recon. denied, 8 FCC Rcd 3215 (1993); 47 CFR §§ 64.1100 and 64.1150.

⁸ Policies and Rules Concerning Unauthorized Changes of Consumers Long Distance Carriers, CC Docket No. 94-129, Report and Order (1995).

⁹ Further Notice of Proposed Rulemaking and Memorandum Opinion and Order on Reconsideration, CC Docket No. 94-129 (Released July 15, 1997).

¹⁰ Recently, a state court in Minnesota struck down a similar state statute citing Congress' preemption over slamming through enactment of Section 258 of the Act.

require that the customer be provided with important consumer information relating to contacting the FCC and OAG.

While the proposed Interim Guidelines will not eliminate instances of slamming, they do provide important consumer protections which we believe do not cross the "anticompetitive" line. We suggest that these guidelines are not anticompetitive because they limit the protection against slamming to those customers who have been improperly switched and wish to prevent a recurrence. In fact, current switching protocols will not be affected except for the switching of customers who have been slammed in the past. Implementation of these guidelines will result in the immediate resolution by the LEC of the billing portion of the customer's dispute without the need for Commission intervention; of course, the Commission has jurisdiction over the billing portion of the customer's dispute.¹¹ 52 Pa. Code §§ 64.1, *et seq.*

We seek comment on whether the Commission has the authority to order a LEC to rebill the unauthorized charges based on the rates charged by the customer's presubscribed carrier, even where the IXC or LEC refuses the recourse of the toll charges. We also seek comment on whether the Commission has the authority to order LECs to "flag" all slammed residential accounts so that LEC employees must obtain verbal or written authorization from the customer of record or the customer's designee before making any further changes to the account.

Conclusion

We are hereby proposing by this Tentative Order Interim Guidelines to be in effect pending the promulgation of final regulations at a separate docket. These guidelines, when finalized after the receipt of public comment, are intended to provide guidance to jurisdictional utilities when handling customer contacts involving cramming and slamming complaints.

The cramming and slamming guidelines proposed require notice to the customer of the right to contact the OAG. We believe that it is beneficial, especially when two agencies have dual jurisdiction over certain subject matter, to have an executed Memorandum of Understanding (MOU) between the agencies. An MOU is intended to establish protocols whenever the Commission or the OAG receive a cramming or slamming complaint. The inter-agency protocol procedures should maximize the ability of the OAG and the Commission to obtain effective and adequate relief on behalf of customers; *Therefore,*

It is Ordered That:

1. Voluntary Interim Guidelines attached to this Tentative Order are hereby proposed to help standardize local exchange company responses to customer contacts alleging unauthorized changes to the customer's IXC and unauthorized charges added to the customer's bill. These, once finalized, are intended to remain in place pending the conclusion of a formal rulemaking to promulgate mandatory regulations.

2. This Tentative Order, including Appendix A, be published in the *Pennsylvania Bulletin*.

3. Interested parties may submit written comments, an original and 15 copies, within 20 days from the date the notice is published in the *Pennsylvania Bulletin*, to the Office of the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. A

¹¹ Just as with cramming, our jurisdiction over slamming extends to the IXC. The unauthorized change of a customer's IXC would subject the company to a Section 1501 violation of the Public Utility Code.

copy of written comments shall also be served upon the Commission's Bureau of Consumer Services and upon the Law Bureau.

4. Copies of this order shall be served upon all jurisdictional local exchange telephone utilities, the Office of Consumer Advocate, the Office of Small Business Advocate, and the Pennsylvania Telephone Association.

5. The Law Bureau initiate and execute on behalf of the Commission a Memorandum of Understanding with the Office of Attorney General.

6. The contact person for this matter is Terrence Buda, Law Bureau (717) 787-5755.

JAMES J. MCNULTY,
Secretary

Appendix A

Interim Guidelines for Standardizing Local Exchange Company Responses to Customer Contacts Alleging Unauthorized Changes to the Customer's Long Distance Carrier and Unauthorized Charges Added to the Customer's Bill

Definitions

Cramming—The practice of billing a customer for telephone or nontelephone related services or products the customer did not knowingly authorize, order or use.

Service provider—Facilities-based interexchange carrier or interexchange reseller or information service provider initiating the service or charges.

Slamming—A term used to describe the unauthorized changing of a customer's telecommunications provider, whether for local exchange service, intraLATA toll or interLATA toll.

Billing Information

(A) *Cramming*. Upon contact from the customer alleging that cramming has occurred on the bill rendered to the customer by the local exchange carrier, it is recommended that the local exchange carrier shall do the following:

(1) Identify the charge(s), and clarify that the customer's complaint is that the customer did not authorize the charge(s) or order or use the services or products associated with the charges;

(2) Inform the customer that the charge(s) will be removed from the local exchange carrier bill and recouped to the service provider or its billing agent;

(3) Inform the customer that the local exchange carrier will instruct the billing agent and/or service provider to take the steps necessary to prevent any further billing of those charges or types of charges to the customer's account;

(4) Inform the customer that removal of the charge(s) from the local exchange carrier bill does not guarantee that the service provider or its billing agent will not use other collection remedies, including direct billing of the recouped charge(s) or use of a collection agency;

(5) Provide adequate notice of a customer's right to pursue the complaint against the service provider or billing agent by contacting the Pennsylvania Office of Attorney General, the Federal Communications Commission and the Federal Trade Commission; and

(6) Maintain for a minimum of 2 years records of the customer complaints of cramming in order to monitor adherence to the terms of the billing contract the local exchange carrier has with the service provider and/or

billing agent relating to cancellation of the contract for excessive cramming complaints.

(B) *Slamming*. Upon contact from the customer alleging that slamming has occurred on one or both of the past two bills rendered to the customer by the local exchange carrier, regardless of dates of calls, it is recommended that the local exchange carrier shall do the following:

(1) Identify the name of the IXC, isolate the charge(s) and clarify that the customer's complaint is that the customer did not authorize the switch to this IXC;

(2) Offer to restore the customer's account, at no charge, to the IXC the customer had received service from prior to the unauthorized switch, and to place a safeguard on the customer's account to prevent the local exchange carrier from processing an IXC request for a switch without the local exchange carrier obtaining express authorization from the customer;

(3) Inform the customer that the charge(s) will be removed from the local exchange carrier bill and returned to the IXC or its billing agent;

(4) Inform the customer that the local exchange carrier will instruct the IXC and/or billing agent to take the steps necessary to prevent further billing to the customer's account;

(5) Inform the customer that removal of the charge(s) from the local exchange carrier bill does not guarantee that the IXC or its billing agent will not use other collection remedies, including direct billing of the recoured charge(s) or use of a collection agency;

(6) Provide adequate notice of a customer's right to pursue a complaint against the IXC and/or billing agent by contacting the Federal Communications Commission and/or the Pennsylvania Office of Attorney General.

(7) Maintain for a minimum of 2 years records of the customer allegations of slamming in order to monitor adherence to the terms of the billing contract the local exchange carrier has with the IXC and/or billing agent relating to cancellation of the contract for excessive slamming complaints.

[Pa.B. Doc. No. 98-1077. Filed for public inspection July 2, 1998, 9:00 a.m.]

Pennsylvania Public Utility Commission v. Bell Atlantic-Pennsylvania, Inc. et al; R-00984335; R-00984335C0001; P-00981358

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

Public Meeting held
June 18, 1998

Opinion and Order

By the Commission:

Matter Before The Commission

On April 6, 1998, Bell Atlantic-Pennsylvania, Inc. (Bell, BA-PA or Company) filed, at Docket No. R-00984335, revisions to its Local General Tariff—Telephone Pa. P.U.C. No. 1, for the purpose of introducing Business Individual Case Basis (ICB) tariff provisions, which would allow the Company to respond to competitive bids, to become effective June 5, 1998, and voluntarily postponed until June 21, 1998. Also on April 6, 1998, Bell Atlantic-

Pennsylvania, Inc. filed, at Docket No. P-00981358, a Petition for expedited waiver of the 60-day notification period for Business Individual Case Basis tariff filing at Docket No. R-00984335.

Answers in opposition to Bell's Petition were filed by AT&T Communications of Pa., Inc. (AT&T) and Teleport Communications Group, Inc. (TCG) on April 24, 1998, and by ATX Telecommunications Services, Ltd. (ATX) on April 27, 1998. An Answer and Formal Complaint was filed at Docket No. R-00981358C0001, by MCI Telecommunications Corporation and MCImetro Access Transmission Services, Inc. (collectively referred to as MCI) on April 27, 1998. On May 11, 1998, Bell filed a Reply to New Matter and Requests for Affirmative Relief By AT&T, TCG and ATX in Opposition to Petition For Expedited Waiver and Answer to MCI's Complaint.

Background

On December 17, 1997, Bell filed a Petition at Docket No. P-00971307, for a determination of whether business telecommunication services should be deemed competitive services under Chapter 30 of the Public Utility Code, 66 Pa.C.S. § 3005(a). (See *Petition of Bell Atlantic Pennsylvania, Inc. For A Determination Of Whether The Provision Of Business Telecommunications Services Is Competitive Under Chapter 30 Of The Public Utility Code*, Docket No. P-00971307, filed December 17, 1997).

At a Prehearing Conference held on February 5, 1998, ALJ Schnierle approved a 270-day schedule for that proceeding and the schedule was subsequently included in ALJ Schnierle's Second Prehearing Order of February 20, 1998.

On February 12, 1998, Bell filed a *Petition for Interlocutory Commission Review and Answer of a Material Question* in which it requested that the Commission determine whether Chapter 30 and its express policy to promote and encourage competition, mandates a 180-day schedule for the approval of Bell's December 17, 1997 Petition.

On March 30, 1998, the Commission entered an Opinion and Order at Docket No. P-00971307, concluding that case law clearly supports the conclusion that the 180-day language contained in § 3005(a) is directory only. The Commission specifically stated the following in Ordering Paragraph No. 1:

1. That in response to Bell Atlantic-Pennsylvania, Inc.'s Petition for Interlocutory Commission Review and Answer of a Material Question, the Commission hereby concludes that the language contained in 66 Pa.C.S. § 3005(a) which states, "[T]he commission shall enter an order approving or disapproving the petition within 180 days of the filing date" is directory and not mandatory.

As a result, the Commission directed that the proceeding should continue in accordance with the ALJ's 270-day schedule contained in his Second Prehearing Order.

The March 30, 1998 Opinion and Order also acknowledged one of Bell's concerns pertaining to its inability to bid on requests for proposals (RFPs) which require submission of customized proposals. In response, the Commission stated the following in the March 30, 1998 Opinion and Order:

Finally, the main thrust of BA-PA's Petition is that a 180-day schedule is crucial to preventing substantial prejudice to its business customers, and the public generally because business customers are increasingly issuing requests for proposals which require

submission of customized proposals. BA-PA claims that it is unable to provide such customized service offerings due to current tariff restrictions. However, this argument holds little weight since BA-PA's Special Services tariff at Pa. P.U.C. No. 304 does provide for flexible pricing and sanctions pricing on an individual case basis depending on the circumstances in each case. Nevertheless, in recognition of the potential for benefit to the Commonwealth, and the express acknowledgment of BA-PA's counsel that the issue of a Commonwealth-wide RFP might not occur before this proceeding is completed, the Commission stands ready to expeditiously respond to any request for appropriate waiver of BA-PA's tariff provisions or clarifications that would facilitate a fair bidding process.

As a result of the Commission's suggestion above, Bell is proposing, in the instant filing, revisions to its Local General Tariff—Telephone Pa. P.U.C. No. 1 in order to introduce Business Individual Case Basis (ICB) tariff provisions which would allow Bell to respond to requests from business customers or prospective business customers for competitive bids for regulated services, to become effective June 5, 1998, and voluntarily postponed until June 21, 1998. [The tariff, if granted, would facilitate Bell's ability to submit a competitive RFP to the Commonwealth of Pennsylvania in advance of a determination in the pending proceedings.]

The accompanying Petition requests that the Commission waive the statutory 60-day notification period and permit the tariff to become effective immediately. Bell proposed that if the Commission grants the waiver, the Company will refile the tariff with an immediate effective date. Bell filed this Petition because of a desire to participate in a Commonwealth-wide RFP that might occur before the end of the 270-day schedule in the Business Services Reclassification filing at Docket No. P-00971307. In addition, Bell requests that the proposed tariff revisions remain in effect until the Commission renders a final decision in its Business Competitive Services Proceeding at Docket No. P-00971307.

The Tariff Filing

The tariff revisions in the instant filing at Docket No. R-00984335 consists of a single page with the following language:

33. *Individual Case Basis (ICB) Arrangements*

Arrangements will be developed on a case-by-case basis in response to a bona fide business customer or prospective business customer to develop a competitive bid for a service offered under this tariff and related tariffs. Rates quoted in response to such competitive requests may be different than those specified for such services in this tariff and related tariffs. ICB rates will be offered to the business customer in writing and on a nondiscriminatory basis based on the following conditions:

a) ICB arrangements shall be made available only to customers who generate or commit to generate \$40,000 or greater in annual Bell Atlantic-Pennsylvania total billed revenues.

b) Rates charged under ICB arrangements shall exceed the imputation test approved by the Commission in its Final Order at Docket R-00953396C0001.

c) ICB arrangements shall be filed with the Commission under the Proprietary Seal to be effective on one day's notice.

This tariff shall remain effective until the Pa. P.U.C. renders a final decision in Docket No. P-00971307, the Business Competitive Services Proceeding).

The Petition For Waiver of 66 Pa.C.S. § 1308(a)

Bell's Petition at Docket No. P-00981358 requests a waiver of the 60-day notice requirement at 66 Pa.C.S. § 1308(a) for the tariff filing at Docket No. R-00984335 so that the proposed tariff revisions would be permitted to become effective on less than 60 days' notice.

In support of its Petition, Bell argues that the proposed tariff would permit it to offer and enter into customized arrangements with business customers prior to the Commission's final decision in the Business Competitive Services Proceeding at Docket No. P-00971307. The final decision in the Business Competitive Services Proceeding is now anticipated on, or before, September 15, 1998, in light of the Commission's decision in its March 30, 1998 Opinion and Order at Docket No. P-00971307 that extended the review period from 180 days to 270 days in accordance with ALJ's Second Prehearing Order of February 20, 1998.

In its Petition, Bell expressed its opinion that expeditious implementation of the tariff filing:

... (1) will enable BA-PA to provide competitive prices to businesses—like the Commonwealth [of Pennsylvania] and Boeing—who are seeking competitive alternatives during the period [from now until September 15, 1998], (2) will spur competitors to make more competitive offerings (instead of relying on BA-PA's tariff "umbrella"), and (3) will bring the full benefits of competition to Pennsylvania businesses without delay.

Bell specifically stated its interest in responding to the Commonwealth of Pennsylvania's government RFP, which was expected to be rebid in June 1998,¹ and which could potentially be worth approximately \$50 million per year. In addition, Bell referenced other business customers such as Penn State University and Boeing as companies that are increasingly requesting competitive proposals for which Bell is unable to provide customized contracts because of current tariff restrictions.

In further support of its Petition and filing, Bell states that its proposed Business ICB tariff responds directly to the Commission's acknowledgment, in the March 30, 1998 Opinion and Order at Docket No. P-00971307, of the potential for benefit to the Commonwealth of Pennsylvania in permitting Bell to participate in a Commonwealth-wide RFP. Bell stated that the proposed Business ICB tariff responds directly to the Commission suggestion that it "stands ready to expeditiously respond to any appropriate waiver of Bell's tariff provisions or clarification that would facilitate a fair bidding process."

Bell further notes that the Business ICB tariff will enable it to provide customized offerings to business customers in competitive bidding situations that exist after the 180 day statutory period for deciding the Petition, but prior to entry of a final ruling on the Petition and will "facilitate a fair bidding process" and ameliorate the prejudice to the Commonwealth and to its businesses created by the delay in ruling on Bell's Petition.

Bell notes that it does not believe that Competitors will be disadvantaged by expedited approval of the Business ICB tariff because the proposed tariff contains safeguards and limitations that are substantially identical to other Bell and CLEC tariffs that are already in effect in

Pennsylvania. Bell then goes on to note that TCG Pittsburgh's and NEXTLINK Communications tariffs presently contain tariffs that contain similar safeguards and limitations in that they both contain the \$40,000 limitation and the requirement that the tariff be filed with the Commission under proprietary seal.² Bell also goes on to note that its proposed Business ICB tariffs are consistent with the "most stringent" ICB tariffs currently in effect and that MCImetro and AT&T currently have no limitation on dollar amount nor any requirement to file under proprietary seal.

Bell concludes its Petition by requesting that the Commission expedite approval of its Business ICB filing and permit the tariffs to become effective upon one day's notice.

AT&T's Answer In Opposition to Bell's Petition

On April 24, 1998, AT&T filed an Answer in opposition to Bell's Petition For Expedited Waiver of 60-Day Notification Period for its Business Individual Case Basis Tariff.

AT&T argues that when the Commission rejected Bell's effort to impose an unreasonably abbreviated schedule for resolving its pending petition for competitive classification of all of its business services in the March 30, 1998 Opinion and Order at Docket No. P-00971307, the Commission, in effect, also rejected Bell's argument that its current tariffs prevented it from providing customized service offerings to business customers and that Bell's current tariffs already sanctioned pricing on an individual case basis depending on the circumstances in each case. AT&T then notes that as a result of Bell's claim for additional flexibility on a forthcoming RFP from the Commonwealth of Pennsylvania, the Commission indicated its willingness to respond to an appropriate waiver of Bell's tariff provisions that would facilitate a fair bidding process for that RFP.

AT&T acknowledges the Commission's willingness to consider a waiver request from Bell on a case-by-case basis to allow Bell to respond to the Commonwealth's RFP. However, AT&T does not feel this petition and tariff revision is in keeping with that suggestion in that Bell has submitted an entirely new tariff that goes far beyond giving Bell the ability to respond to the Commonwealth's RFP. AT&T believes that Bell ignores the Commission's invitation to pursue an "appropriate waiver" on a discrete, case-by-case basis, but instead "submitted an entirely new tariff that would give it the freedom to structure long-term customized offers to almost any business customer in any competitive bidding situation, with only one day's notice to the Commission of such filings and without adequate pricing safeguards." In AT&T's opinion, the proposed tariff "would grant essentially the same inappropriate and overbroad regulatory freedom that Bell is seeking to obtain in the pending business services reclassification proceeding [at Docket No. P-00971307]."

AT&T argues that Bell's petition and proposed tariff should be rejected based upon the evidence presented at the Commission's March 30 Technical Conference showing the poor state of competition in Pennsylvania's local exchange market and the lack of competitiveness of the overall business market in Pennsylvania.

AT&T notes that it does not mean to suggest that ICB contracts have no legitimate place in competitive markets for competitive services. However, AT&T believes that such a competitive market does not yet exist in Pennsylvania. AT&T is of the opinion that this lack of viable

widespread competition in Bell's local exchange services would disadvantage Bell's fledgling competitors by permitting Bell to freeze out new entrants with long term contracts set at anti-competitive terms and conditions. AT&T expresses its concern about long term contracts as stated below:

In a non-competitive market, such as currently exists in the [sic] Pennsylvania for Bell's business local exchange services, Bell could lock up its customers in long-term contracts with no fear from competing offers by CLECs, and thereby preclude new entrants from providing such customers with alternative services for a considerable period of time. There is no way that CLECs will be able to capture the business of those customers, and therefore, the rivalry between service providers that the Commission and the General Assembly have long sought would be curtailed, if not completely forestalled.

AT&T rejects Bell's argument that there are adequate safeguards contained in Bell's filings. AT&T believes that Bell's proposed imputation formula that was previously approved by the Commission in its Toll Customer Specific Pricing tariff at Docket No. R-00953396 is not only grossly inadequate as a safeguard, but has been explicitly rejected by the Commission in the Competitive Safeguards Investigation (Docket No. M-00940587) as inconsistent with the plain language of 66 Pa.C.S. § 3005(e)(2).

In rejecting the petition, AT&T does not oppose Bell's effort to bid on the Commonwealth RFP. AT&T believes that Bell already possesses sufficient regulatory flexibility to compete effectively for that business. However, if that is not the case, Bell should seek a waiver from the specific tariff requirements to allow it to bid on the RFP. AT&T believes that since Bell has refused this more limited course of action, Bell's intent is not to just obtain the ability to bid on the RFP, but to prevent the development of a truly competitive local exchange market in Pennsylvania.

AT&T also has reservations that the proposed tariff will benefit customers. AT&T notes that while individual customers that Bell favors with an ICB offering may experience some immediate benefit from that contract, the adverse impact of Bell's proposal on competition in general will be to the ultimate detriment of customers and competitors, and thus to the Commonwealth's economy.

TCG's Answer In Opposition to Bell's Petition

On April 24, 1998, TCG filed its Answer in opposition to Bell's Petition For Expedited Waiver of 60-Day Notification Period for its Business Individual Case Basis Tariff. In its Answer, TCG believes that the Commission should deny the Petition because Bell's request is premature and Bell has failed to provide any justification for circumvention of the ongoing Chapter 30 review process.

TCG believes Bell's instant filing is an overly broad request for relief that would circumvent the Chapter 30 unbundling and imputation requirements and that the Commission should recognize Bell's blatant attempt to circumvent the ongoing Chapter 30 review process and existing tariff processes.

TCG also states that Bell has provided no evidence, anecdote or example supporting that it has been unable to respond to the Commonwealth of Pennsylvania's RFP. TCG believes that the March 30 Commission Order states that Bell has sufficient tariff flexibility to respond to the RFP because Bell made no effort to dispute the Commis-

sion's clear finding in the March 30, 1998 Opinion and Order that Bell has sufficient tariff flexibility to participate in bidding situations.

TCG then states that Bell relies on its Chapter 30 mantra that there must be regulatory parity and refers to Bell's claim in the instant filing that the proposed tariff contains "safeguards and limitations that are substantially identical to other Bell and CLEC tariffs that are already in effect in Pennsylvania. TCG is of the opinion, however, that in order to substantiate that regulatory parity between these carriers is justified, Bell must first be required to show that there is operational parity among it and the CLECs.

TCG avers that Bell is not able to demonstrate that operational parity exists. Furthermore, TCG notes that unlike Bell, TCG has no "monopoly" customers with the attendant possibility for cross-subsidy, does not own bottleneck facilities and is subject to competition with at least one facilities-based competitor at every single one of its customer's sites. TCG stresses that these competitive disparities are not addressed by Bell's self-proclaimed "most stringent" proposed ICB tariff, which would be limited to \$40,000 in billings and require filing of contracts under proprietary seal.

TCG believes that Bell's petition is not a request that is intended to facilitate a fair bidding process, but is a blanket waiver in advance of a decision on its Chapter 30 petition.

TCG states that Bell has requested immediate approval of ICB arrangements for all of its business customers and that this in effect, seeks Chapter 30 relief even prior to the date that its pending Petition at Docket No. P-00971307 would have been adjudicated under the 180-day period. TCG is of the opinion that Bell's instant Petition ignores the Commission's clear indication that it would consider any appropriate Bell waiver request only with respect to Bell's effort to compete in the Commonwealth-wide RFP, to facilitate a fair bidding process. TCG believes that even if Bell's Petition is limited to this issue, it has failed to provide any support for the grant of its request.

TCG argues that Bell has not cited any instances in which delay of the Chapter 30 decision would impede it from responding to a request for competitive bids and fails to identify what uncertainty exists now and how its request is consistent with the scheduling of the anticipated RFP.

TCG asserts that responses are not due the day the RFP is issued and that Bell's Chapter 30 decision at P-00971307 could be issued well before any response to the Commonwealth of Pennsylvania RFP is required. In this context, TCG believes that granting Bell's Petition would be premature and tantamount to a free ride which would afford it the benefits of offering "competitive services" with no actual findings or corresponding obligations.

TCG asserts that granting Bell's Petition would circumvent the Chapter 30 process and undermine the spirit and purpose of Chapter 30. TCG believes that Bell's request that its tariff remain in effect until the Commission renders a final decision in Docket No. P-00971307, is absurd considering that even without a waiver, these terms could be in effect for three and one-half months, only to have the Chapter 30 petition rejected or dismissed. TCG refers to the recent ALJ Recommended Decision at Docket No. P-00971293 in which a similar Chapter 30 Petition requesting that intraLATA toll ser-

vices be deemed competitive should be dismissed without prejudice. TCG notes that such a result could seriously inconvenience consumers who may enter into ICB arrangements with Bell over that time and then find that the terms are subject to dispute once the parties have the proper opportunity to review and challenge them. TCG then refers to the instance at Docket No. M-00940587 when existing Centrex Extend Customers were forced into higher rates because it was determined that Bell failed to meet the imputation test after these rates were put into effect. As such, TCG concludes that the Commission deny the Petition for expedited approval of its Business ICB tariff and dismiss the Petition as premature.

ATX's Answer In Opposition to Bell's Petition

On April 27, 1998, ATX filed its Answer in Opposition to Bell's Petition. ATX, by reference, incorporates the Answers filed by TCG and AT&T.

In addition, ATX is of the opinion that Bell is blatantly attempting to preclude the ALJ's Recommended Decision and the administrative process from making an adjudication in Bell's pending case at Docket No. P-00971307.

ATX also believes that it is more appropriate for Bell to make individual requests for waivers as necessary instead of requesting a blanket approval.

ATX also states that approval of Bell's instant tariff would permit Bell to enter into ICB arrangements with consumers on one day's notice. This could seriously inconvenience those consumers if the Chapter 30 Petition at Docket No. P-00971307 is rejected or dismissed. ATX also believes consumers could be harmed if the rates would be set at a predatory price levels and then need to be changed.

ATX is also of the opinion that approval of this tariff would cause harm to CLECs because Bell could set predatory price levels and lock customers into long term contracts.

ATX concludes by requesting that the Commission deny the Petition For Expedited Waiver in its entirety.

MCI's Answer and Formal Complaint

Answer:

On April 27, 1998, MCI submitted an Answer and Complaint against Bell's proposed tariff filing and Petition. In its Answer, MCI notes that Bell will benefit by the extended 270 day schedule to hear evidence and rule on Bell's request to declare 84 of its business services competitive. MCI denies Bell's allegation that there are telecommunications contracts worth \$50 million that Bell cannot reasonably bid upon. Although MCI does not have sufficient information to determine the veracity of Bell's statement, MCI notes that Bell has not provided any information or documentation on the alleged RFP except for unsupported assertions.

MCI also denies that Bell does not have sufficient flexibility under its existing tariffs to customize a competitive proposal. MCI argues that Bell has a customer specific pricing tariff as well as a Special Services tariff which appear to provide Bell with sufficient flexibility to compete fully in the market. MCI goes on to references a complaint against MCI by Bell at Docket Nos. C-00967717 and R-00973866C001 in which Bell claims that MCI's Individual Case Basis tariff is substantially similar to Bell's customer specific pricing tariff. MCI states that Bell is now claiming that the tariffs are different and that Bell is disadvantaged. MCI is of the opinion that the

difference between what Bell's existing tariff provisions allow Bell to do and what the proposed tariff would allow must be demonstrated before the new tariff is approved.

MCI further claims that Bell is the incumbent provider of services and has extensive market power at this point. MCI argues that virtually every call made in Bell's territory uses Bell's facilities for origination, termination or both and that the access charges collected by Bell for these calls limit the ability of competitors to reduce rates. MCI is concerned because it believes that only Bell has a ubiquitous network which can immediately be used to respond to RFPs by large business customers while all other competitors are likely to have to use Bell's network for all or part of any proposal offered. As such, MCI argues that Bell's competitors cannot offer prices below what Bell can offer.

MCI claims that the Commission, in its March 30, 1998 Opinion and Order, stated that it was ready to respond to an appropriate waiver request that would facilitate a fair bidding process. MCI interprets that the Commission was open to a waiver request for an individual competitive bidding process and individual contract. MCI argues that the Commission did not intend for Bell to file a tariff that would grant a continuous and ongoing waiver of the regulations. This tariff would allow Bell to receive the benefits of competition without having to return to the Commission for authority, and before there is a fully competitive local business market. MCI disagrees with Bell that the Commonwealth and its businesses will be prejudiced if there is a delay in ruling on the Petition to permit Bell's tariff to become effective on less than 60 days' notice. Furthermore, MCI maintains that the Bell petition is simply an "end run" around Bell's original Petition at Docket No. P-00971307 which requests to reclassify its business services as competitive. MCI avers that Bell is trying to accomplish with this tariff filing what they want in their Petition to reclassify their business services as competitive. MCI is strongly opposed to giving Bell this flexibility without a full hearing. MCI also alleges that Bell's argument for granting it the opportunity to act as though it already met the criteria for competitive designation of its business services could only make sense if it is very likely that Bell will meet its burden of proof in the business services deregulation petition at P-00971307. MCI is of the opinion that the evidence presented thus far demonstrates that the opposite is the case.

MCI also denies Bell's allegation that competitors will not be disadvantaged by expedited approval of the Business ICB tariff. MCI notes that there is no comparison between Bell's market position and the market position of any other provider in the local market. MCI states that competitors must rely on Bell's ubiquitous network for origination and termination of every telephone call and that other providers are locked into paying high access charges and high unbundled network element (UNE) rates to provide service to customers. As such, MCI avers that the Bell is clearly market dominant and the playing field is far from level. MCI also argues that imputation tests do little to address the issue when access rates far exceed costs and the imputation test is averaged over a broad range of services as proposed by Bell.

Formal Complaint:

In its Formal Complaint, MCI alleges that Bell's proposed tariff is unjust and violates Section 1301 et seq. and Section 3005 of the Public Utility Code. It gives Bell the ability to provide all of its services, including local services, on an individual case basis, creating the oppor-

tunity to engage in price squeezes, predatory pricing and other anti-competitive practices.

MCI claims that by approving the proposed tariff, the proceeding at Docket No. P-00971307 will become moot. When the proposed tariff is in place, Bell can offer prices that no competitor can match, and enter into long term contracts that locks up the market for the largest business customers.

MCI takes the position that the proposed tariff is unlawful because it allows a level of deregulation which the General Assembly did not envision before the market was fully competitive. MCI states that the General Assembly clearly defined those requirements and criteria which must be made before an incumbent local exchange carrier could be granted competitive designation of a service. MCI is of the opinion that Bell still has not demonstrated that it has met any of those criteria in the proceeding at Docket No. P-00971307 and that by granting the present Petition and allowing the tariff to become effective on an expedited basis, or at all, would not be in compliance with the requirements of Section 3005 of the Public Utility Code.

MCI points out that Bell argued in Docket No. P-00971293 that CLECs must meet the requirements of Chapter 30 before the Commission can give them the flexibility that competitive designation would give to Bell. However, MCI states that the flexibility that Bell claimed was unlawful for the CLECs to receive, is the same type of relief from regulation that Bell is now trying to get. MCI claims that Bell has consistently argued before the Commission that CLECs must have tariffs with the exact same language as Bell's. For Bell to request waivers from that language now is inconsistent with their past policy.

MCI avers that granting Bell's Petition and granting a waiver of the regulations will provide Bell with the ability to eliminate competition in the nascent local exchange and that Bell has already demonstrated its willingness to provide certain services below cost, such that others cannot compete. MCI notes that other competitors cannot compete with Bell's present tariffs which provide free toll calling on weekends because of the substantial access charges or UNE charges that competitors must pay to Bell and that there is no reason to believe that imputation would eliminate such practice for business services. MCI is of the opinion that if the proposed tariff is approved, Bell would be able to make such offers without review by the Commission.

In conclusion, MCI requests that Bell not be granted additional flexibility when it has not determined that it is necessary. MCI does not believe that Bell's tariff will spur competitors to make more competitive offerings. Therefore, MCI requests that Bell's Petition for expedited waiver be denied and require a full 60 day notice for all ICB tariffs and a suspension of the tariff pending a full hearing.

Bell's Reply to New Matter and Requests for Affirmative Relief By AT&T, TCG and ATX in Opposition to Petition For Expedited Waiver and Answer to MCI's Complaint.

In its opening statement, Bell remarks that eight years ago AT&T argued the following in its Reply Comments in the proceeding at CC Docket No. 90-32 (*In Re: Competition in the Interstate Marketplace*), filed September 18, 1990:

What is really at stake in this proceeding . . . is the opportunity for all [business] consumers to receive the lower prices, better service, and wider choice that competition promises . . . Precisely as [we] anti-

pated, however, [our] competitors have sought to obscure this fact, in favor of self-serving and mistaken arguments that the public interest is somehow advanced by regulatory practices that would continue to insulate them from full competition. These arguments should be rejected, and firmly, as they repeatedly have been in the past.

Bell then goes on to state that AT&T is now ironically attempting to insulate itself from full competition by opposing Bell's request to offer individual contract prices to large and medium size Pennsylvania businesses, even though every other competitor in Pennsylvania, including AT&T, has tariffs providing precisely the same pricing freedom which Bell seeks.

Bell argues that AT&T and its allies, MCI, TCG and ATX (referred to collectively as the "Opponents") are now asking the Commission to deny similar pricing freedom for Bell by making the same "self serving and mistaken arguments" that AT&T previously denounced.

Bell is of the opinion that its competitors are using factual distortions that characterize their opposition by adopting a strategy of using every pleading filed in every proceeding before the Commission to prelitigate both the merits of Bell's competitive service filings and Bell's anticipated application for authority to provide interLATA services pursuant to Section 271 of the Telecommunications Act.

Bell requests that the Commission consider only the issue at hand and take into consideration that the public interest favors more, not less, competition. As such Bell requests that its ICB tariff be granted.

In its Reply to New Matter and to Request for Affirmative Relief, Bell notes that none of the Opponents challenges the legality of Bell's Business ICB tariff under the relevant provisions of the Public Utility Code. Bell believes this is because each of them already have similar tariffs in effect.

In response to the Opponents assertion that Bell does not need flexibility of ICB pricing, Bell states that the allegations that: (1) it already has the flexibility to provide comprehensive custom-priced telecommunications packages to business customers, and (2) Bell does not face significant competition in the market for business local exchange services, are both untrue. Bell notes that if it already has the ability to offer customized individual contracts for business telecommunications service in response to customer requests, it is difficult to imagine why the Opponents would be so vehement in their opposition. Bell states that contrary to the allegation by the Opponents, its Toll Customer Specific Pricing (CSP) tariff and its Special Services Tariff No. 304 do not give Bell the flexibility to price *business local exchange services* on a competitive basis since Bell's competitors are selling combined packages of local exchange services, intraLATA toll services, interLATA toll services and wireless services at customized rates in exchange for customers' term commitments. Bell clarifies that its Special Services Tariff 304 only permits them to raise or lower tariffed rates for special services for all customers within Commission-approved rate bands and only allows for individual case based pricing under certain circumstances for specific items (that is, Intellimux and Digital Data services). In addition, the Toll CSP tariff allows Bell to offer individual discounts on only intraLATA toll service to larger customers.

Bell then refers to recent letters by business customers (Central Columbia School District in Bloomsburg, PA;

Marriot International, Inc.; and Air Products) it had received in support of ICB pricing. Bell believes that these letters not only confirm Bell's inability to respond to competitive offers but they also confirm the motivation of AT&T, MCI, TCG and ATX in opposing Bell's tariff.

In response to the Opponents argument that Bell's business market is not sufficiently competitive to warrant approval of Bell's ICB tariff filing, Bell states that it served the parties in the proceeding at Docket No. P-00971307 with copious evidence of competition for business telecommunications service and the competitive nature of the market for that service. This included the following:

- The volumes of traffic exchanged between Bell and the CLECs continue to grow at a rapid rate from 50 million minutes of use in January 1997 to 400 million minutes of use in March 1998.
- Almost 50,000 trunks interconnect BA-Pa's and CLEC networks representing an available CLEC capacity of approximately 500,000 telephone lines.
- During the last 12 months, the average quarterly growth rate in Bell's provision of resold access lines and unbundled loops is 633%, 216%, respectively.
- 76% of business customers in Bell's service territory are located in wire centers where at least one facilities-based competitor is present.
- 94% of Bell's business access lines are in wire centers where at least one competitor is present through collocation, facilities deployment, purchase of unbundled loops, or resale of local exchange services.

Bell then goes on to address the Opponents allegation that the proposed tariff is not consistent with Chapter 30. Bell notes that each of the Opponents have a similar ICB tariff in effect. Bell states that pursuant to Section 1308 of the Public Utility Code, Bell is entitled to propose whatever tariff revisions it deems necessary or proper, subject to Commission approval. The only requirement is that the rates be just and reasonable and as such Chapter 30's competitive service provision simply does not apply.

Bell then explains why it believes that the proposed tariff is not the equivalent of competitive classification. Bell argues that "competitive classification permits the LEC to offer a competitive service however, wherever, and to whomever it likes, subject to Chapter 30's competitive safeguards provisions." Bell clarifies that in contrast, its proposed tariff requires (1) a bona fide request for a competitive bid; (2) a written offer; (3) a \$40,000 annual revenue commitment; and (4) filing of ICB contracts with the Commission. Bell further points out that the Commission rejected an identical argument when it approved Bell's Toll CSP tariff and determined that tariffs that provide customers opportunities for lower prices and innovative service offerings in response to competitive pressures "promote the primary policy goals of competition envisioned by Chapter 30."

Bell goes on to note that each of the Opponents has a virtually identical tariff in effect despite the fact that none has ever filed alternative regulation plans. Bell then remarks that "[i]f BA-PA's tariff is barred by Chapter 30, theirs [i.e. the Opponents' ICB tariffs] are as well."

Bell then addresses the proposed imputation method in the instant ICB filing. Bell argues that the proposed tariff's imputation requirement is identical to the standard adopted by the Commission for tariffed toll customer-specific pricing arrangements. Bell denies the

allegations by AT&T and ATX that the proposed tariff's imputation requirement has been rejected for all purposes by the Commission as inconsistent with Chapter 30. In support of its denial, Bell states that the proposed imputation standard is identical to the standard approved by the Commission for customer-specific pricing contracts offered under the Toll CSP tariff. Bell notes that that tariff—like the tariff at issue in the instant filing—was subject to 66 Pa.C.S. § 1308, and not the competitive services provisions of Chapter 30, 66 Pa.C.S. § 3005. Thus, Bell avers, the Commission was free to adopt the economically correct imputation standard, pursuant to which the incumbent imputes the rates for the inputs competitors must purchase from the incumbent in order to provide competing service. Bell then states that AT&T's argument that Chapter 30 barred use of this standard and required imposition of Section 3005(e)(2)'s "pay for what you use" standard was raised, litigated, and rejected in that case.

Bell also believes that AT&T's contention that the imputation standard approved in the Toll CSP case was rejected in the Commission's Competitive Safeguards Investigation is grossly misleading. Bell argues that the Commission declined even to consider the same standard in its Competitive Safeguard investigation because it felt that it was barred from doing so by the language of 66 Pa.C.S. § 3005(e)(2). Bell is of the opinion that this is not the case here just as it was not the case when the identical test for use in pricing Bell's Toll CSP contracts. Bell is of the notion that Section 3005(e)(2) applies to services classified as "competitive" and thus free from the tariffing requirements of the Public Utility Code. In contrast, Bell believes that the Public Utility Code's traditional tariffing requirement, not Chapter 30, govern consideration of Bell's proposed ICB tariff.

Bell further provides argument to AT&T's, MCI's and ATX's allegations that the ICB contracts will permit Bell to "lock up" customers and thus "freeze out" "fledgling" new entrants. Bell notes that AT&T's used this same argument in the proceeding at Docket No. P-00971293 in which Bell petitioned the Commission for a determination of whether intraLATA toll service is competitive under Chapter 30. Bell agrees with ALJ Schnierle in his Recommended Decision when he states that "[t]he fact that a competitor's costs might increase in a competitive market does not, in our view, rise to the level of an anti-competitive advantage that must be rejected by the Commission."

Bell believes that AT&T's allegation that the proposed ICB tariff will allow Bell to favor one segment of customers over another without justification, and even refuse to offer the same terms to similarly-situated customers, is meritless because the existence of competitive alternatives has long been an acceptable basis for distinguishing among customers. Furthermore, Bell notes that the proposed tariff expressly provides that ICB arrangements will be offered on a nondiscriminatory basis. As a result, Bell cannot refuse to offer the same terms to similarly-situated customers.

Bell stresses that its proposed ICB tariff will benefit all business customers and the Commonwealth's economy in contrast with AT&T's and ATX's allegations that Bell's proposal will adversely impact competition and have a detrimental effect on customers and competitors as well as the Commonwealth's economy. In closing, Bell requests that the claims of AT&T and the other Opponents be rejected.

Bell then proceeds to answer MCI's Formal Complaint. Bell references its foregoing replies in its denial of each of MCI's averments and respectfully requests that the Commission grant Bell's Petition for Expedited Waiver of 60-Day Notification Period for its Business ICB tariff; reject AT&T's and ATX's request for the affirmative relief of dismissal of Bell's proposed tariff; and permit Bell's tariff to go into effect immediately.

Discussion

We note that Bell's Petition at Docket No. P-00981358 originally requested a waiver of the 60-day notification period of the instant Business ICB tariff at Docket No. R-00984335. Since the 60 day review period ended on June 5, 1998, that request in the Petition is "moot." At any rate, we have considered the Answers in Opposition to the Petition at Docket No. P-00981358 in reaching our decision on Bell's proposed ICB filing.

We have reviewed, in detail, Bell's proposed filing, the Answers In Opposition to Bell's Petition For Expedited Waiver by AT&T, TCG, ATX and MCI, as well as MCI's Formal Complaint and Bell's Answer to MCI's Formal Complaint. For the reasons discussed below, we shall limit the application of the ICB tariff to Bell's preparation of a bid on the Commonwealth of Pennsylvania RFP. Thereafter, the general determinations made in this Opinion and Order shall govern any future submissions that will be reviewed on a case-by-case basis.

We limit our determinations in this proceeding to those reasonably necessary for giving the Commonwealth of Pennsylvania access to a greater number of bidders on its RFP than would be the case if Bell's request were denied. We also do so in order to prevent any harm to the pending proceedings on related matters here at the Commission.

We accomplish these goals by granting relief that gives Bell the alternative to file a revised tariff which implements guidelines to use under this tariff when submitting proposals for RFPs on a case-by-case basis. The alternative tariff filing will remain in effect as a determination under 66 Pa.C.S. §§ 1301 et seq. as a separate and distinct decision apart from the pending Message Toll Services Reclassification Filing at Docket No. P-00971293 and the Business Services Reclassification Filing at Docket No. P-00971307.

We give Bell the alternative of revising its proposed tariff in accordance with the following terms and conditions.

1. For each proposal submitted under the ICB tariff, Bell shall include a "fresh-look" clause on an on-going 3 year basis.
2. The ICB arrangements permitted under the tariff shall be made available in instances where RFPs, in the aggregate, generate \$500,000, or more, in annual Bell Atlantic-Pa. total billed revenues. This revenue bar, however, will be \$40,000 for RFP's under Section 254 of the TA-96.
3. Any ICB arrangements under the tariff, along with a copy of the RFP, shall be provided to the Commission simultaneously with submission of the bid."
4. Bell shall submit a proprietary version of any contract executed under this tariff within 30 days of execution.
5. The Rates charged under the ICB arrangements shall exceed the imputation test for toll services approved by the Commission in its Final Order at Docket No.

R-00953396C0001. Bell shall develop an imputation test and submit information showing no predatory pricing, price squeezes, and other unfair acts with regard to local and access rates in the tariff consistent with Chapter 13 of the Public Utility Code.

6. Since the public interest and Chapter 13 in the Public Utility Code require public inspection, the contracts submitted under this tariff shall be made publicly available with due regard for Bell's proprietary interest in the underlying contracts.

7. The relief granted in this Opinion and Order shall not be construed to constitute any Commission determinations regarding Bell's obligations under its Network Modernization Plan, including but not limited to DSL technology, or on any subsequent determinations by either the FCC or the Commission concerning Bell's pending Section 706 Petition.

8. The relief granted in this Opinion and Order shall not be construed to countenance, in any way, an exception for Bell with regard to Sections 271 and 272 of the TA-96 regarding the delivery of interLATA services.

9. The relief granted in this Opinion and Order shall not be construed to constitute evidence of any Commission determination regarding the ongoing proceeding examining the filing requirements and interim guidelines for CLECs and ILECs.

10. The scope of relief granted in this Opinion and Order shall be limited to that necessary for Bell's submission of response to the Commonwealth of Pennsylvania RFP. However, the determinations regarding fresh looks, imputation, contract transparency, Commission review, and the impact on pending issues and proceedings shall govern other filings submitted under this tariff.

We have reached these determinations in order to address the reasonable concerns of the commentators, including Bell. We have also reached these determinations to facilitate the submission of multiple RFPs to the Commonwealth of Pennsylvania. Moreover, our result is premised on Chapter 13 of the Public Utility Code and avoids prejudicing any ongoing proceedings before the Commission. Finally, our result is based, in significant part, on our determinations to the following questions:

1. Is the proposed Business ICB tariff premature and does the proposed Business ICB tariff circumvent and grant essentially the same regulatory freedom that Bell is seeking to obtain in the pending Business Services Reclassification proceeding at Docket No. P-00971307?

2. Will Pennsylvania consumers and Bell's competitors be disadvantaged by Bell's proposed Business ICB tariff?

3. Will there be any detrimental consequences if Bell's proposed Business ICB tariff were approved and if Bell's Business Service Reclassification Tariff Under Chapter 30 were subsequently rejected?

4. Is the proposed Business ICB tariff in violation of the Commission's Competitive Safeguards Investigation at Docket No. M-00940587 and inconsistent with the plain language of 66 Pa.C.S. § 3005(e)(2)?

5. Must there be operational parity among Bell and the CLECs before regulatory parity exists among the carriers for a tariff like that proposed by Bell in this case?

The first question deals with whether Bell's Business ICB tariff is premature because it circumvents and essentially grants the same regulatory freedom that Bell is seeking to obtain in the pending Business Services Reclassification proceeding at Docket No. P-00971307.

In our view, an unqualified approval of the tariff could be cited as evidence of a Commission determination well beyond the issues pending in the Toll Services Reclassification Chapter 30 Petition and Business Services Reclassification Chapter 30 Petition at Docket Nos. P-00971293 and P-00971307, respectively. However, this determination is premised on Chapter 13 and shall not, in any way, implicate those ongoing proceedings arising under Chapter 30. This is a separate and distinct determination arising under a separate and distinct statutory provision.

Moreover, our determination in this proceeding must not be construed to be a grant of regulatory flexibility for all business services including local, toll and access services³ when such services are provided under a competitive bid situation. That is not our result. Any subsequent submission under this ICB tariff shall be examined on a case-by-case basis consistent with the determinations reached in this proceeding.

In our March 30, 1998 Opinion and Order at Docket No. P-00971307, we stated the following in response to our action to extend the consideration period of Bell's Business Services Reclassification filing from 180 to 270 days:

Finally, the main thrust of BA-PA's Petition is that a 180-day schedule is crucial to preventing substantial prejudice to its business customers, and the public generally because business customers are increasingly issuing requests for proposals which require submission of customized proposals. BA-PA claims that it is unable to provide such customized service offerings due to current tariff restrictions. However, this argument holds little weight since BA-PA's Special Services tariff at Pa. P.U.C. No. 304 does provide for flexible pricing and sanctions pricing on an individual case basis depending on the circumstances in each case. Nevertheless, in recognition of the potential for benefit to the Commonwealth, and the express acknowledgment of BA-PA's counsel that the issue of a Commonwealth-wide RFP might not occur before this proceeding is completed, the Commission stands ready to expeditiously respond to any request for appropriate waiver of BA-PA's tariff provisions or clarification that would facilitate a fair bidding process.

We underscore that our determination today does not mean that Bell has blanket approval to provide customized bids to any and all business customers. We believe that granting such broad regulatory relief in this proceeding could act to the detriment of the issues being examined in the ongoing Business Services and Toll Services Reclassification proceedings. Other than the general guidelines for competitive bids set forth above, the specific tariff relief granted in this proceeding is carefully limited to waiver of the tariff provisions Bell needs in order to submit a competitive RFP to the Commonwealth of Pennsylvania. That is underscored by the pending Commonwealth of Pennsylvania's state-wide contract.⁴

Consequently, we are limiting Bell's relief to the Commonwealth of Pennsylvania RFP. However, the determinations regarding fresh looks, imputation, contract transparency, Commission review, and the impact on pending issues and proceedings shall guide other filings under Chapter 13.

The second question pertains to whether Pennsylvania consumers and Bell's competitors would be disadvantaged by Bell's proposed Business ICB tariff. At this point, Bell

has certain regulatory flexibility afforded to it under Chapter 30. Presently, the following specific services have been declared competitive: Billing Services, Centrex Service, Directory Advertising, High Capacity Special Access Services, Paging Services, Repeat Call Service, and Speed Calling Service.

Bell also currently has regulatory flexibility with regard to its business Message Toll Service under its Customer Specific Pricing tariff in Section 7 of its Toll Tariff-Telephone Pa. P.U.C. No. 1A. The proposed Business ICB tariff would extend regulatory flexibility to include all business local exchange services as well as all access services.

We note that Bell's business customers that issue RFPs and commit to generating \$40,000 or greater in annual Bell Atlantic-Pa., Inc. total billed revenues could certainly benefit immediately under Bell's proposed tariff if the resulting rates will be below Bell's present tariffs. However, this immediate benefit may eventually become a burden on those same business customers if a business customer becomes locked into a long-term contract with Bell and competition in the local market increases to the point that the business customer would no longer benefit from Bell's Business ICB tariffs.

We believe that by requiring Bell to limit the contract period in its bids in response to RFPs would resolve the issue of locking new competitors out of the market. We will also ensure that the affected business customer is not harmed by long term contracts before all business services and other access services are deemed competitive by this Commission under Chapter 30.

We also believe that increasing the \$40,000 annual revenue commitment level to a higher amount of \$500,000 will further promote competition and protect competitors until such time that true local competition develops throughout Bell's service territory in Pennsylvania. However, the lower \$40,000 limit shall not apply to Section 254 services to facilitate greater bids than would otherwise be the case in these fledgling services.

Moreover, as part of the alternative, we shall require Bell to include a three year "fresh-look" clause in each proposal that is submitted under the ICB tariff, until such time that Bell's local, toll and access services are deemed competitive. We note that if Bell's proposal were selected by the Commonwealth of Pennsylvania, or any other entity, this "fresh-look" clause would permit the Commonwealth of Pennsylvania, or any other entity, to review the rates quoted by Bell in response to the RFP every 3 years in order to take advantage of the developing competitive market and to ensure that competitors are not locked out of the market.

In taking these actions, we will allow Bell to move a step closer in obtaining additional regulatory flexibility in responding to business competition in the local and toll market under Chapter 13 separate and apart from any Chapter 30 proceeding seeking similar relief.

If Bell accepts this alternative, we are willing to let this tariff become effective on one day's notice. We believe that consumers will benefit because the rates will be set at levels at, or above costs, and provisions have been made to ensure that this becomes a market reality. Also, competition is promoted and competitors are protected during the transition with provisions that prevent them from responding to future developments under the three-year "fresh-look" requirement. There are also annual revenue limit for contracts under this tariff. We have expressly declared that our decisions here do not consti-

tute any determinations regarding Bell's NMP, Bell's Section 706 Petition at the FCC, the pending rulemaking on CLEC and ILEC filing requirements, and any Section 271 proceedings.

The third question involves whether there would be any detrimental consequences if Bell's proposed Business ICB tariff were approved and other action was subsequently taken regarding Bell's Business Service Reclassification Tariff Under Chapter 30. We are particularly concerned that a similar occurrence of what happened with Bell's Centrex Extend Service at Docket No. M-00940587 might also result here if Bell was awarded a contract only to find later that it must increase the rates to the contracting party because the rates have been deemed by a higher court to be below cost.

To prevent this regulatory problem, we are giving Bell the alternative of including a tariff that allows an interested person to test any contracts executed under an RFP consistent with the Commission's proprietary treatment procedures found in the Commission's Procedures Manual at 219. This insures that any harm occasioned by the discovery of any predatory pricing, price squeezes, or other unfair acts will be recovered from Bell's deregulated operations and accounts. The beneficiary of any such contract shall not, and will not, be required to bear the burden stemming from any predatory pricing, price squeezes, or other unfair acts. These requirements protect the consumer's benefit, provide Bell the flexibility and confidentiality they need to submit a realistic bid, and promote the transparency in terms and conditions needed to create a truly robust and competitive market.

The fourth question deals with whether Bell's proposed ICB tariff is in violation of the Commission's Competitive Safeguards Investigation at Docket No. M-00940587 and inconsistent with the plain language of 66 Pa.C.S. § 3005(e)(2). A tariff approved under Chapter 13 of the Public Utility Code should not, standing alone, normally violate competitive safeguards when the express terms, prices, and conditions are absent and a contract has not been executed. Moreover, the competitive safeguards requirements of Chapter 30 are separate from the Chapter 13 tariff we approve today even if, to be extra careful, we craft an alternative that is consistent with those provisions. Also, the tariff we approve shall necessarily be conditioned by any subsequent determinations, guidelines, or regulations that we make regarding competitive safeguards under Chapter 30. Finally, this proceeding is clearly without detriment to the Chapter 30 proceedings now pending before the Commission.

The fifth question deals with whether there must be operational parity among the CLECs and ILECs before regulatory parity exists among the carriers for a tariff like that proposed by Bell in this case. As indicated above, the Commission is examining the viability of guidelines, regulations, and policies in a current proceeding. Consequently, the Commission's grant of relief under Chapter 13 in this case should not be cited as evidence of any Commission predisposition in that pending proceeding.

In that regard, we note that Bell accurately points out that some of its competitors have similar provisions to what Bell has proposed in this tariffs. We believe it is important to note that we will extend the same flexibility to all of Bell's competitors that we extend to Bell by the

alternative offered by this Opinion and Order. Since the scope of this Opinion and Order is limited to a Chapter 13 tariff focused on the pending Commonwealth of Pennsylvania RFP, our determinations in that regard are limited to similar provisions used in conjunction with submission of a party's bid to the Commonwealth of Pennsylvania's RFP.

Finally, in light of the alternative that we are offering Bell, if Bell accepts the alternative, we shall direct MCI to formally notify this Commission and Bell Atlantic-Pa., Inc. whether it wishes to maintain its Formal Complaint action against the instant tariff filing, as modified by our Opinion and Order, and without any prejudice to MCI's rights of participation in any proceeding associated with the instant docket, within 15 days from the date of entry of this Opinion and Order.

Our review and analysis of the proposed tariff revisions and supporting data indicates that the proposed revisions may be unjust, unreasonable, unlawful or contrary to the public interest. Therefore, we shall suspend the proposed tariff revisions and give the Company the alternative to file a revised tariff supplement in accordance with the terms and conditions delineated in the body of this Opinion and Order. Should the Company accept the alternative, then it would not appear that the tariff revisions, as modified, would be unjust, unreasonable, unlawful, or contrary to the public interest. This does not constitute a determination that the alternative tariff revisions are lawful, just and reasonable, but only that further investigation is not warranted at this time; *Therefore,*

It Is Ordered That:

1. The request of Bell Atlantic-Pennsylvania, Inc. for an expedited waiver of the 60-day notification period for Business Individual Case Basis Tariff which was filed on April 6, 1998, be, and hereby is, dismissed as moot.

2. The proposed tariff revisions to Bell Atlantic-Pennsylvania, Inc.'s Local General Tariff-Telephone Pa. P.U.C. No. 1, which were filed on April 6, 1998, to become effective June 5, 1998, and subsequently voluntarily postponed until June 21, 1998, be, and hereby are, suspended for a period of not to exceed 6 months, or until December 21, 1998, pursuant to 66 Pa.C.S. § 1308.

3. The Company shall file the appropriate tariff suspension supplement.

4. The Company be, and hereby is given the alternative to file, within 10 days after the date of entry of this Opinion and Order, a revised tariff supplement, which cancels and supersedes the tariff revisions which were filed on April 6, 1998, and which incorporates the following revisions:

(a) For each proposal submitted under the ICB tariff, Bell shall include a "fresh-look" clause on an ongoing 3 year basis.

(b) The ICB arrangements permitted under the tariff shall be made available in instances where RFPs, in the aggregate, generate \$500,000, or more, in annual Bell Atlantic-Pa. total billed revenues. This revenue bar, however, will be \$40,000 for RFP's under Section 254 of the TA-96.

(c) Any ICB arrangements under the tariff, along with a copy of the RFP, shall be submitted to the Commission simultaneously with the submission of the bid.

(d) A proprietary version of any contract executed under this tariff shall be submitted to the Commission within 30 days of execution.

(e) The Rates charged under the ICB arrangements shall exceed the imputation test for toll services approved by the Commission in its Final Order at Docket No. R-00953396C0001. Bell shall develop an imputation approach and submit information showing no predatory pricing, price squeezes, and other unfair acts with regard to local and access rates in the tariff consistent with Chapter 13 of the Public Utility Code.

(f) Since the public interest and Chapter 13 in the Public Utility Code require public inspection, the contracts submitted under this tariff shall be made publicly available with due regard for Bell's proprietary interest in the underlying contracts.

5. If the Company files a revised tariff supplement in accordance with Ordering Paragraph 4, above, then it is further ordered that:

(a) The revised tariff supplement shall be permitted to become effective on at least one day's notice;

(b) The suspension shall be terminated and the case marked closed;

(c) Bell, be, and hereby shall be, permitted to submit a proposal in response to the Commonwealth of Pennsylvania RFP consistent with this Opinion and Order and the guidelines in the alternative tariff.

(d) The relief granted in this Opinion and Order shall not be construed to constitute any Commission determinations regarding Bell's obligations under its Network Modernization Plan, including but not limited to DSL technology, as well as any subsequent determinations by either the FCC or the Commission concerning Bell's pending Section 706 Petition.

(e) The relief granted in this Opinion and Order shall not be construed to countenance, in any way, an exception for Bell with regard to Sections 271 and 272 of the TA-96 regarding the delivery of interLATA services.

(f) The relief granted in this Opinion and Order shall not be construed to constitute evidence of any Commission determination regarding the ongoing proceeding examining the filing requirements and interim guidelines for CLECs and ILECs.

(g) The scope of relief granted in this Opinion and Order shall be limited to that necessary for Bell's submission of response to the Commonwealth of Pennsylvania RFP. However, the determinations regarding fresh looks, imputation, contract transparency, Commission review, and the impact on pending issues and proceedings shall guide other filings submitted under this tariff.

(h) MCI be, and hereby is, directed to formally notify this Commission and Bell Atlantic-Pa., Inc. whether it wishes to maintain its Formal Complaint action against the instant tariff filing, as modified by our Opinion and Order, and without any prejudice to MCI's rights of participation in any proceeding associated with the instant docket, within 15 days from the date of entry of this Opinion and Order. A copy of MCI's response shall be served on the Office of Administrative Law Judge.

6. If Bell Atlantic-Pennsylvania, Inc. does not file a revised tariff supplement in accordance with Ordering Paragraph No. 4, above, then it is further ordered that:

(a) An investigation on Commission Motion shall hereby be instituted, without further Order of the Commission, to determine the lawfulness, justness and reasonableness of the rates, rules and regulations contained in the proposed tariffs, and all items of concern delineated in the body of this Opinion and Order shall be investigated;

(b) MCI's Formal Complaint shall be consolidated with the investigation;

(c) The Office of Administrative Law Judge shall assign this matter to an Administrative Law Judge for Recommended Decision, and shall schedule such hearings as may be necessary;

(d) The investigation shall include all of the items of concern delineated in the body of this Opinion and Order as well as MCI's Formal Complaint.

7. This Opinion and Order is without prejudice to any other formal complaints timely filed against the proposed tariff revisions.

8. A copy of this Opinion and Order be served upon Bell Atlantic-Pa., Inc., AT&T Communications of Pa., Inc., ATX Telecommunications Services, Ltd., MCI Telecommunications Corporation, MCImetro Transmission Services, Inc., Teleport Communications Group, the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff.

9. This Opinion and Order be published in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 98-1078. Filed for public inspection July 2, 1998, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

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 July 20, 1998.

A-00115054	Daniel Guy Shoop, t/a Daniel Shoop Trucking R. D. 1, Box 128B, Dalmatia, PA 17017
A-00115055	Kenneth Marks, t/a Commercial Transfer P. O. Box 203, Schnecksville, PA 18078-0203

A-00115054	Daniel Guy Shoop, t/a Daniel Shoop Trucking R. D. 1, Box 128B, Dalmatia, PA 17017
A-00115056	Michael E. Olnick, Jr. & Judi L., t/a Olnicks Trucking 242 Tanbark Drive, Lewistown, PA 17044
A-00115057	Rick L. Gower, t/a Rick Gower Trucking R. D. 2, Box 515, Kunkletown, PA 18058
A-00115058	Shanahan/Champion, Inc., t/a S.C Transportation 161 Eriel Road, Blackwood, NJ 08012
A-00115061	Shirley A. Bingaman, t/a Bingaman & Sons R. D. 2, Box 12, Middleburg, PA 17842
A-00115060	Far-Go Transportation, Inc. 3370 Old Hershey Road, Elizabethtown, PA 17022
A-00115059	Stone and Company, Inc. P. O. Box 776, Connellsville, PA 15425; William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219-2383
A-00114803 F.2	John J. Staszak, t/a Executive Errand Service 1944 West 36th Street, Erie, PA 16508-2014

Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Philadelphia Water Taxi, Inc.; Doc. No. A-00109967C9801, A-00109967

Complaint

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Philadelphia Water Taxi, Inc., respondent, maintains its principal place of business at 458 Hollow Road, R. D. 2, Phoenixville, Chester County, Pennsylvania 19460.

2. That respondent was issued a certificate of public convenience by this Commission on March 11, 1992, at Application Docket No. A-00109967.

3. That on or before May 2, 1998, respondent abandoned or discontinued service without having first filed an application with this Commission.

4. That respondent, by failing to file an application with this Commission prior to abandoning or discontinuing service, violated 52 Pa. Code § 3.381(a)(1)(v) and 66 Pa.C.S. § 1102(a)(2).

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke Philadelphia Water Taxi, Inc.'s certificate of public convenience at A-00109967.

Respectfully submitted,

Joseph W. Farrell
Director, Bureau of Transportation
and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

Verification

I, Joseph W. Farrell, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Joseph W. Farrell

Notice

A. You must file an answer within twenty (20) days of the date of service of this complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice, 52 Pa. Code § 1.56(a). The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this complaint. Your answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Transportation and Safety will request that the Commission enter an order imposing a penalty. The penalty could include the revocation of your certificate of public convenience or other remedy.

C. If you file an answer which admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request that the Commission enter an order imposing a penalty (see B).

D. If you file an answer which contests the complaint, the matter will be assigned to an administrative law judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Technical Unit at (717) 783-5945.

*Pennsylvania Public Utility Commission, Bureau of
Transportation and Safety v. R. John Torre; Doc. No.
A-00098547C9801, A-00098547*

Complaint

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsi-

bilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That R. John Torre, respondent, maintains his principal place of business at 1110 Waverly Street, Philadelphia, Philadelphia County, Pennsylvania 19147.

2. That respondent was issued a certificate of public convenience by this Commission on November 19, 1974, at Application Docket No. A-00098547.

3. That on or before May 12, 1998, respondent abandoned or discontinued service without having first filed an application with this Commission.

4. That respondent, by failing to file an application with this Commission prior to abandoning or discontinuing service, violated 52 Pa. Code § 3.381(a)(1)(v) and 66 Pa.C.S. § 1102(a)(2).

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke R. John Torre's certificate of public convenience at A-00098547.

Respectfully submitted,

Joseph W. Farrell
Director, Bureau of Transportation
and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

Verification

I, Joseph W. Farrell, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Joseph W. Farrell

Notice

A. You must file an answer within twenty (20) days of the date of service of this complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice, 52 Pa. Code § 1.56(a). The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this complaint. Your answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Transportation and Safety will request that the Commission enter an order imposing a

penalty. The penalty could include the revocation of your certificate of public convenience or other remedy.

C. If you file an answer which admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request that the Commission enter an order imposing a penalty (see B).

D. If you file an answer which contests the complaint, the matter will be assigned to an administrative law judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Technical Unit at (717) 783-5945.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 98-1079. Filed for public inspection July 2, 1998, 9:00 a.m.]

Telecommunications

A-310697. Bell Atlantic-Pennsylvania, Inc. and Conestoga Wireless Co. Joint Petition of Bell Atlantic-Pennsylvania, Inc. and Conestoga Wireless Co. for approval of an interconnection agreement under section 252(e) of The Telecommunications Act of 1996.

Bell Atlantic-Pennsylvania, Inc. and Conestoga Wireless Co., by its counsel, filed on May 19, 1998, at the Public Utility Commission, a Joint Petition for approval of an Interconnection Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. All comments are due on or before 20 days after the date of publication of this notice. Copies of the Bell Atlantic-Pennsylvania, Inc. and Conestoga Wireless Co. Joint Petition are on file with the Pennsylvania Public Utility Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 98-1080. Filed for public inspection July 2, 1998, 9:00 a.m.]

Transfer by Sale Without Hearing

A-110300F0086. Metropolitan Edison Company. Application of Metropolitan Edison Company for approval of the transfer by sale to The Reading Housing Authority of certain electric facilities located in the City of Reading, County of Berks and Commonwealth of Pennsylvania.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265,

Harrisburg, PA 17105-3265, with a copy served on the applicant on or before July 20, 1998, under 52 Pa. Code (relating to public utilities).

Applicant: Metropolitan Edison Company

Through and By Counsel: William C. Matthews II, Esquire, 2800 Pottsville Pike, P. O. Box 16001, Reading, PA 19640-0001.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 98-1081. Filed for public inspection July 2, 1998, 9:00 a.m.]

Water Service Without Hearing

A-212285F0052 and A-212285F0053. Pennsylvania-American Water Company. Application of Pennsylvania-American Water Company for approval of (1) the transfer, by sale, of the water works property and rights of the Independence Township Municipal Authority to Pennsylvania-American Water Company, and (2) the rights of Pennsylvania-American Water Company to begin to offer or furnish water service to the public in all of Independence Township, West Middletown Borough and Hopewell Township, Washington County, Pennsylvania and in additional portions of Cross Creek Township, Washington County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before July 20, 1998, under 52 Pa. Code (relating to public utilities).

Applicant: Pennsylvania-American Water Company

Through and By Counsel: Velma A. Redmond, Esquire, Corporate Counsel, Pennsylvania-American Water Company, 800 West Hersheypark Drive, Hershey, PA 17033.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 98-1082. Filed for public inspection July 2, 1998, 9:00 a.m.]

Water Service Without Hearing

A-212285F0054 and A-212285F0055. Pennsylvania-American Water Company. Application of Pennsylvania-American Water Company for approval of (1) the transfer, by sale, of the water works property and rights of the Cedar Grove Water Association to Pennsylvania-American Water Company, and (2) the rights of Pennsylvania-American Water Company to begin to offer or furnish water service to the public in additional portions of Cross Creek Township, Washington County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the

Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before July 20, 1998, under 52 Pa. Code (relating to public utilities).

Applicant: Pennsylvania-American Water Company

Through and By Counsel: Velma A. Redmond, Esquire, Corporate Counsel, Pennsylvania-American Water Company, 800 West Hersheypark Drive, Hershey, PA 17033.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 98-1083. Filed for public inspection July 2, 1998, 9:00 a.m.]

**Water Service
Without Hearing**

A-212795F2000. Sixty-Four Water Company, Inc. Application of Sixty-Four Water Company, Inc. for approval of the abandonment of water service to residential and farm and commercial customers in Porter Township, Clinton County, PA, with said service to be continued by the Porter Township Municipal Authority.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before July 20, 1998, under 52 Pa. Code (relating to public utilities).

Applicant: Sixty-Four Water Company, Inc.

Through and By Counsel: Donald L. Faulkner, Snowiss, Steinberg & Faulkner, LLP, 333 N. Vesper St., Lock Haven, PA 17745.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 98-1084. Filed for public inspection July 2, 1998, 9:00 a.m.]

**PHILADELPHIA REGIONAL
PORT AUTHORITY**

Request for Proposals

The Philadelphia Regional Port Authority (PRPA) will accept proposals until 2 p.m. on Thursday, July 23, 1998 for Project #98-169-001 (Purchase or Lease of Computer Equipment). The Bid Document can be obtained from the Procurement Administrator, 210 West Washington Square, 13th floor, Philadelphia, PA 19106, (215) 928-9100 and will be available July 7, 1998. The cost of the bid document is \$15 (includes 7% PA Sales Tax). The cost is nonrefundable. PRPA is an equal opportunity employer. The contractor will be required to comply with all applicable equal opportunity laws and regulations.

JAMES. T. MCDERMOTT,
Executive Director

[Pa.B. Doc. No. 98-1085. Filed for public inspection July 2, 1998, 9:00 a.m.]
